



Malynda Wenzl, Mayor

Timothy A. Rippe, Council President
Donna Gustafson, Councilor
Michael Marshall, Councilor

Karen Martinez, Councilor
Elena Uhing, Councilor
Mariana Valenzuela, Councilor

[TVCTV Livestream](#)

[Zoom Webinar](#) Meeting ID: 850 7572 2488 Passcode: 97116

Americans with Disabilities Act (ADA) Notice: The City is committed to providing equal access to public meetings. Requests for accommodation can be submitted to the City Recorder at least 48 hours before the meeting at: mwoods@forestgrove-or.gov or 503-992-3235

URBAN RENEWAL AGENCY BOARD MEETING

See separate agenda.

CITY COUNCIL WORK SESSIONS

No public comment will be taken. The Council will take no formal action.

6:30 Downtown Improvements

Staff: Bryan Pohl, Community Development Director

CITY COUNCIL MEETING

A. 7:00 Call to Order

1. Roll Call
2. Land Acknowledgement
3. Pledge of Allegiance
4. Proclamation: Domestic Violence Awareness Month

B. Public Comment: Time provided for anyone wishing to speak to City Council on an item not on the agenda or on the agenda but not scheduled for a public hearing. Comments are limited to 2 minutes unless additional time is granted by the Presiding Officer. The public comment period shall not exceed 30 minutes unless a majority of Councilors present vote to extend the time. Zoom attendees may use the "Raise Hand" option to be called on.

1. Written Public Comment

C. Consent Agenda: Items under the Consent Agenda are considered routine and will all be adopted with a single motion, without separate discussion. Councilors who wish to remove an item from the Consent Agenda may do so prior to the motion. Any item(s) removed will be discussed and acted upon following the approval of the remaining item(s).

1. Approve Parks & Recreation Commission Meeting Minutes of 07.17.2024
2. Approve Parks & Recreation Commission Meeting Minutes of 08.21.2024
3. Approve Public Arts Commission Minutes of 06.20.2024
4. Approve Public Arts Commission Minutes of 07.18.2024
5. Approve Sister City Committee Minutes of 01.11.2024
6. Approve Sister City Committee Minutes of 02.14.2024
7. Approve Community Forestry Commission Minutes of 06.19.2024
8. Monthly Building Activity Report - September

D. Additions/Deletions

1. City Manager
2. Proposed by Councilors

E. Presentations: The Council will hold questions until the end of each presentation. A two-minute reminder will be given to the presenter to conclude remarks.

1. 7:15 **Domestic Violence Resource Center**
Staff: Megan Arbo, DVRC Development & Communications Director

F. Public Hearings, Ordinances, and Resolutions

1. Second Reading
7:30 **ORDINANCE 2024-06 GRANTING A FRANCHISE FOR FATBEAM, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, TO CONDUCT A TELECOMMUNICATIONS BUSINESS AND GRANTING A RIGHT TO USE PUBLIC RIGHTS OF WAY WITHIN THE CITY**
Staff: Paul Downey, Assistant City Manager/Finance Director
2. Public Hearing
7:40 **SECOND APPEAL OF THE STAFF DECISION TO APPROVE WITH CONDITIONS THE PROPOSED CRANE DATA CENTER SITE DEVELOPMENT REVIEW APPLICATION; FILE NO. 311-24-000038-PLNG**
Staff: Bryan Pohl, Community Development Director

G. 9:00 Council Communications:

1.
 - a. Timothy A. Rippe (EDC, RWPC, TVHSC, Chamber of Commerce)
 - b. Donna Gustafson (PAC, JWC)
 - c. Michael Marshall (CFC, P&R, CCESC)
 - d. Karen Martinez (FGRFPD, SCC, WCCCA)
 - e. Elena Uhing (CCE, FGSCC)
 - f. Mariana Valenzuela (LC, CDBGPAB)
2. City Manager's Report
3. Mayor's Report (HLB, WCCC, R1ACT, MMC, WCC&MG, WCMG, MYAC)

H. 9:30 Adjournment



DOWNTOWN IMPROVEMENTS

Bryan Pohl | Community Development Director
Work Session 10|14|24

AGENDA

Tree Replacement

Waste Enclosure Replacement

Tree Lighting

Discussion

BACKGROUND

3

- **Work Session held June 24, 2024**
- **Work Session held September 23, 2024**
- **In priority order, and funding dependent, consensus to:**
 - **Remove and replace all trees in the Community Development Block Grant Area that pose a hazard and/or are damaging infrastructure**
 - **Replace trash receptables with larger and different design**
 - **Install electrical receptables in the tree wells on Main and then 21st between the alley and College Way**

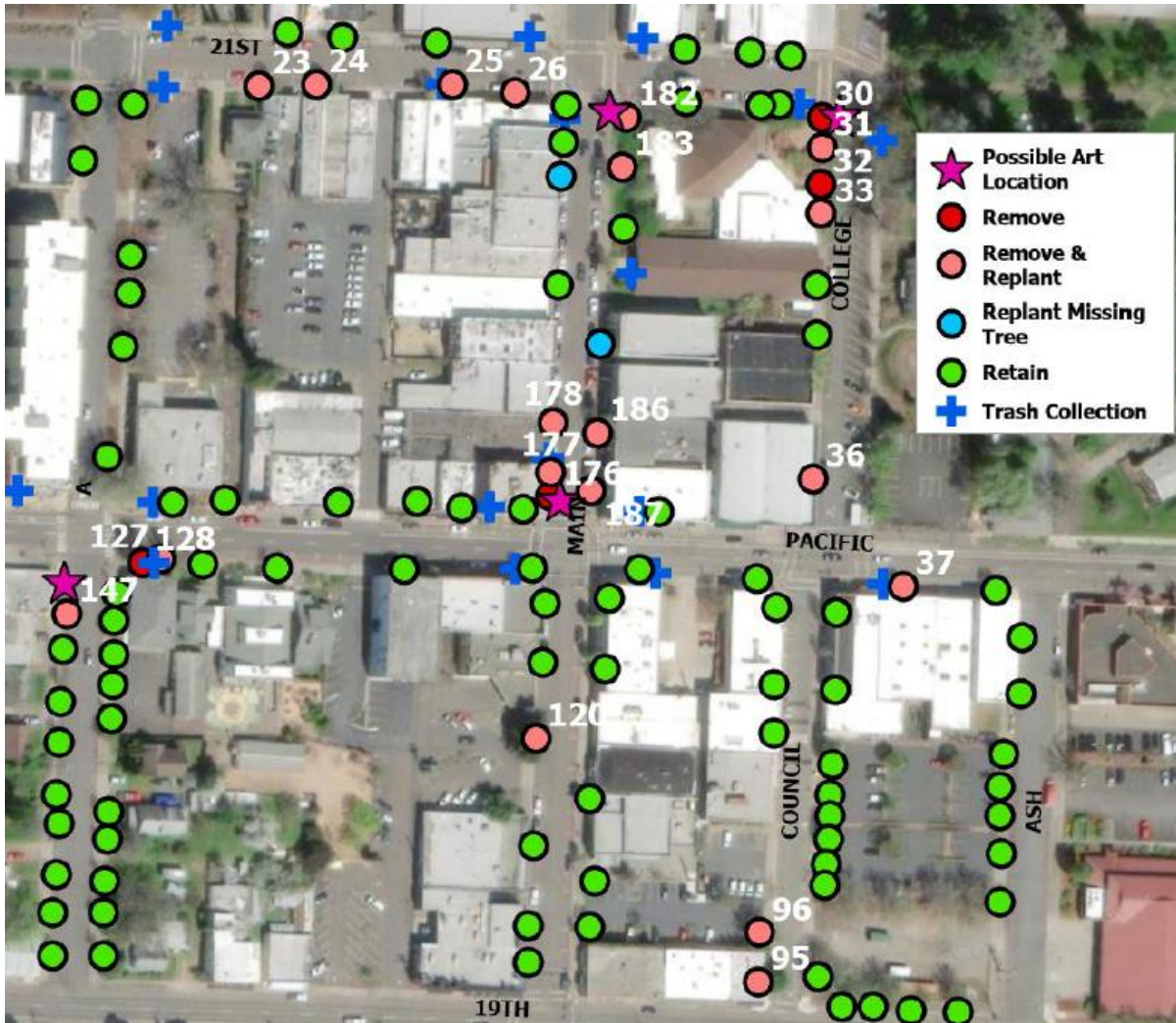
PURPOSE

4

- **To seek consensus on final scope and budget.**
- **Consensus will enable staff to draft a resolution to make the necessary budget amendments.**
- **Pending approval, staff will bid the project in November with construction in February-April. While some planting may occur then, remaining planting would occur in the following Fall.**

TREE REPLACEMENT

5



- **This map reflects the changes that were made at the 9/24/24 work session.**
- **Trees recommended for removal have sidewalk and brick uplift and/or are damaging infrastructure.**
- **Remove and Replant 19 trees**
- **Replant 2 missing trees**
- **Remove 4 trees**
- **Retain 87 trees**
- **New varieties will require less maintenance.**

TREE WELL TREATMENT

6



- In lieu of pea gravel or grates, staff is proposing using FPST (Flexible Porous Surface Treatment) in the tree wells.
- FPST is a water pervious pour-in-place polymer material that is flexible, resilient, and eco-friendly. West Coast cities have been installing this material for years and it has proven versatile and durable, and safer than pea gravel, grates, dirt, and wood chips.

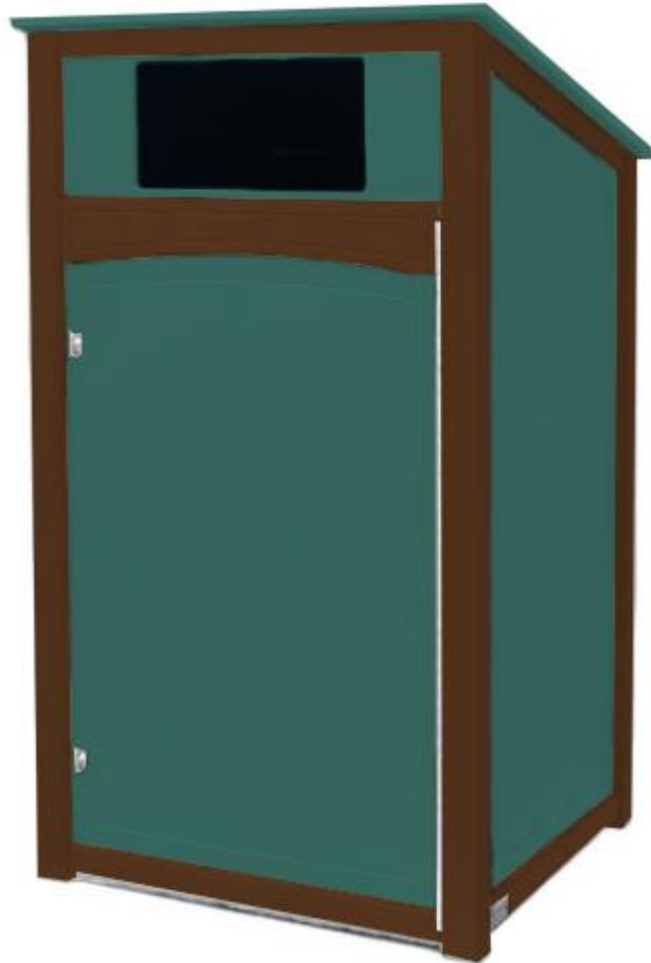
TREE REPLACEMENT AND WELLS

7

- **Approximate cost to remove and replace trees, repair sidewalks and bricks, remove all grates, and replace grates with FPST is \$180,000**

PROPOSED TRASH BIN REPLACEMENT

8



- **33% Increase in capacity – from 32 gallons per container to 48.**
- **Forest Grove colors and logo**
- **Curved Top (not shown) discourages placement of items**
- **Front opening encourages use**
- **Easier to clean and service**
- **25 cans delivered = \$42,077**

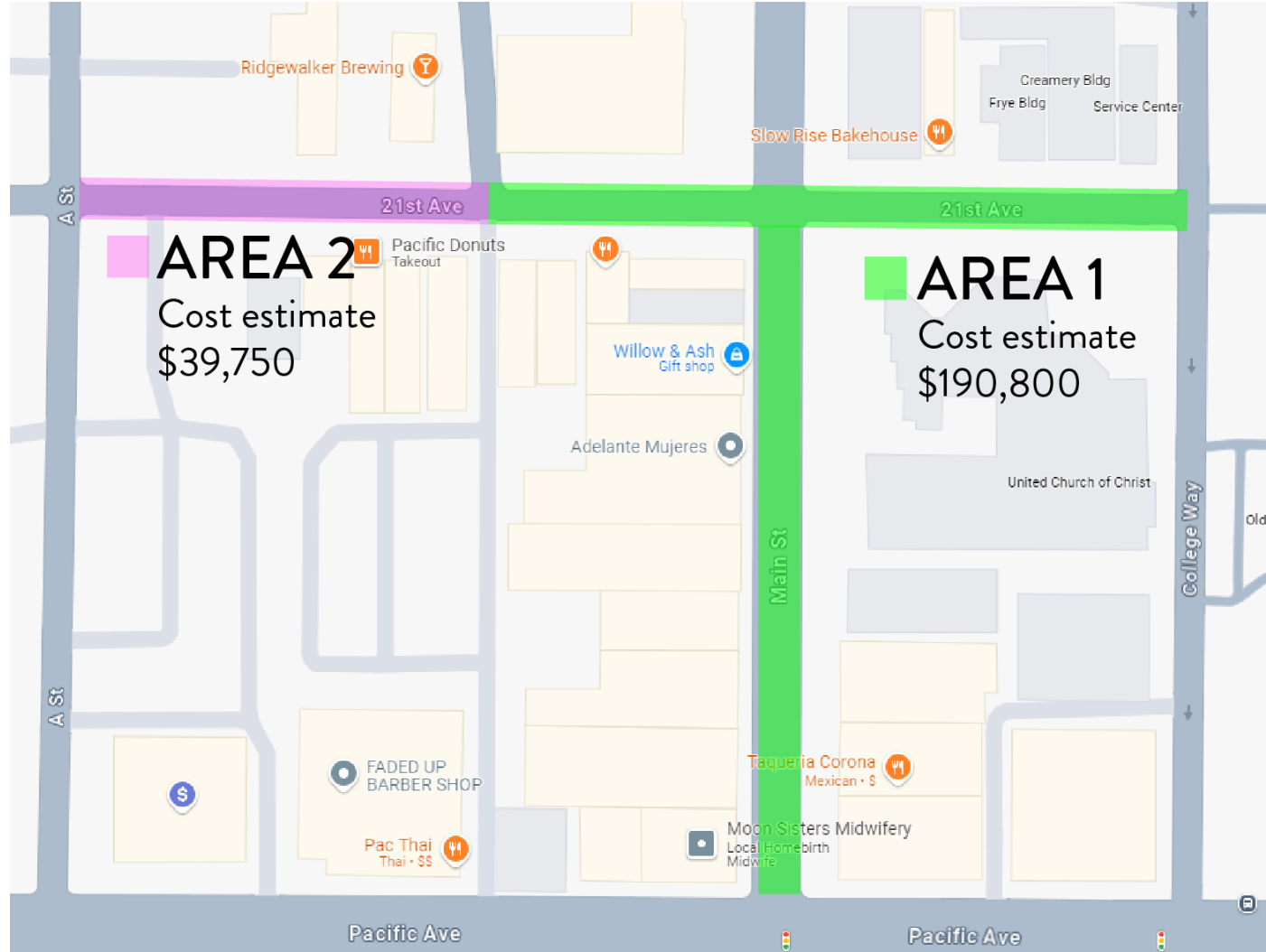
TREES AND TRASH BINS

9

- **Cost to remove and replace trees, repair sidewalks and bricks, remove all grates, replace grates with FPST, and install all new trash bins is \$222,077**

LIGHTING OF STREET TREES

1
0



Area 1:	\$190,800
Area 2:	\$39,750
Main Pacific to 21st:	\$111,300
21st College to Main:	\$48,000
Add'l Junction Box:	\$10,000 each

TREES, TRASH BINS & LIGHTS

1
1

- **Cost to remove and replace trees, repair sidewalks and bricks, remove all grates, replace grates with FPST, install all new trash bins, 1 additional junction box, and light Area 1 is \$422,877**
- **Cost to remove and replace trees, repair sidewalks and bricks, remove all grates, replace grates with FPST, install all new trash bins, 1 additional junction box, and light Main Street and 21st from Main to College is \$381,377**
- **Cost to remove and replace trees, repair sidewalks and bricks, remove all grates, replace grates with FPST, install all new trash bins, 1 additional junction box, and light Main Street is \$343,377**

PROPOSED FUNDING

12

- **Sufficient funding is available to fund any option.**
- **Staff is proposing to use the following funds:**
 - **American Rescue Plan: any leftover balance that must be spent by 12/31/24. At present, this is approximately \$150,000**
 - **Street Fund: cost of sidewalk and brick repair, approximately \$50,000**
 - **The balance of the project be paid with the following**
 - **Transient Lodging Tax reserves (50%)**
 - **Urban Renewal Agency (40%)**
 - **Street Light Fund (10%)**

NEXT STEPS

13

- | | |
|--|-----------------------|
| • Reach consensus on potential improvements | October |
| • Outreach to business owners | November |
| • Bid and secure contract | December |
| • Construct project | February-April |

DISCUSSION ITEMS

14

- **What option would the Council prefer?**
- **Is the Council o.k. with the proposed funding?**

PROCLAMATION

DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, domestic violence is a serious crime that affects people of all races, ages, gender identities, socio-economic levels, religions, and abilities, but has a disproportionate effect on marginalized communities; and

WHEREAS, domestic violence includes physical, emotional, social, sexual, spiritual, financial, and digital abuse; and can occur between family members, intimate partners, and within dating relationships; and

WHEREAS, domestic violence impacts vulnerable victims including children, as approximately 50% of child abuse victims in Washington County also live in homes with domestic violence, and these experiences in childhood increase the likelihood of struggles with addiction, mental health, school, and other challenges; and

WHEREAS, Oregon sees higher rates of violence and abuse than the national average, with 42% of women and 39% of men experiencing domestic violence; and

WHEREAS, Washington County has united to address the impact of all forms of family violence including domestic violence, sexual assault, and child abuse, through our Family Justice Collaborative; and

WHEREAS, in 2023, the Family Justice Center served over 5,600 survivors and the Domestic Violence Resource Center fielded 3,988 crisis line calls and provided a total of 10,630 crisis services; and

WHEREAS, Domestic Violence Awareness Month provides a platform to show support for the domestic violence advocates, crisis hotline staff, victim service organizations, and the prosecutors and law enforcement officers who hold offenders accountable.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST GROVE DOES HEREBY PROCLAIM THE MONTH OF OCTOBER, 2024, AS "DOMESTIC VIOLENCE AWARENESS MONTH".

In Forest Grove, Oregon, and calls upon the people to learn more about preventing domestic violence and to show support for the organizations and individuals who provide critical advocacy, resources, hope, and assistance to victims.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Forest Grove, Oregon, to be affixed this 14th day of October, 2024.

Malynda H. Wenzl, Mayor, City of Forest Grove

PROCLAMACIÓN

MES DE CONCIENTIZACIÓN SOBRE LA VIOLENCIA DOMÉSTICA

CONSIDERANDO QUE, la violencia doméstica es un delito grave que afecta a personas de todas las razas, edades, identidades de género, niveles socioeconómicos, religiones y capacidades, pero tiene un efecto desproporcionado en las comunidades marginadas; y

CONSIDERANDO QUE, la violencia doméstica incluye abuso físico, emocional, social, sexual, espiritual, financiero y digital; y puede ocurrir entre miembros de la familia, parejas íntimas y dentro de las relaciones de noviazgo; y

CONSIDERANDO QUE, la violencia doméstica afecta a víctimas vulnerables, incluyendo niños, debido a que aproximadamente el 50% de las víctimas de abuso infantil en el condado de Washington también viven en hogares con violencia doméstica, y estas experiencias en la infancia aumentan la probabilidad de caer en la adicción, la salud mental, la escuela y otros desafíos; y

CONSIDERANDO QUE, en Oregon se observan tasas más altas de violencia y abuso que el promedio nacional, con el 42% de las mujeres y el 39% de los hombres experimentando violencia doméstica; y

CONSIDERANDO QUE, el Condado de Washington se ha unido para abordar el impacto de todas las formas de violencia familiar, incluida la violencia doméstica, la agresión sexual y el abuso infantil, a través de nuestro *Family Justice Collaborative*; y

CONSIDERANDO QUE, en 2023, el *Family Justice Center* atendió a más de 5,600 sobrevivientes y el *Domestic Violence Resource Center* atendió 3,988 llamadas a la línea de crisis y brindó un total de 10,630 servicios de crisis; y

CONSIDERANDO QUE, el Mes de Concientización sobre la Violencia Doméstica brinda una plataforma para mostrar apoyo a los defensores de la violencia doméstica, el personal de la línea directa de crisis, las organizaciones de servicios para víctimas y los fiscales y los agentes del orden público que responsabilizan a los infractores.

AHORA, POR LO TANTO, EL AYUNTAMIENTO DE LA CIUDAD DE FOREST GROVE POR LA PRESENTE PROCLAMA EL MES DE OCTUBRE DE 2024, COMO “MES DE CONCIENTIZACIÓN SOBRE LA VIOLENCIA DOMÉSTICA”.

En Forest Grove, Oregon, y llama a la gente a aprender más sobre cómo prevenir la violencia doméstica y a mostrar su apoyo a las organizaciones y personas que brindan defensa, recursos, esperanza y asistencia crucial a las víctimas.



EN TESTIMONIO DE LO CUAL, He suscrito la presente y he hecho que el sello de la Ciudad de Forest Grove, Oregon, se emplace en este día 14 de octubre de 2024.

Malynda H. Wenzl, Alcalde, Ciudad de Forest Grove

Mariah Woods

From: Chris B. Billman [REDACTED]
Sent: Monday, September 23, 2024 6:04 PM
To: Joyce Phillips; City Councilors
Subject: Character review committee members

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

City Council Meeting - July 08, 2024
Under filling vacancies

(d) If a physical or mental impairment disability prevents a Council member from attending Council meetings or a member is absent from the City, a majority of the Council may appoint a Councilor pro tempore

This is very unusual and very possible a means of discrimination. People with disabilities have rights. Choosing to change the language from disability to physical or mental impairment instead could be illegal. People with disability are a protected class under federal and state laws.

This is reminiscent of how the city changed the state definition of a vehicle to eliminate the rights of people who ride bicycles on the public roads. It gave the city police the ability to ignore the bicycles laws that ensure the safety of pedestrians who roll on wheelchairs and bicycles in the bike lanes. It gave more rights to waste cans and traffic control signs who do not have to right of way in bike lanes. In fact anything inside the bike lanes are obstructing traffic and should be handled by the police department not code enforcement.

One of the requirements of the League of Cities is first and foremost abide by state and federal laws .
Chris Billman

[REDACTED]
Forest Grove, Oregon
97116-9128

[REDACTED]

Mariah Woods

From: noreply@civicplus.com
Sent: Thursday, September 26, 2024 3:44 PM
To: City Councilors
Subject: Online Form Submittal: Contact City Council

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

Contact City Council

First Name	Adesina
Last Name	Cameron
Address	
City	Cornelious
State	Oregon
Zip	97113
Email	
Whom would you like to contact?	Entire Forest Grove City Council (Includes Mayor Wenzl)
Would you like a response?	Yes
Question / Comment	Hi - I am the office manager and event planner at Swallowtail School.

We invite you to join us for an evening on Swallowtail Farm to celebrate the harvest, connect with each other, and learn more about Swallowtail School’s mission. Swallowtail Waldorf School uses its farm in the heart of Hillsboro to give children the space to explore, solve real problems, and think creatively, while developing a deeper appreciation for where our food comes from and those who care for it.

We will have wine, appetizers and great conversations with new and old friends at this small outdoor gathering.

October 17th, 4:30-6:30PM
31620 NW Camp Ireland st, Hillsboro, OR 97123

Please RSVP to acameron@SwallowTailSchool.org

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Mariah Woods

From: noreply@civicplus.com
Sent: Monday, September 30, 2024 10:34 AM
To: City Councilors
Subject: Online Form Submittal: Contact City Council

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

Contact City Council

First Name	Kathryn
Last Name	Dysart
Address	
City	Forest Grove
State	OR
Zip	97116
Email	
Whom would you like to contact?	Entire Forest Grove City Council (Includes Mayor Wenzl)
Would you like a response?	Yes
Question / Comment	I have never seen a construction or civil engineering project so utterly mismanaged as the replacement project of Hazel Sills Park. It appears that the contractor Grass Stains has done their job and it is now city staff who are creating obstacles. Our neighborhood children have been excluded from the park all summer and now, on the 1st of October, a new and very ugly chain link fence is being put up to keep the park inaccessible. The sprinklers run night and day, there are no benches or water fountains, and absolutely NO communication from Parks staff about what is going on. I have emailed the Parks director as well as left phone messages and never received the courtesy of a reply. I believe it is time for elected officials to get involved and show voters that you can be responsive to citizen concern.

Mariah Woods

From: [REDACTED]
Sent: Tuesday, October 01, 2024 3:14 AM
To: 'Kathryn Harrington'; Jerry Willey; 'Pam Treece'; 'Roy Rogers'; 'Nafisa Fai'; Malynda Wenzl; 'Steve Callaway'
Cc: 'Tanya Ange'; Diane Taniguchi-Dennis Taniguchi-Dennis; Washington County Administrative Office; Amber Ames; Lauren Bishop; Nicholas LaMora; City Councilors; Glenn Fee
Subject: Ken Burns Sept 29, 2024 Plea - public comment on November election by Dale Feik
Attachments: Ken Burns Sept 29 2024 plea - for WC BOC Oct 1 2024 public comment Dale Feik.docx

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

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

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

To: Steve Callaway, Mayor of Hillsboro, City Councilors

Re: Hello. Ken Burns here. September 29, 2024, email to Dale Feik

Note: On June 4, 2024, I emailed you, County Commissioners, Mayors Wenzl and Callaway, a transcript of Ken Burns's Keynote Address at Brandeis University in which he said "....For 50 years now, I have diligently practiced and rigorously tried to maintain a conscious neutrality in my work, avoiding advocacy if I could, trying to speak to all of my fellow citizens. Over those many decades I've come to understand a significant fact, that we are not condemned ...This brings me to a moment I've dreaded and forces me to suspend my longstanding attempt at neutrality. There is no real choice this November. There is only the perpetuation, however flawed and feeble you might perceive it, of our fragile 249-year-old experiment or the entropy that will engulf us if we take the other route ...The presumptive Republican nominee is the opioid of all opioids, an easy cure for what some believe is the solution to our myriad pains and problems. When in fact with him you end up re-enslaved with an even bigger problem, a worse affliction and addiction, "a bigger delusion"We are at an existential crossroads in our political and civic lives. This is a choice that could not be clearer..."....Remember what Louis Brandeis said, VOTE!!!"

September 29, 2024, email to Dale Feik from Ken Burns:

I've spent five decades making films that tell the stories of America's greatest challenges — from the Civil War to the Dust Bowl, from the Second World War to the Vietnam War. In each of these historic moments, we were challenged to live up to the essential promise of our nation: preserving a democratic system of government that respects the rights and addresses the needs of all its citizens.

Today, challenges to our republic are rampant once again. The democratic values that make up the very fabric of our nation are under assault and at risk of unraveling. It's never been more important to

safeguard our fragile democracy: as Benjamin Franklin so wisely put it, "A Republic, if you can keep it."

But this election is not just about keeping Donald Trump out. It's about coming together to protect our shared American values and restoring integrity to our government. That's why electing leaders to the Senate that we can be proud of is so important – and why we have to help Elissa Slotkin hold Michigan's Senate seat for Democrats this fall.

There is also a personal connection in this race for me. Like Elissa, I grew up in Michigan. And she's a student of history, which I so appreciate in an elected official.

I'd really like to make sure she wins her Senate race this November. So I am asking:

Can I count on you to contribute \$5, \$20 or whatever feels right to you today directly to Adam Schiff and Elissa Slotkin's Senate campaign in Michigan? I would not be reaching out were it not so important. Democrats cannot keep control of the Senate if they lose in Michigan.

Copy and paste this address into your web browser to donate:

https://secure.actblue.com/donate/sept2024_abs_em_slotkin?akid=7743.15706803.GBKud5&c0=sept2024_abs_em_slotkin.a0XUvy&rd=1&refcode=AU_ABS_FR_TAN_EOQ_AC90_20240929_PM1_V1_S1&refcode2=7743_15706803_GBKud5&t=4

Thank you for helping Elissa with your donation today. Ken Burns

Respectfully,

Dale Feik

[REDACTED]

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

Cc: Tanya Ange, WCounty Administrator
Diane Taniguchi-Dennis, Clean Water Services Chief Executive Officer
Kevin Moss, WC Clerk
Amber Ames, Hillsboro City Council clerk
Mariah Woods, Recorder/clerk, Forest Grove City Council
Glenn Fee, Executive Director of Tualatin River Keepers
Lauren Bishop, The Pamplin Media Newspapers
Nick LaMora, Pamplin Media reporter

From: noreply@civicplus.com
Sent: Wednesday, October 02, 2024 11:20 PM
To: City Councilors
Subject: Online Form Submittal: Contact City Council

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

Contact City Council

First Name	Adam
Last Name	Reese
Address	
City	Forest Grove
State	OR
Zip	97116
Email	
Whom would you like to contact?	Entire Forest Grove City Council (Includes Mayor Wenzl)
Would you like a response?	Yes
Question / Comment	My family has been using the Forest Grove aquatic center for the past four years. We have been taking swim lessons there for the past two years as we have a four year old and now a 7 month old who are both taking lessons. In the last six months they have enacted rules about parents being confined to a small cordoned off area with metal fencing that only has one entrance and exit. It's extremely cramped, you can't see your kids and there's nowhere to put a stroller. This small area is packed with sometimes upwards of 20 parents and other family members. There are people blocking the door. This area seems like a fire hazard with only one way

to get in and out. It's also not ADA compliant with no way to open and hold the door. There's no ADA button.

The rules weren't strictly enforced until last night when a member of the staff told me that it was because of health risks for having shoes on the pool deck. This is flatly ridiculous. My wife and I have worked at pools for years as lifeguards. We have never heard this from any pool ever, and it's selective enforcement because they're not checking any shoes of staff or parents that need to drop their kids off at the pool.

These rules were not posted until roughly six months ago, one week after we complained that one of their swim instructors left our 3 year old daughter (at the time) and her classmates alone in the pool with 5 minutes left in the class. That instructor is still there. It felt punitive for raising concerns about their staff.

Please look into this. It feels unsafe, unfair to disabled people, and the reasoning of the staff makes no sense.

Thank you.

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Mariah Woods

From: noreply@civicplus.com
Sent: Friday, October 04, 2024 11:13 AM
To: City Councilors
Subject: Online Form Submittal: Contact City Council

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

Contact City Council

First Name	Amber
Last Name	Schnacker
Address	
City	Forest Grove
State	OR
Zip	97116
Email	
Whom would you like to contact?	Entire Forest Grove City Council (Includes Mayor Wenzl)
Would you like a response?	Yes
Question / Comment	Hello, It was brought up at my HOA that there is a safety concern on NW Willamina Ave. There are no sidewalks. Our community enjoys walking on this street and without proper sidewalks, the growing traffic is making it no longer as safe as it once was. What can we do to prioritize this issue? Thanks, Amber

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Mariah Woods

From: noreply@civicplus.com
Sent: Tuesday, October 08, 2024 7:20 AM
To: City Councilors
Subject: Online Form Submittal: Contact City Council

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Contact City Council

First Name	Nicholas
Last Name	Stroberger
Address	
City	Forest Grove
State	OR
Zip	97116
Email	
Whom would you like to contact?	Entire Forest Grove City Council (Includes Mayor Wenzl)
Would you like a response?	Yes
Question / Comment	Good Morning, My name is Nick and I am a volunteer with Forest Grove Youth Baseball program and we had been informed there is a current fee study being performed by the City of Forest Grove Parks department to start charging youth sports programs for City owned field use and I was wondering if you would be able to tell me when that will be going before the City Council for review? and Where could the organization register to present at that meeting? Thanks, Nick

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Mariah Woods

From: Dwain Hannibal [REDACTED]
Sent: Wednesday, October 09, 2024 8:49 PM
To: Donna Gustafson; Elena Uhing; Jaime Zaik; Jesse VanderZanden; Karen Martinez; Malynda Wenzl; Mariah Woods; Mariana Valenzuela; Michael Marshall; Timothy Rippe
Subject: Ensuring Equitable Use of Funds for City-Wide Sidewalk and Tree Maintenance

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

Dear Council Members,

I am reaching out to express my concerns regarding the proposed initiative to fund tree removal and replacement, sidewalk and brick repair, and tree lighting for the downtown Main Street area using the Transient Lodging Tax Capital Reserves, Urban Renewal Agency Fund, Street Light Fund, Street Tree Fund, and Street Fund. While I commend the City's commitment to maintaining our downtown's charm and vibrancy, I believe this initiative, as it currently stands, raises critical questions of equity and fairness for the rest of our community.

According to City Code (§ 17.8.620), the maintenance of sidewalks, curbs, and adjacent trees is explicitly defined as the responsibility of the adjacent property owners. This initiative, however, shifts that responsibility and the financial burden from property owners in the downtown district to the City's general funds, which are contributed to by residents city-wide. While downtown is an important and iconic area for our community, the use of these collective funds to disproportionately benefit a specific subset of property owners runs counter to our City's values of equitable service distribution.

There are several points I would like the Council to consider:

1. **Equitable Access to Benefits:** Many of the proposed funding sources, such as the Street Tree Fund and Street Fund, are collected to address needs across all neighborhoods. Using them exclusively for downtown improvements denies residents in other areas the chance to improve their own properties or enjoy enhanced infrastructure, despite contributing to these funds.
2. **Precedent and Property Owner Obligations:** The City Code clearly establishes that the responsibility for sidewalk and tree maintenance lies with adjacent property owners. By fully covering these costs for downtown owners, we set a precedent that undermines the intent of this ordinance. If this project is approved, should not similar support be extended to other commercial and residential property owners throughout the City?
3. **Use of Capital Reserves:** The Transient Lodging Tax Capital Reserves are intended to support projects that benefit the broader community, such as tourism or city-wide economic development. Narrowly focusing on one part of the City fails to maximize the potential impact of these funds.
4. **Consistency with City Values:** Our City prides itself on promoting fairness and shared responsibility. Prioritizing improvements in a small area without considering the needs of all residents appears inconsistent with these values. How can we ensure that all taxpayers see tangible benefits from this investment?

I urge the Council to reevaluate this initiative through a lens of equity and consider allocating these funds in a way that benefits a broader segment of our City. One approach could be to use a portion of these funds to develop a grant or cost-sharing program for sidewalk and tree maintenance that would be available to all property owners—residential and commercial—throughout the community.

Thank you for considering these points. I appreciate your dedication to making thoughtful decisions that serve the interests of our entire community.

Sincerely,

Dwain Hannibal

[REDACTED]

Forest Grove, OR 97116

Sent from my iPhone

From: noreply@civicplus.com
Sent: Friday, October 11, 2024 9:18 AM
To: City Councilors
Subject: Online Form Submittal: Contact City Council

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Contact City Council

First Name	Scott
Last Name	Crowell
Address	
City	Forest Grove
State	Oregon
Zip	97116
Email	
Whom would you like to contact?	Entire Forest Grove City Council (Includes Mayor Wenzl)
Would you like a response?	Yes
Question / Comment	Dear Forest Grove City Council, I am writing on behalf of Forest Grove Youth Baseball to express our concern regarding the City's proposal to charge local non-profits for the use of city fields. As a 501(c)(3) volunteer-run, non-profit organization dedicated to providing affordable youth sports opportunities in Forest Grove, we believe this policy would have a significant negative impact on the community, especially the children we serve. During the 2024 spring baseball season, we proudly supported over 260 local kids in our program. Of those, 11% received full scholarships, covering 100% of their registration fees. Our commitment is simple: if a child wants to play, they will play—

regardless of their skill level or their family's financial situation. We work hard to keep our registration fees as low as possible, and currently, we even absorb losses on each player's registration, covering the difference through fundraising efforts.

Our field use typically begins in March and runs through mid-July. During this time, Forest Grove Youth Baseball exclusively maintains the dirt surfaces on the ball fields daily after each practice and game. It's important to note that our volunteers are responsible for prepping the fields, as Parks Maintenance staff does not perform this task for us. This is an additional responsibility we take on to ensure the fields are safe and ready for the kids.

This past year, we invested \$13,922.68 into school and park baseball fields, not including the countless volunteer hours spent cleaning and maintaining them. This investment translates to approximately \$51.37 per player. Local softball teams also benefit from our investments, as they use these same fields. Without our volunteers' efforts, the cost of running these programs would be significantly higher.

The introduction of the proposed field usage fees would cost our non-profit an estimated \$10,000 annually. Unfortunately, we would have no choice but to pass this cost onto the families, which could deter participation and limit access to youth sports for many in our community.

Additionally, youth sports programs like ours provide more than just an opportunity to play baseball—they help foster community engagement, promote healthy lifestyles, and offer a positive outlet for children and their families. Ensuring accessibility to these programs benefits the entire community.

If Forest Grove implements these fees, it will stand alone among neighboring cities in this policy. Cornelius, Forest Grove School District, School District do not charge their local youth organizations to use school or city fields.

As a 501(c)(3) volunteer-run organization, we rely heavily on community support and work tirelessly to provide quality programs for our youth. We urge you to carefully consider the impact this new fee structure will have on K-8th grade children and their families in Forest Grove. The success of local youth sports depends on keeping opportunities affordable and accessible to all.

I would be happy to meet with any of you individually to discuss

this further and explore potential solutions that can support youth sports in Forest Grove while maintaining fairness for all.

Thank you for your time and consideration. We hope to continue working together to support the children and families of Forest Grove.

Sincerely,

Scott Crowell
President, Forest Grove Youth Baseball
[REDACTED]

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

From: noreply@civicplus.com
 Sent: Friday, October 11, 2024 2:01 PM
 To: City Councilors
 Subject: Online Form Submittal: Contact City Council

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

Contact City Council

First Name	Aron
Last Name	Wagner
Address	3300 NW 185th Ave Ste 260
City	Portland
State	OR
Zip	97229
Email	aron@fiveoaksmuseum.org
Whom would you like to contact?	Entire Forest Grove City Council (Includes Mayor Wenzl)
Would you like a response?	Yes
Question / Comment	Hello! I'm Aron Wagner (she/her), the Visitor Services and Learning coordinator at Five Oaks Museum. We serve all of Washington County, and a good portion of the oak I use in my educational presentations are from Forest Grove (courtesy of FG Light & Power... thank you for that!) We wanted to make sure to invite you to the museum. Our current exhibition, "Replenish the Root", explores the once-vast oak savanna ecosystem of the Tualatin Valley, and Native stewardship of that ecosystem. If you are able to stop by during open hours (Thurs - Saturday, noon to 4) please do introduce yourself. I will most likely be at the front desk to greet you. Or, if you're curious to explore the museum, but those times don't work, email me at aron@fiveoaksmuseum.org and we can

work out a different day. We'd love to have you!

Lastly, we're honoring Native American Heritage Month with four presentations (two virtual and two in-person) from local artist and curator Steph Littlebird. I don't think that this format will let me hyper-link our eventpage, but you can copy-and-paste this to see all the options:

<https://www.eventbrite.com/o/five-oaks-museum-30592309564>

We'd love to have you out to the museum for either of her presentations on 11/7 or for a virtual presentation later in the month.

Thank you for serving the community as you do!

Hope to see you at the museum soon.

Warm Wishes, Aron Wagner

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

Minutes are unofficial until approved by the B/C.

A. CALL TO ORDER:

The meeting was called to order at 7:01 a.m. by Brad Bafaro, Chair of the Parks and Recreation Commission.

ROLL CALL: Brad Bafaro, Chair; Joe Offer, Vice Chair; Paul Waterstreet; Aaron Johnson; Mackenzie Johnston Carey; Michelle Beck; Shari Exo; Mike Marshall, Council Liaison

ABSENT: Susan Taylor; Glenn VanBlarcom

STAFF PRESENT: Tom Martin, Parks Supervisor; Sherri Mead, Aquatics Supervisor; Cody Jeffers, Recreation Coordinator; Melissa Williams, Admin. Specialist II (Anne Lane, Parks & Recreation Director was absent)

B. PUBLIC COMMENT: none

C. CONSENT AGENDA:

- a. *Approve Parks & Recreation Commission meeting minutes of May 15, 2024.*

MOTION: Paul Waterstreet moved to approve minutes from May 15, 2024. Aaron Johnson seconded. MOTION CARRIED unanimously.

D. ADDITIONS/DELETIONS: None

E. DISCUSSION/DECISION ITEMS:

1. Guest: Heather Westfall-Finnigan, Historic Landmarks Board was not present.
2. Paul Waterstreet gave a brief overview of the City Council meeting on June 24, 2024 that included the annual report for the Commission itself. Paul noted that the Volunteer Service Awards were given out, Susan Dieter and our local Rotary Clubs. He reviewed highlights from the past year. Council inquired about what courts are available in the city. More pickleball options are desired because of the sport popularity.
3. Guest: Butch Sullivan (and Lyle Spiesschaert) presented some information

regarding their Tuality Plains Outpost project which is a vision for the creation of a living history center and park. This project has two components, a gathering place and a regional heritage center sitting on 28 donated acres. They are planning an unveiling of the project on Sept. 28, 2024 and they are hoping to partner with the City on this endeavor. A project planning map draft was also provided to the Commission members. (attached)

- F. **COUNCIL LIAISON REPORT:** Councilor Marshall had nothing to report.
- G. **SCHOOL DISTRICT REPRESENTATIVE REPORT:** Brad Bafaro, Chair reported that the Cornelius Elementary construction has started and completion is a year away. The existing gym & cafeteria has been sold to the City of Cornelius. NAMS remodel is underway and the turf field will be ready this fall. Project at Dilley is moving along and FGHS is currently replacing flooring due to the extensive water damage in the new gym from a sprinkler system issue.
- H. **COMMISSION COMMUNICATIONS (COMMISSION CHAIR – BRAD BAFARO):**
none
- I. **STAFF COMMUNICATIONS:**
 - a. Parks & Recreation Department report (attached)
 - b. Staff to provide highlights, Q&A
- J. **ANNOUNCEMENT OF NEXT MEETING:** Wednesday, August 21, 2024, 7:00am at the City of Forest Grove Auditorium, Conference Room, 1915 Main St, Forest Grove.
- K. **ADJOURNMENT:** The meeting was adjourned at 7:59am.



A place where families and businesses thrive.

**Parks & Recreation Commission Meeting
Wednesday, August 21, 2024
City Auditorium Conference Room, 1915 Main St.**

Minutes are unofficial until approved by the B/C.

A. CALL TO ORDER:

[Approved as presented on 9.18.2024](#)

The meeting was called to order at 7:00 a.m. by Brad Bafaro, Chair of the Parks and Recreation Commission.

ROLL CALL: Brad Bafaro, Chair; Joe Offer, Vice Chair; Paul Waterstreet; Aaron Johnson; Mackenzie Johnston Carey; Michelle Beck; Shari Exo; Susan Taylor; Mike Marshall, Council Liaison

ABSENT: Glenn VanBlarcom; Michelle Beck

STAFF PRESENT: Anne Lane, Parks & Recreation Director; Tom Martin, Parks Supervisor; Sherri Mead, Aquatics Supervisor; Cody Jeffers, Recreation Coordinator; Melissa Williams, Admin. Specialist II

B. PUBLIC COMMENT: none

C. CONSENT AGENDA:

a. Approve Parks & Recreation Commission meeting minutes of July 17, 2024.

MOTION: Mackenzie Johnston Carey moved to approve minutes from July 17, 2024. Brad Bafaro seconded. MOTION CARRIED unanimously.

D. ADDITIONS/DELETIONS: Anne Lane, Parks & Recreation Director requested that an item be added to the meeting agenda, designated as item E.3. Senior Center.

E. DISCUSSION/DECISION ITEMS:

1. Guest: Heather Westfall-Finnigan, Historic Landmarks Board was not present. She is the partner liaison through the Council designated Board Buddy program.

2. Miguel Camacho Serna, PLACE: review of the Eastside Park schematic design. Several questions were posed by Commission members and a consensus was determined that the majority liked the "Flow/Flujo" design plan. Mr. Serna discussed the engagement event and the community input received during that event. He also indicated there are still certain aspects of this design to be reviewed. Commission members also inquired about safety/police access with the various design options

and if there were adequate shade areas for park visitors. The various interpretive element potentials were also reviewed and many thought these were great, unique features. Next steps per presentation are any additional feedback and input towards the final concept, and moving into the Design Development and Construction Documentation. More to come.

3. Senior Center: Notification has been received by the City from the non-profit currently operating the Senior Center that effective November 15, 2024, they will no longer run this facility. This is a fluid situation with more details to come in the near future.

- F. **COUNCIL LIAISON REPORT:** Councilor Marshall indicated that the Council Creek Trail was still under discussion but there is still more work to do.
- G. **SCHOOL DISTRICT REPRESENTATIVE REPORT:** Brad Bafaro, Chair reported that Dilley Elementary project is completed, the NAMS project is basically completed with some last-minute items to wrap up. NAMS turf is basically done, also with a few final items to do. Practices will be allowed but no games due to some gaps along edges to be mitigated. FGHS floor replacement is also nearly done.
- H. **COMMISSION COMMUNICATIONS (COMMISSION CHAIR – BRAD BAFARO):**
none
- I. **STAFF COMMUNICATIONS:**
 - a. Parks & Recreation Department report (attached)
 - b. Staff to provide highlights, Q&A
- J. **ANNOUNCEMENT OF NEXT MEETING:** Wednesday, September 18, 2024, 7:00am at the City of Forest Grove Auditorium, Conference Room, 1915 Main St, Forest Grove.
- K. **ADJOURNMENT:** The meeting was adjourned at 8:08am.

PUBLIC ARTS COMMISSION	June 20, 2024
MEETING MINUTES	Library Rogers Room, ZOOM

Minutes are unofficial until approved by the B/C.

1. CALLED TO ORDER:	
	Dana Eytzen, Co-Chair, called the meeting to order at 5:05 p.m.
	ROLL CALL: Dana Eytzen, Pat Truax, Linda Taylor, Brian Harris, Kristin Cast,
	ABSENT:
	EXCUSED: Kathleen Leatham, Laurie Kerns, Orson Marcel, Brenna Cooper, Emily Lux
	STAFF PRESENT: Colleen Winters
	COUNCIL PRESENT: Donna Gustafson
2. PUBLIC COMMENT:	None.
3. CONSENT AGENDA:	
	a) Approve B/C Meeting Minutes of May 16, 2024 Moved by Pat as corrected, 2nd by Linda. Remove "Stiles" from Linda's name and add 'Respectfully Submitted by Kathleen Leatham' Approved unanimously.
4. ADDITIONS/DELETIONS:	Add Discussion 1. Mini-Grants and Sponsorships to #4 Discussion Items.
5. Discussion/Decision Items:	
	1.Linda - Festival Update: Two festivals so far and both have been successful Linda created document for feedback - most people are delighted but would love to see more publicity and digital outreach and more sandwich boards.
	One of the challenges is that we have an increase in publicity but still haven't figured out to get on the city website and City Club consistently - Dana said she sent an email to Jaimie and councilperson Gustafson said she would look into it.
	News Times covered the festival and so did friends of Forest Grove and Valley Art.

	Linda requests support/volunteers for next meeting and next Festival. Linda passed out copies of the next pamphlet and spoke about how participants need to be more proactive in their marketing, particularly for folks that are located off of Main Street. Linda has a request: funky violin she can't borrow for two months for music instrument "petting zoo". Councilperson Gustafson offers her modern digital violin and both her and Linda arrange a time to meet. 2. Dana updates on TLT project Colleen spoke to Jesse and he recommended a 5 year plan to ensure proper budgeting. Jesse says we can use \$20,000 total of TLT funds for this first project (2024/2025). Dana mentions building across from the City Auditorium (the Knotty Yarn) as potential wall for mural it is a privately owned building - 12ft high x 71 feet long wall -Could potentially be prohibitively expensive due to size of wall -Cost could be reduced by reducing size of mural Group is leaning towards Lincoln Park bathroom building and potentially trying to have the entire building done. Donna suggests working with public on the process somehow. Linda mentions that some artists are not willing to work with community on mural projects -Dana recommends \$20-\$25/square foot -To do both side and back wall it could be \$10-11k or possibly we could do entire building for more Everyone in agreement we should focus on Lincoln Park Building. Dana will start the process with Anne and will go to get more accurate measurements. Colleen wants to make sure we have all the information required for proposal to city council Pat voiced desire to have a larger kinetic piece for a future project. Colleen advises we wait a month to vote on mural decision and then propose to council. Also advises PAC to submit form. For the Call we need to need to decide on name of project. -Pat recommends children/fun theme - general consensus on this -Title suggested: Lincoln Park Mural 3. Increasing visibility of PAC (discussion) -How to increase perception of PAC involvement in Arts Festival -Pat suggests we talk to Jaime about potential article about PAC in "What's Growing On"
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	-Councilperson Gustafson asks if PAC has language for plaques at mural locations. Dana says we have not done that for murals yet -Kristin suggests targeting newer subdivisions with marketing. Also mentions potentially involving the community in voting for a project we do. Through that, garner support and familiarity 4. Mini grants and sponsorships -Valley art asked about sponsorship for chalk art festival -Dana says we are allowed but would have to take from discretionary funds -Pat reminds PAC that chalk art festival increases tourism which might qualify this for TLT funds. Linda says it's actually for art and not tourism, so more research needs to be done on this. Will need to speak to Jesse for clarification -Councilor Gustafson wonders if Valley Art has asked the city for a grant. Says they have a \$5k grant for events available. Specific to marketing however. -Question posed on whether or not we open applications for mini-grants. How many? Colleen will ask Jaime to put applications back up on website and will accept one of each grant.
6.	<u>INFORMATION / UPDATE ITEMS:</u>
	1. 7 generations installation update from Colleen -Structural engineer has approved alternative installation which removes plan of epoxy -Dana and Colleen will work with artist to figure out installation plan 2. Guardians of the Grove Update -Installing on July 9th -Went through same structural/engineering approval process as 7 generations sculpture -Brian suggests passing out a one-sheet to advertise event - possibly at market or festival of arts -What will event look like? Ribbon cutting? Activities? -Ask Malynda to say a few words 3. Finance Report Dana: Nothing new from last time Rock will be added as line item Linda will submit everything regarding FoA all at once when finished No questions about finance report.
7.	<u>B/C COMMUNICATIONS:</u>
	-Linda mentions booth location art market for Festival of Arts is not very visible -Councilor Gustafson asks if south side of main street at end might be a possibility. Linda will ask Adelante Mujeres. Councilor Gustafson also recommends contacting Artisans in the Grove via City Club for potential collaboration

8.	<u>STAFF COMMUNICATIONS:</u> -Colleen will be out of Library July 10-16 -City has new committee - Committee for Community Engagement and they have decided to have a new thing called Board Buddies. Each board and commission will have a board buddy. PAC's is Katie Cannon. She will attend July PAC meeting. Understanding is to connect boards and commissions so everyone could work together and stay connected. Possibly once or twice a year. -Last thing to share - Library's bathrooms are under construction. Started a week ago Monday. Started with east end bathrooms. -Colleen says construction company has been communicative, respectful and thoughtful. Library has been very pleased. -This has been phase one - next phase is team partition and last phase is west bathrooms. 6-8 month estimation for completion
9.	<u>COUNCIL LIAISON REPORT:</u> -Offers advice to make grant more appeal: it needs to be something that encourages overnight stays. That's the basis for TLT funds. -Advises we frame the chalk art festival with how it's connected to corn roast -Grant is \$5,000 but total is related to sponsor level -Also, council just approved a new grant for inside and outside buildings. Revitalization grant up to \$100k -Also mentions how city is looking for committee members for various new committees for developing and revitalizing downtown
10.	<u>ANNOUNCEMENT OF NEXT MEETING:</u> The next meeting will be held July 18 th at 5PM in the Rogers Room of the Library.
11.	<u>ADJOURNMENT:</u> The meeting was adjourned by the Co-Chair, Dana at 6:40pm. Respectfully Submitted by Brian Harris



**PUBLIC ARTS COMMISSION
MEETING MINUTES**

**Thursday, July 18th, 2024
Library Rogers Room**

<i>Minutes are unofficial until approved by the B/C.</i>
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1. CALLED TO ORDER:

Dana Eytzen, Chair, called the meeting to order at 4:59 pm

ROLL CALL: Dana Eytzen, Linda Taylor, Brenna Cooper, Orson Marcel, Emily Lux

STAFF PRESENT: Colleen Winters

COUNCILOR PRESENT: Donna Gustafson

EXCUSED: Brian Harris, Pat Truax

ABSENT: Kristin Cast, Laurie Kearns, Kathleen Leatham

Guest: Allie Losli (Valley Art Association), Katy Cannon (Board Buddy)

2. PUBLIC COMMENT: None

3. CONSENT AGENDA:

A. Approve B/C Meeting Minutes of June 20th, 2024. Emily Lux moved to approve minutes as corrected, Orson Marcel seconded. Motion approved, unanimously.

4. ADDITIONS/DELETIONS:

A. Addition: Add E4. Fall Into Art in conjunction with the annual 97116 Art Show.

B. Deletion: Remove original E4: Advertising and Increased Visibility (too many members absent for the robust conversation we need to have, add to next month's agenda.)

5. DISCUSSION/DECISION/PRESENTATION ITEMS:

A. Review Sponsorship Application: Sponsorship application for Valley Art's 34th annual Chalk Art Festival was reviewed, with a verbal presentation by

Allie Losli. Motion to approve made by Linda, seconded by Emily. Motion carried, unanimously.

- B. Festival of the Arts 2024 Update:** The final stakeholders meeting was held, and a PAC/FOTA wrap-up meeting is scheduled for August 27th. Festival of the Arts stakeholder feedback will be reviewed. August 7th is the final festival date for the year. Feedback so far has included a desire for the main stage to not be located behind market booths for better access and how to improve advertising. The PAC is considering sponsoring the two booths in front of the market stage (but not placing booths there) to maximize visibility of the performers. Further discussion will occur at the wrap-up meeting.
- C. TLT Project Update: Mural in 2025:** Approval was granted to paint a mural on the entire restroom structure at Lincoln Park. If the necessary repairs are completed on the crumbling areas, that square footage total will be included in the call for artists. The project total (including the damaged areas) is approximately \$17,000 based on a calculation of \$20 per square foot. If the repairs are declined, the damaged areas will be omitted from the project and will alter the total cost. The project contract should be available by August first. Paul will accept help drafting the contract, and an updated version will be sent using prior mural projects as a framework. Communication will occur between the PAC, City Council, and City Manager outlining the complete plan soon.
- D. Fall Into Art in conjunction with 97116:** Does the PAC want to hold an artist event in conjunction with the 97116 Show, as we have in past years? There was not a heavy volunteer need previously. Can the budget be smaller? Last year, two people were paid to provide children's art activities. There were very few children in attendance last year, so this can be omitted. Can we still charge a booth fee (traditionally \$35), or is that considered a "fundraiser"? We will clarify this with Council. In the past, the booth fee has only covered the cost of the event, providing an opportunity for artists to showcase their work so we are unsure if this would be considered a fundraiser under the new guidelines. The discussion consensus was to proceed with the event if allowed.

6. INFORMATION / UPDATE ITEMS:

- A. Seven Generations Update:** Tomorrow, the stone base will be placed. The actual sculpture will be installed on Saturday morning. The unveiling will be scheduled when Cat returns-she is out of town until late August. We will draft verbiage for a plaque to be installed on the stone and order soon through Jamie.

B. Guardians of Grove Update: This sculpture is installed and complete as of yesterday! The artist provided a few dates for an unveiling in August, celebration date to be announced soon.

C. Finance Report: No changes.

7. B/C COMMUNICATIONS:

Emily: Forest Grove ReStore and Amazon murals are scheduled for August and September. The 97116 Show will be on the Pacific campus this year at the Cawein Gallery.

8. STAFF COMMUNICATIONS:

Colleen: The restroom remodel is going well and is ahead of schedule. The east end is being completed first, then the west end. The summer reading program is going strong. This year, the adult reading program, "Read for a Cause", is donating to Meals on Wheels. For every 100 hours of reading, one meal will be donated to Meals on Wheels. 33 meals have been donated so far.

9. COUNCIL LIAISON REPORT: None

10. ANNOUNCEMENT OF NEXT MEETING: The next meeting will be held on August 15th, 2024 at 5:00 in the Library Rogers Room.

11. ADJOURNMENT: The meeting adjourned at 5:49 pm

Respectfully submitted by Emily Lux

Forest Grove/Nyuzen Sister Cities Committee Meeting Minutes

Meeting Date: January 11, 2024
Meeting Location: Zoom
Members Present:
Nefedov, Larisa Chair
Nowlin, Nicole Vice-Chair
Allen, Linda
Anderson, Kermit Secretary
Anderson, Jackie
Stenson, Doreen Treasurer
Members Absent: Unander, Sig; Jones, Ariana
Guest: Pat Truax
Others:
Martinez, Karen (for Joyce Phillips)
Blackmun, Rich
Phillips, Joyce Staff Liaison Absent
Wenzl, Malynda Mayor, Liaison Absent

1. Call to Order

Meeting was called to order at 4:52 p.m. by Nefedov.

2. Quorum Yes

3. Minutes

Minutes from the Nov. 15, 2023 meeting were reviewed.

Motion: moved by J. Anderson, seconded by Allen approve the minutes as submitted

Motion carried.

4. Financial Report Treasurer Stenson

- a. Current balance \$4537.97 after recent expense adjustments from the student delegation visit.
- b. Bottle Drop cash account balance is \$386.15, the store credit balance is \$463.38

5. Liaison Reports a. City (Phillips)

No Report

b. Chamber (Nefedov)

No Report—Chamber-SCC liaison mechanism still needs to be established.

6. Subcommittees Updates—Latin American (Nefedov)

No Report

Adult and Student Delegations from Nyuzen

Nefedov and Nowlin reported that Nyuzen has requested we consider combining the student and adult delegations this year. Note this is the 35th anniversary year for our delegation exchange. Pros and cons were discussed. Nowlin noted that one, albeit larger combined delegation would obviate the need for two separate ones with the accompanying scheduling challenges especially for SCC members with work and vacation schedules to contend with. A combined delegation would require fuller participation by SCC members, additional host families, compatible and parallel activities for each group. Many adjustments to previous practices would be required. Additionally it was noted that Joyce Phillips, city liaison to SCC will not have the same level of involvement as Anna Ruggles has had in the past.

SCC members noted that the adult delegation is primarily the responsibility of the City, thus their buy in on the Nyuzen proposal and acknowledgement of their role is required.

No formal vote was taken but support for the idea was mixed. The SCC came to consensus that a meeting of SCC leadership, Mayor Wenzl, and the City Manager be arranged soon to address the question. Following this Nyuzen can be notified of our position. The SCC is prepared to have another meeting on the first Wednesday following the proposed meeting mentioned above.

Nefedov encouraged SCC members to continue to come up with ideas for activities for both delegations.

- | | |
|---------------------------|--|
| 9. Next Meeting(s) | TBD (1 st Wed. following the meeting with the mayor and city manager) |
| 10. Adjournment | Meeting adjourned at 5:47 pm. |

Forest Grove/Nyuzen Sister Cities Committee Meeting Minutes

Meeting Date: February 14, 2024

Meeting Location: Zoom

Members Present:

Nefedov, Larisa Chair

Nowlin, Nicole Vice-Chair

Jones, Ariana

Beechwood, John

Blackmun, Rich

Stenson, Doreen Treasurer

Members Absent: Unander, Sig; Allen, Linda; Anderson, Kermit; Anderson, Jackie

Guest:

Others:

Martinez, Karen City Councilor, Council Liaison

Phillips, Joyce Staff Liaison

Fleischer, Stephanie Communications & Program Manager

1. Call to Order

Meeting was called to order at 5:05 p.m. by Nefedov.

2. Quorum Yes

3. Minutes

Minutes from the Jan. 17, 2024, meeting were reviewed.

Motion: moved by N. Nowlin, seconded by Stenson approved the minutes as submitted.

Motion carried.

4. Financial Report Treasurer Stenson

a. Current balance \$4239.97 after recent expense adjustments from the student delegation visit. Paid for Church bus.

b. Bottle Drop cash account balance is \$436.41, and the store credit balance is \$523.69

5. Liaison Reports a. City (Councilor Martinez)

No Report

b. Chamber (Nefedov)

No Report—The chamber-SCC liaison mechanism still needs to be established.

6. Subcommittees Updates—Latin American (Nefedov)

Met with Claudia from the Forest Grove/Cornelius Chamber. They are very interested. Awaiting a follow-up email from the Chamber.

7. Old Business

Nefedov and Nowlin reported that Nyuzen is having a challenge with funding travel for an adult delegation. It was discussed that the student delegation would be here October 28 – November 1. The student delegation will include nine students and two adult chaperones. The City is responsible for planning the adult delegation activities and the SCC is responsible for planning the student delegation activities. It is still undetermined if the adult delegation is coming and if so, how many and when.

Activities suggested for the delegations: a watershed tour, Public Safety Training Center, etc. Nefedov encouraged SCC members to continue to come up with ideas for activities for both delegations.

Nefedov and Nowlin attended the Sister City gathering with the Consul General of Japan on Friday, February 9th at the Standard Insurance Center in downtown Portland from 11:30 am to 4:30 pm. Ten cities were represented, which created an excellent networking opportunity. Many ideas and suggestions were shared among attendees. Oregon is the second largest per capita, Sister City state in the country. The emperor's birthday celebration was held at The Hilton, which concluded the gathering.

- 9. Next Meeting(s)** Tuesday, March 19, 2024, at the Community Auditorium Conference Room and via Zoom
- 10. Adjournment** The meeting adjourned at 5:32 pm.



MINUTES

Wednesday, June 19, 2024

Community Auditorium Conference Room,
1915 Main Street

*Minutes are unofficial until approved by the Community Forestry Commission
Approved on September 18, 2024*

A. Call to Order

The February Community Forestry Commission meeting was called to order by Chair Marble at 5:32 PM.

1. Roll Call

MEMBERS PRESENT: Justin Marble, Mark Nakajima, Bruce Countryman, David Hunter

MEMBERS ABSENT: Shaun English, Kathy Walden

STAFF PRESENT: Dan Riordan, Senior Planner

GUEST PRESENT: Michael Howell

B. Public Comment:

1. Written Public Comment: None
2. In-Person or Remote Public Comment: None

No public comments were provided for Commission consideration.

C. Action Items

1. Approve Meeting Minutes for April 17, 2024

The members present read the minutes. David made a motion, seconded by Bruce, to approve the minutes as presented. The motion passed unanimously.

D. Discussion Items

1. Downtown Street Tree Removal and Replacement Approach

Dan informed the Commission that a City Council work session has been scheduled on June 24th to discuss the problems with the downtown street trees. The work session was scheduled because of two incidents with persons tripping due to the tree grates lifting and one person was injured.

The Commission discussed possible funding sources for removal and replanting trees. Bruce went over the alternatives for paying costs including the City covering costs in a targeted limited area. Justin agreed that it makes sense to deal with priority problems right away. David concurred and stated that the City needs to address the risk management aspect of the problem. Bruce noted that 56 out of 86 tree grates that needed to be replaced. Bruce also suggested that all tree grates should be removed since it's likely that other will become a problem in the future.

David suggested that tree trimming should be addressed during a second phase of the project unless the trees are obstructing signs and causing sight distance problems.

Bruce suggested looking at options for not replating trees near utilities and planting shrubs. David concurred. Mark suggested some tree locations could be repurposed for art.

Justin mentioned that a proposal is needed for addressing highest risk problems. Justin also recommended expanding the planting areas for trees in suitable locations. Bruce noted that the trees adjacent to the Jesse Quinn project provides a good example of what can be done with a larger sidewalk area.

Dan noted there is interested in installing decorative lights in the trees downtown. Justin warned against wrapping trees with lights due to possible girdling since the top of the tree can break off above the girdling point.

Mark noted that there were recommendations on tree varieties downtown from the Festival Street project. Justin noted that tree diversity should be emphasized over aesthetics. Justin suggested tree varieties should be alternated for diversity and aesthetics. Justin also recommended planting smaller tree species recognizing that smaller trees won't provide as much shade and may conflict with signs.

The Commission discussed the use of steel grates and concerns. Bruce noted that the steel grates could increase long-term maintenance costs since the grates need to be modified as the trees mature. The Commission members agreed that alternatives such as planting grasses, pea gravel or permeable surfaces should be considered.

E. Council Liaison Report

F. Commissioner Reports

H. Announce Next Meeting and Adjourn:

The meeting adjourned at 6:27 pm. The next meeting will be on September 18th.

Respectfully submitted by Dan Riordan, CFC staff liaison

Monthly Building Activity Report

September-24

2023-2024

	Period: September-23		Period: September-24	
Category	# of Permits	Value	# of Permits	Value
Man. Home Setup			1	
Res 1 & 2 Family New	6	\$ 1,684,018.00	19	\$ 6,721,414.77
SFR Addition & Alt/Repair	11	\$ 229,421.00	5	\$ 39,034.56
MultiFamily New				
Multi Family Alterations/Repair/Additions	2	\$ 195,000.00		
Group Care Facility Alt/Repair				
Commerical New	2	\$ 40,000.00		
Commerical Addition				
Commercial Alt/Repair			5	\$ 810,051.00
Industrial New				
Industrial Addition				
Industrial Alt/Repair	1	\$ 364,002.00		
Gov/Pub/Inst (new/add)	1	\$ 24,000.00	3	\$ 35,140.00
Signs	1	\$ 750.00		
Grading			1	
Demolitions	2			
Total	26	\$2,537,191	34	\$7,605,640

Fiscal Year-to-Date

2023-2024		2024-2025	
Permits	Value	Permits	Value
84	\$23,149,271	105	\$32,402,637



Domestic Violence Resource Center

Supporting and empowering survivors since 1975

Domestic Violence Awareness Month

- October 1 – October 31
- Began as the Day of Unity in 1981
- Grew into an entire month by 1987
- Focused on raising awareness of domestic violence as an issue that affects us all, supporting survivors, and mourning those we have lost





DOMESTIC VIOLENCE

RESOURCE
CENTER

The mission of the Domestic Violence Resource Center is to support and empower survivors and their children who are affected by domestic violence.

- Founded in 1975 to address the needs of abused women in Washington County
- Provide wraparound support services to survivors of domestic violence
- All services are provided confidentially and free of charge
- Founding member of the Family Justice Center of Washington County
 - Providing advocacy, counseling, and housing/shelter support

Advocacy & Empowerment

- On-site filing assistance for protective orders
- Safety planning
- Resource referrals
- Address Confidentiality Program
- Court accompaniment & virtual court
- Case management
- Basic needs/financial assistance support
- DHS co-located advocacy
- Culturally-specific services include Latine, SAWERA, & LGBTQ+



Counseling Services

Adult Services

- Individual counseling
- 24-week domestic violence support groups
- Art-based therapy
- EMDR therapy
- Self-care group
- Crisis Intervention
- Safety Planning
- Resource referrals

Youth Services (ages 5-17)

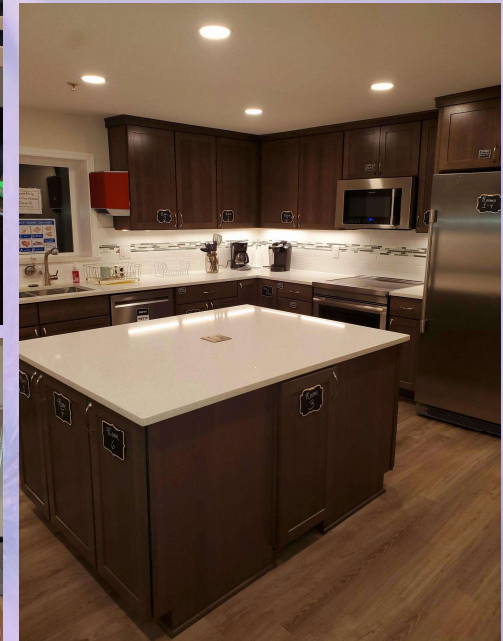
- Individual counseling
- 12-week "Coping with Conflict" group for adolescents
- 12-week "Teen Healthy Relationships" group
- Art/play/sand therapy
- Parent/child counseling
- Safety planning
- Resource referrals



Housing Services

Monika's House – Emergency Shelter

- Confidential location for survivors fleeing high-lethality domestic violence
- Typical stay is 30 – 90 days
- Services include case management, safety planning, advocacy, children's activities, referrals to other DVRC services, and more
- Monika's House Pet Sanctuary
- 24/7 Crisis Line



Housing Services

Mary Mac House – Transitional Home

- Typical stay is 1 year
- Services include case management, safety planning, advocacy, housing and employment support, financial planning support, referrals to other DVRC services, and more

Sojourner's House – Permanent Housing

- Typical stay is 2 years
- Scattered-site apartment housing
- Services include case management, housing related financial assistance, and referrals to other DVRC services
- Program is a partnership between DVRC, Washington County, and HUD



Main Office:
(503)640-5352



DOMESTIC VIOLENCE
RESOURCE
CENTER

24/7 Crisis Line:
(503)469-8620

www.dvrc-or.org



A place where families and businesses thrive.

CITY COUNCIL STAFF REPORT

CITY RECORDER USE ONLY:

AGENDA ITEM #: _____

FINAL ACTION: _____

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *October 14, 2024*

PROJECT TEAM: *Paul Downey, Assistant City Manager/Finance Director*

SUBJECT TITLE: *Ordinance Granting a Franchise to Fatbeam, LLC to Conduct a Telecommunication Business*

ACTION REQUESTED: ☒ Ordinance ☐ Order ☐ Resolution ☐ Motion ☐ Informational

X all that apply

ADDENDUM FOR OCTOBER 14, 2024 COUNCIL MEETING

On September 23, 2024, the Council held the first reading for Ordinance 2024-06, and unanimously advanced the Ordinance to a second reading. If approved, the Ordinance will grant a franchise to Fatbeam, LLC to conduct a Telecommunication Business.

STAFF REPORT FROM SEPTEMBER 23, 2024 MEETING:

ISSUE STATEMENT

Fatbeam, LLC is requesting a franchise to operate a telecommunications business within the City limits. The City Attorney and City Staff have prepared a franchise agreement based on prior telecommunications franchises approved by the City for Council consideration.

BACKGROUND

Fatbeam is requesting a franchise from the City as it plans to build a fiber optic network to serve the Forest Grove School District and its schools. Construction of this network will begin if this franchise is granted. Fatbeam may also eventually offer service to other business that are along its fiber optic network. Fatbeam has negotiated pole use agreements with the Light and Power Department to rent space on its poles to attach the fiber optic cable which will be signed if this franchise is granted.

The proposed franchise agreement will be a non-exclusive franchise meaning that other companies can provide the same services. The length of the franchise is proposed to be five years or until the City establishes a right-of-way ordinance, whichever comes first. This franchise does not grant Fatbeam the authority to provide cable services which would have to be negotiated separately with the Metropolitan Area Communications Commission. The franchise agreement

lists what Fatbeam's obligations are with respect to operating with the right-of way such as temporarily or permanently relocating their cable in the right-of-way at their cost when needed.

Fatbeam requested significant changes to the definition of franchise revenue and how that revenue would be determined. Fatbeam's proposed language would have restricted the franchise revenue that would be collected. Staff rejected Fatbeam's proposed language changes. The proposed franchise fee language in this franchise ordinance is consistent with the language in other similar franchises granted by the City.

FISCAL IMPACT

The franchise fee will be an annual fee of five percent (5%) of its gross revenues earned, less bad debts, from the operation of the facilities and/or provision of telecommunications services within the City. Staff does not know how much franchise revenue will be generated from this franchise. The Light and Power Department will also receive revenue from Fatbeam from pole attachment rental fees for Fatbeam's use of City light poles.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the attached ordinance.

ATTACHMENT(s)

Ordinance 2024-06 Granting a Franchise to Fatbeam LLC

ORDINANCE NO. 2024-06

ORDINANCE GRANTING A FRANCHISE FOR FATBEAM, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, TO CONDUCT A TELECOMMUNICATIONS BUSINESS AND GRANTING A RIGHT TO USE PUBLIC RIGHTS OF WAY WITHIN THE CITY

THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. The City of Forest Grove ("City") hereby grants a franchise to Fatbeam, LLC, a Washington Limited Liability Company ("Fatbeam"), its successors and assigns, the non-exclusive privilege to conduct a telecommunications business within the City and to place, erect, lay, maintain and operate in, upon, under and over public rights of way within the City poles, wires, cables, fiber optics, conduit and other appliances and conductors (collectively, "facilities") for telecommunication purposes, including the provision of telecommunications, private line, and internet access services (collectively, "telecommunications services"). Such facilities may be strung upon poles above ground or may be laid underground in pipes and conduits or otherwise protected. Whenever possible for new development, underground facilities will use a common trench located by the Forest Grove Light & Power Department. This Ordinance does not grant Fatbeam authority to use its facilities to provide cable services or any non-telecommunications services, nor does it authorize Fatbeam to install wireless antenna, facilities or equipment of any kind within the rights of way. This ordinance is subject to, and Fatbeam agrees to comply with, applicable state, federal and City laws, rules, regulations, ordinances, resolutions or orders now in effect or adopted after this ordinance takes effect, and to any attachment agreement required by the Forest Grove Light & Power Department.

Section 2. Subject to the provisions of this ordinance, Fatbeam is granted authority to make all needed and necessary excavations in any public right of way. All excavation and construction work must comply with City Ordinances, resolutions, rules and orders now in effect or that take effect during the term of this franchise. Upon request by Fatbeam, City will enter discussions with Fatbeam to consider acceptable solutions to issues identified by Fatbeam regarding proposed changes to City Ordinances, resolutions, rules or orders whenever such discussions are practicable. Fatbeam does not waive its right to challenge the legality, validity or enforceability of any changes to City Ordinances, resolutions, rules or orders adopted after this Ordinance takes effect. This Ordinance does not require Fatbeam to comply with future Ordinances, resolutions, rules or orders that conflict with any specific provision of this Ordinance or that apply only to Fatbeam.

Section 3. Whenever Fatbeam disturbs any public right of way for the purpose of excavation or construction, it must restore as soon as practicable the public right of way to at least as good a condition as existed prior to excavation or construction, as directed

by the City. If Fatbeam fails to restore the public right of way, or fails to restore it as directed by the City, within a reasonable time after receipt of written notice from City, then City will make such restoration and Fatbeam must reimburse City for the costs of such restoration.

Section 4. This Ordinance does not limit the authority of the City to sewer, grade, pave, repair, alter or improve any public right of way in or upon which Fatbeam may place facilities. To the extent possible all such City work or improvements will be done in a manner that does not obstruct or prevent the free use of Fatbeam's facilities. The City shall have the right to cause Fatbeam to temporarily or permanently move or remove any facilities located in the public right of way whenever the City determines the relocation or removal thereof is in the public interest, and the expense thereof shall be paid by Fatbeam.

Section 5. Whenever it becomes necessary to temporarily rearrange, remove, lower or raise Fatbeam facilities for the passage of buildings, machinery or other objects, Fatbeam will temporarily rearrange, remove, lower or raise its facilities as required. The person moving any such buildings, machinery or other objects must pay the entire actual cost to Fatbeam of changing, altering, moving, removing or replacing its facilities so as to permit such passage. The person must deposit in advance with Fatbeam a sum equal to the cost as estimated by Fatbeam and must pay all damages and claims of any kind, direct or consequential, caused directly or indirectly by the changing, altering, moving, removing or replacing of facilities, except damages or claims resulting from the sole negligence of Fatbeam. Fatbeam will be given not less than 96 hours written notice by the person desiring to move a building or other object. This notice must state the route of movement of such building or other objects over and along the public rights of way and must be approved by the City. Such moving must be done as quickly as possible without unnecessary delay to limit expense and inconvenience to Fatbeam. In cases where it becomes necessary to temporarily rearrange, remove, lower or raise Fatbeam facilities for the passage of buildings, machinery or other objects because of a City project or undertaking, Fatbeam will temporarily rearrange, remove, lower or raise its facilities as required by the City at its own expense. If Fatbeam fails to temporarily rearrange, remove, lower or raise Fatbeam facilities for the passage of buildings, machinery or other objects within a reasonable time after receipt of written notice from City, then City may undertake such temporarily rearrangement, removal, lowering or raising of Fatbeam facilities to allow for the passage of buildings, machinery or other objects and Fatbeam must reimburse City for all its costs related to undertaking such work.

Section 6. Fatbeam must pay to the City an annual franchise fee of five percent (5%) of its gross revenues earned, less bad debts, from the operation of the facilities and/or provision of telecommunications services within the City. The franchise fee shall be payable semi-annually on or before March 15 for the six-month period ending December 31, and September 15 for the six-month period ending June 30, and the first and last payments must be for that fractional part of the calendar year during which this franchise is in effect. The City may change the compensation rate by Ordinance

consistent with applicable state and federal law, but no more frequently than annually. City shall have the right, upon thirty (30) days' prior written notice and during normal business hours, to conduct or cause to be conducted an audit of gross revenues as defined herein for the purpose of ascertaining whether Fatbeam's franchise fee payments have met the requirements of this franchise. Fatbeam shall pay any underpayment due to the City following audit within thirty (30) days after written notice to Fatbeam.

Section 7. The privileges and franchise granted will continue and be in full force for a period of 5 years from the date of enactment of this Ordinance or until the date a City Ordinance establishing regulation of the right-of-way (ROW) becomes effective, whichever comes first. If there is a change in applicable law that materially effects or alters the provisions of this franchise, the City and Fatbeam will enter good faith negotiations to agree to new provisions that implement the change in law in accordance with Federal and State law, and Oregon Public Utility Commission Rules and Regulations. This Ordinance does not grant a franchise unless it is accepted in writing by Fatbeam within 60 days after its enactment.

PRESENTED AND PASSED the first reading this 23rd day of September, 2024.

PASSED the second reading this 14th day of October, 2024.

Mariah S. Woods, City Recorder

APPROVED by the Mayor this 14th day of October, 2024.

Malynda H. Wenzl, Mayor



A place where families and businesses thrive.

CITY RECORDER USE ONLY:

AGENDA ITEM #: _____

MEETING DATE: _____

FINAL ACTION: _____

CITY COUNCIL STAFF REPORT

TO: City Council

FROM: Jesse VanderZanden, City Manager

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

MEETING DATE: October 14, 2024

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

ACTION REQUESTED:

☐	☐	☐	☐	☐	☒	☐	☒	☐
	Ordinance		Order		Resolution	X	Motion	X Informational

X all that apply

KEY TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BACKGROUND:

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

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



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

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

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

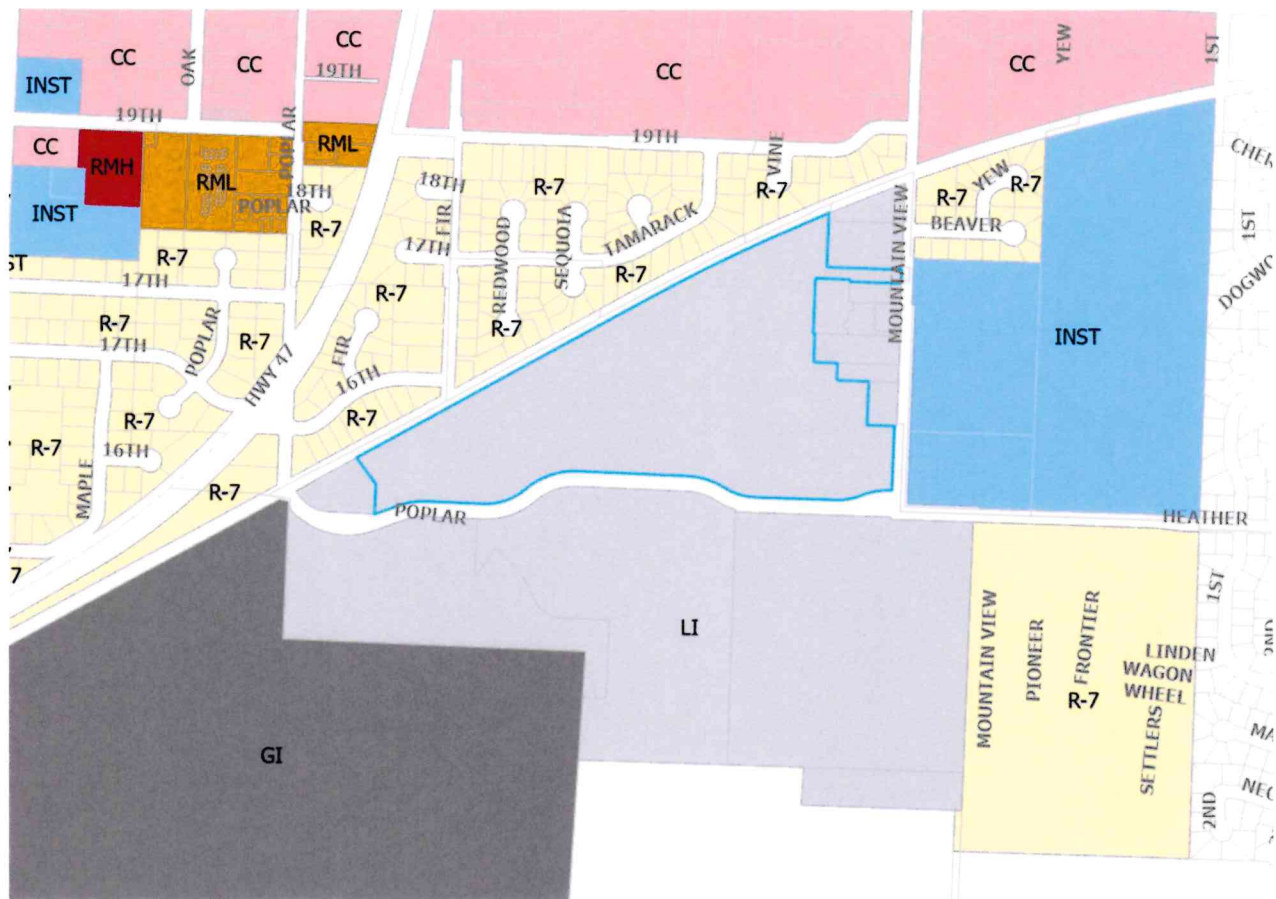
On September 3, 2024, the Planning Commission conducted a public hearing on the first appeal. After considering the testimony provided during the hearing and the information provided by the applicant and the appellant, the Planning Commission approved a motion on a 4-2 vote to affirm the staff decision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

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

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

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

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



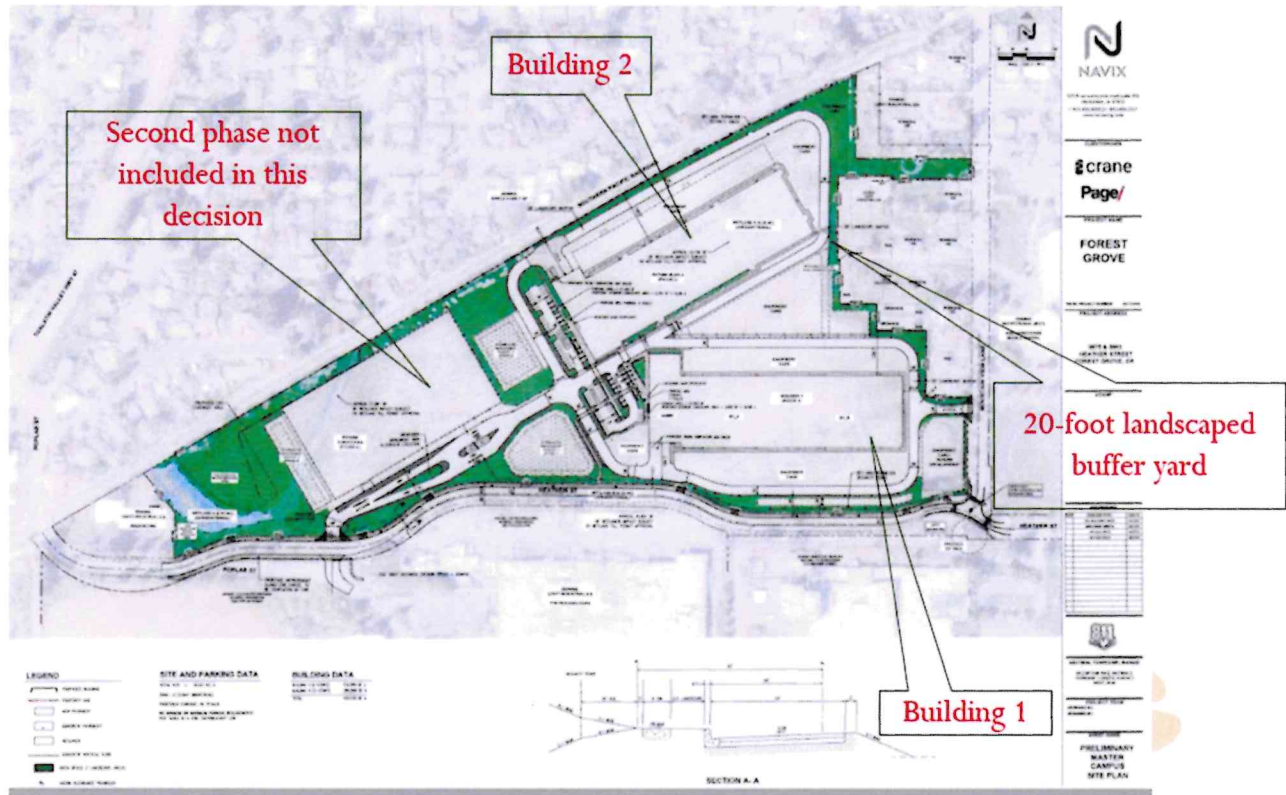
The properties located west of Mountain View Lane adjacent to the subject property is zoned LI. This area includes single unit homes on oversized lots. The homes are classified as legal non-conforming uses in the LI zone. Legal non-conforming uses may continue indefinitely. However, if the non-conforming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

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

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

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

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



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

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

SITE DEVELOPMENT REVIEW CRITERIA:

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

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

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

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

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

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

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

Development Code Article 3 Standards

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

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

Development Code Article 8 Standards

Development Code Article 8 includes standards for:

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

THE APPEAL ISSUES:

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

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

The appeal also addresses several site plan elements including:

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

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

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

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

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

Concerns About Power Consumption

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

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

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

Effect on Electricity and Water Rates for Residents

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

Was the Review Process Used for this Application Correct?

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

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

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

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

The stormwater treatment exemption in the conditions of approval is inappropriate

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

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

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

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

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

Concern about possible traffic issues

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

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

Water Use

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

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

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

Potential Noise:

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

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

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

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

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

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

Potential heat generated by machinery and equipment

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

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

Proposed Project Phasing

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

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

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

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

Condition of Approval #24 states:

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

Condition of Approval # 70 states:

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

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

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

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

Building Design Details

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

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

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

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

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

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

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

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

Good Neighborhood design:

The appeal questions how the project promotes good neighborhood design

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

Potential loss of property value:

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

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

The Rowan Green Data Center energy needs:

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

Timeline for acquiring power from the Bonneville Power Administration:

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

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

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

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

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

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

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

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

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

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

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

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

Data center land use classification under the information category:

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

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

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

Impacts to Wildlife:

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

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

Solar access:

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

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

Impacts to natural resources including wetlands:

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

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

Potential Number of Jobs Created:

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

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

APPEAL HEARING:

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

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

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

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

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

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

ALTERNATIVES

The following alternatives are available to City Council:

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

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

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

STAFF RECOMMENDATION

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

EXHIBITS

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

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

ATTACHMENT A



NOTICE OF ADMINISTRATIVE DECISION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Concern for property values

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

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

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

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

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

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

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

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

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

§17.2.450 – *Site Development Review*

§17.3.520 – *Industrial Zones Use Regulations; and*

Table 3-12: Industrial Zones Use Table

§17.3.530 – *Industrial Zones Development Standards; and*

Table 3-13: Industrial Zone Dimensional Requirements

§17.3.540 – *Additional Industrial Zone Standards*

§17.5.130 – *Trees on Developable Land*

§17.8.000 – *General Development Standards*

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

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

REQUIRED FINDINGS ADDRESSING THE APPLICABLE REVIEW CRITERIA AND CONCLUSIONS:

SITE DEVELOPMENT REVIEW CRITERIA

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

- A. The applicant demonstrates the site development plan complies with standards of the base zoning district (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: The online MetroMap tool: <https://gis.oregonmetro.gov/metromap-legacy/>, indicates that the property subject to this application does not contain any identified Riparian Wildlife Class I or Class II lands. Therefore, the subject property does not contain Riparian Wildlife Areas subject to Article 5 (DC §17.5.005 – 17.5.050).



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

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

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

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

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

DC §17.3.510: List of Industrial Zones.

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

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

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

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

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

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

DC TABLE 3 -12: INDUSTRIAL ZONES USE TABLE

<i>Table 3-12: Industrial Zones Use Table</i>			
USE CATEGORY	LI	GI	BIP
OTHER			
Agriculture/Horticulture	P[8]	P[8]	P
- Medical and Recreational Cannabis Producers (Outdoor)	N	N	N
- Medical and Recreational Cannabis Producers (Indoor)	C	C	N
Cemeteries	N	N	N
Detention Facilities	C	P	C
Mining	N	C	N
Wireless Communication Facilities	L[9]	L[9]	L[9]
Information	P	P	P
P = Permitted L = Limited C =Conditional Use N = Not Permitted X = Cannabis facilities including warehousing requires a conditional use permit Y = Wholesale activities for cannabis requires aconditional use permit in the LI and GI zone			

FINDING: DC §17.12.100 – CLASSIFICATION OF USES

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

The proposal is for construction of a Data Center campus.

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

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

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

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

² <https://uscode.house.gov>

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

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

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

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

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
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 §17.3.540 ADDITIONAL INDUSTRIAL ZONE STANDARDS

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

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

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

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

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

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

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

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

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

TABLE 1: Table of Maximum Allowable Sound Levels (in dBA) in any Ten-Minute Period						
	<i>Type of Received by Use</i>					
	<i>Noise Sensitive</i>		<i>Commercial</i>		<i>Industrial</i>	
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.

 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 ₅₀ – 55 dBA	L ₅₀ – 50 dBA
L ₁₀ – 60 dBA	L ₁₀ – 55 dBA
L ₁ – 75 dBA	L ₁ – 60 dBA

 OAR 340-035-0035 Table 9 Industrial and Commercial Noise Source Standards for Quiet Areas Allowable Statistical Noise Levels in Any One Hour		
	7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
L_{50}	50 dBA	45 dBA
L_{10}	55 dBA	50dBA
L_1	60 dBA	55dBA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No coniferous trees are proposed, and none are authorized.

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

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

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

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

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

DC §17.8.100 – §17.8.140: Access and Circulation.

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

DC §17.8.150: Clear Vision Area.

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

DC §17.8.200: Open Space.

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

DC §17.8.300 Hazards and Resources

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

DC §17.8.400: Landscaping.

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

DC §17.8.500: Off-Street Parking.

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

DC §17.8.600: Public Improvements.

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

DC §17.8.700: Building Design.

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

DC §17.8.750: Lighting Standards

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

DC §17.8.800: Signs

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

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

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

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

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

DEVELOPMENT CODE STANDARDS AND SPECIFICATIONS

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

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

ENGINEERING DEPARTMENT SPECIAL CONDITIONS

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

LIGHT AND POWER DEPARTMENT CONDITIONS

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

FIRE DEPARTMENT SPECIAL COMMENTS

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

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

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

ENGINEERING DEPARTMENT - PUBLIC IMPROVEMENTS

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

13. Half Street Improvements for the Extension of Heather St:

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

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

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

Crane Data Center
3975 Heather Street

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

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

GENERAL

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

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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.

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

***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

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

Project Engineer: [Your name here]



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www.navixgroup.com

CLIENT
crane
Page/

PROJECT NAME
FOREST GROVE

MAP PROJECT NUMBER: JN-17-047
PROJECT ADDRESS:

3074 S 3030
HEATHER STREET
FOREST GROVE, OR

STAMP

NO.	REVISIONS	DATE
1	ISSUED FOR PERMIT	10/15/24
2	REVISIONS	
3	REVISIONS	
4	REVISIONS	
5	REVISIONS	
6	REVISIONS	
7	REVISIONS	
8	REVISIONS	
9	REVISIONS	
10	REVISIONS	

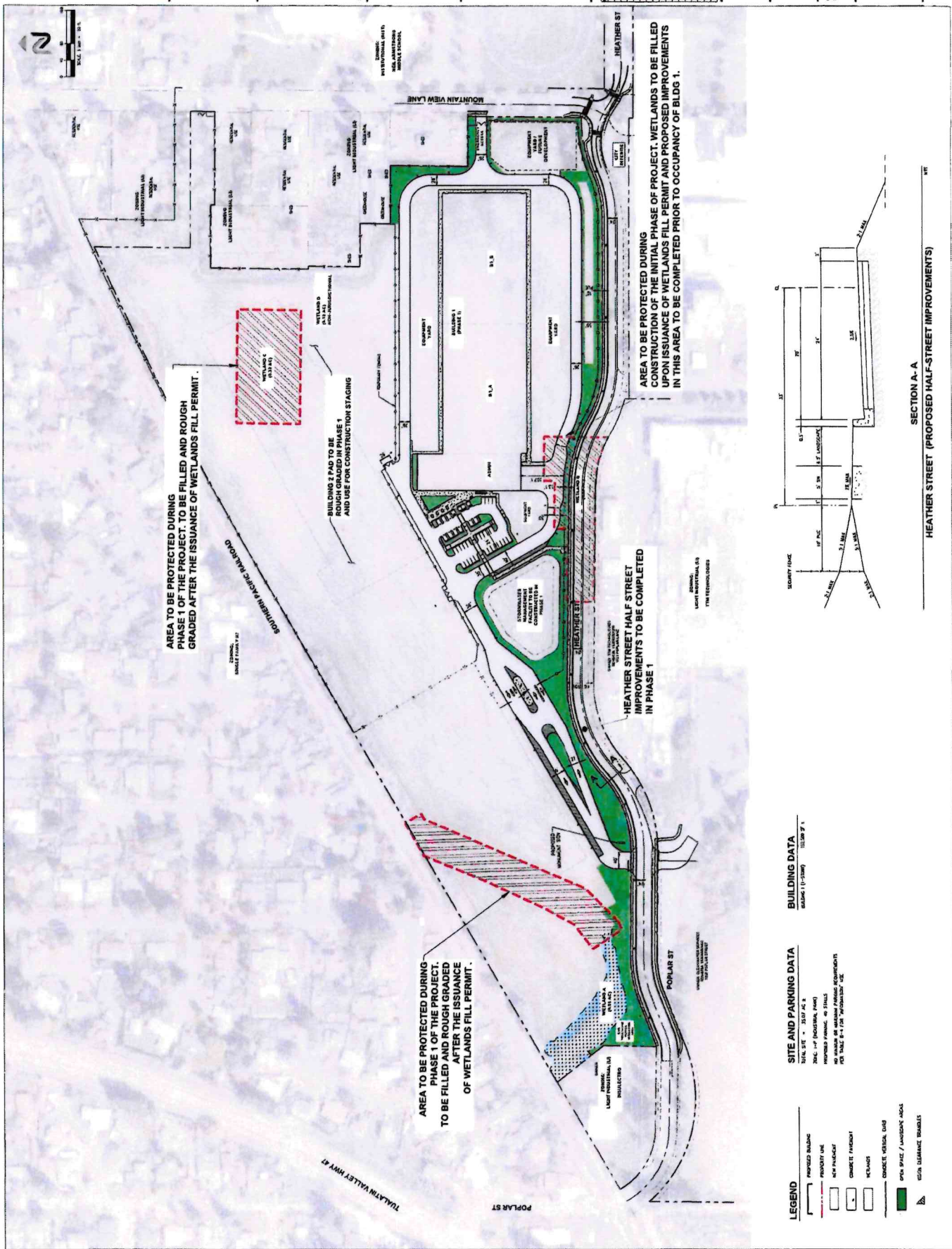


SECTION, TOWNSHIP, RANGE:
AS SHOWN ON THE MAP, SECTION 1,
TOWNSHIP 36 NORTH, RANGE 12
WEST, MERIDIAN

PROJECT TEAM
PROJECT MANAGER:
DESIGNER:

STREET VALUE
PHASE 1
SCOPE OF
IMPROVEMENTS

STREET ADDRESS
PC-1



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

[illegible]

SECTION, TOWNSHIP, RANGE-
OR 1 OF THE NW 1/4 SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 3
WEST, 104th

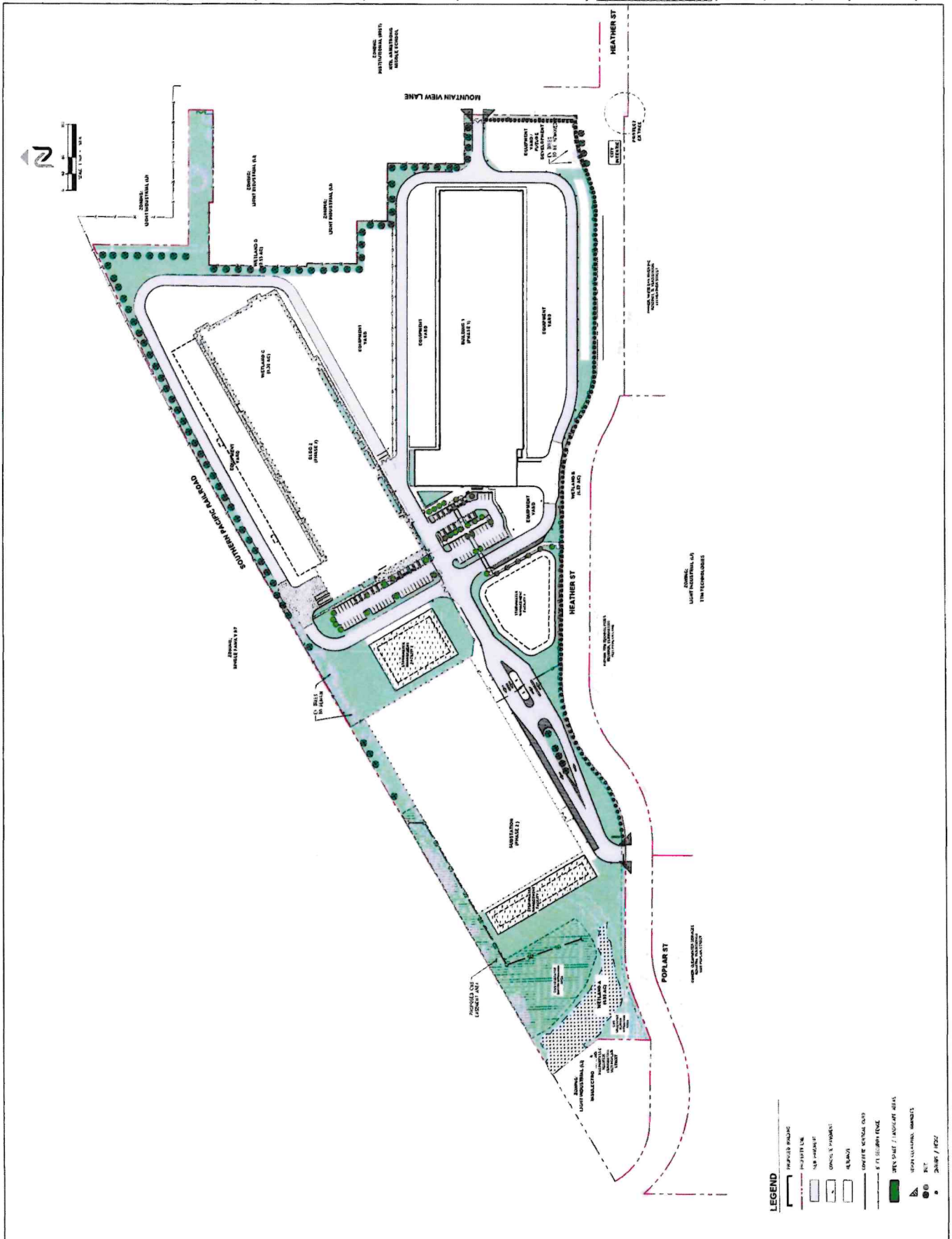
600 HECT YEAH

PROJECT 10000
0000
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SHEET NAME

**PRELIMINARY
LANDSCAPE
PLAN**

1.3

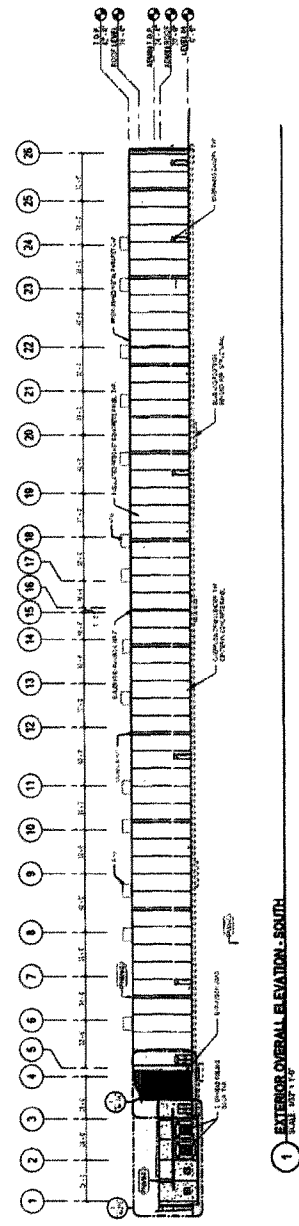
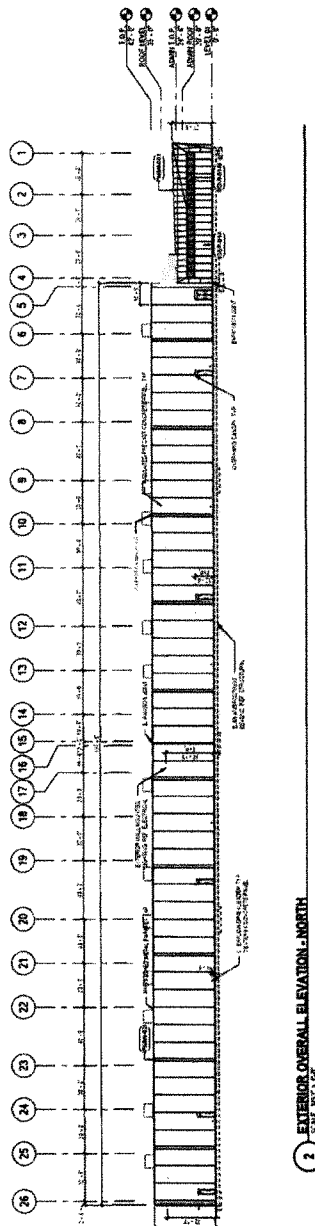
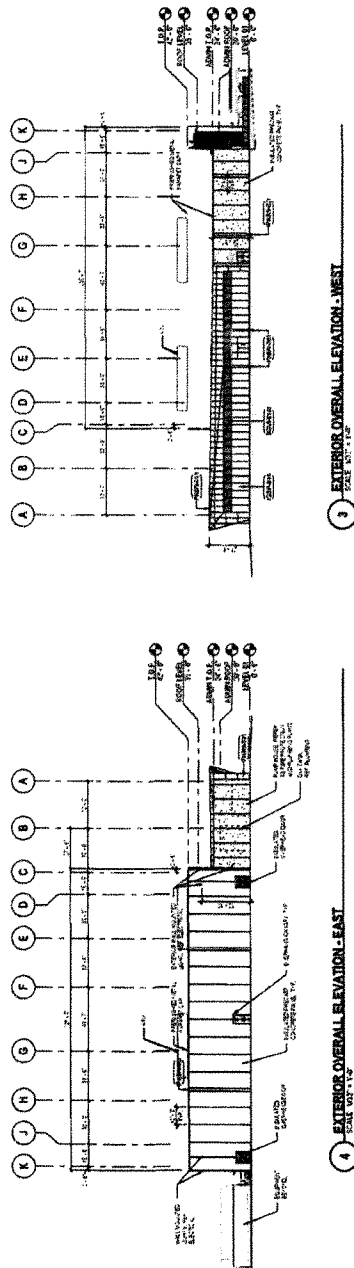


EXTERIOR MATERIAL LEGEND

- [illegible]

EXTERIOR ELEVATION LEGEND

- | | |
|--|---------------------------------------|
| | NBS Special Publication 400-1
1973 |
| | NBS Special Publication 400-1
1973 |



Soar
North Fold at 1/3

Perspectives
View 01



Page/

Project
Forest Grove Building 1

Client
Crane Data Centers

Date
07 June 2024

9

Soar
North Fold at 1/3

Perspectives
View 02



Page/

Project
Forest Grove Building 1

Client
Crane Data Centers

Date
07 June 2024

10

Perspectives
View 03

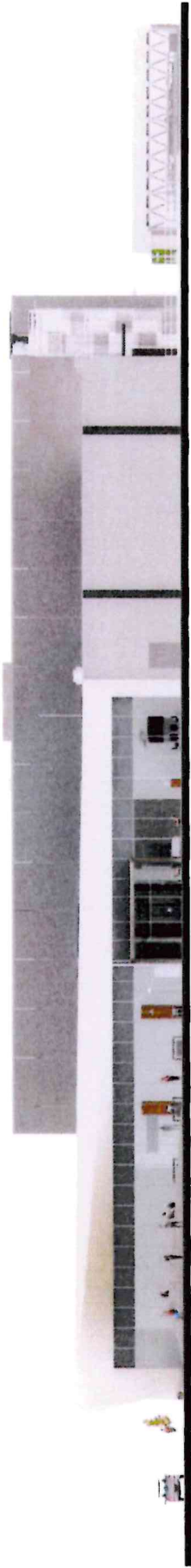
Soar
Admin Building



Soar
Admin Building

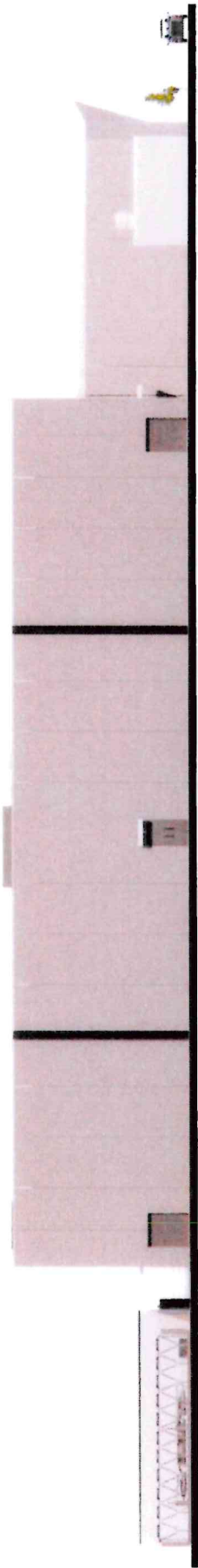
Perspectives
View 03

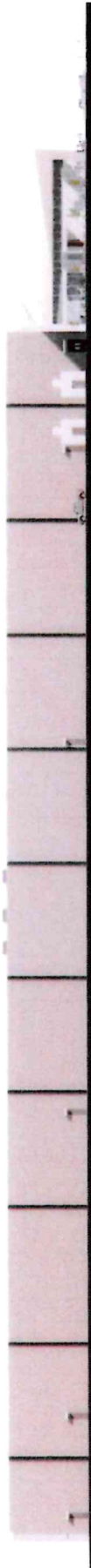




Soar
Admin Building

Perspectives
East Elevation







ATTACHMENT B

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

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

ATTACHMENT C

Attachment C

Crane Data Center Appeal to City Council

List of Known Exparte Communications

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

Kate McGuire

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

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

Dear Mayor

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

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

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

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

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

Dave Haworth

[REDACTED]
forest grove

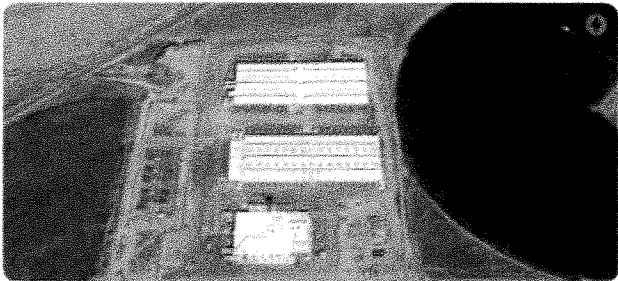


Hillsboro Data Centers: Colocation in The Hub City



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

Brightlio



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

Amazon's ever-expanding footprint in Seattle —



By Mike Rogoway | The Oregonian/OregonLive

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

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



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

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



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



Good morning, Mr. Haworth.

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

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

Xfinity Mobile 7:12 PM

88%

What is NAICS code 51?

About the Information sector

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

★ <https://www.bls.gov/tgs/iag51>

Industries at a Glance: Information: NAICS
51 – Bureau of Labor Statistics

Kate McGuire

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

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

Thank you,

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

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

David Haworth

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

Hello Mr Haworth,

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

Thank you,
Councilor Gustafson

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

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

Good Morning,

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

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

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

We are DISTRAUGHT HERE !!!!

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

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

PLEASE REPLY TO THIS E MAIL

OR "" Have staff get back to me " as you

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

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

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

I expected better

--

DAVE HAWORTH

CCB# 197958

[REDACTED]

Forest Grove Or. 97116

[REDACTED]

Kate McGuire

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

Mr. Haworth,

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

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

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

Nothing is being hidden from the public.

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

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

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

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

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

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



A place where families and businesses thrive.

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

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OR " Have staff get back to me " as you

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

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

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

I expected better

--

DAVE HAWORTH

CCB# 197958

[REDACTED]
Forest Grove Or. 97116

[REDACTED]

Daniel Riordan

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

Follow Up Flag: Follow up
Flag Status: Completed

fyi

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

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

city council

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

They speak for themselves
Thank you

David Haworth

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

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

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

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

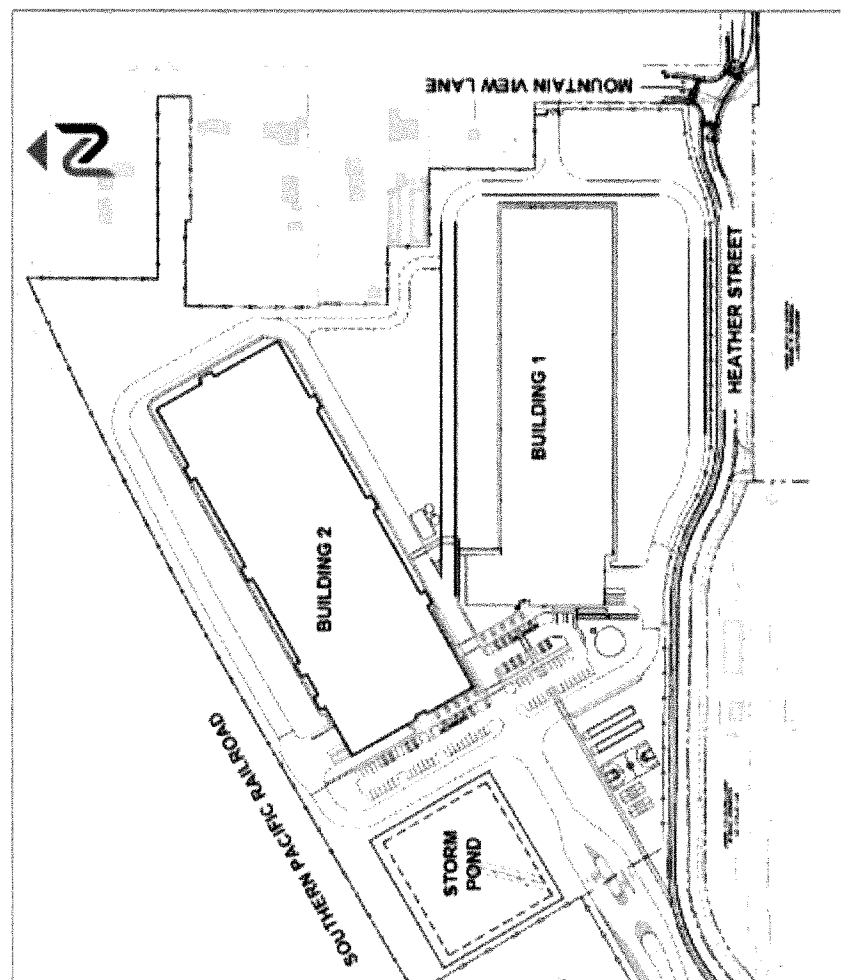
CITY OF FOREST GROVE

P. O. BOX 326

FOREST GROVE, OR 97116

503-992-3200

www.forestgrove-or.gov



SITE PLAN

Xfinity Mobile LTE9:13 AM51%

<2^v



David Haworth
To: David Haworth >

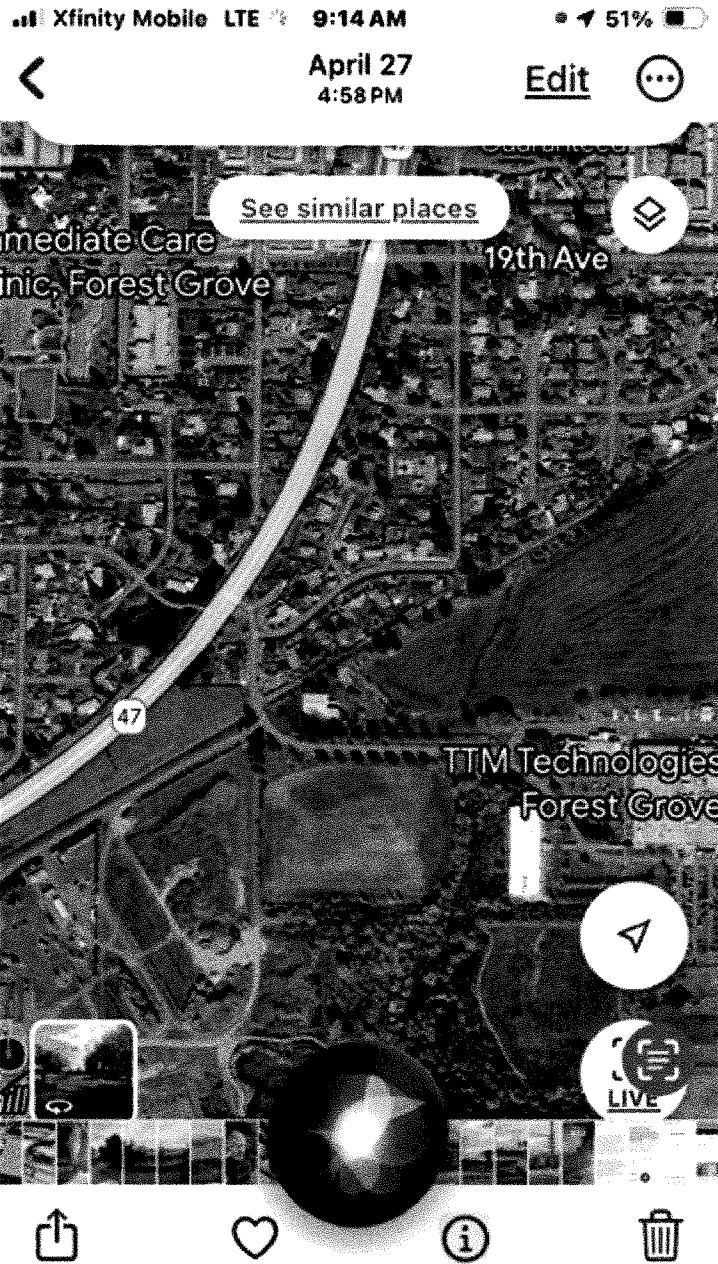
9:10 AM

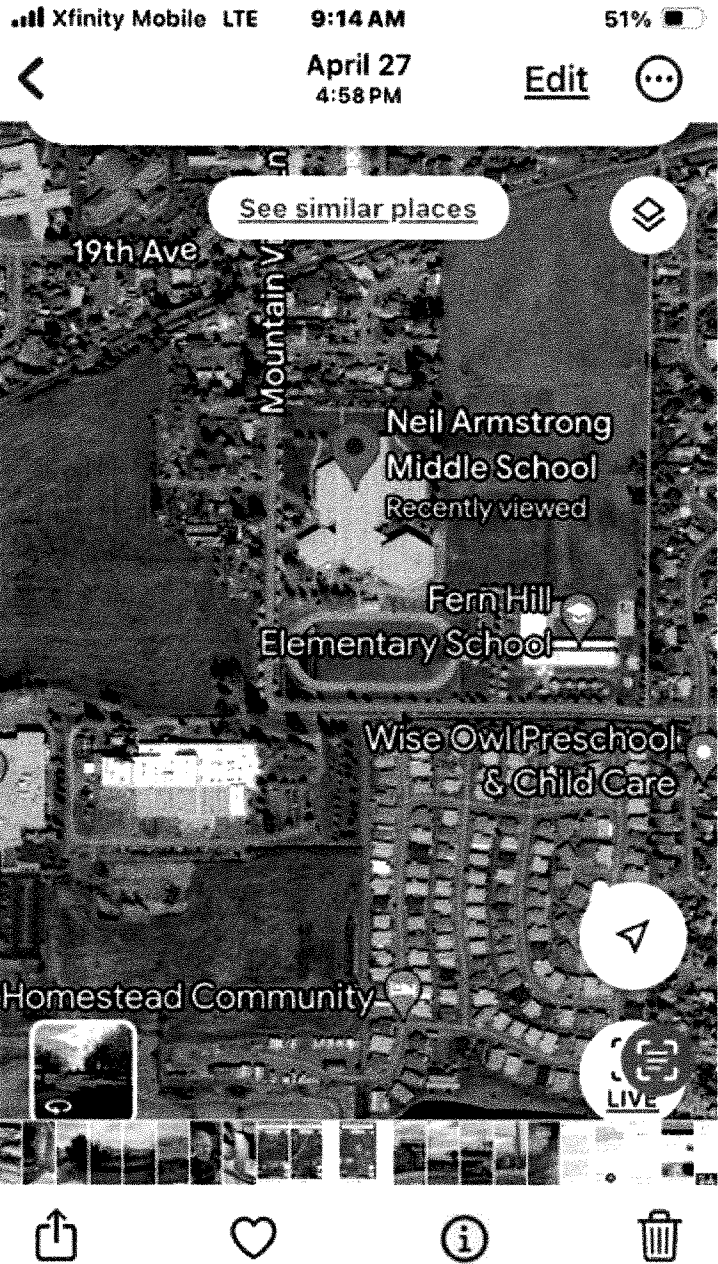
No Subject



Sent from my iPhone









Sent from my iPhone

Daniel Riordan

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

Follow Up Flag: Follow up
Flag Status: Completed

fyi

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

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

Sent from my iPhone



A place where families and businesses thrive.

NOTICE OF PENDING LIMITED LAND USE (ADMINISTRATIVE) DECISION

DATE: April 8, 2024

FILE NUMBER: 311-24-000006-PLNG

APPLICANT: Crane Data Centers, Inc.

OWNER: Heather Street Owner, LLC

LOCATION: 3975 Heather Street / Washington County Tax Lot 1S3050001300

PROPOSAL: SITE DEVELOPMENT REVIEW for phased construction of Data Center facility.

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

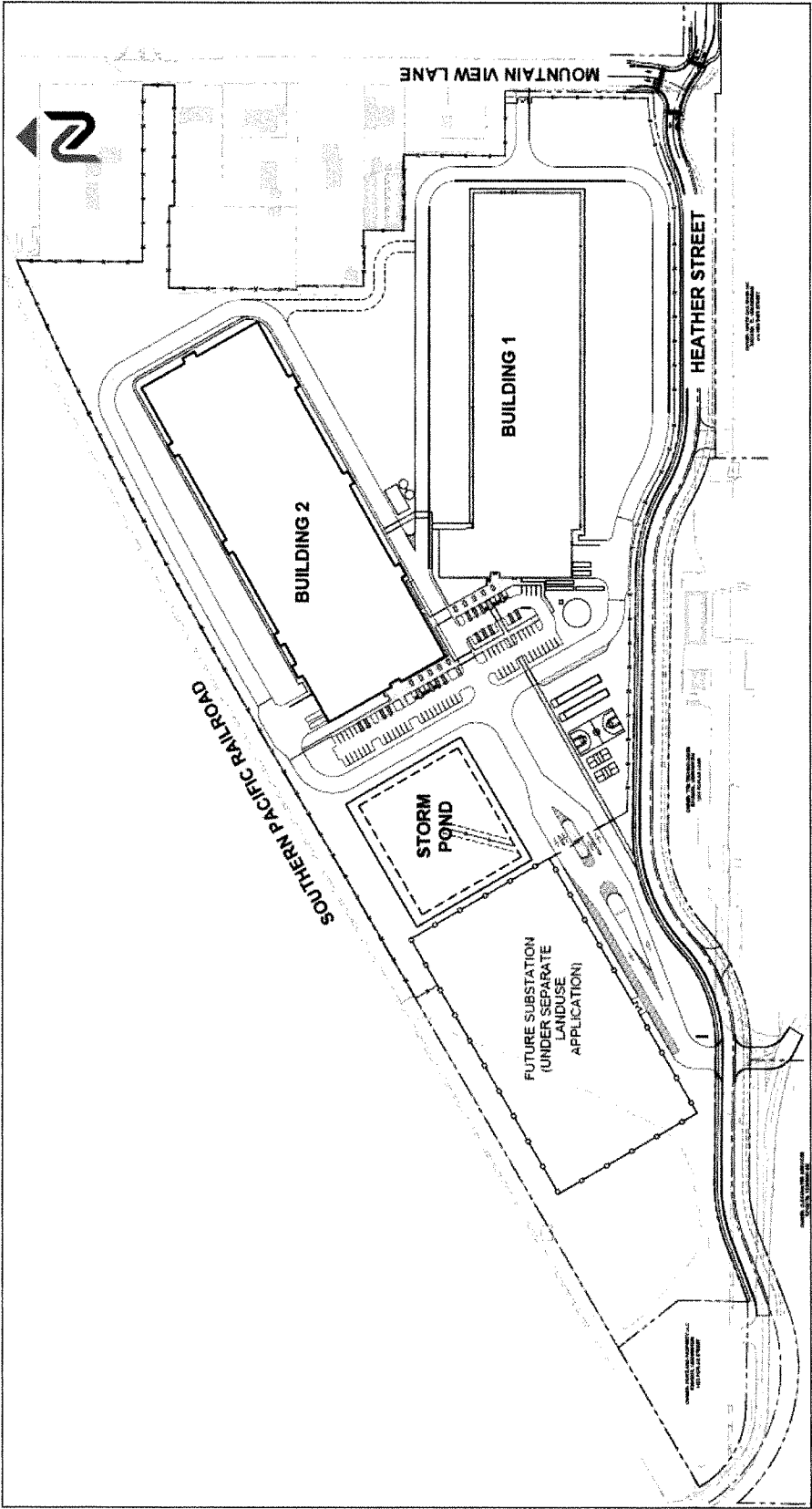
Criteria for approval of this request are found within the following development code sections ("§")

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

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

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



SITE PLAN

Daniel Riordan

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

Follow Up Flag: Follow up
Flag Status: Completed

fyi

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

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

Sent from my iPhone

Begin forwarded message:

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

Good morning Mr. Haworth,

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

Regards,
Kate

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

Daniel Riordan

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

Follow Up Flag: Follow up
Flag Status: Completed

fyi

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

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

Begin forwarded message:

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

Mr. Haworth,

Your comment has been received and entered into the record.

Regards,
Kate
kmcguire@forestgrove-or.gov

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

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

Please see the attached

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

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

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

The loophole word is "information"

Back in 1997 information was a call Center

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

Xfinity Mobile

7:14 PM

86%



By Mike Rogoway | The
Oregonian/OregonLive

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

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



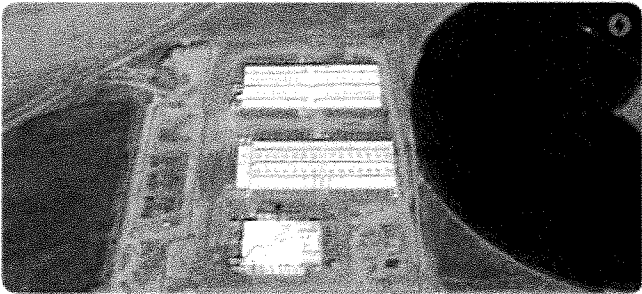


**Hillsboro Data Centers:
Colocation in The Hub City**



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

 Brightlio



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

Amazon's ever-expanding footprint in Seattle —

What is NAICS code 51?

About the **Information sector**

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

★ <https://www.bls.gov/tgs/iag51>

Industries at a Glance: Information: 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*

Daniel Riordan

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

Follow Up Flag: Follow up
Flag Status: Completed

Just fyi.

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

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

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

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

Sent from my iPhone

Daniel Riordan

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

Follow Up Flag: Follow up
Flag Status: Completed

Just fyi

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

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

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

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

Sent from my iPhone

Daniel Riordan

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

Follow Up Flag: Follow up
Flag Status: Completed

Just fyi.

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

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

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

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

Sent from my iPhone

Daniel Riordan

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

Follow Up Flag: Follow up
Flag Status: Completed

Just fyi.

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

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

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

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

Sent from my iPhone

Daniel Riordan

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

Just fyi

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

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

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

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

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

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

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

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

Dave Haworth

[REDACTED]
forest grove

Daniel Riordan

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

Just fyi

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

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

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

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

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

Please do not approve any data center projects keep Oregon green

David Haworth
Oregonians Against High Tech
Environmental Destruction

Daniel Riordan

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

Follow Up Flag: Follow up
Flag Status: Flagged

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

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

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

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

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

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

Daniel Riordan

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

fyi

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

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

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

To: Housing Authority Board of Directors

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

To: Steve Callaway, Mayor of Hillsboro, City Councilors

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

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

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

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

Dale Feik

Chair, Washington County Citizen Action Network (WC CAN)

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

-Robert M. Hutchins

Cc: Tanya Ange, WCounty Administrator

Diane Taniguchi-Dennis, Clean Water Services Chief Executive Officer

Kevin Moss, WC Clerk

Jesse Vanderzanden, Forest Grove City Manager, please forward to all City Councilors

Amber Ames, Hillsboro City Council clerk

Lauren Bishop, The Pamplin Media Newspapers

Nick LaMora, Pamplin Media reporter

WC CAN Board of Directors

Dani Ledezman: The County is conducting a recruitment for the next Equity Officer and currently Dani Ledezma, ACA is acting director

Aaron Nichols, Farmland First

John Schrag, cofounder of Exploration Oregon News

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

SAY NO TO DATA CENTERS IN FOREST GROVE!

Fellow Residents of Forest Grove,

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

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

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

NO TO DATA CENTERS!

Extra tax revenue for the town? NO!

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

Job Creation? NO!

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

Do they care about the wildlife? NO!

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

How large are these buildings?

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

What about noise and light pollution?

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

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

What about our property values?

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

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

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

So what did they do?

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

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

By signing this petition, I am stating that I OPPOSE the development of CRANE DATA CENTERS at 3975 HEATHER STREET, FOREST GROVE, OREGON.

I recognize by signing this petition that:

*My personal information will become part of public records, which may be accessed via a public records request.

*Petition organizers may contact me using the provided information for the purposes of: organizing community action, current and future endeavors related to appealing the data center decision, and related activities.

[illegible]

Mariah Woods

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

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

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

To: Forest Grove City Mayor Malynda Wenzl and City Councilors

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

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

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

Cooper states:

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

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

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

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

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

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

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

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

Sincerely,

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

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

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

Please open the attachments titled:

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

Daniel Riordan

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

Mayor and City Councilors,

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

Regards,

Jesse VanderZanden
 City Manager, Forest Grove

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

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

Contact City Council

First Name Cindy

Last Name Ertell

Address [REDACTED]

City Forest Grove

State OR

Zip 97116-2535

Email [REDACTED]

Whom would you like to contact? Entire Forest Grove City Council (Includes Mayor Wenzl)

Would you like a response?

Yes

Question / Comment

To the Forest Grove City Council,

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

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

1. Water Use

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

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

2. Power

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

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

3. Noise and Pollution

How will they mitigate noise pollution?

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

4. Taxes

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

5. Future Issues

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

there a guaranteed amount of expansion allowed in the agreement?

Thank you for reading my concerns.
Cindy Ertell

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

Daniel Riordan

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

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

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

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

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

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

Sincerely,

Dale Feik

[REDACTED]
Forest Grove, OR 97116

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

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

1. AGREEMENT NUMBER	2. AGREEMENT EFFECTIVE FROM DATE IN BLOCK 4 UNTIL	3. AMENDMENT NO.	4. EFFECTIVE DATE
23TP-12968	See Section 7 of the Division of Responsibilities Statement	-0-	Same as Block #17
ISSUED TO		ISSUED BY	
5. ORGANIZATION AND ADDRESS City of Forest Grove ATTN: Mr. Keith Hormann, Light & Power Director 1818 B Street Forest Grove, OR 97116		6. ORGANIZATION AND ADDRESS U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbraith - TPCC/TPP-4 P.O. Box 61409 Vancouver, WA 98666	
7. TECHNICAL CONTACT	PHONE NUMBER	8. TECHNICAL CONTACT	PHONE NUMBER
Keith Hormann	(503) 992-3252	Gordon Markley	(360) 619-6052
9. ADMINISTRATIVE CONTACT	PHONE NUMBER	10. ADMINISTRATIVE CONTACT	PHONE NUMBER
Keith Hormann	(503) 992-3252	Martin Wick	(360) 619-6818
11. TITLE/BRIEF DESCRIPTION OF WORK TO BE PERFORMED UNDER THIS AGREEMENT			

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

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

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

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

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

- Division of Responsibilities Statement
- Financial Terms and Conditions Statement

12. AMOUNT TO BE PAID BY BPA		13. AMOUNT TO BE PAID TO BPA	
\$-0-		\$6,000,000 (estimated)	
14. SUBMIT SIGNED AGREEMENT TO U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbraith - TPCC/TPP-4 P.O. Box 61409 Vancouver, WA 98666		15. ACCOUNTING INFORMATION (For BPA Use Only)	
		16. SUBMIT INVOICE TO (Name and Address): Same as Block #5 above.	
PARTICIPANT		BPA	
17. APPROVED BY (Signature)	DATE (mm/dd/yyyy)	18. APPROVED BY (Signature)	DATE (mm/dd/yyyy)
	4/26/23	Suzanne Zoller	Digitally signed by Suzanne Zoller Date: 2023.09.07 11:42:41 -0700
NAME AND TITLE		NAME AND TITLE	
L. Jesse VanderBorden, City Manager		Transmission Account Executive Transmission Sales	

BPA and Forest Grove hereby agree as follows:

1. DIVISION OF RESPONSIBILITIES

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

2. UNCONTROLLABLE FORCES

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

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

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

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

3. NOTICES

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

4. LIMITATION OF LIABILITY

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

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

5. TRANSMISSION CREDITS

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

6. PROJECT SCHEDULE

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

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

7. TERMINATION

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

FINANCIAL TERMS AND CONDITIONS STATEMENT

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

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

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

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

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

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

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

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

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

Background: On November 5, 2021, the City of Forest Grove (Forest Grove) submitted a Line and Load Interconnection Request, seeking interconnection on the Bonneville Power Administration's (BPA) Forest Grove-McMinnville No 1 115kV line. The Request was entered into BPA's Interconnection Queue as Request No. L0508 (Request). BPA performed a Line and Load Interconnection System Impact Study (LLSIS) to assess the impact of interconnecting Forest Grove's facilities to BPA's transmission system, and on the transmission systems of any third parties. The LLSIS report was issued to Forest Grove on August 11, 2022. On September 26, 2023, Forest Grove and BPA entered into Reimbursable Agreement No. 23TP-12968 (Agreement) which provides for BPA performing preliminary engineering activities and a Line and Load Interconnection Facilities Study (LLFS) associated with the Request.

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

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

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

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

12. AMOUNT TO BE PAID BY BPA \$0-		13. AMOUNT TO BE PAID TO BPA \$6,000,000 (estimated)	
14. SUBMIT SIGNED AGREEMENT TO U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbraith - TPC/CTPP-4 P.O. Box 61409 Vancouver, WA 98666		15. ACCOUNTING INFORMATION (For BPA Use Only)	
		16. SUBMIT INVOICE TO (Name and Address) Same as Block #5 above.	
PARTICIPANT		BPA	
17. APPROVED BY (Signature)	DATE (mm/dd/yyyy)	18. APPROVED BY (Signature)	DATE (mm/dd/yyyy)
	04/25/2024	SUZANNE ZOLLER	Digitally signed by SUZANNE ZOLLER Date: 2024.02.09 12:09:09 -08'00'
NAME AND TITLE Jesse Vander Zanden City manager		NAME AND TITLE Transmission Account Executive Transmission Sales	

DIVISION OF RESPONSIBILITIES STATEMENT

BPA and Forest Grove hereby agree as follows:

1. DIVISION OF RESPONSIBILITIES

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

2. UNCONTROLLABLE FORCES

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

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

DIVISION OF RESPONSIBILITIES STATEMENT

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

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

3. NOTICES

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4. LIMITATION OF LIABILITY

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

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

5. TRANSMISSION CREDITS

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

6. PROJECT SCHEDULE

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

DIVISION OF RESPONSIBILITIES STATEMENT

7. TERMINATION

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

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

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

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



A place where families and businesses thrive.

CITY RECORDER USE ONLY:

AGENDA ITEM #: F. 3.

MEETING DATE: 03/20/2023

FINAL ACTION: RESO 2023-10

CITY COUNCIL STAFF REPORT

TO: City Council

FROM: Jesse VanderZanden, City Manager

MEETING DATE: March 20, 2023

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

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

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

ISSUE STATEMENT:

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

BACKGROUND:

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

CITY OF FOREST GROVE

P. O. BOX 326

FOREST GROVE, OR 97116

503-992-3200

www.forestgrove-or.gov

Page 2 of 2

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

FISCAL IMPACT

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

RECOMMENDATION

Staff recommends the City Council approve the attached resolution.

ATTACHMENTS

Resolution

Mariah Woods

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

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

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

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

To: Forest Grove City Mayor Malynda Wenzl and City Councilors

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

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

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

Cooper states:

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

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

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

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

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

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

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

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

Sincerely,

Dale Feik

Chair, Washington County Citizen Action Network (WC CAN) -

<http://www.wc-can.org/>

Resident of Forest Grove since 1966

Cell: [REDACTED]
[REDACTED]

Cc: Leah Feldon, DEQ Director

Ali Mirzakhali, DEQ Air Administrator

Michael Orman, DEQ Air Manager

Washington County Board of Commissioners via Kevin Moss, clerk

Diane Taniguchi-Dennis, Clean Water Services Chief Executive Officer

Mariah Woods, Clerk/Recorder, City of Forest Grove

Mike Rogoway, The Oregonian Reporter who has written extensive stories about Data Centers

Nicholas LaMora, a Pamplin Papers reporter

Ken Dobson, Land-use attorney

Washington County Citizen Action Network, WC CAN,, Board of Directors

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

Please open the attachments titled:

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

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

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

Contact Us!

First Name: Katie

Last Name: Countryman

Would you like a response? No

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

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

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

Daniel Riordan

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

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

Good morning,

I would like to pose this question:

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

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

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

This will be 122 ft from homes.

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

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

7 days a week. never a break.

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

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

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

Pure Greed.

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

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

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

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

Thank you,

Dave Haworth

forest grove 97116

ATTACHMENT D

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Engineering Condition of Approval No. 70 states:

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

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

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

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

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

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

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

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

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

FGDC § 17.3.540 states:

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

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

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

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

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

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

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

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

Compliance with Other Development Code Requirements

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

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

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

Sincerely,

Dale Feik

Forest Grove, Oregon 97116

Resident of Forest Grove since 1966

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

Kenneth P. Dobson

Attorney at Law

telephone: (971) 717-6582

324 S. Abernethy Street

Portland, Oregon 97239

email: landlaw.oregon@gmail.com

www.pdxlandlaw.com

Exhibit Attachment A

Contains:

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

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

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

Exhibit Attachment B

Contains:

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

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

Exhibit Attachment C

Contains:

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

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

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

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

Exhibit Attachment D

Contains:

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

3,

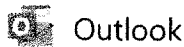


Exhibit Attachment A

Dale Feik Fw: Public Records Response

From [REDACTED]

Date Sat 9/7/2024 3:00 AM

To Mike Rogoway <mrogoway@oregonian.com>

4 attachments (8 MB)

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

Mike,

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

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

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

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

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

Previously I email you this:

See the attachment titled Resolution pay engineering eval 2023-10 PDF Forest Rowan data center.

About 2 ½ years ago Rowan Data Center applied for a Land-Use application for a Data Center. (updated 9/7/2024 - I learned that Rowan never applied for a land-use application) Just recently Rowan pulled its application because Bonneville power decided they could not supply the power. The resolution explains the payment plan.

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

I attached the resolution again to this email.

Dale

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

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

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

To: [REDACTED]

Subject: Public Records Response

To: Dale Feik

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

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

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

Regards,

Mariah Woods | City Recorder

503.992.3235 | mwoods@forestgrove-or.gov

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



CITY OF FOREST GROVE

1924 Council Street
Forest Grove, Oregon 97116

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

*Exhibit Attachment A-1.1***RESOLUTION NO. 2023-10****RESOLUTION APPROPRIATING EXPENDITURE OF FUNDS IN THE LIGHT AND POWER (L&P) DEPARTMENT FOR PAYMENT OF A \$6 MILLION DEPOSIT TO BONNEVILLE POWER ADMINISTRATION (BPA) FOR PRELIMINARY ENGINEERING ACTIVITIES FOR A PROPOSED DATA CENTER**

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

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

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

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

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

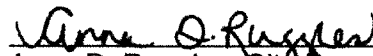
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

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

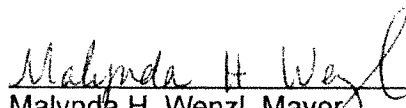
Section 2. Council authorizes that the payment to BPA is not to be made until after the receipt of the funds from Rowan.

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

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


Anna D. Ruggles, City Recorder

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


Malynda H. Wenzl, Mayor



A place where families and businesses thrive.

CITY RECORDER USE ONLY:

AGENDA ITEM #: F. 3.

MEETING DATE: 03/20/2023

FINAL ACTION: RESO 2023-10

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *March 20, 2023*

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

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

ACTION REQUESTED:

☐	Ordinance	☐	Order	☒	Resolution	☐	Motion	☐	Informational
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X all that apply

ISSUE STATEMENT:

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

BACKGROUND:

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

Page 2 of 2

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

FISCAL IMPACT

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

RECOMMENDATION

Staff recommends the City Council approve the attached resolution.

ATTACHMENTS

Resolution

Exhibit Attachment A-1.2

U.S. DEPARTMENT OF ENERGY BONNEVILLE POWER ADMINISTRATION AGREEMENT

1. AGREEMENT NUMBER	2. AGREEMENT EFFECTIVE DATE (MO/DA/YR)	3. AMENDMENT NO.	4. EFFECTIVE DATE
27TP 12968	See Section 7 of the Division of Responsibilities Statement	0	Same as Block #11
ISSUED TO		ISSUED BY	
5. CORRESPONDENCE ADDRESS City of Forest Grove ATTN: Mr. Keith Hornmann, Light & Power Director 1818 B Street Forest Grove, OR 97116		6. CORRESPONDENCE ADDRESS U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbreath - TPC/C/TPP-1 P.O. Box 61409 Vancouver, WA 98666	
7. TECHNICAL CONTACT	8. PHONE NUMBER	9. TECHNICAL CONTACT	10. PHONE NUMBER
Keith Hornmann	(503) 992-3252	Gordon Mackley	(360) 619-6052
11. ADMINISTRATIVE CONTACT	12. PHONE NUMBER	13. ADMINISTRATIVE CONTACT	14. PHONE NUMBER
Keith Hornmann	(503) 992-3252	Martin Wick	(360) 619-6818
15. TITLE BRIEF DESCRIPTION OF WORK TO BE PERFORMED UNDER THIS AGREEMENT			

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

Background: On November 6, 2001, the City of Forest Grove requested a preliminary study and facilities study for a proposed interconnection of the Forest Grove Public Utility District (BPA) to the City of Forest Grove. The Request was under a BPA Interconnection Program (Request No. L7505) initiated by BPA to perform a line and load interconnection system impact study (LILSIS) on a number of interconnection requests. The LILSIS report was issued in January 2002.

Agreement: This Bonneville Power Administration (BPA) Agreement is for a preliminary study and facilities study for a proposed interconnection of the Forest Grove Public Utility District (BPA) to the City of Forest Grove. The study and facilities study will be performed by the City of Forest Grove. The study and facilities study will be performed by the City of Forest Grove. The study and facilities study will be performed by the City of Forest Grove.

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

- Division of Responsibilities Statement
- Financial Terms and Conditions Statement

16. PROJECT TO BE PAID BY EPA	17. PROJECT TO BE PAID BY EPA
\$0	\$6,000,000 (estimated)
18. PROJECT TO BE PAID BY EPA	19. PROJECT TO BE PAID BY EPA
U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbreath - TPC/C/TPP-1 P.O. Box 61409 Vancouver, WA 98666	Same as Block #5 above.
PARTICIPANT	EPA
20. PROJECT TO BE PAID BY EPA	21. PROJECT TO BE PAID BY EPA
4/26/13	Suzanne Zoller
22. PROJECT TO BE PAID BY EPA	23. PROJECT TO BE PAID BY EPA
L. Jesse VanderZanden, City manager	Transmission Account Executive Transmission Sales

BPA and Forest Grove hereby agree as follows:

1. DIVISION OF RESPONSIBILITIES

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

2. UNCONTROLLABLE FORCES

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

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

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

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

3. NOTICES

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

4. LIMITATION OF LIABILITY

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

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

5. TRANSMISSION CREDITS

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

6. PROJECT SCHEDULE

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

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

7. TERMINATION

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

FINANCIAL TERMS AND CONDITIONS STATEMENT

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

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

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

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

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

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

Exhibit Attachment A: - 1.3

U.S. DEPARTMENT OF ENERGY BONNEVILLE POWER ADMINISTRATION AGREEMENT

1. AGREEMENT NUMBER	2. AGREEMENT EFFECTIVE FROM DATE IN BLOCK 4 UNTIL	3. AMENDMENT NO.	4. EFFECTIVE DATE
23TP-12968	See Section 7 of the Division of Responsibilities Statement	1-	Same as Block #1
ISSUED TO		ISSUED BY	
5. ORGANIZATION AND ADDRESS City of Forest Grove ATTN: Mr. Keith Hormann, Light & Power Director 1818 B Street Forest Grove, OR 97115		6. ORGANIZATION AND ADDRESS U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbraith - TPC/UTPP-1 P.O. Box 61409 Vancouver, WA 98666	
7. TECHNICAL CONTACT	PHONE NUMBER	8. TECHNICAL CONTACT	PHONE NUMBER
Keith Hormann	(503) 992-3252	Gordon Markley	(360) 619-5032
9. ADMINISTRATIVE CONTACT	PHONE NUMBER	10. ADMINISTRATIVE CONTACT	PHONE NUMBER
Keith Hormann	(503) 992-3252	Suzanne Zoller	(360) 418-2932
11. BRIEF DESCRIPTION OF WORK TO BE PERFORMED UNDER THIS AGREEMENT			

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

Background: On November 5, 2021, the City of Forest Grove (Forest Grove) submitted a Line and Load Interconnection Request, seeking interconnection on the Bonneville Power Administration's (BPA) Forest Grove-McMinville No. 1 155KV line. The Request was entered into BPA's Interconnection Queue as Request No. L0508 (Request). BPA performed a Line and Load Interconnection System Impact Study (LLSIS) to assess the impact of interconnecting Forest Grove's facilities to BPA's transmission system, and on the transmission systems of any third parties. The LLSIS report was issued to Forest Grove on August 11, 2022. On September 26, 2023, Forest Grove and BPA entered into Reimbursable Agreement No. 23TP-12968 (Agreement) which provides for BPA performing preliminary engineering activities and a Line and Load Interconnection Facilities Study (LLFS) associated with the Request.

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

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

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

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

12. AMOUNT TO BE PAID BY BPA \$0-	13. AMOUNT TO BE PAID TO BPA \$6,000,000 (estimated)																
14. SUBMIT SIGNED AGREEMENT TO U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbraith - TPC/UTPP-1 P.O. Box 61409 Vancouver, WA 98666	15. ACKNOWLEDGE INFORMATION (for BPA Use Only)																
	16. SUBMIT INVOICE TO (Name and Address) Same as Block #5 above.																
<table border="1"> <tr> <th colspan="2">PARTICIPANT</th> <th colspan="2">BPA</th> </tr> <tr> <td>17. APPROVED BY (Signature)</td> <td>DATE (month/year)</td> <td>18. APPROVED BY (Signature)</td> <td>DATE (month/year)</td> </tr> <tr> <td><i>[Signature]</i></td> <td>04/25/2024</td> <td>SUZANNE ZOLLER</td> <td>Digitally signed by SUZANNE ZOLLER (2024.02.09 17:09:09 -0800)</td> </tr> <tr> <td colspan="2">NAME AND TITLE Jesse VanderZanden City Manager</td> <td colspan="2">NAME AND TITLE Transmission Account Executive Transmission Sales</td> </tr> </table>		PARTICIPANT		BPA		17. APPROVED BY (Signature)	DATE (month/year)	18. APPROVED BY (Signature)	DATE (month/year)	<i>[Signature]</i>	04/25/2024	SUZANNE ZOLLER	Digitally signed by SUZANNE ZOLLER (2024.02.09 17:09:09 -0800)	NAME AND TITLE Jesse VanderZanden City Manager		NAME AND TITLE Transmission Account Executive Transmission Sales	
PARTICIPANT		BPA															
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<i>[Signature]</i>	04/25/2024	SUZANNE ZOLLER	Digitally signed by SUZANNE ZOLLER (2024.02.09 17:09:09 -0800)														
NAME AND TITLE Jesse VanderZanden City Manager		NAME AND TITLE Transmission Account Executive Transmission Sales															

DIVISION OF RESPONSIBILITIES STATEMENT

BPA and Forest Grove hereby agree as follows:

1. DIVISION OF RESPONSIBILITIES

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

2. UNCONTROLLABLE FORCES

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

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

DIVISION OF RESPONSIBILITIES STATEMENT

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

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

3. NOTICES

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

4. LIMITATION OF LIABILITY

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

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

5. TRANSMISSION CREDITS

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

6. PROJECT SCHEDULE

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

DIVISION OF RESPONSIBILITIES STATEMENT

7. **TERMINATION**

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

FINANCIAL TERMS AND CONDITIONS STATEMENT

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

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

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

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

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

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

Exhibit Attachment A₅ - 1.4

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

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

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

Aug. 26, 2024 10 a.m.

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

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

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



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

Andrew Selsky / AP

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

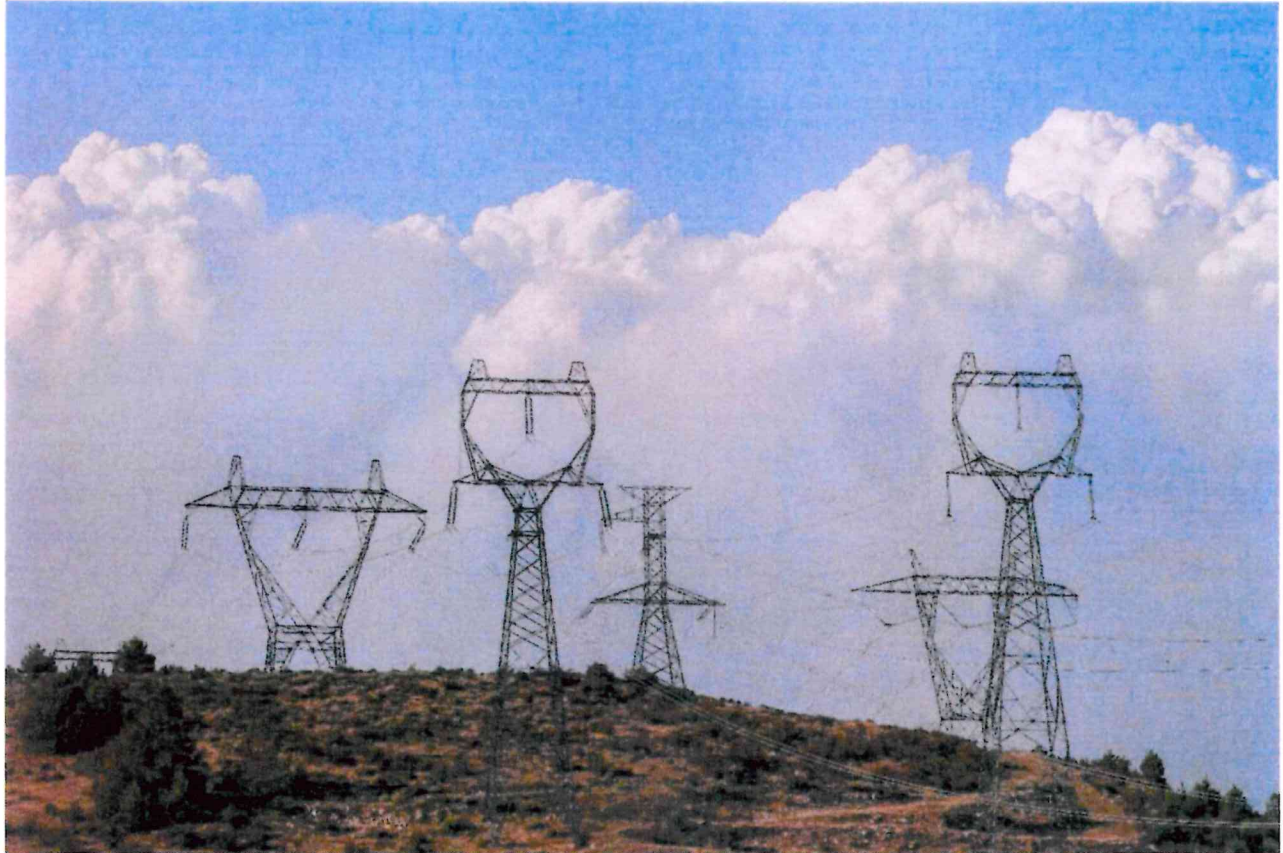
There are more than 700 data centers within those 14 states, including 109 in Oregon, according to the company [Data Center Map](#), and there are more than 5,000 data centers throughout the U.S. according to [Statista](#) – the most for any single country in the world.

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

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

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

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



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

Nathan Howard / AP

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

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

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

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

Oregon Capital Chronicle is part of States Newsroom, a network of news bureaus supported by grants and a coalition of donors as a 501(c)(3) public charity. Oregon Capital Chronicle maintains editorial independence. Contact Editor Lynne Terry for questions: info@oregoncapitalchronicle.com. Follow Oregon Capital Chronicle on [Facebook](#) and [X](#).

Exhibit Attachment A:

1.5

CITY COUNCIL MEETING

Monday, September 9, 2024

Community Auditorium, 1915 Main Street

Malynda Wenzl, Mayor

Timothy A. Rippe, Council President

Donna Gustafson, Councilor

Michael Marshall, Councilor

Karen Martinez, Councilor

Elena Uhing, Councilor

Mariana Valenzuela, Councilor

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

Staff: Paul Downey, Assistant City Manager/Finance Director

Virginia (Ginny) Sanderson, FG Chair Planning Comm:

Dale Fike?

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

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

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

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

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

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

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

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

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

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

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

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

Virginia (Ginny) Sanderson, FG Chair Planning Comm:

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

Person who signed the appeal form

Dale Feik, Facilitator

This document is an attachment to the two-page Land Use Application, the form being used to file an Appeal of the Notice of Administrative Decision for the Crane Data Center (Campus) dated July 31, 2024.

Exhibit Attachment B-#2

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.

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

2

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

(3)

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

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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 of 11 miles in length, there is

9.

NOTICE OF ADMINISTRATIVE DECISION

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

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

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

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

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

**Site Development Review for Proposed Crane Data Center Campus Including Two Buildings,
Associated Parking, Equipment Yard, Landscaping, Water Quality Facility and Frontage Street
Improvements**

**3975 and 3993 Heather Street
Washington County Tax Lot 1S3050001300**

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

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

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

The stated purpose of the annexation by petitioner Tektronix, Inc., was to obtain a sewer connection to the property, (Sewage connection to Crane Data should only occur after Crane can guarantee that they have acquired the huge amount of power required to operate the Data Processing facility and only after CWS has made an assurity bond or similar legal document that if the recycled water does not work out, they will still pay for regular city water.) specifically to facilitate development of an industrial manufacturing facility. The Tektronix development is now the "TIM Building" located on Washington County Tax Lot 1S3050001200 ("Parcel 1" of PP 2006-056) and the "Clean Water Services Building" located on Washington County Tax Lot 1S3050001400 ("Parcel 3" of PP 2006-056).

The subject property is designated Light Industrial (LI) on the Forest Comprehensive Plan Map and official

Zoning Map. The City of Forest Grove implemented its first comprehensive plan through Ordinance No. 1980-06 that same year on September 8, 1980, and since the time of its incorporation into the city and

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

PROPOSAL: CRANE DATA CENTERS, INC. (Applicant) applied for Site Development Review approval to construct the first phase of a data center campus. (They should have applied for both phases. A two phase approach is not in the best interest of the residents of Forest Grove, only in the best interest of Crane Data Center – Campus). The proposal under current review incorporates two (2) buildings: a single story 180,000 square foot structure, identified as "Building 1" on the submitted site plan, and a two story 363,000 square foot structure, identified as "Building 2" on the attached site plan submitted into the record on June 224, 2024. Building 1 is proposed for the southern portion of the property. Building 2 is proposed for the northern portion of the property. The plans provided with the application indicate that Building 1 would be approximately 40 feet in height to the roofline and Building 2 would be 70 feet in height to the roofline. Associated improvements include off-street parking, equipment yard, water quality facility and frontage street improvements.

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

The application was submitted on January 29, 2024, and was deemed complete by the City on March 29, 2024. The public notice, required by DC §17.2.430 and §17.1.515(A), was mailed on April 8, 2024. Three (3) written comments were received within the prescribed 14-day notice period (by 5 pm on April 22, 2024). (No attempt was made to inform the Spanish Speaking residents in the language they could understand – not information was mailed sent in Spanish.) All comments were provided via email and are included in the record. Those comments generally expressed concerns regarding:

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

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

Additional comments received after the notice period are also included in the record. (One of the reasons that those 18 other commenters who did not get their comments in on time was because of not enough time for the residents to get, get informed and submit their comments.) Those comments expressed concerns regarding:

- General statements regarding the dislike of the recent changes and growth and development within the City of Forest Grove (residential and commercial)
- Removal of farmland

- How does a data center benefit the community?

(The comments written at the beginning of this document describe how the data center does not benefit the community. It describes how it is detrimental to the community.)

- Chemical and electromagnetic impacts
- Noise
- Not wanting another manufacturing facility

- Concern for property values (please read Mike Rogoway's extensive reporting and the feelings of the commenters.)

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

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

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

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

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

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

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

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

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

§17.2.450- *Site Development Review*

§17.3.520- *Industrial Zones Use Regulations; and*

Table 3-12: Industrial Zones Use Table

§17.3.530- *Industrial Zones Development Standards; and*

Table 3-13: Industrial Zone Dimensional Requirements

§17.3.540- *Additional Industrial Zone Standards*

§17.5.130- *Trees on Developable Land*

§17.8.000- *General Development Standards*

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

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

REQUIRED FINDINGS ADDRESSING THE APPLICABLE REVIEW 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.

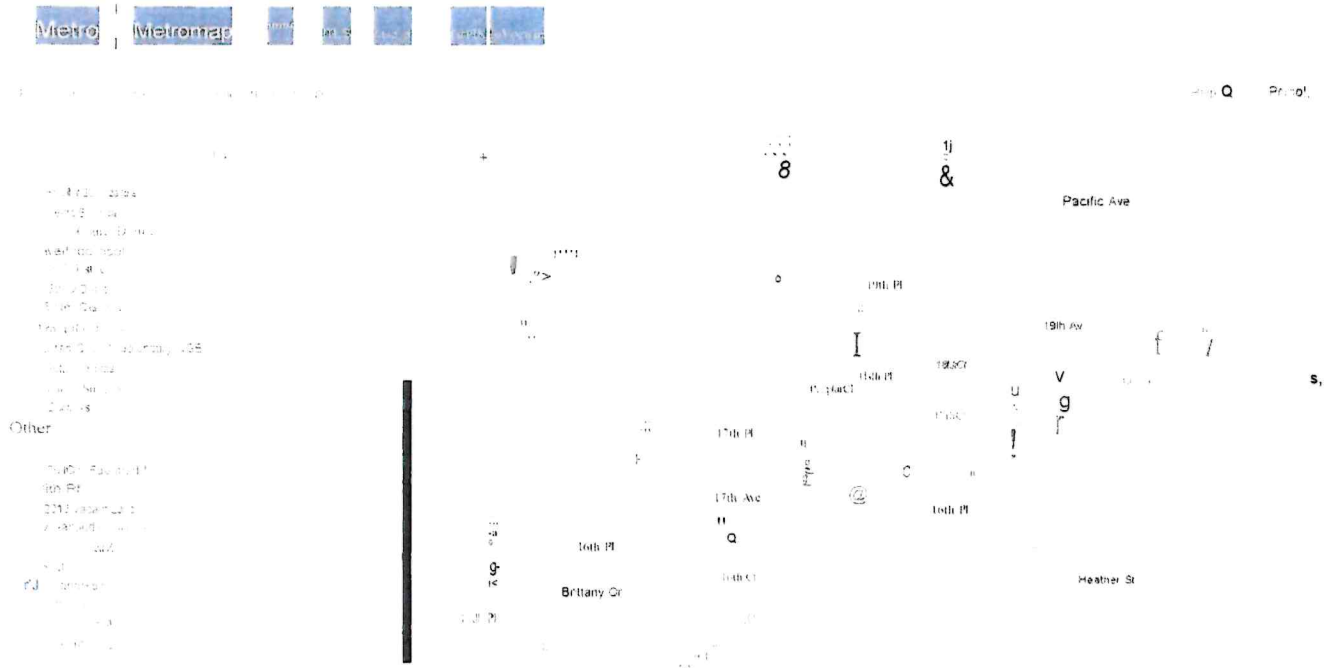
FINDING: The applicant submitted a narrative statement, dated January 23, 2024, addressing the site development review criteria and how the site development plan complies with the base zoning district (Article 3) and the general development standards of Article 8. The remainder of this document evaluates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

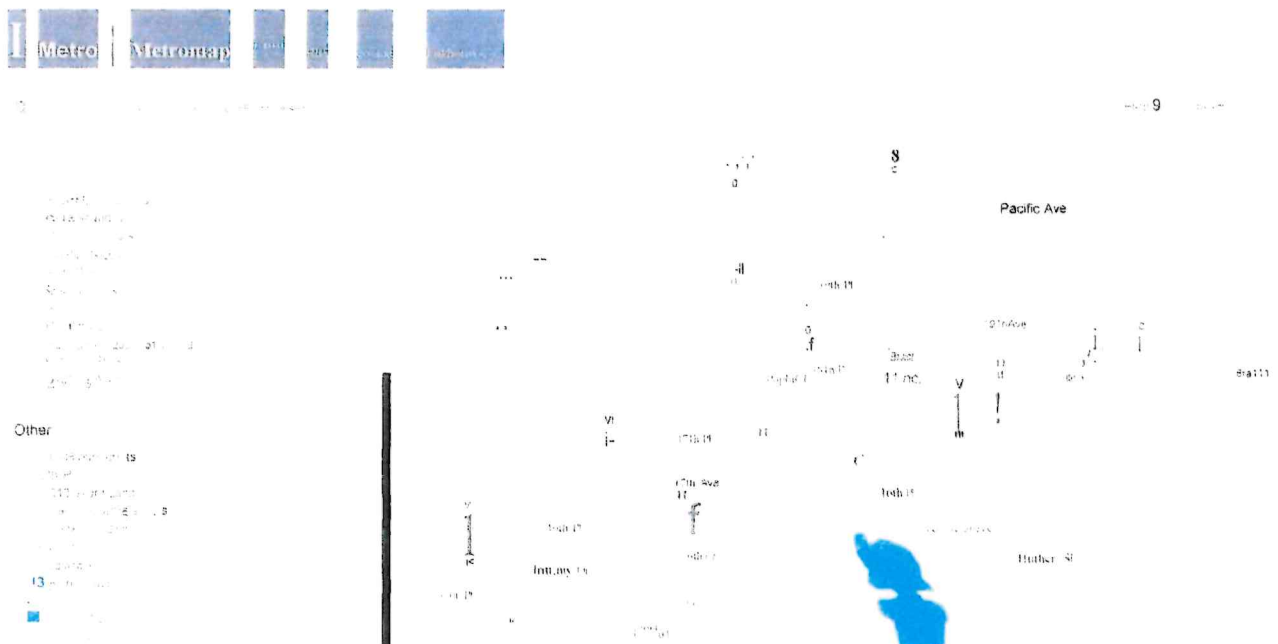
DC 17.2.450(8): The site development plan addresses the development standards in Article 5 (Natural Resource Areas), Tree Protection and Historic Resources when such resources are present or directly adjacent to the development site.

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

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



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



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

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

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

The 2022 aerial imagery indicates the presence of trees within the public right-of-way that was dedicated for the future extension of Heather Streets. These trees will be removed to accommodate the roadway that will serve the data center campus and other properties in the industrial area. Forest Grove Development Code §17.5.120(8) (Trees in Public Rights-of-Way) provides authority or tree removal for a street improvement program. Plan Sheet L-1 indicates that the applicant will install street trees along Heather Street as part of the street project.

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

DC §17.3.510: List of Industrial Zones.

(A) Light Industrial (LI) The LI zone is intended for a wide variety of manufacturing and other industrial uses with controlled external impacts. These types of industries are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling, and warehousing. Industrial activities occur within enclosed buildings. On a limited basis, supporting commercial and office uses are permitted in the LI zone. * (Crane provides a detailed rational from their point of view. Other points of view are available. 'Information' as a subcategory for Data Centers could be interpreted differently.)

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

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

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

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

- A. **Permitted uses.** Uses allowed in the Industrial zones are listed in Table 3-12 with a "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 Table			
USE CATEGORY		GI	B/P
OTHER			
Agriculture/Horticulture	P[8]	P(B)	P
- Medical and Recreational Cannabis Producers (Outdoor)	N	N	N
- Medical and Recreational Cannabis Producers (Indoor)	C	C	N
Cemeteries	N	N	N
Detention Facilities	C	P	C
Mining	N	C	N
Wireless Communication Facilities	L[9]	L[9]	L[9]
Information	® P	P	P
P = Permitted L = Limited C =Conditional Use N = Not Permitted X = Cannabis facilities including warehousing requires a conditional use permit Y = Wholesale activities for cannabis requires a conditional use permit in the LI and GI zone			

FINDING: DC §17.12.100-CLASSIFICATION OF USES

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

The proposal is for construction of a Data Center campus.

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

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

(A) a free-standing structure; or

(B) a facility within a larger structure, that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment 2

Table 3-12, the Industrial Zones Use Table provides "OTHER" within its listed use categories (see above), with "INFORMATION" being a subcategory. (This will be researched – history and how should be applied to Data Centers.)

² <https://uscode.house.gov>

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

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

As defined by DC 17.2.450(A) above, the proposed Data Center on the subject property is a permitted use by right, as long as the proposal demonstrates compliance with the relevant and applicable development standards of the development code. This criterion is met. (Whose rights – the residents or a company whose main goal is to make huge amounts of profit at the public expense?)

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

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
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

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of the building.

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

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

DC §1L3-54Q ADDITIONAL INDUSTRIAL ZONE STANDARDS

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

FINDING: The application is appropriately submitted and reviewed under the Type II administrative review process as prescribed by DC §17.1.500 et seq. This criterion is met. (Is the Type II the correct administrative review process as explained by the former land-use administrator?)

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

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

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

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

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

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

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

TABLE 1 Table of Maximum Allowable Sound Levels (in dBA) in any Ten-Minute Period						
	Type of Received by Use					
	Noise Sensitive		Commercial		Industrial	
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.)

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.
L₅₀ - 55 dBA	L₅₀ - 50 dBA
L₁₀ - 60 dBA	L₁₀ - 55 dBA
L₁ - 75 dBA	L₁ - 60 dBA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

H. Signage. Pole signs are prohibited within areas zoned as Business Industrial Park. Free standing signs shall be monument-type signs no more than five feet in height with a maximum area of 40 square feet including face and pedestal. Multi-tenant complexes shall provide unified monument signage for individual tenants near an access point for the complex. Such signs shall comply with the requirements of DC§ 17.8.830(0). Monument signs shall be not be placed within any clear vision area required in DC§ 17.8.155.

FINDING: Applicant states that one (1) sign will be located at the entrance to the site and states understanding of the vision clearance standard. Compliance with the requirements of this section and DC§ 17.8.830(0) and DC§ 17.8.155 will be verified at the time a sign permit is requested.

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

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

No coniferous trees are proposed, and none are authorized.

J. Surface water management. When required, on-site surface water management facilities, such as detention ponds and swales, shall be incorporated into open space and landscaped areas through the use of unifying landscape elements. The Director shall make a determination as to whether the design meets the intent of this standard. The Director's determination is appealable to the Planning Commission. (What criteria will the Director make this determination? Infill is proposed to mitigate some of the wetland areas. How much infill is proposed? How does that)

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

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

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

FINDING: The site and all improvements are conditioned to comply with CWS Design and Construction Standards (CWS Resolution & Order 19-22). <https://cleanwaterservices.org/development/view-the-standards/>, for any discharge into either the sanitary sewer or storm drainage systems. Applicant has supplied a service provider letter - CWS File 23-003061 (Exhibit I) and the development shall comply with the requirements stated therein. For this reason, this criterion is met. (Did not see Exhibit I labeled as such or a copy of the service provider letter.)

DC §17.8.100 - §17.8.140: Access and Circulation.

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

DC §17.8.150: Clear Vision Area.

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

DC §17.8.200: Open Space.

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

DC §17.8.300 Hazards and Resources

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

DC §17.8.400: Landscaping.

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

DC §17.8.500: Off-Street Parking.

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

DC §17.8.600: Public Improvements.

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

DC §17.8.700: Building Design.

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

DC §17.8.750: Lighting Standards

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

DC §17.8.800: Signs

FINDING: One sign at the entrance to the subject site is proposed. Signs shall be required to comply with the provisions of DC §17.8.830(0) at the time of building permit submittal.

DC §17.2.450(8): The site development plan addresses the development standards in Article 5 (Natural Resource Areas, Tree Protection and Historic Resources) when such resources are present on or directly adjacent to the development site.

FINDING: None of the features described in DC §17.2.450(8) are present on the subject property. While there are mapped areas of wetland, there are no mapped Metro Title 13 Inventory Natural Areas as applicable to Development Code Article 5 (see **Exhibit H**). Therefore, this criterion is not applicable. (Washington Planning Department did not any mapping of the wetland. We will be checking with Metro for verification. The people who live closest to the wetlands know the most about the various conditions during various times of the year. Please consult with them.)

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

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

DEVELOPMENT CODE STANDARDS AND SPECIFICATIONS

1. All construction, landscaping and other site improvements shall conform to the project description, site plan, engineering plans and other representations made by the applicant as part of the application and during the application review process.
2. All work shall comply with current Clean Water Services standards and specifications (DC §17.8.005(C)) and all mitigation requirements as stated in CWS Provider Letter File No. 23-003061 with issue date of January 25, 2024 (expiration date: January 24, 2026). (Want to read the letter.)
3. All utility connections shall be underground as required by DC §17.8.645(A).
4. Outdoor lighting shall be directed downward with no cast or glare of light off-site. Any light source over 10 feet high shall incorporate a cut-off shield.
5. Any change of use from one use category to another, as listed in Forest Grove Development Code §17.3.520, Table 3-12, proposed for the site subject to this approval, shall be reviewed through the Type II Site Development Review process described in Forest Grove Development Code §17.2.400 through §17.2.450.
6. Minor modifications (which shall be defined as any proposed change that is less than a 10% deviation (less than or greater than) from any approved element to site plan approved by decision 311-24-000006-PLNG, shall be reviewed through the Type I Adjustment process described in Forest Grove Development Code §17.2.120(A). Major modifications to any approved element to the site plan (from 10% to 20%), except for height decrease which are considered a minor modification shall be reviewed through the Type II process described in Forest Grove Development Code §17.2.120(8).
7. PRIOR TO ISSUANCE OF BUILDING PERMITS. **Including planning department authorization for site development/grading permits** - The Applicant shall supply a copy of a completed and approved Department of Environment Quality (DEQ) 1200-C permit. Any conditions required by that permit shall be satisfied prior to issuance of grading permits. Notwithstanding construction activity within jurisdictional wetlands, construction activity outside of jurisdictional wetlands may occur prior to approval of the wetland fill permit subject to City of Forest Grove and Clean Water Services review and approval as may be provided with a phased 1200-C permit. (Important – also but a phased 1200-C permit should not be permitted.)
8. PRIOR TO FINAL of "BUILDING 1": Landscaping in compliance with DC §17.3.540(G) shall be installed.
9. EXPIRATION: This permit shall expire two years from the date it becomes final. (Was the amount of time that was in the Rowan Green Data Center Land-Use application?)
10. Prior to issuance of building permits provide a geo-tech report. Include geo-tech findings in the structural design and subgrade drainage plan. (These geo-tech findings should occur before the Planning Commission decides whether to agree with the administrative decision, and the public

should know first too.)

11. Applicant to sign and return a copy of Engineering Conditions of approval "Attachment A", prior to issuance of building permits.

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

ENGINEERING DEPARTMENT SPECIAL CONDITIONS

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

LIGHT AND POWER DEPARTMENT CONDITIONS

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

As stated at the beginning of this document:

WHY: Rowen Green Data Center applied about three years ago for a land-use application for a Data Center to be sited adjacent to and just north of McMenamins. After working with FG Power and Light (Rowen Green giving them around 6 million dollars so that FG Power and Light could send the money to Bonneville Power Corporation) Rowen Green was told by Bonneville Power that they could bring the power necessary to operate the Data Center within the timeframe required in their land-use application. So, Rowen Green withdrew its application. During that process an easement was granted, and the Historical Society wants that easement rescinded.

I was told by two people in the know, that Crane Data Center will most likely not be able to get the power lines to service their data center Campus. And even if so, it could take between 5 and 10 years to do so. Campus is an important word. Crane has applied for a land-use

application in two phases. For the city of Forest grove and its residents a phased land-use application is not in the best interest of its residents. The first phase needs to be not approved because likely the second phase will not be feasible. When Crane gets the necessary power then they can reapply for a Land-use or appropriate permit.

FIRE DEPARTMENT SPECIAL COMMENTS

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

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

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

ENGINEERING DEPARTMENT - PUBLIC IMPROVEMENTS

1. All plans submitted to date are considered conceptual only. (The devil is in the details as the old saying goes. So how are the concepts put into practice for the benefit of the community of Forest Grove.) Public improvement plans shall comply with the attached Engineering Conditions of Approval dated 5/21/2024. The public improvement plans shall be prepared in accordance with the City of Forest Grove Electronic Data Standards, including the vertical datum and horizontal datum, see Section 1.1.e, page 3. The last two sentences of the first paragraph of Section 1.1.e in the Electronic Data Standards are not applicable, as the city of Forest Grove is no longer using the Forest Grove Vertical Datum. The Electronic Data Standards document is available on the city of Forest Grove Engineering page using the following link:
<https://www.forestgrove-or.gov/engineering/page/electronic-data-standards>.
2. All public improvement work shall conform to the City of Forest Grove Municipal Code, City of Forest Grove Standard Specifications, Uniform Building Code Appendix Chapter 33 Excavation and Grading, and the Agreement Allowing the developer to Construct Public Improvements (DC 17.8.650).
3. All utilities shall be constructed to the appropriate Master Plan specifications and city Standard Construction details. The details are accessible via the following link:
[Construction and Design Standards | Forest Grove, OR \(forestgrove-or.gov\)](https://www.forestgrove-or.gov/construction-design-standards)
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.

July 31, 2024

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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.

Crane Data Center
3975 Heather Street

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

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

GENERAL

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

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

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

DEDICATIONS

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

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

GRADING/DRAINAGE

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

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



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

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

RIGHT OF WAY IMPROVEMENTS

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

TRAFFIC & LIGHTING

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

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

51. Establishment of new pedestrian crossings at uncontrolled intersections or at mid-block locations on roadways under control of the City shall be based upon an engineering study by applicant, and reviewed and approved by the City Engineer according to evaluation process set by Washington County.

STORM AND SANITARY SEWER IMPROVEMENTS

52. Sewer pipe video inspection shall be provided to the Engineering Division prior to final approval.
53. Regarding septic systems, the applicant must identify if the project will impact existing surrounding systems. The applicant shall submit a plan showing enough detail to address the mitigation of impacts on these existing surrounding uses or to conclusively show that there will be no impacts to the satisfaction of the City Engineer. The mitigation of these impacts is the financial responsibility of the Applicant until the City formally accepts the mitigation. Additionally, the Applicant shall bear the financial responsibility of, and shall dedicate to the City, runoff control easements, as needed. County standards on setbacks to existing system shall be followed.
54. Public Storm Drain and Sewer pipe materials shall be in accordance with the latest Clean Water Services design and construction standards.
55. Location of sewer and storm mains shall follow City standards or approved otherwise by the City Engineer.
56. Submit Drainage Report. Include (therein) data relevant to treatment and detention of storm and surface water runoff.

EXCAVATION, PAVING, and GRADING

57. Paving shall be per City Standards.
58. Limits of Paving Restoration shall be determined by the City Engineer or Public Works Inspector.
59. All site grading and public improvement work shall conform with the City of Forest Grove Municipal Code, development Conditions of Approval, City of Forest Grove Standard Specifications, Uniform Building Code Appendix Chapter 33-Excavation and Grading, and, if applicable, the Agreement Allowing Developer to Construct Public Improvements.

WATER

60. Water facilities must comply with plumbing cross-connection control standards as required by City Ordinance and State law for the protection of water supplies. Information on acceptable back-flow assemblies is available from the City Water Division.

- 6 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.
- 6 2. All public water system components must be constructed within public right-of-way or public easements.
- 6 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.
- 6 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.
- 6 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 6. Public Fire Hydrant spacing and location shall conform to City Code and as otherwise required by the City Fire Marshal.
- 6 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.
- 6 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.
- 6 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.
70. Water used in conjunction with construction of the project shall be obtained only from pre-approved sources. A permit to take City water for this purpose shall be secured by applicant or representative prior to start of construction activity.

SPECIAL CONDITIONS

If you have any questions about any of the above items, please contact me at yourname@forestgrove-or.gov or (503) 992-3XXX.

Project Engineer: [Your name here] (This was not completed in the Administrative Decision by Planning Department staff.)

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Following is a transcript of Dale Feik's public comment via Zoom to the Washington County Commissioners on September 17, 2024, about Crane Data Center's Land-Use application to the City of Forest Grove. I emailed my written comments

TO:

1. Oregon's Environmental Quality Commissioners,
2. The Washington County Board of Commissioners,
3. Mayor Malynnda Wenzl and Forest Grove Councilors, and to
4. Clean Water Services Chief Executive Officer Diane Taniguchi-Dennis who sits at the table during Washington County Board of Commissioners Business meetings.

***The Washington County Board of Commissioners are the Board of Directors of Clean Water Services.

Kevin Moss, Washington County clerk/recorder:

Commissioner Harrington, the Washington County Board of Commissioners. Also meeting is the Board of Directors for Clean Water Services and all other county services districts, is now meeting this regular session, September 17th, 2024. Commissioner Treece.

Pam Treece WC Commissioner:

Here.

Kevin Moss, WC clerk/recorder:

Commissioner Willey.

Jerry Willey, District 4 Commissioner:

Here.

Kevin Moss, WC clerk/recorder:

Commissioner Rodgers.

Roy Rogers, WC Commissioner:

Here.

Kevin Moss, WC clerk/recorder:

Vice Chair Feige.

Nafisa Fai, WC Commissioner:

Present.

Kevin Moss, WC clerk/recorder:

Chair Harrington.

Kathryn Harrington, Chair, Washington County Board of Commissioners:

Here. Thank you. Next on the agenda is our first of two public comment periods. This is an opportunity for members of our community to come and address the board for up to two minutes as an individual. Clerk Moss, do we have anyone who wishes to do so this evening?

Kevin Moss, WC clerk/recorder:

Thank you, Chair Harrington. I did not see anyone sign up in the back room. If anyone in the auditorium wishes to provide public comment for up to two minutes on any county-related topic? I'll give you just a moment to raise your hand or start coming forward. Not seeing any in the room. Would any member online wish to provide public comment for up to two minutes on any county-related topic? I'll give you just a moment to utilize raise hand function. So we have one hand. Dennis Erickson. Dennis, can you hear us? Are you able to unmute Dennis?

Dennis Erickson whose ipad Dale Feik used :

What did you say? Unmute?

Kevin Moss, WC clerk/recorder:

Yep. You were on mute. Please go ahead for up to two minutes.

Dale Feik, 2- minute public commenter about Crane Data Center's Land-Use application

Good. Dennis and I are at Heather Cox Richardson's lecture at the Schnitzer. We're at the Schnitzer, at Heather Cox Richardson's lecture talking about her book titled: Democracy Awakening, Notes on the State of America. Democracy. Can you hear me?

Kathryn Harrington, Chair, Washington County Board of Commissioners:

Yes. It's a little low.

Dale Feik, 2- minute public commenter about Crane Data Center's Land-Use application

We have it as loud as we can here.

Kathryn Harrington, Chair, Washington County Board of Commissioners:

Okay, great. Thank you.

Dale Feik, 2- minute public commenter about Crane Data Center's Land-Use application

Thank you. All right. I'm Dale Feik, chair of the Washington County Citizen Action Network. I already sent you an email about Crane Data Center's land-use application to the City of Forest Grove. I just want to quickly do a two-minute summary of it. And I sent my email to the Environmental Quality Commission; to you, Washington County Board of Commissioners; the Forest Grove mayor Malynda Wenzl and Councilors; and to Diane Taniguchi-Dennis, Clean Water Services' Chief Executive Officer

And this specifically relates to the Crane Data Center, but also data centers in general in Oregon. And also, I gave a link to you so you can read what journalist Cooper said. It was in the New York Times, and it pertains not only to Washington County, Forest Grove, it pertains to regions in Oregon. Okay.

There's a revolution of artificial intelligence that promises breakthroughs in medical research and corporate productivity. The problem with all that is people like Amazon, Meta, and Microsoft, they're building centers over a thousand acres, ringed with guard towers and razor... Whatever. And the problem is there's all kinds of problems related to noise and power.

And they're overwhelming the power system. Bonneville Power, PG&E, they don't have the power for all these things. And the Crane Data Center applied for a land-use permit in Forest Grove, and I'm fighting it. And I address this to Diane Taniguchi-Dennis because they want to use recycled water. And I know Clean Water Service wants to use their recycled water and do it for the first time commercially.

It's a bad idea. Please stop it. Don't go along with it. It's not good. That is my comment. Thanks for listening. I am at the Arlene Schnitzer Concert Hall with Dennis Erickson going to a lecture by Heather Cox Richards who wrote the book titled Democracy Awakening, Notes on the State of America.

Kathryn Harrington, Chair, Washington County Board of Commissioners:

Just for the sake of the public, Mr. Feik has spoken to us several times about the Crane Data Center application that is within the city of Forest Grove. The Washington County Board of Commissioners has no standing with regard to the siting of that data center within the city of Forest Grove. And thus far that business has not made any overtures to ask for any particular special service from Clean Water Services. Thank you.

Kevin Moss, WC clerk/recorder:

Would any other person online wish to provide public comment for up to two minutes, I'll give you just one more moment to raise hand function. Not seeing any additional hands.

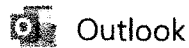


Exhibit Attachment C: #2

Data Centers, EQC, Sept 27, 2024 public Comment by Dale Feik - written and oral

From [REDACTED]

Date Mon 9/16/2024 5:08 AM

To 'Lindsay Trapp' <lindsay.trapp@deq.oregon.gov>

Cc 'Leah Feldon' <Leah.feldon@deq.oregon.gov>; Ali.Mirzakhali@deq.oregon.gov <Ali.Mirzakhali@deq.oregon.gov>; Michael.Orman@deq.oregon.gov <Michael.Orman@deq.oregon.gov>; board@wc-can.org <board@wc-can.org>; 'Mike Rogoway' <mrogoway@oregonian.com>; 'Kevin moss' <Washcoclerk@washingtoncountyor.gov>; Nicholas LaMora <nlaMora@pamplinmedia.com>; Mariah Woods <citycouncilors@forestgrove-or.gov>; Ken Dobson <kdobson@pdxlandlaw.com>; Diane Taniguchi-Dennis <DennisD@CleanWaterServices.org>

Bcc Darci Hanning <darci.hanning@gmail.com>; Brian Hurley <res71cjz@frontier.com>; John & Taylor Elwess <jtelw22@gmail.com>

3 attachments (2 MB)

Noise Hungry Data Centers Are Catching Communities by Surprise N York Time Opinion Sept 15 2024.docx; Crane Data Center Petition (2).pdf; SignaturesOpposingCraneDataCenterProject.pdf;

To: Environmental Quality Commissioners via Lindsay Trapp (Please forward this email to the four Commissioners - Matt Donegan, Chair, and Commissioners, Amy Schlusser, Mark Webb, Karen Moynahan; and DEQ Director Leah Feldon

To: Washington County Board of Commissioner's Chair Kathryn Harrington and Commissioners

To: Forest Grove City Mayor Malynda Wenzl and City Councilors

To: Diane Taniguchi-Dennis, Clean Water Services Chief Executive Officer

Re: Data Centers in Oregon, specifically Crane Data Center in Forest Grove

Please read and act to prevent Data Centers in Oregon and specifically Crane Data Center in Forest Grove from becoming the nightmare that is described in the Sept. 15, 2024, New York Guest essay by Sean Cooper. In the attachment titled 'Noisy, Hungry Data Centers Are Catching Communities by Surprise',

Cooper states:

"The revolution in artificial intelligence that promised us breakthroughs in medical research and corporate productivity seems to be running a little behind. But already A.I. has become something of a nightmare for the Americans who happen to live near one of the more than 5,000 data centers that power it and keep the cloud above our digital world running...

Across the country, from Indiana to Oregon, companies such as Amazon, Meta and Microsoft are building data centers on sites that can stretch over 1,000 acres, ringed with guard towers and razor wire fences....

People who live near one Northern Virginia center have complained that the mechanical whirl of the fleet of industrial fans needed to cool the sensitive computer equipment inside can sound like a leaf blower that never turns off. Cooling the heavy equipment also diverts great volumes of water even in places where it's scarce. And

some of the costs of powering the centers are shouldered by utility customers, in the form of hundreds of dollars a year added to household energy bills.

Residents rarely learn how data centers may affect their lives until it's too late....

The tactics companies have deployed in recent years to build their massive data center networks are downright mercenary, and regulators now need to step in to make sure the communities most affected by these industrial projects can learn about and evaluate them for themselves.

At the moment, without those measures in place, residents and environmental groups have to go up against the tech firms largely on their own just to obtain basic details about the water, energy and noise impacts.

Google and its big tech rivals are trying to get out in front of blowback from local constituents, and are investing in community engagement or tapping public relations spin shops. They argue that disclosing how much water and electricity their data centers require will put them at a competitive disadvantage. And they promise their data centers will eventually be "water positive" and use only renewable energy. It will be years until the cooling technology and green-energy infrastructure is in place to make those promises a reality.

Protecting communities and the environment from the malignant impact of data center projects won't spell the end of the A.I. industry. Though new rules could take a bite out of potential profits for big tech companies, ensuring the transparency of data center development as it proliferates is all but essential for the A.I. revolution to become a reality.

Sincerely,

Dale Feik

Chair, Washington County Citizen Action Network (WC CAN) -

<http://www.wc-can.org/>

Resident of Forest Grove since 1966

Cc: Leah Feldon, DEQ Director

Ali Mirzakhali, DEQ Air Administrator

Michael Orman, DEQ Air Manager

Washington County Board of Commissioners via Kevin Moss, clerk

Diane Taniguchi-Dennis, Clean Water Services Chief Executive Officer

Mariah Woods, Clerk/Recorder, City of Forest Grove

Mike Rogoway, The Oregonian Reporter who has written extensive stories about Data Centers

Nicholas LaMora, a Pamplin Papers reporter

Ken Dobson, Land-use attorney

Washington County Citizen Action Network, WC CAN,, Board of Directors

Bcc: No Forest Grove Data Center leaders - Darci Hanning, Brian Hurley, John & Taylor Elwess

Please open the attachments titled:

1. Crane Data Center petition that describes why to oppose Crane's Land-Use Application without signatures; and
2. signatures opposing Crane Data center.

OPINION GUEST ESSAY

Noisy, Hungry Data Centers Are Catching Communities by Surprise

By Sean Patrick Cooper

Mr. Cooper is a journalist and an author.

- Sept. 15, 2024
- <https://www.nytimes.com/2024/09/15/opinion/data-centers-ai-amazon-google-microsoft.html>

The revolution in artificial intelligence that promised us breakthroughs in medical research and corporate productivity seems to be running a little behind. But already A.I. has become something of a nightmare for the Americans who happen to live near one of the more than [5,000](#) data centers that power it and keep the cloud above our digital world running.

Across the country, from Indiana to Oregon, companies such as Amazon, Meta and [Microsoft](#) are building data centers on sites that can stretch over 1,000 acres, ringed with guard towers and razor wire fences.

People who live near one Northern Virginia center have complained that the mechanical whir of the fleet of industrial fans needed to cool the sensitive computer equipment inside can sound like a leaf blower that never turns off. Cooling the heavy equipment also diverts great volumes of water even in places where it's scarce. And some of the costs of powering the centers are shouldered by utility customers, in the form of [hundreds of dollars](#) a year added to household energy bills.

Residents rarely learn how data centers may affect their lives until it's too late. Big tech operators are [aggressively deploying](#) nondisclosure agreements to [force](#) local officials, construction workers and others to keep these projects under wraps.

For tech firms, the incentives to build more of these centers are immense: A McKinsey analysis projected the generative A.I. business could eventually be worth [nearly \\$8 trillion](#) worldwide. Tech companies don't want to tip off rivals who might try to swoop in and steal a viable site for development. That's part of the reason they so zealously enforce nondisclosure agreements. But it's more than that — they also seem to want to avoid angering locals who might learn of the coming disruptions and protest zoning changes.

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The tactics companies have deployed in recent years to build their massive data center networks are downright mercenary, and regulators now need to step in to make sure the communities most affected by these industrial projects can learn about and evaluate them for themselves.

At the moment, without those measures in place, residents and environmental groups have to go up against the tech firms largely on their own just to obtain basic details about the water, energy and noise impacts.

In bucolic Frederick County, Md., county officials [signed](#) a nondisclosure agreement with Amazon in 2019 around a possible data center project that fell through in 2021. Sugarloaf Alliance, a local land conservation group with concerns about the project, wasn't able to get details on the company's plans to rezone parcels of land and the potential environmental impacts until it sued the county in 2022.

"Prying the details out of county government was a giant wake-up call," Steve Black, Sugarloaf Alliance's president, told me.

In Orange County, Va., [residents learned](#) Amazon was holding secret discussions with a group of nearly a dozen local officials who'd signed nondisclosure agreements. The agreements meant officials couldn't disclose negotiations over energy needs and water usage for a data center project that is part of a 2,600-acre mixed-use development. A historical preservation group has continued to fight the project, arguing that it would undermine the character of a Civil War battlefield nearby. But they may not succeed in stopping the project from breaking ground.

Even when local leaders don't sign nondisclosure agreements, it can be difficult for community members to assess the impact of a proposed center. In Cass County, Mo., local officials held private meetings with representatives of a company interested in building a facility in their small farming community, but few details emerged from those conversations, and residents eventually formed a group to host citizen town halls to crowdsource information on tax increases, noise issues and the potential strain on the electric grid.

Google and its big tech rivals are trying to get out in front of blowback from local constituents, and are investing in community engagement or tapping [public relations spin shops](#). They [argue that disclosing](#) how much water and electricity their data centers require will put them at a competitive disadvantage. And they promise their data centers will eventually be ["water positive"](#) and use [only renewable energy](#). It will be years until the cooling technology and green-energy infrastructure is in place to make those promises a reality.

Local leaders who run interference on behalf of tech giants often play up the benefits, [particularly the jobs and advanced technical training opportunities](#) they tout. Recently, a small but growing number of officials have begun to question these deals. In Georgia, where electricity demand and energy grid strain from more than 50 data centers pushed residential utility bills [up almost \\$200 a year](#) on average per household, state senators passed a bill earlier this year that would pause tax incentives for data center development for the next two years.

Yielding to intense lobbying from big tech, Gov. Brian Kemp vetoed the legislation in May, but the bipartisan support behind the new tax rules pointed to the emergence of a new sentiment summed up by State Senator John Albers, a sponsor of the bill, who said simply that the [return on the tax incentives "is not there."](#)

A similar resistance from residents critical of the impact a 10-acre data center campus would have on electricity demand in Cascade Locks, Ore., led to the recall of two officials who'd supported the project. In Chesterton, Ind., concerns about energy use and noise from a proposed data center's

75,000-square-foot yard of backup diesel generators were glossed over by the developer. In the end, the [\\$1.3-billion project](#) was nixed.

Those local victories will remain the exception to the rule unless regulators, Congress or both intervene to prohibit the use of nondisclosure agreements and require independent audits of how data center development could raise energy bills, drain water resources and increase noise pollution.

Protecting communities and the environment from the malignant impact of data center projects won't spell the end of the A.I. industry. Though new rules could take a bite out of potential profits for big tech companies, ensuring the transparency of data center development as it proliferates is all but essential for the A.I. revolution to become a reality.

Sean Patrick Cooper is the author of "The Shooter at Midnight: Murder, Corruption, and a Farming Town Divided." Reporting for this guest essay was supported by the Robert B. Silvers Foundation

More on A.I.'s demands on the electric grid – Three stories with links below (you have to copy and paste the link)

1.

[A.I.'s Insatiable Appetite for Energy July 11, 2024](#)

<https://www.nytimes.com/2024/07/11/climate/artificial-intelligence-energy-usage.html?pgtype=Article&action=click&module=RelatedLinks>

The soaring electricity demands of data centers and A.I. are straining the grid in some areas, pushing up emissions and slowing the energy transition.

2.

[Opinion | Jonathan Mingle](#)

[We Can Get the Electricity We Need Without Frying the Planet \(or Our Pocketbooks\) May 13, 2024](#)

<https://www.nytimes.com/2024/05/13/opinion/electricity-demand-surge.html?pgtype=Article&action=click&module=RelatedLinks>

Electric utilities from Georgia to Wisconsin to Virginia are predicting a dizzying surge in power demand from new industrial facilities, electric vehicles and, most of all, the [data centers](#) that store our digital photos and will enable large-language models for artificial intelligence. For months now, they have been signaling that they won't be able to keep up.

3.

[A New Surge in Power Use Is Threatening U.S. Climate Goals](#)

<https://www.nytimes.com/interactive/2024/03/13/climate/electric-power-climate-change.html?pgtype=Article&action=click&module=RelatedLinks>

Something unusual is happening in America. Demand for electricity, which has stayed largely flat for two decades, has begun to surge.

Over the past year, electric utilities have nearly doubled their forecasts of how much additional power they'll need by 2028 as they confront an unexpected explosion in the number of data centers, an abrupt resurgence in manufacturing driven by new federal laws, and millions of electric vehicles being plugged in.

Many power companies were already struggling to keep the lights on, especially during extreme weather, and say the strain on grids will only increase. Peak demand in the summer is projected to grow by 38,000 megawatts nationwide in the next five years, according to [an analysis by the consulting firm Grid Strategies](#), which is like adding another California to the grid.

"The numbers we're seeing are pretty crazy," said Daniel Brooks, vice president of integrated grid and energy systems at the Electric Power Research Institute, a nonprofit organization.

In an ironic twist, the swelling appetite for more electricity, driven not only by electric cars but also by battery and solar factories and other aspects of the clean-energy transition, could also jeopardize the country's plans to fight climate change.

Data center development sparks outrage in Forest Grove

by Nick LaMora, journalist, News-Times

https://www.forestgrovenewstimes.com/news/data-center-development-sparks-outrage-in-forest-grove/article_036021ac-6c5d-11ef-a98e-2fecf5440e8b.html#tncms-source=block-behavioral

Sep 6, 2024, Updated Sep 12, 2024



Community objections failed to sway city leaders in a heated battle over one of the latest land-use projects approved for Forest Grove.

Residents stormed out of the Forest Grove Community Auditorium late Tuesday, Sept. 3, criticizing city leadership after the planning commission reaffirmed its decision to greenlight the development of a local data center campus in a 4-2 vote.

Initially approved with conditions in late July, the project has faced significant pushback from residents concerned about its proximity to homes, environmental impacts and potential effects on power and utility rates. Signs reading “No Forest Grove Data Center” are displayed in lawns across the city — and were held high by many during the packed meeting.

The proposed site at 3975 Heather St. is set for a multi-phase development by San Francisco-based Crane Data Centers, providing a physical location that would store, process and distribute data for private companies.

Project developers envision two buildings erected on the vacant grass field: the first, on the southern end, will span 180,000 square feet and rise 40 feet high; the second, planned for the northern end, will be 363,000 square feet and 75 feet tall.

With the verdict finalized, it’s only a matter of time before developers look to break ground — and neighbors aren’t happy.

Pressing against the boundary

David Haworth, who lives about 100 feet from the proposed site, filed the appeal to the planning commission that prompted the Tuesday meeting, challenging the data center over concerns of noise, light pollution and the way it will obscure the neighborhood skyline.

“This building (will be) 75 feet tall. It’s the size of the Titanic,” Haworth said. “My house will be in perpetual shade — that’s intrusive. It’ll be in perpetual light at night because of the floodlights.”

A resident since 2010, Haworth questioned if the data center was properly zoned. The site is located in the city’s Light Industrial District, which allocates land for “low-intensity” industrial uses.

Bryan Pohl, the city’s community development director, explained that zoning classifications are broad, and the data center’s zoning aligns with descriptions that “most closely match the nature of its primary uses.”

“Information is listed as an outright permitted use of the light industrial zone,” Pohl said.

Under the definition written in Forest Grove city code, “information” encompasses the process of producing and distributing information, providing means to transmit or distribute products, as well as data or communications.

Residential homes primarily surround the site, and Neil Armstrong Middle School will have a clear view of the massive buildings from just across the street.

A chorus of concerns

Nearly 20 community members voiced their discontent to the planning commission, additionally citing concerns about traffic congestion, impacts on property values and disruption to migratory birds near the site.

“That is a migrating path for geese — I don’t think you’ve thought about the ecosystem of the wetlands to the left of the building and the future damage to the local environment and the animal life that is around that area,” resident Maureen Murphy said. “The amount of noise is going to affect animals. it’s going to affect us.”

Ken Dobson, a lawyer representing Haworth, raised questions about the center's power needs — a concern shared by many residents.

"In this case, the issue of power is so central to the operations of this facility, we really need more information on how this thing is going to get powered," Dobson argued.

Dobson also highlighted the immense water usage typical of data centers, which can require up to 300,000 gallons per day for cooling — around the same use as 100,000 households. While Crane CEO Matt Pfile stated that the first building would use an air-based cooling system to address water usage concerns, the attorney claimed that there was insufficient evidence to show that it would work or that the data center would even use that method.

Despite the outcry, Pohl emphasized that many grievances, including power and water availability, are not part of the site development review criteria. The review focuses on compliance with zoning and general development standards, including specific natural resource protections.

As a condition of approval, Crane must maintain water drainage of nearby wetlands to prevent flooding, and operations must also adhere to the city's noise ordinance. The company also plans to fund and construct a new extension of Heather Street between Mountain View Lane and Poplar Street as part of the project.

As long as Crane follows the approval criteria, whether the company is able to power the site is an issue for later, city staff said.

"If they can't get the power ... then that's going to really send them back to the drawing board," Pohl said.

Procedure vs. personal reservations

A large majority of meeting attendees showed disapproval, but the planning commission cited criteria restrictions ultimately tied its hands to approve the site.

"I was very open to all that was said tonight, both on the actual application and current status, and I understand a lot of the residents nearby and the concerns, but our job as planning commission is we have to go with what the laws are. I didn't hear anything from the appellant that was outside what was approved under the administration," commissioner Tim Farrell said.

Commission Chair Virginia Sanderson agreed, noting how her own views on the project are irrelevant in the scope of the commission's legal purview.

"I'm a Forest Grove resident that doesn't like to see my town change ... I don't like to see what I feel are some of the small town characteristics go away, and I don't like to see empty fields and open space disappear and have things pop up in their place, particularly intrusive things," Sanderson said. "Unfortunately, we're putting the position on the commission of having to set some of those personal preferences aside and say, well, what's the law here?"

Not all of the council agreed to uphold the initial approval — Seth Berdahl and Brandon Culbertson both voted to reverse the commission's decision. Culbertson, particularly, argued that the data center should be reviewed for a different site under heavy industrial zoning due its scale and energy demands.

“Light industrial zones are intended for moderate intensity uses, which includes smaller scale manufacturing, less energy intensive operations. A facility of the scale with significant infrastructure and energy needs I feel is better suited for the heavy industrial zone,” Culbertson said.

The path forward

While the initial application has been approved, the project still faces several procedural hurdles. This stage essentially provides Crane the “surety” to move forward in the permitting processes, with additional reviews down the road.

“There will be both economic and procedural kind of gatekeeping along the way that will prevent some of the kind of doomsday scenarios a lot of us are worried about from happening, either because the city says ‘no,’ or because the applicant finds out it’s not feasible and moves on elsewhere,” Sanderson said.

“This is a process ... there are conditions that have to be met,” she added. “There would be another public hearing if there are changes.”

Side bar report of main story

Community Development Director Bryan Pohl addressed concerns raised by opponents, particularly the limited notification radius of 300 feet from the property and the lack of multilingual notices.

“Certainly, those are issues that are relevant with Spanish translation. Those are great ideas for the future. Our code specifies nothing of the sort, just that we provide notice. We’ve never done that in the past; we could do it in the future,” Pohl said.

According to the 2021 census, over 27% of Forest Grove’s population identifies as Hispanic or Latinx.

Commissioner Seth Berdahl formally acknowledged the need for change, recommending future notifications include Spanish translations.

“I want to acknowledge the request to have these statements put in both English and Spanish. That’s extremely valid. I didn’t know that was the case, but I would like to formally recommend that the city do that going forward,” Berdahl said.

As for the 300-foot notification range, Pohl said it actually exceeds state statute, which only requires notifying residents within 150 feet of the site.

Exhibit Attachment D: #2

No Data Centers In Forest Grove

Petition with signatures

Citizens Opposed to the Development of Crane Data Centers Campus

Collected by

3975 Heather Street, Forest Grove, Oregon, 97116

Dale Ferk-

*only over 2
turned in*

Dale signed 30

them - are

most of how

to sign petition

SAY NO TO DATA CENTERS IN FOREST GROVE!

Fellow Residents of Forest Grove,

On April 8, 2024, a small percentage of households received a notice in the mail informing them that there are plans to build a data center at 3975 Heather Street. Only residents within 300 feet of the proposed structure received a notice. The letter included contact information for who to reach out to at City Planning, and a deadline of April 22, 2024 at 5:00pm to submit any letters of opposition to the plans. Although the City Planning office had the ability to hold a community meeting, they declined to do so.

While many people were vocal in public and on social media forums, only 22 Forest Grove residents submitted a response, with 21 opposed and 1 neutral (although listed in support) of the Data Center plan going through. Out of the 21 people who opposed it, only 4 responded on time. With the initial plans approved, the 4 citizens who responded on time have the standing to file an appeal. We have come together to continue the fight against this data center, and we want YOUR help.

Please sign our petition today to show our city officials that we, the Citizens of Forest Grove are saying NO to the Crane Data Center Campus at 3975 Heather Street.

NO TO DATA CENTERS!

Extra tax revenue for the town? NO!

This is likely going to be an "Enterprise Zone", which means that there will be tax breaks, resulting in less money going towards things like our schools. Many large companies such as Facebook and Amazon set up data centers in rural parts of Oregon as a way to get an extended type of tax break through being part of a "Long Term Rural Enterprise Zone"

Job Creation? NO!

Although the construction of data centers and the surrounding infrastructure will provide people with employment, this is only temporary. Most data centers have minimal staff once established.

Do they care about the wildlife? NO!

Ask anyone at Crane Data Centers and they will brag about saving one tree in the proposed building site field. This field is a significant natural resource. Thousands of birds that migrate through this wetland every year. Their resting spot is going to be turned into a field of concrete, with massive buildings, the highest being over 70 feet tall! There are also major concerns with rodents. As other parts of our town have seen with the uptick in construction, mice and rats will become roommates with people living nearby as soon as their home is destroyed.

How large are these buildings?

Both buildings are 250'x715'. One building's rooftop is 40' tall and the other is 70' tall. There will be a 20' landscape buffer, and the remaining field will be concrete.

What about noise and light pollution?

The people pushing this project will be the first to tell you that these centers are not loud at all, but this is extremely subjective and data will vary based on the range from the building while testing decibel levels. Massive temperature controlled buildings are definitely going to create some additional noise. With almost 100 LED pole lights ranging from 25'-30' tall each, this field is going to turn into a glowing, humming, eye sore!

What about our property values?

One can only speculate about how another massive building in the area will affect property values, especially those of the nearby homes. With a manufacturing facility next door, and a marijuana plant a block away, our neighborhood is becoming an industrial park. Despite what planners may think, a 20' landscaping barrier of arborvitae trees is not going to do anything to help with curb appeal.

What about the residents of Forest Grove? Don't WE have a say?

The unfortunate reality is that only a handful of people can appeal this project. We have come together to try and fight this thing. The city officials had the ability to make the entire town aware; they chose not to. The city officials had the ability to hold a community meeting; they chose not to.

So what *did* they do?

The city officials mailed out a handful of notices on a Friday, knowing that most people wouldn't get it until the following week, turning a two week deadline into an even shorter one for most people. They restricted notices to only those within 300 feet of the proposed site, despite the project affecting the entire town. They have known about this project for years, have fully drafted plans, and sprung it on residents from left field. They had years to develop this, and yet they gave us the people mere weeks to find out about this and submit a case against it. The now-former city planner Kate McGuire started her position in Forest Grove just a couple years ago, gave this project the rubber stamp, let us residents know via an "Administrative Decision", and has since left her job. The city officials have taken every step possible to sneak this monstrosity into our town. And we are saying NO!

We, the citizens with standing to appeal this DISASTER are asking for YOUR help. Let YOUR voice be heard by signing our petition AGAINST the development of CRANE DATA CENTERS at 3975 Heather Street, and show the city officials that WE DO NOT WANT DATA CENTERS IN FOREST GROVE!

By signing this petition, I am stating that I OPPOSE the development of CRANL DATA CENTERS at 3753 HEATHLIER STREET, FLORENCE GROVE, OREGON.

I recognize by signing this petition that:

- *My personal information will become part of public records, which may be accessed via a public records request.
- *Petition organizers may contact me using the provided information for the purposes of: organizing community action, current and future endeavors related to appealing the data center decision, and related activities.

NAME	DATE	PHONE	EMAIL	MAILING ADDRESS	SIGNATURE
Adele Feik	8/4/24	503-524-5972	afeik33@gmail.com	3308 Lorino Dr Forest Grove, OR 97116	Adele Feik
LUCIE WILSON	8/4/2024	503-357-5752	lyl.wilson@gmail.com	3150 NW Tamarack Run Forest Grove, OR 97116	Lucie Wilson
Bill Jepson	8/4/2024	259-417-1425	BAN155@GMAIL.COM	1444 Rosearden Dr Forest Grove, OR 97116	Bill Jepson
Doreen Zemel	8/4/24			1914 B St E Forest Grove, OR 97116	Doreen Zemel
Wendy Mac	8/4/24	503-961-3591		1914 B St E Forest Grove, OR 97116	Wendy Mac
Dina Kim	8/4/24	503-476-6022	dinakim6@gmail.com	1914 B St E Forest Grove, OR 97116	Dina Kim
Lee Pope	8/4/24	503-312-3353	lee@lee106.com	3004 Lorino Dr Forest Grove, OR 97116	Lee Pope
Kimberly Foley	8/4/24	503-357-4588		3308 Lorino Dr Forest Grove, OR 97116	Kimberly Foley
Dennis Crocker	8/4/24	503-724-9065	dennis@crocker.com	7365 SW Hwy 101 Forest Grove, OR 97116	Dennis Crocker
Rebecca Klein	8-16-24	503-337-8514	REBECCA@REBECCA-KLEIN.COM	1804 NW Greenway Trail Forest Grove, OR 97116	Rebecca Klein
Sharon Klein	8-16-24	503-337-8514		1804 NW Greenway Trail Forest Grove, OR 97116	Sharon Klein
Kathleen	8-16-24	424-202-2152	kathleen@kathleen.com	3004 Lorino Dr Forest Grove, OR 97116	Kathleen
Paul Haller	8-16-24	503-338-6361		3308 Lorino Dr Forest Grove, OR 97116	Paul Haller
PAUL HALLER	8/4/24	503-307-5216	ph1194@gmail.com	3308 Lorino Dr Forest Grove, OR 97116	Paul Haller

2

By signing this petition, I am stating that I OPPOSE the development of CRANE DATA CENTERS at 3375 HEATHER STREET, FOREST GROVE, OREGON.

I recognize by signing this petition that:

- *My personal information will become part of public records, which may be accessed via a public records request.
- *Petition organizers may contact me using the provided information for the purposes of organizing community action, current and future endeavors related to appealing the data center decision, and related activities.

NAME	DATE	PHONE	EMAIL	MAILING ADDRESS	SIGNATURE
WILL WARTMAN	8/16/24	971-226-5766		1402 SORVIER 4 DR	
Jesse	8/17/24	503-547-7936		4122 Beaver way	
Ron	8/17/24	503-715-7330		1828 Mt View L.	
Arnette Hammond	8/17/24	503-799-0415		1402 Sorviera Dr	
Gene Rodin	8/18/24	503-826-4344 1844 Heather Street		1846 Commons Dr. Forest Grove	
Sharon Larkins	8/18/24	503-799-3815		1484 NE ZACHARY ST FOREST GROVE, OR 97116	
Ryan Larkins	8/18/24	503-830-1115		2333 16th Ave Forest Grove, OR 97116	
Synthia Rockett Chris Rosas	8/18/24	(503) 907-4403		1819 Yew Court Forest Grove, OR 97116	
Nancy Rogers	8/18/24	541-777-9198	chris.rosas200@yahoo.com	4100 Beaver Way Forest Grove, OR 97116	
MARIA VAQUERO	8/19/24	503-875-2469		1782 Mountain View Forest Grove, OR 97116	
Marlee Espinoza	8/19/24	503-482-3671			
Evall Shavel	8/19/24	971-259-106		4112 Beaver way	
Sydney Uebachs	8/19/24	971-268-3068	8800 21206 NW 160th	4212 Beaver way	
Joanne Gloss	8/19/24	503-270-0574		4102 Beaver way	



By signing this petition, I am stating that I OPPOSE the development of CRANE DATA CENTERS at 3975 HEATHER STREET, FOREST GROVE, OREGON.

I recognize by signing this petition that:

- *My personal information will become part of public records, which may be accessed via a public records request.
- *Petition organizers may contact me using the provided information for the purposes of: organizing community action, current and future endeavors related to appealing the data center decision, and related activities.

NAME	DATE	PHONE	EMAIL	MAILING ADDRESS	SIGNATURE
Dale Fick	8/6/24	503-504-5972	darkkennard@gmail.com	503 Madison Drive Forest Grove, Oregon	Dale Fick
Chris Kline	8/6/2024	503-310-0849	darkkennard@gmail.com	25445 SW Burdette Hillsboro, OR 97123	Chris Kline
CRANE DATA CENTERS	8/6/2024	503-475-3221	darkkennard@gmail.com	3975 Heather Street Forest Grove, OR 97123	Chris Kline
Jim Breen	8-13-24	503-357-0828		PO Box 3159 Hillsboro 97123	Jim Breen
Tom Schell	8/14/24	503-219-2218	darkkennard@gmail.com	5432 Laguna Dr SE Forest Grove, OR 97123	Tom Schell
Stephanie Lind	8/14/24	503-347-0383	darkkennard@gmail.com	354 Renter Lane Forest Grove, OR 97123	Stephanie Lind
Nancy Petric	8/14/24	503-769-5861	nptomco@aol.com	3543 Forest Gate Dr Forest Grove, OR 97123	Nancy Petric
John Petric	8/19/24	503-719-1544	petric347@aol.com		John Petric
Sarah Petric	8/24/24	503-859-5714	petric347@aol.com		Sarah Petric
Jack Nodick	8/21/24	218-241-1256	petric347@aol.com	2318 A St. Forest Grove OR 97123	Jack Nodick
Ellen Horre	8-21-24	503-576-3513		336 N 2nd St Forest Grove, OR 97123	Ellen Horre
Bruce E. Harris	8/21/24	503-516-3524		336 N 2nd St Forest Grove, OR 97123	Bruce E. Harris

ATTACHMENT E

Daniel Riordan

From: David Haworth [REDACTED]
Sent: Thursday, September 19, 2024 2:53 PM
To: Daniel Riordan
Subject: NYTimes.com: Noisy, Hungry Data Centers Are Catching Communities by Surprise.
comment on Forest Grove Data Center

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 see that the city council gets a chance to read this article

I was very upset that the appeal hearing was so biased and the information given to us about the format was false .

Crane got an hour and a half to wear everyone down. not 15 minutes

Dales lawyer was inept. He never challenged anyone, even Brian Pohl's weak dismissal of the "information" loophole. and cranes argument that this land could only be used for some type of business. This land paid for itself producing two crops a year with no irrigation. the past 15 years at least. It is farmland.

The farmer was kicked off two years ago because it was deemed permanent habitat for geese

There's no thought being put into this Just the Question. Who Benefits ?

But the biggest transgression to fairness was that after all the time and work I put in filing the appeal

I was denied my right to present my 3 minute case. This was disgraceful

Whoever that lady was who tried to shut me down was negligent and biased against the people of Forest Grove.

So now I am not taking an active part in this appeal.

But I hope to comment further on this man-made disaster.

Thank you Dave Haworth

From The New York Times:

Noisy, Hungry Data Centers Are Catching Communities by Surprise

Residents rarely learn how data centers and their noise and energy and water use may affect their lives until it's too late.

<https://www.nytimes.com/2024/09/15/opinion/data-centers-ai-amazon-google-microsoft.html?smid=em-share>

Sent from my iPhone

Daniel Riordan

From: David Haworth [REDACTED]
Sent: Tuesday, September 24, 2024 9:56 AM
To: City Councilors; Daniel Riordan
Subject: The Crane Data Center

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Good morning,

I would like to pose this question:

Dose a land owner have the right to use the land in such a way as to destroy the adjacent properties for their intended use?

An example would be putting a dairy right next to a lettuce farm.

In our case it is a 75 ft wall emitting EM radiation. heat. and 40 decibels of continuous noise.

This will be 122 ft from homes.

This will destroy the homes for their intended use, rendering their value worthless, the quality of life gone.

40 decibels of noise like a jet engine 24 hours a day

7 days a week. never a break.

My yard, in my bedroom window all day all night for the rest of our lives.

I do not believe that it can be legal to destroy our whole neighborhood

Just so Crane can get low rates on power, water and tax breaks.

Pure Greed.

Crane makes it sound like any other use of this rich land would be even more of an intrusion. No use could possibly be more intrusive !

My wife Zarah and I are scared! We are 70 years old. We have lived here in this house paying taxes for the past 14 years. Farmers are able to harvest 2 crops a year with no irrigation,

wheat and flaxseed.

Then, when the rain comes and the field floods, thousands of geese make this field part of their permanent habitat.

Making the land more fertile.

Please consider why you joined the city council and help save our little part of the city of Forest Grove.

Thank you,

Dave Haworth
[REDACTED]

forest grove 97116
[REDACTED]

Daniel Riordan

From: jake haworth [REDACTED]
Sent: Friday, September 27, 2024 1:00 PM
To: Daniel Riordan
Subject: Stop the Crane Data Center construction!

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

How about you people stop the Crane Data center from being built in Forest Grove right now and help prevent literal environmental damage in a designated wetland.

The people of Forest Grove are begging you people right now and the city commissioners are ignoring them.

It's horrible and hypocritical of an Oregonian politician to yell and cry about the environment, and waste money on silly programs that do little more than waste tax payer money, and then turn around and let big tech from San Francisco move in to our rural communities and destroy the environment like that!

This is Oregon, home of endless forests and countless wildlife. Preserve this and kick out big tech please! 🙏

V/r,
Jake Haworth

Tim Schauermann
PO Box 310
Forest Grove, OR, 97116



To: Forest Grove City Council
From: Tim Schauermann
Subject: Crane Data Center
Date: 9-28-2024

Dear Council Members,

I previously submitted testimony to the Planning Commission about the Crane Data Center, so I will not repeat what I submitted in that document.

I am going to submit testimony that goes to the larger picture of Industrial Development, Zoning, and balanced communities.

Zoning Should matter

This property has been zoned industrial for 44 years. Zoning should matter. It should matter to those owning the subject property as they have relied on the zoning being correct for 44 years. To decide that the zone allows something the neighbors don't want, thus the zone needs to be ignored, is a disservice to the property owner and to the town as a whole. Unless you are sure those old zoning decisions are incorrect, then turning down this data center which complies with the zone, is a bad way to do business. These zoning and planning decisions have been ratified numerous times over the years.

Senate Bill 100 and Urban Growth boundaries are the law in Oregon

I was on the planning commission and later testified dozens of times in the late 1970's and early 1980's as Forest Grove made long range decisions about a healthy community. The community of Forest Grove was constrained by the concept of Urban Growth Boundaries, which was a new Oregon idea. That concept has been ratified many times by Oregon voters over the years. It is the law. It does what it was intended to do. It limits urban growth to tightly controlled areas and thus protects forest and farmland from leap frog development.

The bad side effects are that it condenses and pushes urban uses closer and closer together. Any and all residential, commercial and industrial uses must be shoved close to each other to stay within the boundaries. Without those boundaries, Crane and others could just go out of town ½ mile or more and buy a farm and not be next door to housing. But that can no longer be done and has been mostly stopped for the last 44 years.

Forest Grove has become in my lifetime more and more of a bedroom for businesses to our East.

Being a bedroom community means that those living in the city are forced to pay higher property taxes to fund things like police, fire and schools. Places like Lake Oswego with many high wage earners can afford to pay higher tax burdens on homes. Places like Forest Grove struggle to do the same. That is one of the purposes of attempting to attract industry. Industry sells its product to areas beyond the city limits and thus brings dollars into the community to help spread the tax burdens.

Data Centers are noisy.

The opponents have argued that Data Centers use too much water and electricity and are noisy.

I will leave the use of water and power up to the Cities own experts. If their testimony is that they can supply both water and power and charge a fair price for that use, then they should know much more than I or the opponents, and you should ask your own experts to clarify those issues.

I also see that the applicant has hired acoustical engineers to deal with the noise issue. Since they are the applicant's expert, it is OK for you to question them thoroughly about these issues. I will give my input as a non expert citizen. I downloaded an app on my Iphone that measures decibel levels. I live in the subdivision that is next to about 1000 acres of Hillsboro Industrial land. It now has over 10 large data centers that were built within the last 2 to 3 years. So, I took a short walk and went across the street from one of the newest and biggest. I stood and walked up and down the street for about 15 minutes. The center emits a pretty steady 49 decibels. When a car would go by it would increase to about 69 which is 20 times louder than 49. A bicycle went by and my device jumped to 59. I wandered down the street a few blocks and found a baseball bat manufacturer that ran a steady 79. My small survey gives me a fairly certain confidence that modern recently built data centers are very quiet.



Crane Data Center Appeal

Staff Presentation

Bryan W. Pohl – Director
Dan Riordan – Senior Planner

10/14/24 City Council Meeting

Purpose

- ❖ To hold a public hearing for a second appeal of a Type II (Limited Land Use) staff decision approving, with conditions, a site plan review for a new data center campus at 3975 and 3993 Heather Street in Forest Grove
- ❖ For the City Council to decide if relevant findings of fact and conclusions were correctly determined by staff



Background

- ❖ Four distinct decision types in the Development Code:
 - ❖ Type I – a staff decision that involves no discretion or interpretation (building permits, sign permits, tree removal permits) with no notice provided and appealable by the applicant
 - ❖ Type II – a staff decision that involves very limited use of discretion in evaluating approval criteria (site development review or subdivision plan) where notice is provided to property owners within 300 feet of the subject site



Background

- ❖ Four distinct decision types in the Development Code:
 - ❖ Type III – a quasi-judicial decision that must be reviewed by the Planning Commission (conditional use permits, variances, planned developments) where notice is provided to property owners within 300 feet of the subject site
 - ❖ Type IV – Legislative decisions that that are based on broad policy issues, not individual properties



Background

- ❖ All four decision types allow some sort of appeal rights:
 - ❖ Type I – appealable only by the applicant to Planning Commission and City Council
 - ❖ Type II – appealable by applicant or those who received notice to Planning Commission and City Council
 - ❖ Type III – decision made by Planning Commission and appealable to City Council
 - ❖ Type IV – decision made by City Council and appealable to the state Land Use Board of Appeals



Background and Timeline

- ❖ Application for site development review made on January 31, 2024
- ❖ Comments received from four parties during the 14-day comment period
- ❖ Staff decision – July 31, 2024
- ❖ Notice of decision sent to the applicant and the four property owners who submitted comments during the 14-day comment period



Background and Timeline

- ❖ Appeal filed August 12, 2024
- ❖ Planning Commission hearing on September 3, 2024
- ❖ Planning Commission upheld staff decision on a 4-2 vote
- ❖ Second appeal to City Council filed on September 20, 2024

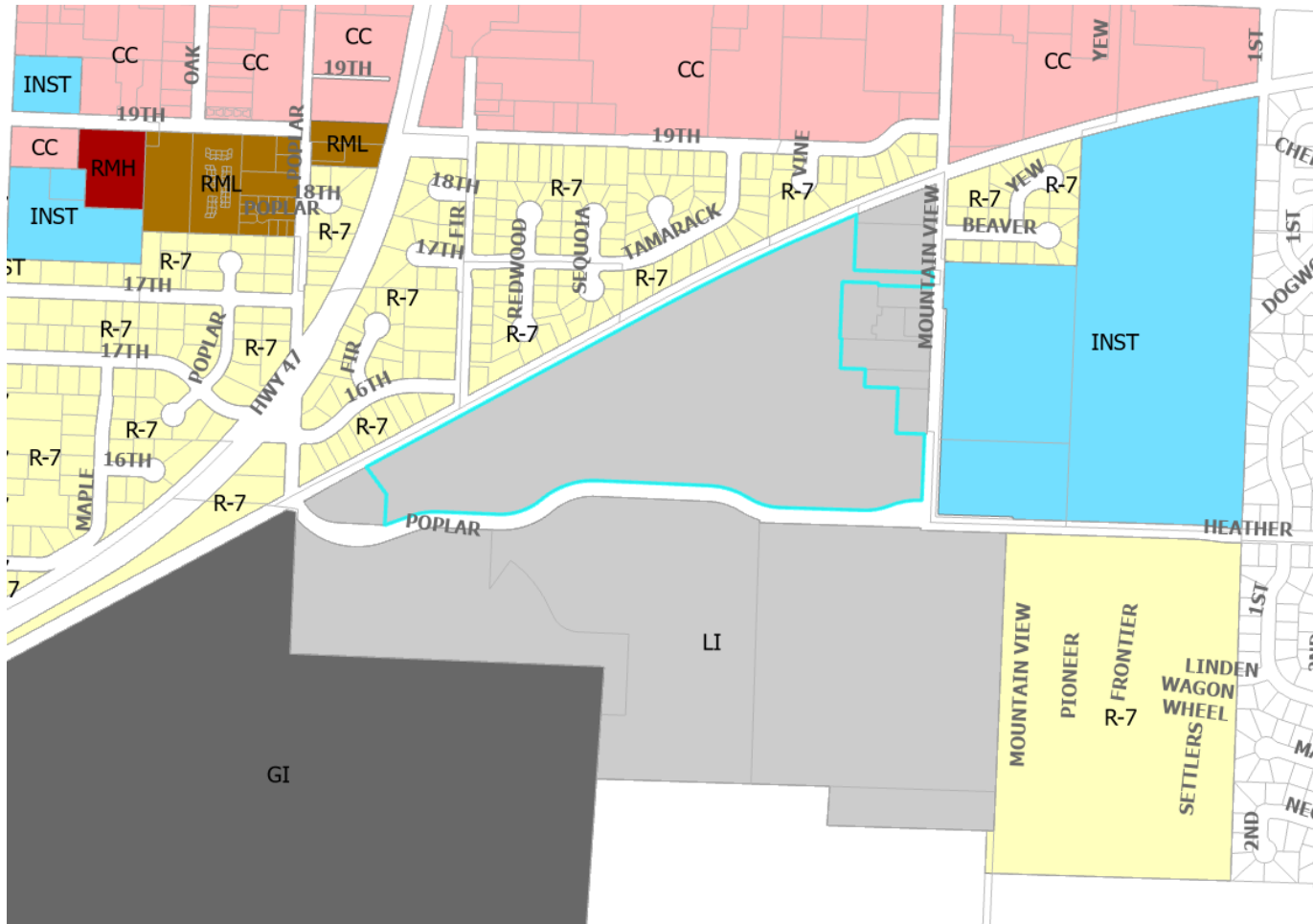


Tonight's Hearing

- ❖ Tonight's hearing is an appeal of the staff decision to approve the site plan for the Crane data center, as well as the subsequent Planning Commission decision to uphold that decision.
- ❖ Singular question to be answered - whether or not the proposed data center complies with the Forest Grove Development Code requirements for Site Development Review (FGDC §17.2.450)
- ❖ The City Council's decision tonight is appealable by any party with standing to the state Land Use Board of Appeals (LUBA).



Zoning Information



- ❖ Site has been zoned Light Industrial since 1980

Light Industrial Zone

- ❖ Permitted Uses by right (other uses are permitted by Conditional Use Permit approval, as well):
 - ❖ Civic / Institutional:
 - ❖ Basic Utilities
 - ❖ Industrial:
 - ❖ Light Industrial
 - ❖ Call Centers
 - ❖ Research and Development
 - ❖ Warehousing
 - ❖ Wholesaling
 - ❖ Other:
 - ❖ Agriculture
 - ❖ Information
- ❖ These categories are intentionally broad to allow flexibility for uses that are not contemplated that fit within the categories

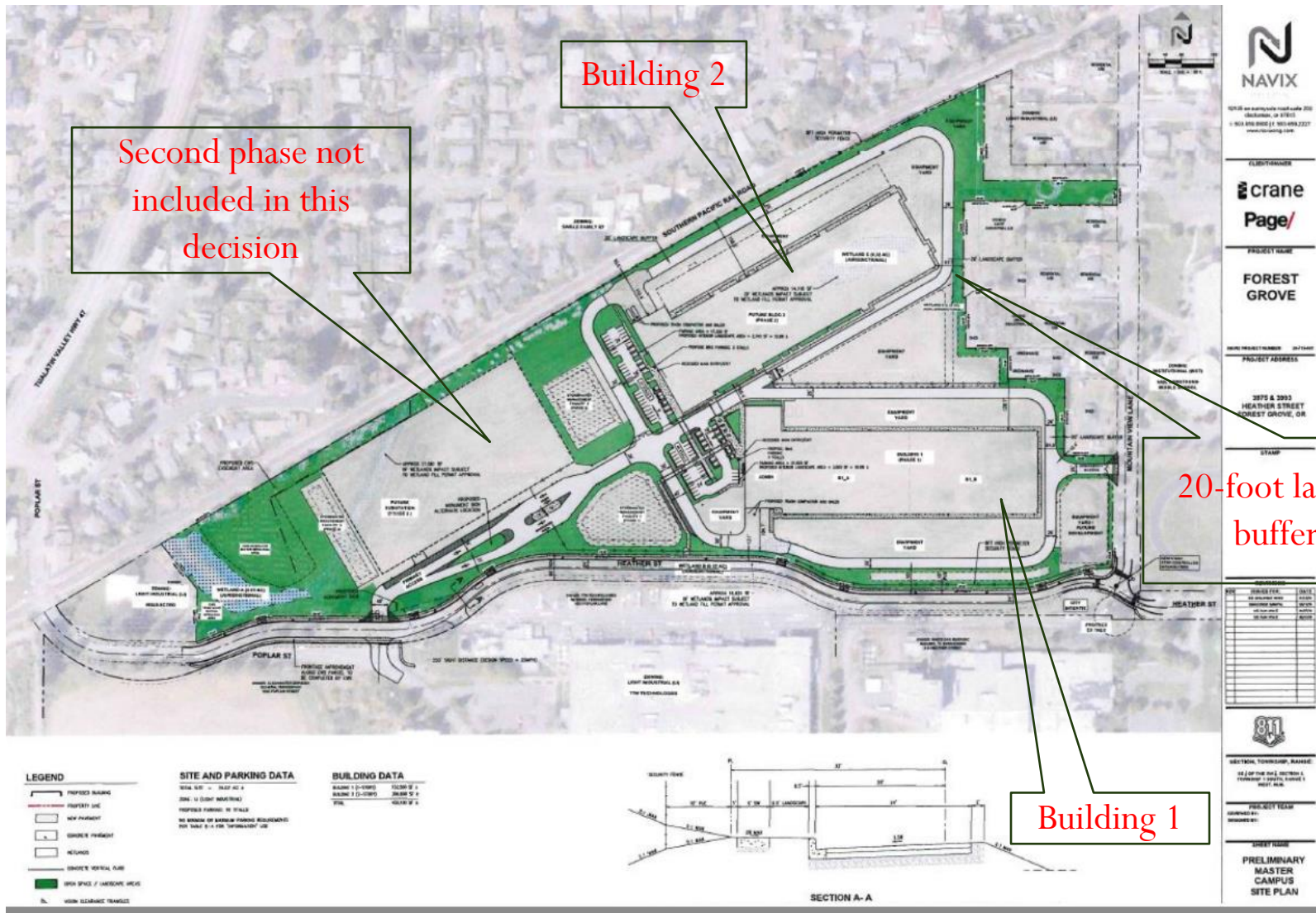
Light Industrial Zone

- ❖ 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.”*
- ❖ As noted in the previous slide, a data center is allowed under the “Information” use in the “Other” category allowed in the Light Industrial Zone.

Proposal

- ❖ Development of a data center campus in two phases with two buildings with footprints of 178,000 square feet each
- ❖ Building 1 (southern portion) – 42 feet tall- as first phase of construction
- ❖ Building 2 (northern portion) – 75 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

Proposal



Relevant Criteria

- ❖ Many concerns have been raised about dimensional aspects of the proposed development (building height, setbacks, etc.).
- ❖ The City MUST review applications to the Development Code in effect at the time of application.
- ❖ The review criteria for the type of application that is filed must be used for reviewing the application.
- ❖ This is intended to provide certainty to both a potential applicant, as well as the community.



Relevant Criteria

- ❖ Site development review focuses on how a particular use will be developed, not on how a use operates. Site development review also focuses on site planning/layout and design elements.

Criteria in Forest Grove Development Code §17.2.450 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

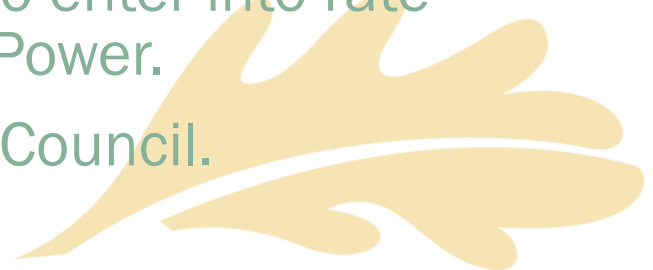
- ❖ Required Setbacks – None in the Light Industrial zone
- ❖ Building Height Limitation – None in the Light Industrial zone
- ❖ Requirements for circulation, parking, DEQ, Metro, etc. for noise, vibration, smoke, heat and glare and insects and rodents
- ❖ Solid waste collection areas
- ❖ Landscaping
- ❖ Public improvements, utilities, streets, sidewalks, etc.
- ❖ And more

These are all covered in detail in the original staff decision. Noise and utilities are enumerated as a basis for appeal.



Appeal Issues Raised

- ❖ Concerns about power consumption
 - ❖ This is an operational issue, not related to Development Code criteria.
 - ❖ Nonetheless, after land use approval, the applicant is subject to the City's line extension policy.
 - ❖ Any required improvements to the system will be made at the applicant's expense.
- ❖ Electricity and water rates for residents
 - ❖ This is not related to a Development Code criterion.
 - ❖ Applicant will be required to enter into rate agreement with Light and Power.
 - ❖ These rates are set by the Council.



Appeal Issues Raised

- ❖ Review process used for the application
 - ❖ As shown in previous slides, *Information* is a use permitted in the LI Zone, thus a Conditional Use Permit review is not required.
 - ❖ Development Code §17.3.540 (A) – Site Development Review is required and subject to a Type II review process.
 - ❖ Site Development Review was the correct process and was used for this application.
- ❖ Requirement for geotechnical report
 - ❖ A geotechnical report is not required for submittal for Site Development Review.



Appeal Issues Raised

- ❖ Stormwater treatment exemption in conditions of approval
 - ❖ No exemption is being granted.
- ❖ Concern about possible traffic issues
 - ❖ Traffic Impact Analysis (TIA) was provided that recommended improvements to Heather Street intersection to improve safety (four-way stop).
- ❖ Water Use
 - ❖ This is an operational characteristic, not a Development Code criterion.
 - ❖ If City water is used then a capacity analysis is required, and the applicant will be required to make system improvements at their expense.

Appeal Issues Raised

- ❖ Applicant has failed to demonstrate how noise and heat standards will be met.
 - ❖ The appeal states that data centers can create noise levels of up to 96 db. This noise level exceeds the permissible maximum noise level of 70 db in the City's Code of Ordinances and 10 db above ambient noise levels allowed under the Oregon Administrative Rules for new industrial uses.
 - ❖ The applicant must maintain noise levels within allowed limits to avoid code enforcement action and possible revocation of the land use permit.
 - ❖ The criteria does not require submittal of a noise analysis or construction details for the method for noise control.



Appeal Issues Raised

- ❖ Project phasing – not prohibited by the Development Code.
- ❖ Applicant has failed to show that compliance with the conditions of approval is feasible.
 - ❖ Public improvement condition #24: The developer is assessing use of non-potable water in coordination with CWS. The land use application does not state what the non-potable water is or if the developer plans on City water for the data center cooling.
 - ❖ Engineering condition of approval #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 the applicant or representative prior to start of construction.

Appeal Issues Raised

(Continued from previous slide)

- ❖ Condition #24 only states that if City water is used, the applicant must provide a capacity analysis at their own expense and that they must pay for any improvements identified in that analysis.
- ❖ Condition #70 only references water used during construction and that they must secure a permit to obtain that water.



Appeal Issues Raised

- ❖ Compliance with Other Development Code Requirements
 - ❖ FGDC §17.3.540(F) states that “Recessed entries or canopies shall be used at the entrances of buildings in order to reinforce a pedestrian-scale and to break-up large blank walls.” The applicant states that “primary” entrances will have canopies as required under this section. The appellant argues that the approval criteria is not limited to “primary” entrances and all entrances including secondary ones need canopies or recessed entries under the plan language of the code.
 - ❖ The appellant is correct that all entrances must have canopies or recessed entries. The applicant must meet all applicable code requirements including those not specifically identified in the conditions of approval. Compliance with code requirements is reviewed at time of building permit application.

Appeal Issues Raised

- ❖ Applicant incorrectly states that the Buffering and Screening requirements of FGDC §17.8.425 do not apply noting that all abutting properties are zoned light industrial, railroad or public right of way.
- ❖ The appellant is correct that the buffering requirements of FGDC §17.8.425 apply to this application. The site plan on plan sheets PC-1 and L-1 show a 20-foot landscaped strip between the industrial buildings and the adjacent residential properties zoned Light Industrial to the east. The Code requires a 10- to 20-foot landscaped strip depending how the landscaping or screening provided.



Appeal Issues Raised

- ❖ Promoting good neighborhood design:
 - ❖ 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)
- ❖ Potential loss of property values – not a Development Code criterion and cannot be used to approve or deny an application.
- ❖ Rowan Green Data Center – not germane to the approval of this application and cannot be used to decide on this application.
- ❖ Timeline for power from BPA – This is an operational issue and not a site development review criterion and cannot be used to decide on this application.

Appeal Issues Raised

- ❖ Notification deficiencies – notice requirements in §17.1.515 were followed.
- ❖ Environmental Impact Study – not a Development Code criterion; will be addressed through permitting with DEQ and CWS.
- ❖ Electromagnetic fields – not a Development Code criterion, but was addressed by applicant.



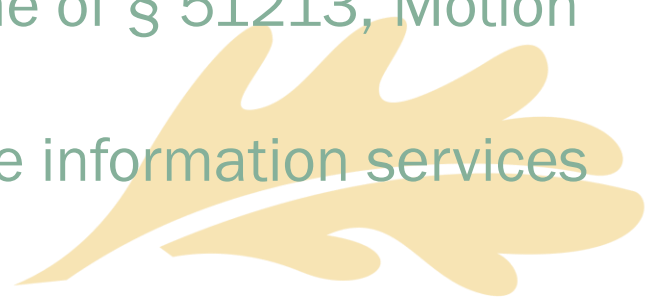
Appeal Issues Raised

- ❖ Data Center Land Use Classification
 - ❖ Appeal argues that data centers were not in existence when Development Code was adopted in 2009.
 - ❖ 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.”



Appeal Issues Raised

- ❖ 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.



Appeal Issues Raised

- ❖ Impacts to wildlife – The property has been zoned LI since 1980. Impacts to wildlife are not reviewed as part of site development review.
- ❖ Solar access – Not a development code criterion and cannot be used to decide on this application.
- ❖ Number of jobs created – site development review does not consider job creation and cannot be used to decide on this application.



Conclusion

- ❖ There is sufficient evidence in the record that the applicant has met their burden of proof to gain approval for the project.
- ❖ While concerns about this project exist, those concerns are not rooted in the review criteria for this project.
- ❖ The City Council must base its decision on the code criteria in the Development Code.
- ❖ Staff recommends that the appeal be denied and the decision to approve the project be upheld.





Questions?

QUASI-JUDICIAL PUBLIC HEARING SCRIPT

October 14, 2024

Instructional Note: Only read text in blue.

1. **Open the hearing** – The public hearing on the appeal of the Planning Commission’s decision to approve land use file 311-24-000006-PLNG for Crane Data Centers is now open. [GAVEL]
2. **Purpose of Scope of Hearing** – The appeal asks the City Council to reverse the Planning Commission’s decision and deny the Type II site plan review application for the Crane Data Centers at 3975 and 3993 Heather Street in Forest Grove. The City Council’s decision will be based on the evidence in the record and any additional evidence or testimony we receive tonight. In addition, only those issues listed in the appeal will be considered by the City Council when making a decision.

3. Hearing procedure -

The order of tonight’s hearing is:

- Call for abstentions
- Discussion of ex parte contact, bias, and jurisdiction;
- Presentation of the staff report;
- Applicant presentation (30 minutes);
- Appellant testimony (30 minutes);
- Testimony in favor of the application (3 minutes each);
- Testimony in opposition to the application (3 minutes each);
- Testimony neutral to the application (3 minutes each);
- Applicant rebuttal and final remarks (10 minutes);
- Close public testimony; and
- Staff response to public testimony (if any)
- Questions from Council to Staff;
- Discussion and motion.

4. **Burden and basis for decision** - The applicant has the burden of proving that the application complies with all relevant Development Code

criteria. The appeal statement in the record identifies the issues and reasons for the appeal. Testimony tonight should focus on those issues.

5. **Public comments** – Anyone who wishes to testify is asked to print your name and address on the Public Hearing Sign-up Sheet located in the Community Auditorium foyer or raise your hand in Zoom during the public testimony period. I will recognize those people who wish to speak. When called, please come to the table in the Auditorium as the hearing is being recorded or wait until you are called upon by the Chair to speak via Zoom. Please state your name and address for the record and keep your testimony concise.

Because our decision must be based on the approval standards in the city code, please address those criteria in your testimony. Any questions for the Council or City staff should be directed to me. Pursuant to the Council Rules of Procedure, the Presiding Officer may limit testimony if a speaker persists in being threatening and disorderly, or abusive, following a warning to that effect from the Presiding Officer. If you already provided testimony during the applicant or appellant presentation, you may not testify again during the general public comment period. Also, if someone else testifies on your behalf, you may not also testify.

6. **LUBA statement** – Under state law, testimony and evidence need to address the applicable criteria. Failure to address a criterion prohibits an appeal to the state Land Use Board of Appeals (LUBA) based on that criterion. Also, failure of the applicant to raise constitutional or other issues related to the application with enough specificity to allow the City to respond precludes an action for damages in circuit court.
7. **Call for abstentions** -
 - a. A Council member is not allowed to participate in the discussion or vote on a matter in which the Council member has an actual personal or financial interest. If it's not clear whether you have an actual interest, you should declare the potential conflict of interest but may participate in the decision.
 - b. A Council member is not allowed to participate in the discussion or vote on the matter if you are biased and cannot make an objective decision based on the evidence, testimony and applicable code criteria.
 - c. Do any Council members need to abstain from participating in this hearing due to bias or an actual conflict of interest?
8. **Discussion of ex parte communication** – Ex parte communication is any communication on the application and appeal, whether verbal or written, that is not already part of the record. The staff report includes all known communications with the city councilors and therefore these do not need

to be disclosed. However, any ex parte contact not included in the staff report must be disclosed at this time. Does any member of the Council wish to announce any ex-parte contacts or biases? The Councilor must disclose the nature of any ex parte contact made.

(Acknowledge any response; if ex-parte contacts have occurred, the Council member must describe the substance of the communication.)

9. Jurisdiction challenge – Does anyone in the audience wish to challenge the jurisdiction of the Forest Grove City Council to hear this matter?

(Acknowledge any response. If challenged, ask legal.)

10. Waiver of 9:30pm end time – We expect this public hearing to last beyond two hours tonight. According to Council rule 3.1, the express approval of a majority of a quorum of the Council is necessary to extend the regular session past 9:30 p.m. Is there a motion to extend tonight's Council meeting?

11. Staff Report – Director Bryan Pohl will now present the staff report, staff recommendation and state if additional correspondence has been received.

(Staff presents report)

Does the Council have any questions of staff?

12. Open public testimony – I will now open the public testimony portion of the public hearing.

13. Applicant presentation (30 minutes) – Do the applicants wish to provide testimony? Please state your name and address for the record.

14. Appellant testimony (30 minutes) – Do the appellants wish to present the appeals? Please state your name and address for the record.

15. Testimony in favor of the application (3 minutes) - Has anyone signed-up to speak in favor of the appeal? Please state your name and address for the record.

(Testimony)

Is there anyone who did not sign up and wishes to present testimony in favor of the application? Is there anyone on Zoom who wishes to present testimony in favor of the application?

16. Testimony in opposition to the application (3 minutes)- Has anyone signed-up to speak in opposition of the appeal? Please state your name and address for the record.

(Testimony)

Is there anyone who did not sign up and wishes to present testimony in opposition to the application? Is there anyone on Zoom who wishes to present testimony in opposition to the application?

17. Neutral testimony (3 minutes)- Has anyone signed-up to provide neutral testimony? Please state your name and address for the record.

(Testimony)

Is there anyone who did not sign up and wishes to present neutral testimony? Is there anyone on Zoom who wishes to present neutral testimony?

18. Applicant rebuttal (10 minutes) - Does the applicant wish to rebut any of the testimony presented?

19. Close public testimony - The public testimony portion of the hearing is now closed

20. Staff response to testimony- Does staff wish to respond to any issues raised in the testimony?

21. Questions from Council to staff - Do Councilors have any additional questions of staff?

22. Council Deliberation - Would any Councilors like to comment on the appeal?

23. Motion, amendments, if any, and decision (sample motions on following page)- Is there a motion on the appeal? Is there a second?

24. Vote – The City Recorder will now call the roll.

25. Close public hearing – The public hearing on this matter is now closed. Staff will prepare an Order and written findings for consideration by the City Council at its October 28th meeting. [GAVEL]

Note 1: If there are any amendments to the motion, the Mayor asks for a motion to amend; if yes, read amendment in full, ask for a second to amend and the Council votes on the amendment.

Note 2: If you wish to continue the matter, the applicant will need to verbally agree. The Mayor should announce the time and date of the continued hearing to avoid having to publish notice. REMINDER: no new evidence may be submitted or considered, continuation not recommended.

MOTION TO DENY THE APPEAL AND UPHOLD PLANNING COMMISSION DECISION:

“I move to direct staff to prepare a final order to deny the appeal and affirm the Planning Commission’s decision to approve the Crane Data Center Site Development Review at 3975 and 3993 Heather Street, Land Use Application #311-24-000006-PLNG, for Council to consider on October 28, 2024.”

MOTION TO DENY THE APPEAL AND APPROVE THE APPLICATION WITH AMENDED CONDITIONS:

“I move to direct staff to prepare a final order to deny the appeal and affirm the Planning Commission’s decision with the following amendments to the conditions of approval...”

MOTION TO DENY THE APPEAL AND APPROVE THE APPLICATION BY ADDING ADDITIONAL CONDITIONS:

“I move to direct staff to prepare a final order to deny the appeal and affirm the Planning Commission’s decision to approve the Crane Data Center Site Development Review at 3975 and 3993 Heather Street, Land Use Application #311-24-000006-PLNG, for Council to consider on October 28, 2024, subject to the following additional conditions...”

MOTION TO APPROVE THE APPEAL AND REVERSE THE STAFF AND PLANNING COMMISSION DECISION:

“I move to direct staff to prepare a final order to grant the appeal and reverse the Planning Commission’s decision to approve the Crane Data Center Site Development Review at 3975 and 3993 Heather Street, Land Use Application #311-24-000006-PLNG, for Council to consider on October 28, 2024.”

(Cheat sheet of motions:

1. Deny appeal and affirm PC decision.
2. Deny appeal and affirm PC decision but with amended conditions.
3. Deny appeal and affirm PC decision but with additional conditions.
4. Grant appeal and reverse PC decision.)

Mariah Woods

From: David Haworth [REDACTED]
Sent: Tuesday, September 24, 2024 9:56 AM
To: City Councilors; Daniel Riordan
Subject: The Crane Data Center

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Good morning,

I would like to pose this question:

Dose a land owner have the right to use the land in such a way as to destroy the adjacent properties for their intended use?

An example would be putting a dairy right next to a lettuce farm.

In our case it is a 75 ft wall emitting EM radiation. heat. and 40 decibels of continuous noise.

This will be 122 ft from homes.

This will destroy the homes for their intended use, rendering their value worthless, the quality of life gone.

40 decibels of noise like a jet engine 24 hours a day

7 days a week. never a break.

My yard, in my bedroom window all day all night for the rest of our lives.

I do not believe that it can be legal to destroy our whole neighborhood

Just so Crane can get low rates on power, water and tax breaks.

Pure Greed.

Crane makes it sound like any other use of this rich land would be even more of an intrusion. No use could possibly be more Intrusive !

My wife Zarah and I are scared! We are 70 years old. We have lived here in this house paying taxes for the past 14 years. Farmers are able to harvest 2 crops a year with no irrigation, wheat and flaxseed.

Then, when the rain comes and the field floods, thousands of geese make this field part of their permanent habitat. Making the land more fertile.

Please consider why you joined the city council and help save our little part of the city of Forest Grove.

Thank you,

Dave Haworth

[REDACTED]
forest grove 97116
[REDACTED]

Dear Forest Grove City Council,

My name is Andrea D'Amico a member of Save Scholls and I am writing to you with great concern regarding The Crane Data center. I strongly agree with Dale Feik, and applaud him for coming forward to challenge this decision.

A project of this magnitude needs a lot more information, this project is not a subdivision or office building. Data centers consume an abundance of energy and produce an absorbent amount of waste water daily.

A data center uses 10 – 150 KWT per square ft

An average household uses 1214 WATTs per day—

Goldman Sachs reported the Energy companies will need 50 Billion dollars to upgrade systems for the Data centers and it is forecasted data centers will soon consume 8% of US energy.

For the past few years, the energy companies have struggled with efficient energy i.e. solar, wind, led bulbs etc. But have not been able to keep up.

Considering a Data center, if there is already a problem with our grid, because of the large expansion in Washington Co, let's not push the envelope until the lights go out—

I have studied the proposal and found no information on water—

Will it be dumped into our storm water? creating a water shortage, or will it be recycled? how will it be recycled?

There will be excess residue – where will it be stored-disposed of.

Please do not build another Trojan and later realize it is a problem.

Washington Co is 724 sq miles or 463,552 acres, according to Washington Co's study of 2020 we only have 500 acres of Significant natural resources left-

We need to protect and preserve our SNR's

Please consider these points

Before a data center is approved more research needs to be done.

Best

Andrea D'Amico

Save Scholls

Executive Director

Mariah Woods

From: David Haworth [REDACTED]
Sent: Sunday, October 13, 2024 10:14 AM
To: City Councilors
Subject: CRANE DATA CENTER COMMENTS

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Good morning,

As part of the September 2024 appeal I filed to the Forest Grove Planning Commission the following item is listed.

Applicant also incorrectly states that the Buffering and Screening requirements of FGDC § 17.8.425 do not apply noting that "all abutting properties are zoned light industrial, railroad, or public right of way." Application p. 29. However, the determination of what buffering and screening requirements apply is based on the "abutting uses or zoning districts."

The rural rail line that borders the applicant's property on the north services the Fox Lumber Mill at Hagg Lake. This is a short slow train that goes up to the mill empty and comes back full each day.

The railroad tracks are not fenced and are just a few steps from the homes in the residential neighborhood. There is no noise at all except for those 2 passes each day.

For this Applicant to use the "RAILROAD" listing as a loophole to plant this huge Data Complex abutting our residential property is just a fraud. At the Appeal Hearing in September The Crane attorney made this statement: "Since the area is noisy anyway from the railroad then this qualifies." It does not. Please consider the people in my neighborhood.

The Applicant is not taking my property, but they are taking it's VALUE.

The appeal I filed lists many reasons how this is a very bad use of the land.

And Illegal.

I have yet to hear ONE LEGITIMATE REASON WHY the Forest Grove City Council 2024 would put us at risk and let this crime happen to Forest Grove.

Thank you,
Dave Haworth

--

DAVE HAWORTH
HAWORTH PAINTING
CCB# 197958

[REDACTED]
Forest Grove Or. 97116
[REDACTED]

Mariah Woods

From: [REDACTED]
Sent: Sunday, October 13, 2024 3:20 PM
To: 'Kathryn Harrington'; Jerry Willey; 'Pam Treece'; 'Roy Rogers'; 'Nafisa Fai'; Malynda Wenzl; 'Steve Callaway'; Mariah Woods
Cc: 'Tanya Ange'; Diane Taniguchi-Dennis Taniguchi-Dennis; Washington County Administrative Office; Amber Ames; Lauren Bishop; Nicholas LaMora; City Councilors; Glenn Fee; Aaron Nichols; Nellie McAdams
Subject: Re: Forest Grove, City Council, Crane Data Center Hearing Testimony, Oct 14, 2024, by Dale Feik, appellant
Attachments: Oregon's data centers want a lot more electricity Who's going to pay It could be you Mike Rogway The Oregonian Oct 13 2024.docx

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: Mariah Woods, Forest Grove City Recorder and receiver of Hearing Testimony, Oct. 14, 2024

To: Kathryn Harrington, Chair of Washington County Commission and Commissioners Roy Rogers, Jerry Willey, Pam Treece, Nafisa Fai

To: Malynda Wenzl, Mayor of Forest Grove, and City Councilors

To: Steve Callaway, Mayor of Hillsboro, City Councilors

Re: 'Oregon's data centers want a lot more electricity. Who's going to pay? It could be you'. An analysis by Mike Rogway, The Oregonian reporter, a three-page story, Oct 12, 2024.

Pease open the attachment with the above title. I also copied Mike Rogoway's story and pasted it at the end of this email. This is part of my official Hearing Testimony as the appellant at the Forest Grove City Council Hearing, October 14, 2024. The City Councilors need to understand the big picture of Data Centers and how Crane Data Center will contribute to the growing lack of availability of electrical power and transmission lines and the possibility of blackouts in the near future even with major increases in the cost of electricity.

Respectfully,

Dale Feik
[REDACTED]

"Justice and freedom; discussion and criticism; intelligence and character--these are the indispensable ingredients of the democratic state. We can be rich and powerful without them but not for long." -Robert M. Hutchins

Cc: Tanya Ange, WCounty Administrator
Diane Taniguchi-Dennis, Clean Water Services Chief Executive Officer
Kevin Moss, WC Clerk
Amber Ames, Hillsboro City Council clerk
Mariah Woods, Recorder/clerk, Forest Grove City Council
Glenn Fee, Executive Director of Tualatin River Keepers
Lauren Bishop, The Pamplin Media Newspapers
Nick LaMora, Pamplin Media reporter
Mike Rogoway, The Oregonian
Nellie McAdams
Aaron Nichols

Oregon's data centers want a lot more electricity. Who's going to pay? It could be you

- Updated: Oct. 13, 2024, 8:03 a.m.
- |Published: Oct. 13, 2024, 8:00 a.m.
- <https://www.oregonlive.com/silicon-forest/2024/10/oregons-data-centers-want-a-lot-more-electricity-whos-going-to-pay-it-could-be-you.html>

Picture: caption underneath it:

PGE's Shute Substation in North Hillsboro. Hillsboro data centers use as much electricity as all the homes in Washington County, combined. Sean Meagher/The Oregonian

- **By** [Mike Rogoway | The Oregonian/OregonLive](#)

Big Tech has data centers in every part of Oregon.

There are Amazon's hulking concrete structures amid the fields near Boardman. And the vents billowing steam from Google's operation on the Columbia River waterfront in The Dalles.

Meta has your Facebook and Instagram posts stored in digital warehouses in the high desert above Prineville. And Oracle, LinkedIn, the social media company X and many others have large data centers in Hillsboro, some right next to farmhouses and suburban cul-de-sacs.

One thing they all have in common: Towering power lines and enormous electrical substations, providing the energy to run those high-octane computers and the systems that keep them cool.

Data centers already account for 11% of Oregon's electricity consumption, according to industry estimates. That's more than twice as much as all the homes in Portland.

And it's only the beginning.

Regional energy forecasters expect data power consumption in the Northwest will certainly double by the end of the decade. Or maybe triple. Possibly, they say, it will quadruple.

With artificial intelligence requiring exponentially more energy to perform increasingly sophisticated tasks, everyone agrees Oregon is going to need a lot more electricity.

That means more power plants all over the region – solar farms, wind turbines and natural gas plants, converted from coal. Maybe, eventually, new nuclear plants, too. And it means new power lines running across the plains of eastern Oregon, over the Cascade Mountains, up through Forest Park. All told, this will cost many billions in the years to come.

Someone has to pay for it. And that's where you come in.

Already reeling from two years of [soaring household energy bills](#), and [another big increase on tap for 2025](#), Oregon residents could be hit by another wave of rate hikes in the years ahead to help cover the costs of more power plants and transmission lines.

There is broad agreement — among regulators, certain lawmakers and even electric utilities — that Oregon should insulate residential electricity customers from the costs of supplying the state's proliferating data centers with energy. But it's not clear how to ensure the tech industry covers its own costs.

"Our regulatory structures weren't designed for this scale of large customer growth," said Nolan Moser, acting director of the Oregon Public Utility Commission, the state agency that regulates electric and other utilities.

In theory, he said, state regulations can assign the costs of new electrical loads to data centers and other huge industrial customers. But he said those rules haven't faced a test like the coming wave of data center demand.

"This is not something we've seen over the last decades, and it does necessitate that we re-examine our approaches," Moser said. "The world is changing and we're going to have to deal with it."

Adding to the complexity, forecasters say there is some chance that the rapid growth in data center power consumption could exceed — for brief periods — what the region can provide. That could require expensive power purchases on the open market, raising rates even further — an ugly echo of the Western power crisis at the beginning of the century.

GOING ELECTRIC

Oregon is a relatively small state with an immense data center industry.

A report last year by the California-based Electric Power Research Institute ranked Oregon fifth nationally in terms of how much energy its data centers use. The report forecast that data centers will use more than twice as much in 2030, consuming nearly a quarter of all Oregon's electricity by then. Some forecasters at other organizations think server farms may need even more.

The institute cited the region's relatively low power costs, moderate climate and hydropower as reasons why Oregon is so popular with tech companies.

Oregon's biggest draw, however, is its tax breaks, [rated among the most valuable in the world for data center operators](#). That's brought many of the world's wealthiest tech companies to cash in by [placing data centers in some of Oregon's smallest communities](#).

The industry enjoyed property tax exemptions worth \$227 million last year alone. Data centers' savings will run in the billions of dollars in the years to come, [capitalizing on a state enterprise zone incentive program designed for small manufacturers in the 1980s](#).

Power companies are the other big winners. Investor-owned utilities earn a fixed rate of return on new investments that expand their capacity to generate or deliver electricity. A growing market means more revenue, and more profit.

In its most recent financial report, Portland General Electric cited Hillsboro's rapidly expanding data center industry as one of the top factors in its growth. In its latest update to state regulators, PGE said demand from industrial customers grew by nearly 11% in 2022 and another 8% in the first three months of 2023.

"The primary driver of PGE's increased load forecast is to reflect rapid industrial growth and growing demand of data centers in PGE's service territory," the utility said.

In a filing this past week with state utility regulators, PGE reported that it expects Hillsboro's data centers will use 2.2 million megawatt-hours of electricity next year. That's nearly as much power as all the 237,000 homes in Washington County, combined.

Picture: caption underneath it:

QTS data center buildings in Hillsboro. Dave Killen / The Oregonian

Electricity use will grow rapidly across the Northwest, forecasters say, as artificial intelligence becomes more entrenched in work and personal applications and data centers take on new power-hungry workloads.

It's a dramatic shift from the prior two decades, when efficiency programs and products helped keep regional electricity loads relatively stable despite sustained economic and population growth.

Consumer advocates worry the data centers' thirst for energy will hit the pocketbooks of ordinary Oregonians, who are already facing the prospect of [rates climbing as much as 50% in a two-year period](#).

"We're increasingly having an affordability problem with electricity in the state already, before these data centers," said Bob Jenks, director of the Oregon Citizens Utility Board, which advocates for utility customers.

There's no way to know now how much of data centers' power costs might trickle down to residential ratepayers. Forecasters are still guessing about how much power data centers will need and it's unclear how regulators will safeguard residential customers.

Jenks said Oregon lacks strong mechanisms to protect ratepayers from picking up costs for data centers run by the world's richest people, or to protect the profits of PacifiCorp, a utility owned by billionaire Warren Buffett's investment firm.

"Customers are being asked to absorb the costs associated with that, residential customers, people living paycheck to paycheck," Jenks said. "That doesn't make rational sense."

Data centers aren't the only reason for the coming power surge. "Electrification" is booming as people and businesses shift away from cars, appliances, furnaces, generators and industrial equipment powered by fossil fuels. Electricity is often cheaper, and usually cleaner.

Data centers aren't necessarily cleaner, though. They're buying energy from wherever they can get it, and that is giving the region [a bigger carbon footprint](#) because much of that energy is still generated by fossil fuels.

Picture: caption underneath it:

Power lines obscure an Amazon data center at the Port of Morrow near Boardman. The Oregonian

The Umatilla Electric Cooperative, a tiny utility serving parts of eastern Oregon, is now among the state's biggest carbon emitters — largely because [it's buying power generated by fossil fuels to energize Amazon's local data centers](#).

LIGHTS OUT?

Forecasters are growing increasingly alarmed that the Northwest may not have enough electricity of any kind to meet all the new demand.

"Over the next five years across the Pacific Northwest, significant load growth and changing system dynamics are creating risks for maintaining power system adequacy," the Northwest Power and Conservation Council wrote [in an August report](#).

The regional energy planning organization says the Northwest needs a lot more electricity. But its experts are flummoxed when they try to forecast just how much.

The council's forecasters came up with four growth scenarios through 2029. Even in a "low" growth scenario, they envision Northwest data centers' power needs will increase by 1,500 average megawatts within five years.

That's as much power as a million homes use today.

And Northwest data centers' growth might be much, much larger — perhaps on the order of 5,000 megawatts eventually. That's equivalent to 4 million homes' power use.

Which estimate is right? The council's forecasters say they can't tell and aren't rating any scenario more likely than another.

"We don't want the load forecast to have a narrow band because there is a lot of uncertainty there, so we are going to plan for a wide range of trajectories," said Jennifer Light, the council's director of power planning.

It all depends on how many data centers get built, whether artificial intelligence computing gets more efficient and whether the region can generate the power big computers want and then deliver it over transmission lines.

"Those data center loads are not going to show up," Light said, "if the resources are not there."

There's another possibility, though. Data center loads and utilities' capacity to serve them may both increase substantially — but perhaps not always perfectly in sync. That could lead to periods when the power companies can't quite keep up.

The power council warns that during brief periods of especially high demand, like hot summer days and frosty winter nights, there might not be enough power to go around. The situation is complex because many new renewable power plants generate power intermittently, when the sun is shining or the wind is blowing.

The council ran simulations covering 180 hypothetical years of hot or cold temperatures, trying to forecast the impact of variations in wind and solar power. If data center electricity use hits the forecast's upper range, the region would experience power shortages every year beginning in 2029 – most often during the winter months.

Even a brief power shortage could trigger emergency measures, forcing utilities to buy electricity on the spot market, potentially at very unappealing prices. That could send everyone's rates soaring.

If things get really bad, the next step would be “extraordinary measures.” Public officials would call for industries and residents to voluntarily curtail their electricity consumption. Cities might turn off streetlights. Government offices might go dark. Hydropower dams would run full-tilt, abandoning protections for fish.

If those things don't work? Then it's lights out.

In that extreme scenario, utilities would shut off electricity to some customers for brief periods, perhaps lasting several hours. The power council didn't forecast the chances of such an extraordinary situation, and utility regulators say they're committed to preventing blackouts.

“For us, blackouts are not acceptable in a planning environment,” said Moser, the utility commission's director.

“If utilities are doing their part and planning, we don't get there,” he said. If the utilities fail, he said they could face financial penalties or other sanctions.

WHO PAYS?

The solution is a lot more electricity, and a lot more power lines to carry it from wind farms, solar arrays or natural gas plants across the Northwest to the data center clusters around Oregon.

U.S. Sen. Ron Wyden, D-Oregon, said state and federal agencies need to work together to expedite planning for new energy infrastructure.

Transmission lines carry electricity for miles — or hundreds of miles — sometimes across or around sensitive environmental areas, difficult terrain or through urban areas. Wyden said regulators should be able to move rapidly to consider transmission routes while preserving the land the power lines run through.

“I'm of the view that it's possible to expedite permitting without throwing the environmental laws in the trash,” Wyden said in a recent interview. “And this will be a big battle.”

The Hillsboro market is a particular focus because of [Intel's expansion plans](#) and [a growing cluster of data centers underwritten with tax breaks](#). Utilities are looking closely at ways to route new power lines into Washington County, focused on another major power line through Forest Park.

Power plants and major transmission conduits typically take years to plan, permit and build, but the region may not have much time. Forecasts suggest a power crunch could come within the next five years.

“This is why PGE is working so hard to get that new (transmission) line in across Forest Park, because they can see that load growth coming and they absolutely know they do not have the capacity to serve it

right now,” said state Rep. Mark Gamba, D-Milwaukie. He leads a workgroup of lawmakers studying the region’s power needs on the heels of [the big spike in utility rates](#).

Regulators and watchdogs say data centers didn’t have much role in recent price hikes. They attribute the recent increases to wildfire mitigation, inflation that affects utilities’ expenses, volatile markets for fossil fuels and the cost of Oregon’s state-mandated shift to renewable power.

As data center loads grow, even the utilities want clearer rules on who pays for the spiraling electricity demand.

“There’s no doubt that load growth from data centers and digital information technology sectors is growing. It’s growing in exceptional ways that the utility industry has not experienced before,” said Kristen Sheeran, PGE’s director of sustainability strategy and resource planning. She said more action is needed to shield consumers from the risk and costs associated with data center demand.

“It will require different regulatory mechanisms to address the cost of this load growth,” Sheeran said.

What does it all mean for your monthly power bill? It’s hard to know.

TEST CASE

An early test case provides some reason for hope, and some for concern.

A year ago, PacifiCorp asked state regulators for permission to assign future costs associated with some new line extensions to large customers, in that case effectively increasing rates for customers using more than 25 megawatts. Existing regulations “were not designed to address the size of customer PacifiCorp is anticipating,” regulators wrote, a nod to the growing data center market.

Amazon and an organization of other large industrial customers fought PacifiCorp’s request, arguing that the plan could force them to pay more than their fair share of new costs.

Regulators ultimately ruled against Amazon and the other big electricity users. But the issue highlighted how difficult it may be to structure rates to separate residential customers and the data centers.

Even if regulators, data centers and utilities can agree that consumers shouldn’t bear the costs of these new power loads, they may not agree on how to accomplish that.

More [data centers](#)

- [Google is falling short of an important climate target. Why? Data centers and AI](#)
- [Former Oregon officials will pay \\$2,000 each to settle ethics complaint over Amazon deals](#)
- [Amazon scraps plan to use fuel cells, powered by natural gas, to run Oregon data centers](#)
- [Google spinout lands in Oregon to suck carbon out of the air, fight climate change](#)
- [Amazon cutting hundreds of jobs in cloud computing business AWS](#)

Ironically, residential customers could end up with higher bills even if data centers’ power needs are smaller than anticipated.

If utilities add capacity for anticipated data centers but those facilities aren’t built, or are more efficient than forecast, their electric bills won’t cover the cost of the construction. That could leave consumers open to footing part of the bill

PacificCorp is currently before the utility commission in a dispute with Amazon and Meta, Facebook’s parent company, over that scenario.

Oregon could be facing years of regulatory fights with no certainty that consumers will be fully insulated from the impacts of data centers' power demand.

"The scale, pace and uncertainty surrounding this potential load growth will require additional regulatory updates to protect all customers while creating a path for large customers to expand their businesses," PacifiCorp spokesperson Pampi Chowdhury wrote in an email.

Google declined comment and Meta didn't respond to inquiries. Amazon said regulators' job is to ensure all utility customers should "pay their fair share."

"Where we require specific infrastructure to meet our needs (such as new substations), we work to make sure that we're covering those costs and that they aren't being passed on to other ratepayers," Amazon said in a written statement. "We're also working with utilities on innovative new agreements to keep rates comparably low and bring net-new carbon-free energy projects to the grid."

COOPERATION, MAYBE

Tech companies' power needs may not always conflict with consumers. Since everyone will need more electricity as data centers expand and the region moves away from fossil fuels, tech companies could help finance new energy sources and transmission lines so residential customers aren't carrying the whole burden.

"These large customers can bring new things to the table. They can bring new generation, potentially," said Moser, from the utility commission. And he said it's possible that data centers — which typically operate around the clock — could shift their computer work to other regions when power is tight in the Pacific Northwest.

To date, Moser said he believes tech companies have worked with regulators in good faith — even when they disagree about how to allocate costs. And he said he hopes they can be part of the solution.

"Asking them to do more, to contribute to solving the problem, is a logical endpoint when you're thinking about where we have to go," Moser said.

In other ways, though, data centers are more challenging than other utility customers.

It's a highly secretive industry. Tech companies never want competitors to know about construction or power usage plans. And in Oregon, [they pit small communities against one another](#) in pursuit of the biggest tax breaks and so they don't want to tip their hand about what locations they are considering. Gamba, the state representative, said power companies contribute to the uncertainty by hiding the nature of their power demand from regulators and lawmakers.

"The utilities are very careful not to allow any of us to see the data as to what percentage of the load growth is data centers, what percent of it is advanced manufacturing, what percentage of it is (electric vehicle) charge," Gamba said. "That's unacceptable. We need that data because we need to be able to parse who is going to pay for this load growth."

That might require crafting new utility laws, he said, perhaps as soon as next year's legislative session.

Gamba said the big companies need to know that Oregon ratepayers "can't take another hit so you can have cheaper electricity. You all are going to have to pay your fair share."

Oregon should do some soul-searching of its own, too, Gamba said. He said the state needs to review whether its enterprise zone tax breaks are accomplishing their original goals given the rise of data centers and changing makeup of the state's industrial sector.

And Gamba said Oregon needs to figure out why it is being caught off guard by the surge of data center demand, putting ordinary ratepayers at risk, given the industry's prominence and rapid growth over the past decade.

"So what? Everyone went to sleep and just woke up yesterday?" Gamba asked. "It's a little frustrating that the people who are supposed to be the smartest people in the room didn't see this coming."

-- [Mike Rogoway](#) covers Oregon technology and the state economy. Reach him at mrogoway@oregonian.com.

Mariah Woods

From: [REDACTED]
Sent: Sunday, October 13, 2024 5:49 PM
To: Mariah Woods
Subject: Dale Feik, Hearing Testimony for Oct 14, 2024 emailed before 3:00 pm Oct 14th. Fw: RE: Online Form Submittal: Public Records Request
Attachments: JVZ Responsive Emails.pdf; BPA Responsive Emails.pdf

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

To: Mariah Woods, City Recorder and receiver of Hearing Testimony, appellant submission for City Council Hearing Oct 14, 2024

Re: Please include the following email with two attachments as Crane Hearing Testimony.

Please acknowledge that you received this before the deadline for submission.

Sincerely,

Dale Feik

Cell: [REDACTED]
[REDACTED]

From: Mariah Woods <mwoods@forestgrove-or.gov>
Sent: Friday, October 11, 2024 5:24 PM
To: [REDACTED]
Subject: RE: Online Form Submittal: Public Records Request

Attached is a partial response to your public records request.

These records fulfill the following portions of your request:

- Emails of Keith Hormann and Eddie Littlefield to/from Bonneville Power representatives from January 2021 to the current date.
- Emails of Keith Hormann and Eddie Littlefield to/from Jessie Vanderzanden about Crane Data Center and Rowan Green Data Center from January 2020 to the current date.
- Emails to and from Jesse Vanderzanden to and from Keith Hormann and/or Eddie Littlefield related to Crane Data Center and Rowan Green Data Center from January 2020 to current date.

Please note that the second two items appear to be duplicative, and so were responded to as one.

The responsive records for the emails between Hormann/Littlefield and Bonneville Power included a considerable volume of general notifications and unrelated records. In order to better fulfill the focus of your request, the records were filtered down to any that included the search terms "Rowan" or "Crane." If you would like to receive all of the emails that did not include the words "Rowan" or "Crane" or would like to request a different keyword search, I can provide you with an updated estimate of staff time to add those.

The following portions of the records have been redacted:

- Forest Grove Meter Diagram
 - ORS 192.345(22)(c) Records or information that, if disclosed, would allow a person to: [...] Disrupt, interfere with or gain unauthorized access to public funds or to information processing, communication or telecommunication systems, including the information contained in the systems, that are used or operated by a public body.
- Access code for a Revised Line and Load Interconnection System Impact Study (LLISIS) Report.
 - ORS 192.345(22)(c)
 - ORS 192.355 (8) Any public records or information the disclosure of which is prohibited by federal law or regulations.
 - Section 2002 of Title 32 CFR regarding federally designated Controlled Unclassified Information.

You may seek review of these redactions pursuant to ORS 192.401, 192.411, 192.415, 192.418, 192.422, 192.427 and 192.431. You may seek review by submitting a petition to the Washington County District Attorney.

Additional staff time is needed to complete the final portion of your request due to the volume of responsive records.

- Emails of Keith Hormann and Eddie Littlefield to/from Crane Data representatives from January 2021 to the current date.

The staff time to complete this portion of the request has been estimated at an additional eight (8) hours. Billed at \$74.75 an hour, the additional costs total \$598. If you would like to amend the parameters of the request with other search terms to focus the request and lower the necessary staff time, please let me know. If you would like to move forward with the request as is, please provide payment via check to the city.

Please let me know if you have any questions.

Mariah Woods | City Recorder

503.992.3235 | mwoods@forestgrove-or.gov

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CITY OF FOREST GROVE

1924 Council Street
Forest Grove, Oregon 97116

Public Records Law Disclosure: This e-mail may be a public record of the City of Forest Grove and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

From: [REDACTED]
Sent: Friday, October 11, 2024 9:37 AM
To: Mariah Woods <mwoods@forestgrove-or.gov>
Subject: Re: Online Form Submittal: Public Records 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.

Hi Mariah,

Please process through Sept. 24, 2024. If I want later emails I will submit another PRR.

Dale

From: Mariah Woods <mwoods@forestgrove-or.gov>
Sent: Thursday, October 10, 2024 5:21 PM
To: [REDACTED]
Subject: RE: Online Form Submittal: Public Records Request

Hello Dale,

Some staff members, Jesse included, have City issued cell phones that have access to their City email account. Emails are pulled based on the account, not device, so any emails exchanged in the account from a cell phone would be included in the requested emails alongside those exchanged from any desktop, laptop or other device. If that's unclear at all or if you have any additional questions, please let me know.

With that being said, requests for email communications that list the requested date as being through "current" set the date of the submission as the cutoff date. In this case it took IT a little longer to access the emails, so the emails I am currently processing are through September 24th, 2024. If you would like emails from September 24th through today's date that would have to be a separate public records request, and it is unlikely that I would be able to provide those records by Monday. You can of course still submit that request, it would simply follow the timelines of a new request.

Mariah Woods | City Recorder
503.992.3235 | mwoods@forestgrove-or.gov
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CITY OF FOREST GROVE

1924 Council Street
Forest Grove, Oregon 97116

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From: [REDACTED]
Sent: Tuesday, October 08, 2024 11:10 AM
To: Mariah Woods <mwoods@forestgrove-or.gov>
Subject: Re: Online Form Submittal: Public Records 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.

Hi Mariah,

Thanks for working on this. Jaime Zaik told me that Jesse Vanderzanden is on vacation thru all this week and maybe also thru Monday, but plans to attend the Council Hearing. Does he and other staff members have Forest Grove cell/mobile phones with email messages. Jaime said that he took his cell phone with him but is out of cell phone range most of the time.

If you are not able to access Jesse's, Keith's or Eddie's emails via their mobile phones, please acknowledge that you were not able to do so, and give me the information that you do have by Friday, Oct. 11th.

Best regards,

Dale

Cell: [REDACTED]

From: Mariah Woods <mwoods@forestgrove-or.gov>

Sent: Tuesday, October 8, 2024 9:46 AM

To: [REDACTED]

Subject: RE: Online Form Submittal: Public Records Request

Good morning Dale,

I have received your payment and am working on your request. Due to staffing limitations this will take a few days, but I am aware that there are time constraints due to your upcoming appeal. I am aiming to provide you with responsive records no later than this Friday, October 11th.

Regards,

Mariah Woods | City Recorder

503.992.3235 | mwoods@forestgrove-or.gov

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CITY OF FOREST GROVE

1924 Council Street
Forest Grove, Oregon 97116

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From: [REDACTED]

Sent: Thursday, October 03, 2024 8:04 PM

To: Mariah Woods <mwoods@forestgrove-or.gov>

Subject: Re: Online Form Submittal: Public Records 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.

Hi Mariah Woods,

I will bring a check for \$336.38 tomorrow, Friday, Oct 4, 2024.

Dale Feik

Cell: [REDACTED]

From: Mariah Woods <mwoods@forestgrove-or.gov>

Sent: Thursday, October 3, 2024 5:06 PM

To: [REDACTED]

Subject: RE: Online Form Submittal: Public Records Request

To: Dale Feik

Thank you for providing those additional parameters. This is still a fairly broad request, so it will still take some staff time to complete.

The time to fulfill your request has been estimated at five (5) hours. This is for time to pull all of the responsive records from the various email accounts, review them to assess whether they are eligible for release, and convert to an accessible file format. Staff time is billed at \$74.75 an hour with the first 30 minutes waived, so the total comes to \$336.38. If less staff time is used than the initial estimate, you will receive a refund of the difference when the records have been fully pulled; if it is determined that additional time is needed, you will be provided with an updated invoice for the balance.

To proceed with the request, please send payment via check made out to the City of Forest Grove. This can be dropped off at the utility billing office or mailed to us at: P.O. Box 326, Forest Grove OR. 97116.

Regards,

Mariah Woods | City Recorder

503.992.3235 | mwoods@forestgrove-or.gov

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CITY OF FOREST GROVE

1924 Council Street
Forest Grove, Oregon 97116

Public Records Law Disclosure: This e-mail may be a public record of the City of Forest Grove and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

From: [REDACTED]
Sent: Friday, September 13, 2024 5:25 AM
To: Mariah Woods <mwoods@forestgrove-or.gov>
Cc: Ken Dobson <kdobson@pdxlandlaw.com>
Subject: Re: Online Form Submittal: Public Records 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.

To: Mariah

An addition to PRR:

Emails to and from Jesse Vanderzanden to and from Keith Hormann and/or Eddie Littlefield related to Crane Data Center and Rowan Green Data Center from January 2020 to current date.

Thank you,

Dale

Cc: Ken Dobson, attorney

From: [REDACTED]
Sent: Friday, September 13, 2024 3:33 AM
To: Mariah Woods <mwoods@forestgrove-or.gov>

Cc: Ken Dobson <kdobson@pdxlandlaw.com>

Subject: Re: Online Form Submittal: Public Records Request

To: Mariah Woods, Clerk, City Recorder, Public Records Request official of the City of Forest Grove

Please change my PRR to:

Emails of Keith Hormann and Eddie Littlefield to/from Crane Data representatives from January 2021 to the current date.

Emails of Keith Hormann and Eddie Littlefield to/from Bonneville Power representatives from January 2021 to the current date.

Emails of Keith Hormann and Eddie Littlefield to/from Jessie Vanderzanden about Crane Data Center and Rowan Green Data Center from January 2020 to the current date.

I hope that email expedites my request. I need the information before Sept 18, 2024, but if not possible, ASAP after that date.

Dale Feik

Cell: [REDACTED]
[REDACTED]

Cc: Ken Dobson, attorney

From: Mariah Woods <mwoods@forestgrove-or.gov>

Sent: Thursday, September 12, 2024 4:30 PM

To: [REDACTED]

Subject: RE: Online Form Submittal: Public Records Request

To: Dale Feik

In accordance with ORS 192.324(2), this is to acknowledge our receipt on September 12, 2024 of your request for the following records:

- email and written Communication with Representatives of Crane Data Center about the amount of Power Available to them from FG Power and Light to power the 36 MW first phase Land-Use Building application to the city
- emails and written communication to Bonneville Power about acquiring the electrical Power for Crane's Phase 2 to power the 100 plus MW needed to power phase 2 of their Land Use land application.
- emails and written communication with Bonneville Power about the time line to get 36 MW of Power to Forest Grove for Crane's Building 1 of the land-use
- emails and email communication with Bonneville Power about the time line to get 100 + MW of Power to Forest Grove for Crane's Building 1 of the land-use

As the request is written it will take a considerable amount of staff time to complete, which will result in a high fee to complete the request as well as delays in being able to provide the responsive records. Requests for emails are pulled by our IT department using search terms, dates ranges, and to/from email addresses. The above request relies solely on search terms, which result in thousands of responsive emails that I then have to review.

If you are able to provide more specific parameters for your request, then we would be better able to locate the records you are requesting. Parameters could include: a time frame for the email search; specific staff member(s).

Regards,

Mariah Woods | City Recorder

503.992.3235 | mwoods@forestgrove-or.gov

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CITY OF FOREST GROVE

1924 Council Street
Forest Grove, Oregon 97116

Public Records Law Disclosure: This e-mail may be a public record of the City of Forest Grove and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Thursday, September 12, 2024 7:11 AM

To: Mariah Woods <mwoods@forestgrove-or.gov>

Subject: Online Form Submittal: Public Records 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.

Public Records Request

Pursuant to Oregon Public Records Laws, §192.410-192.505

Attention Requester: This form is required if requesting to inspect or obtain copies of public records held by the City of Forest Grove. To expedite your request, please complete all the information below.

- The City shall respond to public record requests within five (5) business days acknowledging receipt of the request. If the time required to respond to request exceeds 10 business days, the requester will receive written notification. Oregon law authorizes the City to establish fees to reimburse for actual costs in making public records available.
- The City shall waive the first 30 minutes of staff research time. After that, charges are assessed for staff time to complete the work performed. If cost is estimated to exceed \$25, the requester will receive written notification. The City may require confirmation and/or pre-payment before taking further action on the request.
- Full payment of total amount of costs incurred must be paid before public records are inspected or copies released. If records are exempt from disclosure, specific reason(s) will be provided.

Fee Schedule

Effective July 1, 2023

Document Copy	\$21.00, plus \$0.10 per page over 10 pages (1 free copy to victim up to 20 pages)
Digital Storage Device	\$30.00 per device
Citation Copy	\$8.00 per citation
Research Fee	\$74.75 per hour (No charge first 30 minutes of staff time; billed in 15-minute increments)

I understand the above statements and fee schedule	Yes
--	-----

First and Last Name	Dale FEik
---------------------	-----------

Date of Request:	9/12/2024
------------------	-----------

Mailing Address:	
------------------	--

City:	Forest Grove
-------	--------------

State:	Oregon
--------	--------

Zip Code:	97116
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Phone Number:	
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Email Address:	
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Agree to Pay up to \$25 without further approval.	Yes
---	-----

Preferred Method of Delivery (fees may apply):	Email
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Description:	email and written Communication with Representatives of Crane Data Center about the amount of Power Available to them from FG Power and Light to power the 36 MW first phase Land-Use Building application to the city emails and written communication to Bonneville Power about acquiring the electrical Power for Crane's Phase 2 to power the 100 plus MW needed to power phase 2 of their Land Use land application. emails and written communication with Bonneville Power about the time line to get 36 MW of Power to Forest Grove for Crane's Building 1 of the land-use emails and email communication with Bonneville Power about
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the time line to get 100 + MW of Power to Forest Grove for
Crane's Building 1 of the land-use

Note: I typed Dale H. Feik as my electronic signature

Electronic Signature Agreement	I agree.
Electronic Signature	Dale H. Feik

Email not displaying correctly? [View it in your browser.](#)

Mariah Woods

From: cherie savoie tintary [REDACTED]
Sent: Monday, October 14, 2024 11:47 AM
To: Mariah Woods
Subject: 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.

Is it to late to voice our opinion on the data center being built ?

We would like to say NO to the data center being built in town. the quality of life threats are to great. the GHG emissions and the noise that some of the data centers produce. They will suck our electricity and drive up our costs. Our air quality is already bad and as a lung cancer survivor we do not need to allow any big company's in our small town that will have large emissions.

Cherie Savoie Tintary and Lee Tintary [REDACTED] FG

From: noreply@civicplus.com
Sent: Monday, October 14, 2024 1:36 PM
To: City Councilors
Subject: Online Form Submittal: Contact City Council

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Contact City Council

First Name	dan
Last Name	morris
Address	
City	Forest Grove
State	Oregon
Zip	97116
Email	
Whom would you like to contact?	Entire Forest Grove City Council (Includes Mayor Wenzl)
Would you like a response?	Yes
Question / Comment	I submit the following for the Council's consideration in the matter of the Crain Data Center appeal hearing of October 14, 2024 - All legal citations aside, the Council must act in good faith and in the best interest of the FG community. Placing a data center known to generate intolerable noise 24/7, in the middle of residential community fails the test of common sense and for that reason alone warrants the Council's rejection of Crain's Data Center application. Data centers require excessive usage of water and power, requiring upgrades to the FG infostructure that will impact every FG household (see The Oregonian, October 13, 2024). As proposed, Craine will benefit from tax breaks, raking in millions in profits at the expense of the well-being of FG

resident's and compromising property values.

The Council has stressed the importance of inclusion of the community's voice in its decision process - today, hear the resounding voices of the FG community calling for the Council to apply common sense and reject the Craine application - "No FG Data Center"

Email not displaying correctly? [View it in your browser.](#)

Mariah Woods

From: [REDACTED]
Sent: Monday, October 14, 2024 2:13 PM
To: Mariah Woods
Subject: Dale Feik, Hearing Testimony for Oct 14, 2024 emailed before 3:00 pm Oct 14th.
Summary emails from two

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 Mariah (Woods - City recorder and staff person who process Public Records Requests)

Thanks. I made a 10-page summary document of the two large public records that you emailed to me; and I pasted it after my closing. Please consider this official Hearing Testimony that I submitted to you for the Oct. 14th Hearing before the 3:00 deadline. Please let me know that you received it. I will call if you don't reply by 2:45 pm.

Dale (Feik)

Cell: [REDACTED]
[REDACTED]

'BPA Responsive Emails.pdf' attachment from Mariah Woods, City Recorder,
replying to a Public Request submitted by Dale Feik.

I received the BPA Responsive Emails.pdf, Friday Oct 11, 2024 at 5:24 pm via email from Ms. Woods.

The attachment is a 362-page document. I, Dale Feik, printed the entire document, read it, and then made two shorter versions. This is the shortest version, a 10-page version. I am submitting it as part of my Forest Grove City Council Hearing, scheduled for Oct. 14, 2024

From Mariah Woods, City Recorder and person who processes Public Records Requests

These records fulfill the following portions of your request:

- Emails of Keith Hormann and Eddie Littlefield to/from Bonneville Power representatives from January 2021 to the current date.
- Emails of Keith Hormann and Eddie Littlefield to/from Jessie Vanderzanden about Crane Data Center and Rowan Green Data Center from January 2020 to the current date.
- Emails to and from Jesse Vanderzanden to and from Keith Hormann and/or Eddie Littlefield related to Crane Data Center and Rowan Green Data Center from January 2020 to current date.

In the following emails

Crane Data Center is number LO598

Date: Oct 2, 2023

From: Keith Hormann To: BPA representative

We have a communications agreement with the Crane Data Center folks that was violated this morning when the funding group contacted you privately. They copied Adam from the Crane group, but no one from FG knew those communications were happening. I will address this on my end with the Crane group, but from this point forward, could we please have all communication requests go through FG? I've mentioned in the past the Crane group doesn't concern themselves with following protocol and I think when we get to project discussions with Dan Meier's group, we'll have issues if we don't put a stop to this now.

Date: Sept 23, 2024

From: BPA representative To: Keith Hormann

This is definitely big enough to warrant a facility determination and listing in the contract as a "Potential NLSL", but whether it triggers an NLSL designation would depend on actual metered load. As I think we've discussed, BPA would do a facility determination for any new load if the installed transformation and planned load growth for a given entity exceeds 10 MW. The facility determination would establish the official 12-month monitoring period (i.e. a date-specific 12-month period during which BPA would measure the load as it grows during through the years). Then we would monitor actual metered load over time to see whether the 10 MW NLSL threshold is exceeded during any monitoring period. Only if actual load growth during a 12-month monitoring period exceeds 10aMW would the load become an actual "NLSL".

September 23, 2024

From: Keith Hormann To: BPA representative

Kevin and Suzanne, Poplar Power (Crane Data) has given me a new load ramp; please see the attached SS. Their ramp is larger than the one they gave us before and more aggressive, especially in the years 2028-2030. This ramp is for the additional building they are building and is not related to L0508. Could you please review the ramp and let me know if you feel it could trigger an NLSL designation? At this point, I'd prefer not to share this with anyone else besides you two; it's still very adjustable before we send it up the ladder for any official review.

August 6, 2024

From: Crane representative To: Keith Hormann

Is Forest Grove submitting a TSEP for your service area's continued load growth, including the load of 3975 Heather Street which will be served by distribution power, or is the TSEP a separate process from the typical load growth communications that FGLP has with BPA? We've probably discussed this before but I can't recall the answer.

In other words, does this TSEP apply only to the second building on the development served through the on-site BPA substation, or do we need to consider a TSEP for the load growth on our first building?

May 23, 2024

From: BPA representative To: Keith Hormann

As for L0508, it's my understanding that it will need to be re-evaluated by our planning team because the System Impact Study had L0496 project as a dependency. That should be coordinated by Gordon with the assigned transmission planner. My team (Dan and Kurt) will need to wait before we kick off any scoping activities with our OC until the BPA planners have confirmed the Plan of Service for L0508. Planning will make the call concerning an unfunded restudy of the impacts.

It might be good for us, including the BPA planner, to all meet and re-group regarding L0508 so we are all on the same page.

May 20, 2024

From: Keith Hormann To: BPA representative

I received the message below in red from the Rwan Data Center group regarding the cancellation of L0496. They indicated their project cannot move ahead due to the 2038 construction timeline associated with the system upgrades identified in the 2023 Cluster Study. Obviously, this is frustrating to all, but it is especially disappointing to the data group, as they had every intention of completing the project. Please advise us on the next steps, including how the SCM refund will be determined. To ensure we're on the same page, this decision regarding L0496 is not related to our other data center under L0508. The L0508 Crane Data Center Group is still proceeding ahead and would like to move as rapidly as possible. Could we please get an update on where this project is at, and could you also let us know how the decision by L0496 may affect L0508?

May 20, 2024

From: Crane representative To: Keith Hormann

We appreciate your patience over the last several weeks as we have re-evaluated our options for the Meriwether project. Unfortunately, we've decided to withdraw our current SCM application. This was a very difficult decision given that we've invested tens of millions of dollars and several years of effort to develop this site, but the very long lead timelines for capacity (up to 2038) have made it very difficult to move forward with the data center development as previously planned.

May 20, 2024

From: Crane representative To: Keith Hormann

As for L0508, it's my understanding that it will need to be re-evaluated by our planning team because the System Impact Study had L0496 project as a dependency. That should be coordinated by Gordon with the assigned transmission planner. My team (Dan and Kurt) will need to wait before we kick off any scoping activities with our OC until the BPA planners have confirmed the Plan of Service for L0508.

It might be good for us, including the BPA planner, to all meet and re-group regarding L0508 so we are all on the same page.

May 20, 2024

From: Keith Hormann To: BPA representative

To ensure we're on the same page, this decision regarding L0496 is not related to our other data center under L0508. The L0508 Crane Data Center Group is still proceeding ahead and would like to move as rapidly as possible. Could we please get an update on where this project is at, and could you also let us know how the decision by L0496 may affect L0508?

May 8, 2024

From: Keith Hormann To: BPA representative

As I mentioned in our discussion yesterday Suzanne, we met with the Crane data group today to discuss the substation transformer procurements. For Gordon's benefit, these transformers will be added at Filbert and Forest Grove Substations to serve load at a large accessory building the Crane group is constructing next to the data center building. This load will not be related to the actual data center load; the data center load will be served from the L0508 upgrades. In our meeting with Crane today, they indicated they are ready to pull the trigger and have us order the two substation transformers since they have such a long lead time. Before we place the order, I want to re-ask the question I asked yesterday regarding an existing POD versus a new POD and get your thoughts.

The question is, if we expand both Filbert and Forest Grove Subs and add a new transformer at both, is there any chance this will be considered a new POD? The new transformers will be tapped from our customer bus; there will be no new request to tap the BPA line. With new transformers, they will require a new point of meeting, but they'll be in the existing substation footprint, as I mentioned.

If that scenario triggers the definition of a new POD, which I understand from our discussions would be a bad thing, we do have another option. We could replace existing transformers at both substations with larger transformers to feed the existing load and the new proposed load. This scenario won't require new metering, so it should be invisible to BPA I would think.

May 2, 2024

From: Keith Hormann To: BPA representative

Suzanne, I think you might be referring to Rowan instead of Crane with 0496, but no, I haven't received a decision from them yet.

Any word on whether Crane is ready to pull out of that project?

April 26, 2024

From: BPA representative To: Keith Hormann

Please see the attached 23-TP-12968 amended contract. As a reminder since it's carried on a couple of months on our end, this is the payment schedule amendment related to the L0508 Crane Data Center project. Please let me know if you need anything else from Forest Grove.

April 24, 2024

From: BPA representative To: Keith Hormann

Reminder that there are critical independencies between the plans for L0496 and L0508. So, if Rowan pulls out in the next week or so, L0508 will have to go back through planning for review again because it would have a direct impact on that project. This is why the SCM team was hesitant to push forward too much on the projects with Power Engineers while there is so much uncertainty from the data centers.

Please keep us posted on any news you hear from Rowan. The sooner we know if they are pulling out, the better we can plan next steps for L0508.

From: BPA representative To: Keith Hormann

in all honesty I would not advocate any special effort to move either of these projects forward any quicker than usual since neither is pursuing LTF transmission service, though we will certainly do our due diligence to move forward as we are able per the normal SCM process. I understand that L0508 still wants to move forward as quickly as possible, although L0496 expects to make a go/no-go decision by end of April.

April 3, 2024

From: Keith Hormann To: BPA representative

I sent the redline version to Crane for review, and it went into the Crane black hole. Do you show that I ever responded back if we were good to go with the amended version? If not, I pinged Crane yesterday about it, and we would like to move ahead with the amended version, please.

March 28, 2024

From: Keith Hormann To: BPA representative

Rowan would also like to meet to discuss the power options; would you be against meeting with them separately from Crane? I know they we're hoping to still meet this week, but that will likely have to get pushed to next week unless you and they are free to meet tomorrow.

March 20, 2024

From: BPA representative To: Keith Hormann

As Keith and I have discussed, I have been working with colleagues to understand risk around the delivery of FCRPS (federal) power to Forest Grove when Long-Term Firm (LTF) transmission is not

available. In other words, how likely is it that BPA could delivery at least certain amounts of federal power before the 2038 timeline that was identified in the 2023 TSEP process using other NT transmission service types? And could there be a path forward that would be useful to Forest Grove/Rowan/Crane even without moving forward/funding the PEA?

March 20, 2024

From: BPA representative To: Keith Hormann

The 2023 TSEP results for the capacity needed to serve both data centers up to 170 MWs requires new transmission projects that, if funded and built, would be expected to be completed for delivery of LTF transmission service in 2038. We know that this timeframe does not work for your data center projects, and understand you are looking at alternate plans.

February 28, 2024

From: Keith Hormann To: BPA representative

Suzanne, could you please forward the LLIR invites for Rowan and Crane to Mike Beanland? I'm unable to.

----- The following email communication is from my 42- page public records request mainly from emails to and from city manager Jesse Vanderzanden, Keith Hormann and other city staff as noted below:

From: khormann@forestgrove-or.gov
Sent: Wednesday, July 21, 2021 3:33 PM

To: Jesse VanderZanden; Paul Downey; Eddie Littlefield; Bryan Pohl; estover@forestgroveor.gov

Subject: Data Center NDA
Attachments: Rowan NDA Forest Grove fully executed.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Everyone, For your viewing pleasure, I've attached the signed data center NDA that we were discussing yesterday (I Dale Feik, highlighted this email in red print)

January 17, 2024

From: Keith Hormann To: BPA representative

Also, how about the amended agreement with the Crane data center reflecting the new payment schedule?

January 12, 2024

From: Keith Hormann To: BPA representative

I'm getting the feel from the Rowan group that they're more concerned about the timing of completion than the cost. Dave shared with me that the 2032 and 2038 completion dates will most likely cause them to pull out. The Crane group is just asking a bunch of questions.

January 5, 2024

From: BPA representative To: Keith Hormann

The \$1.5M payment was received yesterday (01.04.2024) and will be applied today. Please let us know if you need any additional information.

January 4, 2024

From: BPA representative To: Keith Hormann

This is the table Brian has added to the mod. Payment Amount Date Due
New Proposed Date

1 \$1,500,000 Upon Agreement execution Paid

2 \$1,500,000 January 3, 2024 Paid

3 \$1,500,000 May 30, 2024 November 1, 2024

4 \$1,500,000 September 30, 2024 February 1, 2025

December 19, 2023

From: Keith Hormann To: BPA representative

Would you be able to forward the invites to both data center reps? David Shiflett for Rowan and Adam Witkop for Crane; I'm pretty confident our IT terrorist police Outlook filter system will block me from forwarding it.

December 19, 2023

From: Keith Hormann To: BPA representative

Suzanne, is it safe for me to tell the data developers that they can be part of the January 12th TSEP meeting

December 19, 2023

From: Keith Hormann To: BPA representative

That would probably make the Crane group happy, for a few minutes anyway.

December 11, 2023

From: BPA representative To: Keith Hormann

Hi Keith, Thank you for this update – I did not realize our exact responses were going directly to Crane, I appreciate that clarification. I will follow-up with Erich to address Crane's response below.

Can you also please provide any insights on this piece of the project – they referring to the 186 MWs in the 2023 TSEP process?

December 8, 2023

From: Crane representative To: Keith Hormann

While we remain committed to this project, we are concerned about the evolving SCM design schedule and its relationship to the SCM funding timeline and eventual substation construction and energization schedule. If the latest response from BPA is accurate, we will make two payments prior to the kickoff of the project, and 3 payments prior to BPA delivering the plan of service to the Owner's Consultant. From a Crane perspective, the intent of the staggered payment schedule was to commit capital closer to when costs would be incurred so we have less money sitting idle. Neither Crane nor BPA want funding to hold up design work, but the current SCM kickoff schedule leads us to believe that a large portion of the funds would be sitting unused in BPA's accounts for longer than we anticipated. However, we are mostly concerned about what a 7 month delay between funding and project setup means for the overall length of the SCM process and its impact on substation energization timing.

December 8, 2023

From: Keith Hormann To: BPA representative

FYI, this is the email I sent to Rowan, and I'm following with a similar letter to Crane

December 8, 2023

From: Keith Hormann To: Rowan Green

I have requested that you and the other data center group we're working with be allowed to join the meeting, as the study results will impact both of you. Our AE is checking on this and will confirm if that's permitted. It's my preliminary understanding that we will have 14 days to decide if the required upgrade project(s) will be agreed to or if the project will be taken out of study.

October 04, 2023

From: BPA representative To: Keith Hormann

Would you like me to see if the Crane group would like to join us, or is it too premature for it since Dan will be new to it?

October 2, 2023

From: Keith Hormann To: BPA representative

We have a communications agreement with the Crane Data Center folks that was violated this morning when the funding group contacted you privately. They copied Adam from the Crane group, but no one from FG knew those communications were happening. I will address this on my end with the Crane group, but from this point forward, could we please have all communication requests go through FG? I've mentioned in the past the Crane group doesn't concern themselves with following protocol and I think when we get to project discussions with Dan Meier's group, we'll have issues if we don't put a stop to this now.

August 04, 2023

From: BPA representative To: Keith Hormann

Did the data bros review the L0496 agreement language? It will be a little different, but very similar.

Anyway, thank you for keeping the lines of communication open, Keith, and have a great weekend too!

August 04, 2023 December 8, 2023

From: BPA representative To: Keith Hormann

Did the data bros review the L0496 agreement language? It will be a little different, but very similar.

Friday, August 4, 2023

From: BPA representative To: Keith Hormann

I thought my last report to you a week or so ago on L0508 was that we were likely looking to tender the agreement by mid-August, my apologies if I was not clear on that. I am hoping we will hear more on L0496 as well – I will stay on that, as well.

August 3, 2023

From: Keith Hormann To: BPA representative

My understanding is that the determination is related to the great demand and strong business case for those projects; we know the revenue will come in once the projects are built. Customers still need to fund environmental work, etc., just as the is the case for your two data centers. Of course, investment in projects like yours are subject to transmission credits, as well.

also, I plan to file the transmission line additional load LLIR requests and the revised LaRC tomorrow. Do you see any issues with them? No concerns from my perspective on these. I would recommend to submit them as soon at your earliest convenience. If staff have any questions or concerns during review, we will of course reach out, and I saw Adela's response, as well

April 28, 2023

From: Keith Hormann To: BPA representative

As you know, we've been working with the L0508 Crane Data Center developer regarding their desire to be still considered for the Secondary Capacity Model versus the Primary Model. The developer has made some recent project progress, particularly related to their financing, that I'd like to share with the Planning Group to help with their decision making considerations. The project advances that have been achieved lately are:

- Financing for SCM Phases 1 & 2 has been secured per the developer. They are requesting to be placed on a half-payment per phase progress payment schedule of \$1.5 million per payment, with four payments totaling the required \$6 million. The funding will be available within thirty days of the request.
- The industrial site land has been purchased and is now owned by the data group
- An interconnection agreement between the City of Forest Grove and the developer has been completed
- An agreement is nearing completion between the developer and Clean Water Services regarding an electrical easement across the CWS property between the FG/McMinnville 115 line and the proposed new substation on the data center site
- An agreement is nearing completion between the developer and Clean Water Services regarding plant cooling utilizing CWS wastewater
- The developer has met several times with the City regarding permitting, siting, enterprise zone incentives, and several other planning topics
- The developer is planning for land use and site permitting in Quarter 3 or 4 of 2023
- The developer is still requesting project energization in quarter 1 of 2025

Please let me know if there is any other information we could gather that would help in Martin's decision-making process. We appreciate BPAs patience with this project while we ran down numerous different options with the developer to determine if it was feasible to consider pursuing them.

CITY OF FOREST GROVE

Keith Hormann Light & Power Director

April 4, 2023

From: BPA representative To: Keith Hormann

Thank you for reaching out on this; I reached out to the team, and we would ask that you please do not share the SCM agreement draft for L0496.

Here is some information you can share with the L0508 team for their consideration:

After the Interconnection System Impact Study (ISIS) (we reviewed that with Forest Grove on 8/30/22), the normal/typical process is to do light touch scoping to facilitate the info needed for the Interconnection Facilities Study (FAS).

Facilitating the FAS via SCM Phase 1 is on a case by case basis (not the typical process) for projects that meet the minimum cost threshold of \$10M, along with project schedule needs where it makes sense to immediately move into the more robust project development aspects that SCM provides.

April 10, 2023

From: BPA representative To: Keith Hormann

Good Morning Keith, Thank you for this update – it's very helpful. I have looped in others on the team, so that we are all on the same page with next steps on L0508 – moving forward with the internal scoping process until/unless the client is able to provide SCM funding later in the year. I really appreciate your engagement with the data centers to help us allocate resources as best as possible for these projects.

March 3, 2023

From: Keith Hormann To: BPA representative

we haven't heard from the Crane group for a couple of weeks, and we weren't reaching out to them. They reached out to us this afternoon, and things just took another turn we didn't expect.

We had spoken with them a few times about their desire to increase their load request. We've been telling them that from your guidance, it would require a separate LLIR. In their message today, they confirmed with their capital partners that they want us to initiate a second LLIR in the amount of 64 MW. This will bring their total combined request to 100 MW for the project. This part didn't surprise us, but the second part of their request did. They said their capital partners have now agreed to funding the SCM process, if they could be allowed into the program. It sounds like their PGE venture fell through, so that is not a path they appear to be going down anymore.

The fun never stops in sleepy little Forest Grove

February 8, 2023

From: Keith Hormann To: BPA representative

Thank you, Suzanne. I appreciate you discussing our request ahead of time with your team and bringing the big boss into our conversation. I have no problem letting Crane know the decision, I can say we researched it, and it's not feasible.

February 19, 2021

From: Keith Hormann To: BPA representative

We found the original purchase order, invoices, and payment requests. Unfortunately, as I expected, it's for all three units and is a little confusing to wade through. The first page in the scan I attached is our purchase order for the three transformers, one at Thatcher Substation and two at Forest Grove Substation. The total price for all three was \$1,812,000. Dividing that by three is how we were coming up with individual transformer costs of \$604,000 per unit.



**Testimony by Titonian Wallace, Sr.
Chair, Board of Directors, Washington County Chamber of Commerce
Forest Grove City Council Meeting
Date: Monday, October 14, 2024**

Mayor Wenzl and members of the Forest Grove City Council:

Good evening. My name is Titonian Wallace, and I am the Chair of the Board of Directors for the Washington County Chamber of Commerce. I am here today to express our strong support for the proposed data center project by Crane Data Centers.

Crane Data Centers is a sustainably focused organization with a deep commitment to the communities in which they plan to operate, including right here in Forest Grove. They represent the kind of collaborative and responsible development that will benefit both this city and the broader Washington County region. Crane's focus on sustainability and community engagement aligns with the values of our region and provides an exciting opportunity for growth.

We understand that Crane's project has already received approval from the city's planning staff, and an initial appeal was rejected by the City's Planning Commission based on the project's full compliance with the light industrial use criteria. Despite this, we are aware that another appeal has put this promising project at risk. We strongly encourage the Council to uphold the Planning Commission's decision and allow this project to move forward.

The economic benefits Crane Data Centers will bring to Forest Grove and Washington County are substantial. This project represents nearly \$1 billion in investment, creating hundreds of construction jobs and, once operational, dozens of high-paying, permanent jobs. These positions will exceed the area's average wage, contributing directly to the economic health of our community.

Crane has demonstrated its commitment to being a long-term partner in Forest Grove. They have engaged with key community groups, local education leaders, and economic development advocates to ensure that this project is in line with the values and needs of the community. Furthermore, they've taken steps to address concerns raised by the community, including adjustments to their site plan regarding water, power, and construction impacts. Notably, Crane has also committed to funding the extension of Heather Road at the City's request, demonstrating their willingness to invest in local infrastructure.

In conclusion, Crane's presence in Forest Grove will provide lasting economic and social benefits to our region. We believe this project will be an asset to the community and help further the prosperity of the Silicon Forest without sacrificing what makes Forest Grove special.

We respectfully urge the City Council to support this project and allow it to move forward for the benefit of both current and future residents of Forest Grove and Washington County.

Thank you for your time and consideration.



GREATER PORTLAND INC
111 SW COLUMBIA ST, #1180, PORTLAND, OR 97201
GREATERPORTLANDINC.COM
503-445-8065

October 10, 2024

Forest Grove City Council
1924 Council Street
Forest Grove, OR 97116

Mayor Wenzl and Members of the Council:

On behalf of Greater Portland Inc (GPI), I am writing to express my support for Crane's Data Center development in Forest Grove.

GPI is the leading regional economic development organization, helping businesses locate and grow in seven counties in and around the metropolitan area. We advocate for smart, sustainable policies and support innovative businesses that look to locate and grow here.

The Crane team is committed to a compliant, thoughtful and collaborative approach to its presence in Forest Grove. I believe this has been demonstrated in the following ways.

- **Crane has met or exceeded local land use requirements.** Having worked with Forest Grove planning staff and following the established land use process, the project meets all criteria for light industrial use.
- **Crane has been responsive to the community.** Conversations with city and community leaders have led to the development of solutions for concerns raised about water, power, visibility, and construction impacts.
- **Crane is invested in Forest Grove.** They have demonstrated an interest in a long-term partnership with the community, ensuring benefits from their development are shared broadly.

This development represents a model for sustainable digital infrastructure investment. It's an exciting opportunity for Forest Grove to benefit from the growth of the Silicon Forest, complementing the adjacent, ongoing expansion of industry in Washington County. Further, it presents a compelling opportunity for quality jobs and increased tax base.

GPI supports this development and the positive economic impact it will create for the community.

Sincerely,

Nick Triska
Head of Business Development
Greater Portland Inc



Rafael Manriquez
Rafael's Quality Lawncare
324 South Nectarine Street
Cornelius, OR 97113
October 11, 2024

Dear Forest Grove City Council,

My name is Rafael Manriquez and I am a small business owner who lives in Cornelius. I have been in the landscaping business for over 10 years and started my own company around three years ago called Rafael's Quality Lawncare. I understand from my client that their project is being voted on by the city council on Monday and wanted to write a letter of support of Crane.

We have around 70 clients who live in Forest Grove and around 30 clients in Cornelius. Crane Data Centers is my largest client in Forest Grove. We maintain their 35 acre site every 6-8 weeks with each job being significantly higher than our average job which makes a huge impact on our business. The work has been a great opportunity for my business and has allowed us to earn much more than other smaller jobs which helps me to pay my workers a good pay and helps with the cost of operating the business.

It is not easy for us to survive on only small residential projects. If our work with Crane goes away, it will have a big impact on our income.

Thank you for your time and allowing me to share.

Sincerely,

Rafael Manriquez

Mayor Malynda Wenzl
City of Forest Grove
1915 Main Street
Forest Grove, OR 97116

Deanna Palm
Washington County Chamber of Commerce
5193 NE Elam Young Pkwy Ste A
Hillsboro, OR 97124

Oct. 14, 2024

Dear Mayor Wenzl and members of the Forest Grove City Council,

On behalf of the Washington County Chamber of Commerce, I am writing to express our strong support for the proposed data center project by Crane Data Centers. As a sustainably focused organization with a deep commitment to the communities in which they hope to operate, including ours, Crane Data Centers represents the kind of collaborative and responsible development that will benefit both Forest Grove and the broader Washington County region.

We understand that Crane's project has already received approval from the city of Forest Grove planning staff and an initial appeal has been rejected by the City's Planning Commission. These affirmations are based on the project's full compliance with the criteria for light industrial use in the area. Despite this, we were disappointed to learn that this exciting project is again at risk due to yet another appeal. The Planning Commission has already upheld the staff's recommendation, and we trust the City Council will do the same to ensure the project's progress.

This project offers a substantial opportunity for Forest Grove and Washington County, and as a champion for economic development in this region, we feel strongly that it should move forward. Crane is making a nearly \$1 billion investment in the region, bringing hundreds of construction jobs during development, and once operational, the center will offer dozens of high-paying jobs that exceed the area's average wage.

With this project, Crane is committed to ensuring that Forest Grove shares in the prosperity of the growing Silicon Forest without sacrificing the character of this special community. The company has made clear its intent to be a long-term partner in Forest Grove — engaging with key community groups, local education leaders, and economic development advocates to ensure the project aligns with community values and needs.

Notably, they've adjusted their site plan based on feedback to address concerns about water, power, and construction impacts. Additionally, they've committed to funding the extension of Heather Road at the City's request, showcasing their willingness to invest in local infrastructure and other priorities.

We believe Crane's presence will bring lasting economic and social benefits to our region and be an asset to the Forest Grove community. We urge the City Council to support this project and allow it to move forward for the benefit of current and future residents of Washington County.

Thank you for your consideration.

Sincerely,

Deanna Palm
President + CEO
Washington County Chamber of Commerce



Next generation data center **design.**

| **Forest Grove Development Overview**

About us

Data centers are vital to how we live, work, and stay connected today. They power the internet, our phones, computers, the cloud services we rely on, and enable important sustainability initiatives. Crane was founded after recognizing the need for a new, more responsible approach to developing these essential facilities.

Drawing on years of experience designing and operating some of the world's most advanced hyperscale data centers, we bring a unique perspective that prioritizes not only technological advancement but also the well-being of the communities we develop in. Our commitment to sustainable practices means we use eco-friendly building methods and partner with local organizations to ensure that our projects have a positive, lasting impact on the community.

We deeply care about the communities we operate in, our clients, employees, partners, and the environment. Thoughtful stewardship of time, materials, and resources is the foundation upon which we are built.



Sustainability | Innovation
Stewardship | Integrity
Empathy | Accountability

Exterior

Thoughtfully designed landscaping will create green, inviting spaces with beautiful walkways and open areas for relaxation

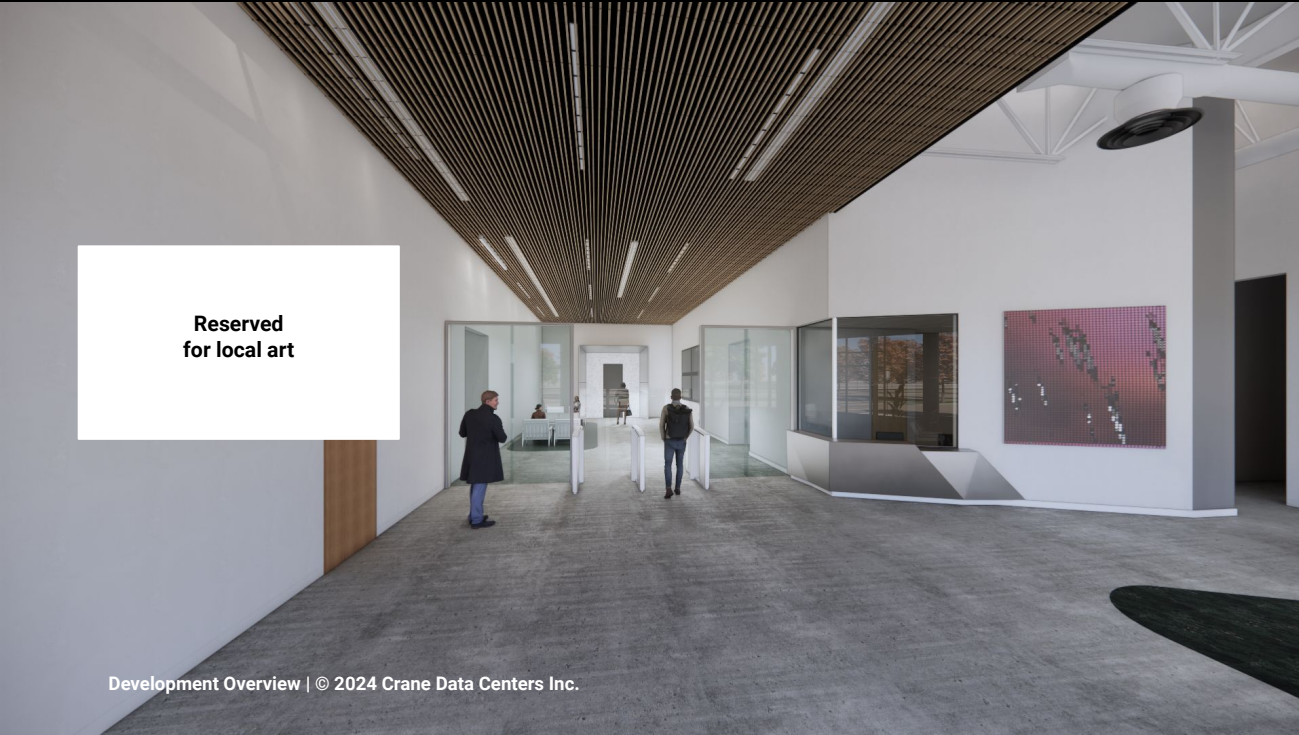


Architecture overview



Architecture - Local Art Showcasing

Multiple dedicated spaces have been set aside for vibrant art installations by local and student artists, celebrating the community's unique culture and identity. We are excited to launch partnership programs with local schools and artists to commission dynamic indoor and outdoor artworks that reflect the heart of the neighborhood.





Architectural rendering of initial data center

Forest Grove, Oregon Sustainable Development

Our project in Forest Grove, Oregon, highlights our commitment to the environment. Our state-of-the-art data center prioritizes sustainability through a comprehensive approach that integrates energy efficiency, renewable resources, and environmental stewardship.



Air-based cooling

Data center designed to utilize proven state-of-the-art air-based cooling technology rather than water



LEED certified

Low cost utility power and advantageous property tax incentives offer potential clients a low TCO environment



Renewable power

Data center is powered by renewable energy, utilizing sources like wind and solar to minimize environmental impact



Low carbon building

Environmentally friendly data center designed with innovative technologies and sustainable materials



Energy Efficient

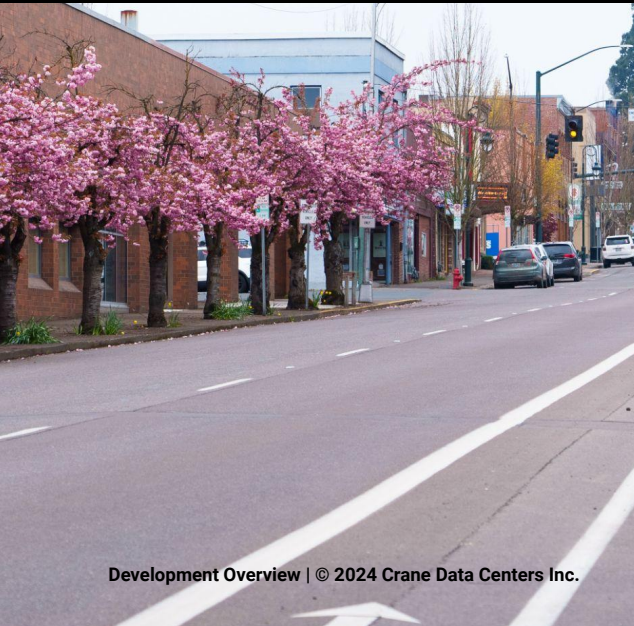
Targeting an annual average PUE (Power Usage Effectiveness) of 1.3 or lower and committed to optimized power usage



Rainwater harvesting

Rainwater harvesting system helps conserve potable water by using captured rainwater for flushing and other non-potable applications

Forest Grove Community Infrastructure



New road: Heather Street extension

- Forest Grove planning department wanted to develop a new street extension to provide an additional east-west traffic corridor in Forest Grove
- As part of the development, Crane plans to pay for the construction of an extension of Heather Street between Mountain View Lane and Poplar Street
- Street extension will improve access, safety, and traffic flows



Waterless

- Data center originally designed to utilize recycled water for cooling, but the city cited concerns about using the potable system for backup
- Crane redesigned the data center to use a proven air-based cooling system (i.e. doesn't use water for evaporative cooling)



Upgraded electrical infrastructure

- Crane has been collaborating w/ Forest Grove Light & Power (FGLP) over the last few years and are confident in power delivery to the site
- Data center will improve resilience and reliability of Forest Grove's electrical infrastructure without burdening other ratepayers, and will minimize probability of future power outages

Forest Grove Community Benefits

Local jobs

Data centers provide local jobs that support the local economy; many data center jobs are higher paying, stable jobs associated w/ long term investment.

Investment & support for local businesses

Data center investments create a multiplier effect in local economy; local purchasing grows the economy; data center development creates demand for local goods and services, such as construction, maintenance, hotels, restaurants which help support local businesses.

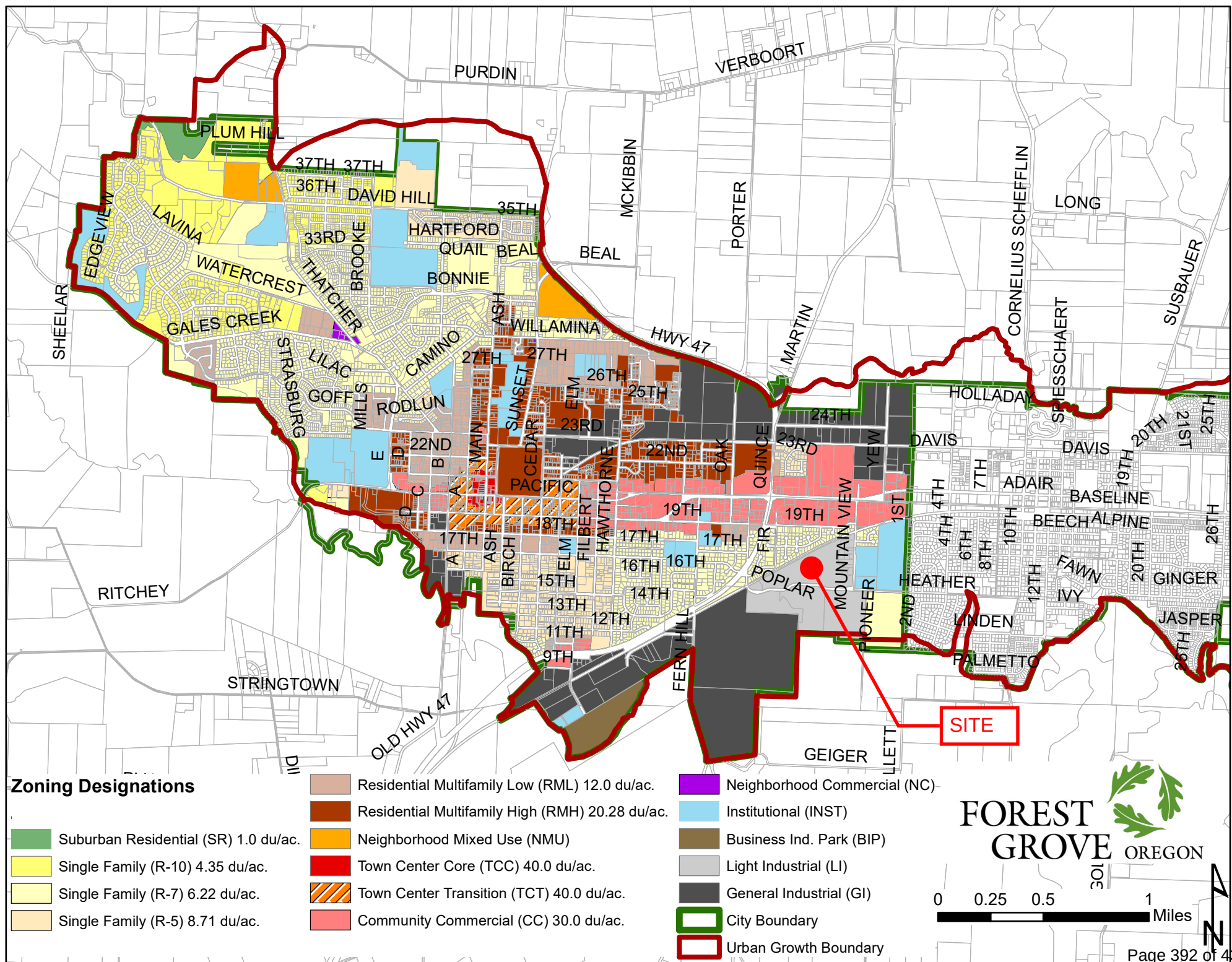
Support for local community

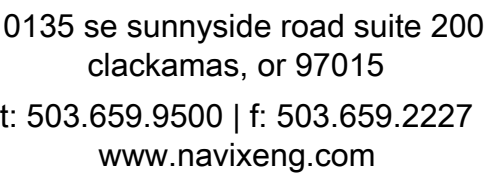
We intend to partner with interested local schools for educational development programs; we are also in the process of creating a local art program to display the work of local and student artists in our data centers.

Low impact development

Data centers generate far less traffic, noise, and pollution compared to other industrial facilities. While warehouses increase traffic, data centers have a minimal impact on local traffic patterns. Data centers also contribute significantly to the local economy through investment and taxes without heavily impacting public services such as roads, schools, and healthcare, making them an asset to local community.



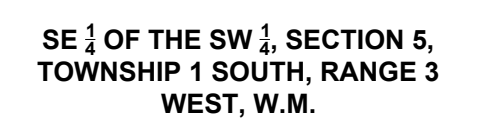




crane
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FOREST GROVE

3975 & 3993
HEATHER STREET
FOREST GROVE, OR

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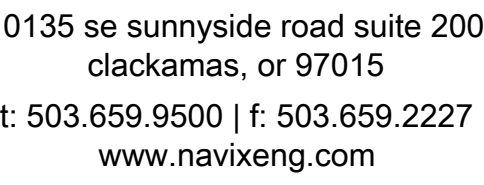
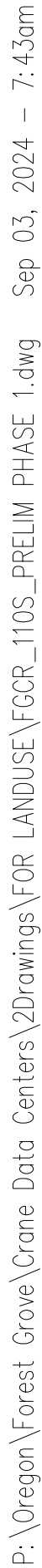
REVIEWED BY:

DESIGNED BY:

PRELIMINARY MASTER CAMPUS SITE PLAN

C-1

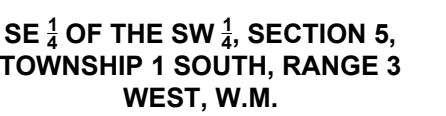




crane
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FOREST GROVE

3975 & 3993
HEATHER STREET
FOREST GROVE, OR

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VIEWED BY:
ESIGNED BY:

PHASE 1 SCOPE OF IMPROVEMENTS

PC-1

HEATHER STREET (PROPOSED HALF-STREET IMPROVEMENTS)

PRE-DEVELOPMENT RUNOFF SUMMARY

Events for Subcatchment 51S: PRE-DEV SITE B1 16.84 A/

Event	Rainfall (inches)	Runoff (cfs)	Volume (cubic-feet)	Depth (inches)
2-YR	2.50	0.82	37,182	0.61
5-YR	3.10	1.65	59,435	0.97
10-YR	3.45	2.24	73,694	1.21
25-YR	3.90	3.07	93,119	1.52
100-YR	4.50	4.28	120,568	1.97

Events for Subcatchment 54S: PRE-DEV SITE B2 10.8 AC

Event	Rainfall (inches)	Runoff (cfs)	Volume (cubic-feet)	Depth (inches)
2-YR	2.50	0.53	23,846	0.61
5-YR	3.10	1.06	38,118	0.97
10-YR	3.45	1.44	47,262	1.21
25-YR	3.90	1.97	59,720	1.52
100-YR	4.50	2.75	77,324	1.97

Events for Subcatchment 57S: PRE-DEV SITE SUBSTATION

Event	Rainfall (inches)	Runoff (cfs)	Volume (cubic-feet)	Depth (inches)
2-YR	2.50	0.34	11,481	0.61
5-YR	3.10	0.72	18,353	0.97
10-YR	3.45	0.97	22,756	1.21
25-YR	3.90	1.32	28,754	1.52
100-YR	4.50	1.83	37,230	1.97

POST-DEVELOPMENT RUNOFF SUMMARY

Events for Pond 53P: Detention Pond B1

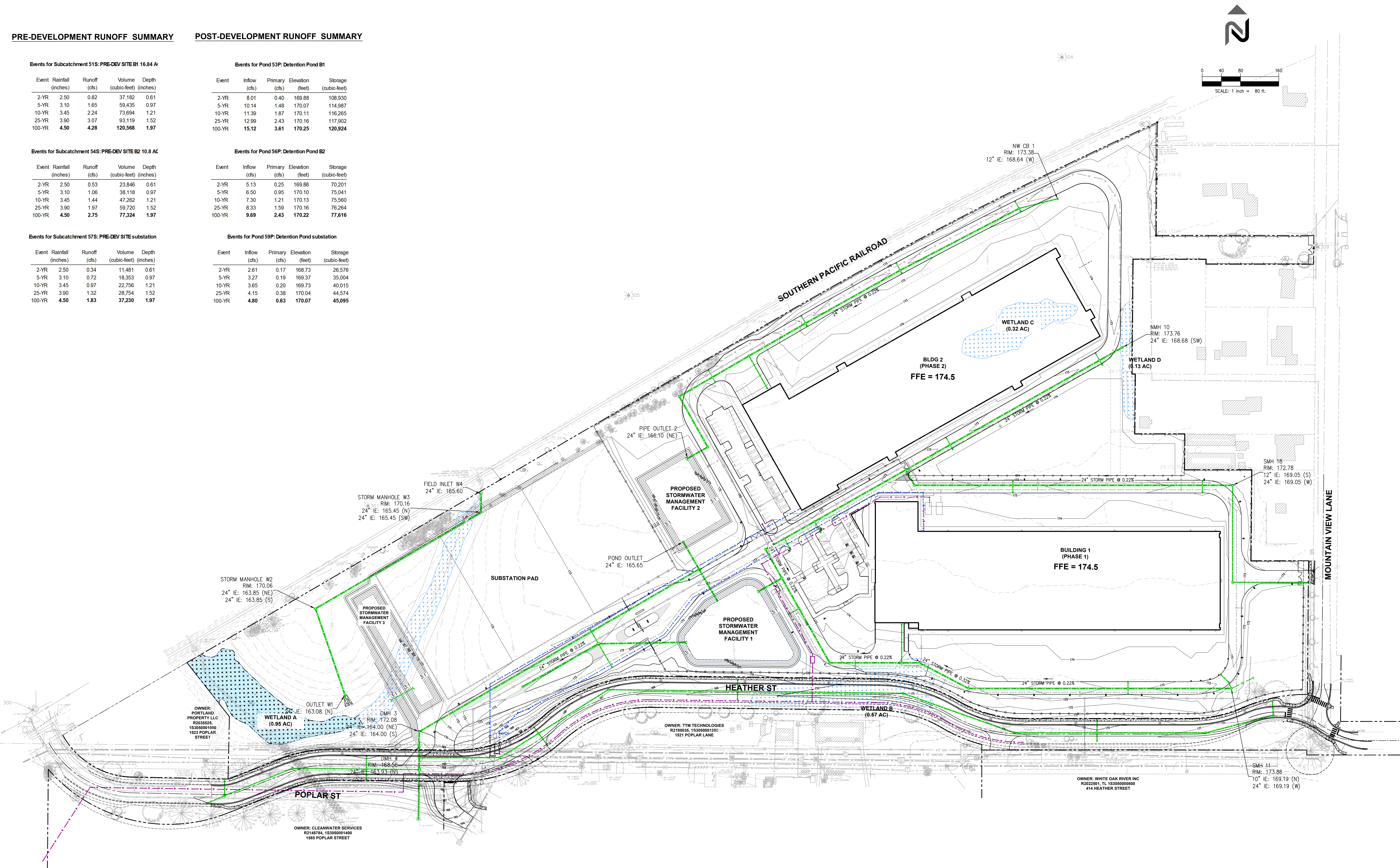
Event	Inflow (cfs)	Primary (cfs)	Elevation (feet)	Storage (cubic-feet)
2-YR	8.01	0.40	169.88	108,930
5-YR	10.14	1.48	170.07	114,987
10-YR	11.39	1.87	170.11	116,265
25-YR	12.99	2.43	170.16	117,902
100-YR	15.12	3.61	170.25	120,924

Events for Pond 56P: Detention Pond B2

Event	Inflow (cfs)	Primary (cfs)	Elevation (feet)	Storage (cubic-feet)
2-YR	5.13	0.25	169.88	70,201
5-YR	6.50	0.95	170.10	75,041
10-YR	7.30	1.21	170.13	75,560
25-YR	8.33	1.59	170.16	76,264
100-YR	9.69	2.43	170.22	77,616

Events for Pond 59P: Detention Pond substation

Event	Inflow (cfs)	Primary (cfs)	Elevation (feet)	Storage (cubic-feet)
2-YR	2.61	0.17	168.73	26,576
5-YR	3.27	0.19	169.37	35,004
10-YR	3.65	0.20	169.73	40,015
25-YR	4.15	0.38	170.04	44,574
100-YR	4.80	0.63	170.07	45,095



LEGEND

— 24" STORM SEWER PIPE

CLIENT/OWNER

PROJECT NAME

FOREST
GROVE

NAVIX PROJECT NUMBER: 20-715-001

PROJECT ADDRESS

3975 & 3993
HEATHER STREET
FOREST GROVE, OR

STAMP

REVISIONS

REV	ISSUED FOR:	DATE
	SITE DEVELOPMENT REVIEW	01/22/24
	COMPLETENESS SUBMITTAL	03/19/24
	SITE PLAN UPDATE	06/07/24
	SITE PLAN UPDATE	06/21/24



SECTION, TOWNSHIP, RANGE:

SE 1/4 OF THE SW 1/4, SECTION 5,
TOWNSHIP 1 SOUTH, RANGE 3
WEST, W.M.

PROJECT TEAM

REVIEWED BY:
DESIGNED BY:

SHEET NAME

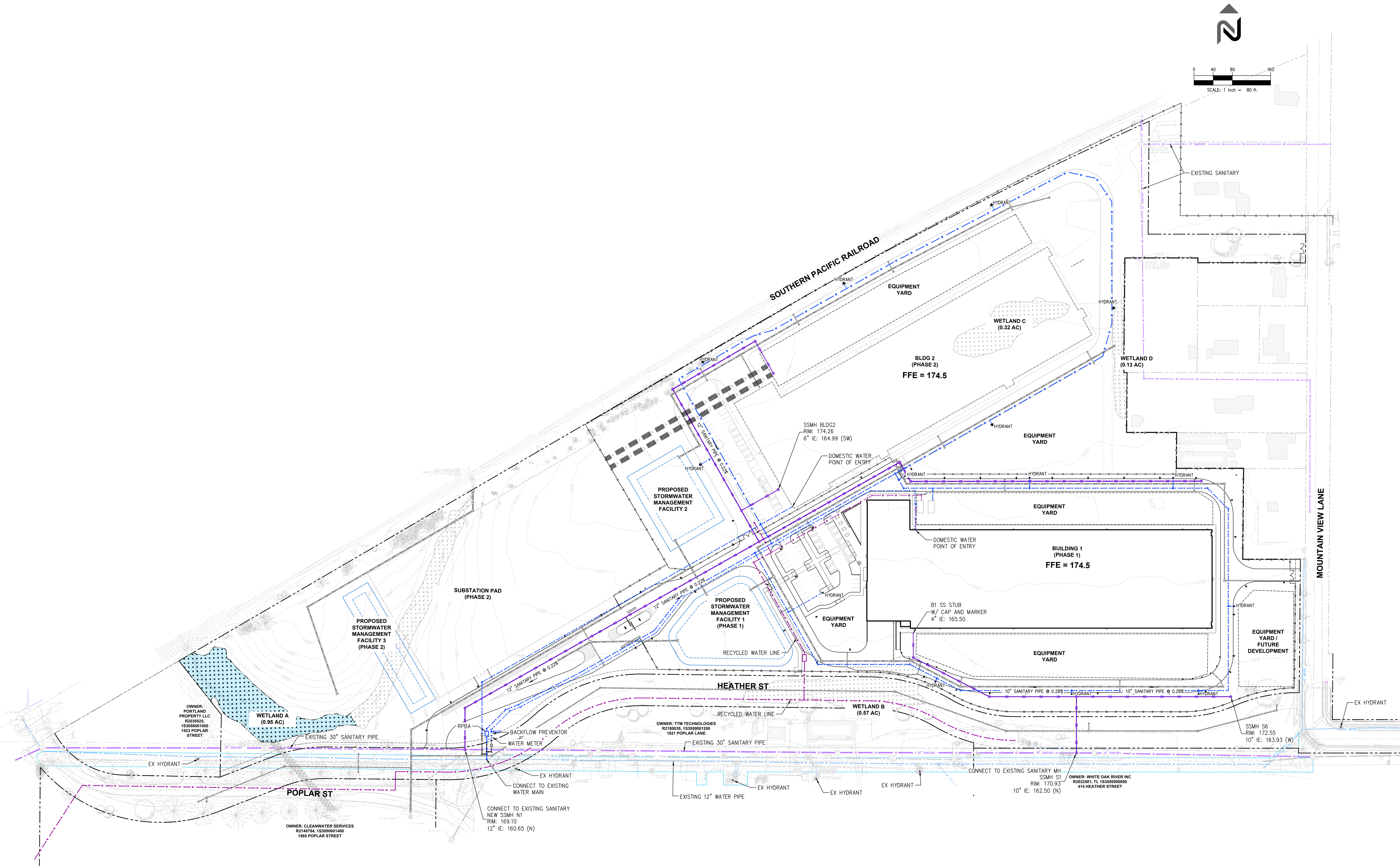
PRELIMINARY
GRADING AND
DRAINAGE
PLAN

SHEET NUMBER

PC-2

P:\Oregon\Forest Grove Data Centers\Drawings\FOR LANDUSE\FOR_1300L_PRELIM.dwg Jun 20, 2024 - 9:57pm

- LEGEND**
- SS SS SANITARY SEWER PIPE
 - SS SS STORM SEWER PIPE
 - W W WATER PIPE
 - RW RW CWS RECYCLED WATER LINE



CLIENT/OWNER

crane
Page/

PROJECT NAME

FOREST GROVE

NAVIX PROJECT NUMBER: 20-715-001

PROJECT ADDRESS

**3975 & 3993
HEATHER STREET
FOREST GROVE, OR**

STAMP

REVISIONS		
REV	ISSUED FOR:	DATE
	SITE DEVELOPMENT REVIEW	01/22/24
	COMPLETENESS SUBMITTAL	03/19/24
	SITE PLAN UPDATE	06/07/24
	SITE PLAN UPDATE	06/21/24



SECTION, TOWNSHIP, RANGE:
SE 1/4 OF THE SW 1/4, SECTION 5,
TOWNSHIP 1 SOUTH, RANGE 3
WEST, W.M.

PROJECT TEAM
REVIEWED BY:
DESIGNED BY:

SHEET NAME
**PRELIMINARY
UTILITY
PLAN**

SHEET NUMBER

PC-3

CLIENT/OWNER



PROJECT NAME

FOREST GROVE

NAVIX PROJECT NUMBER: 20-715-001

PROJECT ADDRESS

3975 & 3993
HEATHER STREET
FOREST GROVE, OR

STAMP

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SECTION, TOWNSHIP, RANGE:

SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, SECTION 5,
TOWNSHIP 1 SOUTH, RANGE 3
WEST, W.M.

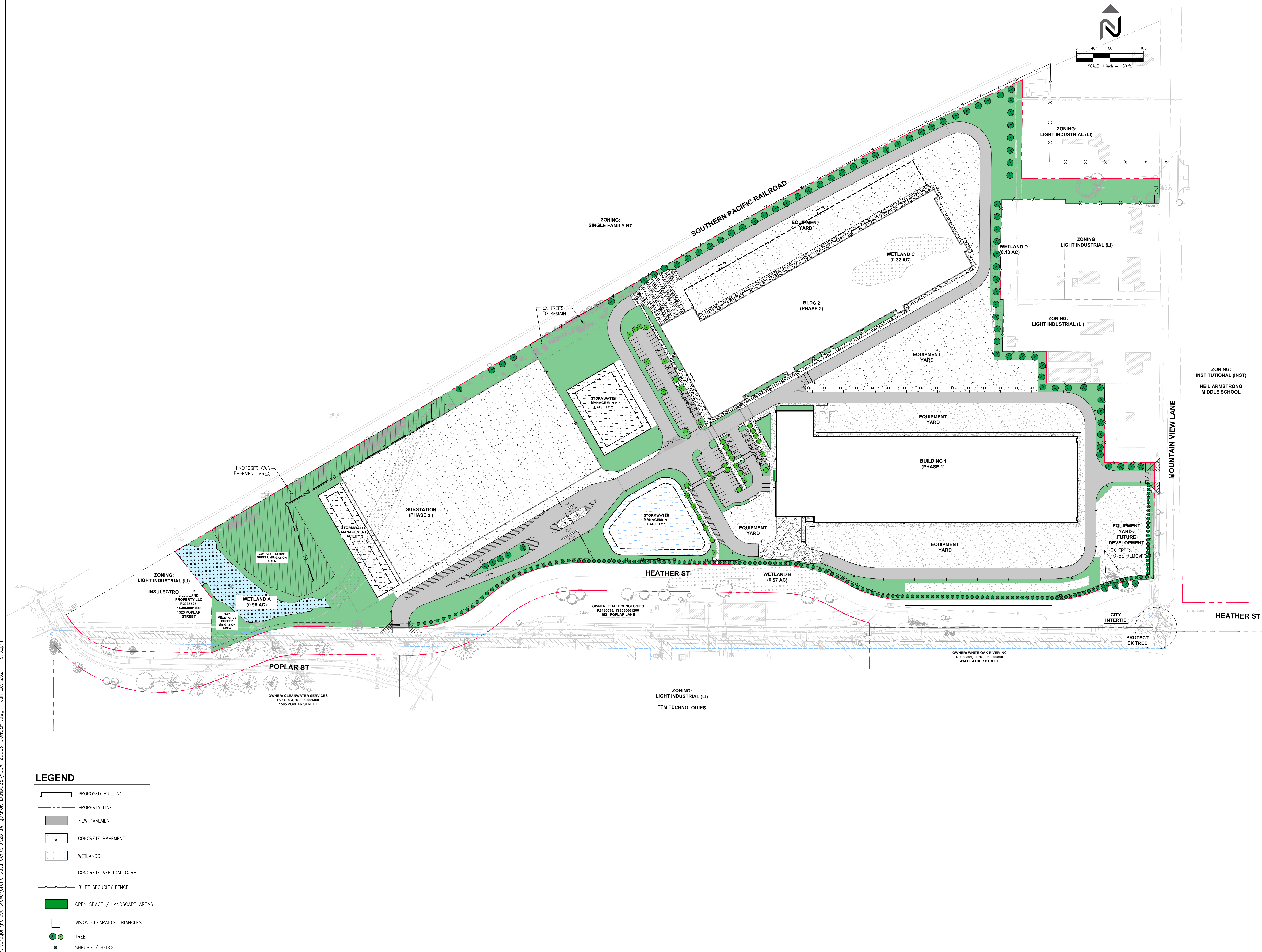
PROJECT TEAM
REVIEWED BY:
DESIGNED BY:

SHEET NAME

PRELIMINARY LANDSCAPE PLAN

SHEET NUMBER

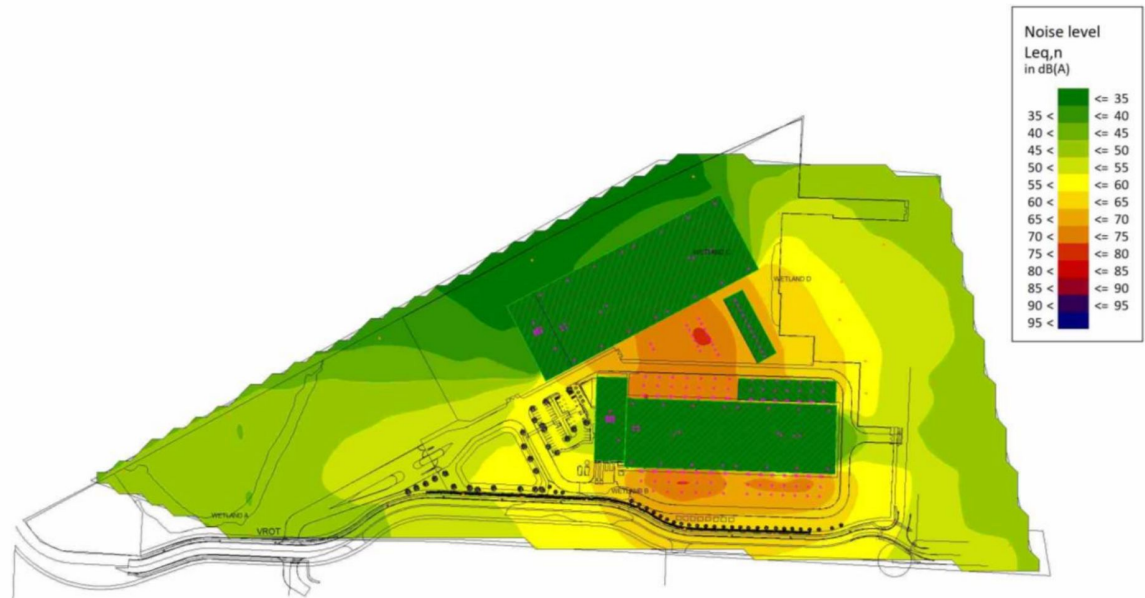
L-1



Acoustics

- Noise regulations are required to be met during operations – this is a performance standard, not a criterion for Site Development Review
- Designed to meet all local sound ordinances
- Hired a licensed acoustical engineering firm to study project noise impacts; Acoustical Evaluation demonstrates the Project can meet the noise standards for the full build development; some areas may require mitigation which was modeled

Figure 8 – Anticipated Mechanical Equipment Noise Levels (Heatmap) – Full Site Buildout with Noise Mitigation Platform Screening



Water

- Water availability, connection, and system upgrades are evaluated by the Engineering Department during engineering development review and are not a criterion for Site Development Review
- The current plan contemplates potable water for the employees of the data center (our current estimate of water usage for Building 1 is roughly equivalent to 1 to 2 single family homes)
- We did explore recycled water based cooling for the first building, but decided to use a proven air-cooled chiller technology
- Condition of Approval 24 explains how Crane could study the City's water system to utilize City water for emergency back-up cooling

Cooling

- Crane's data center campus is designed with an air-cooled chilling technology utilized by hundreds of data centers around the world including most of the data centers in Hillsboro
- This type of proven technology is available from 10+ global manufacturers

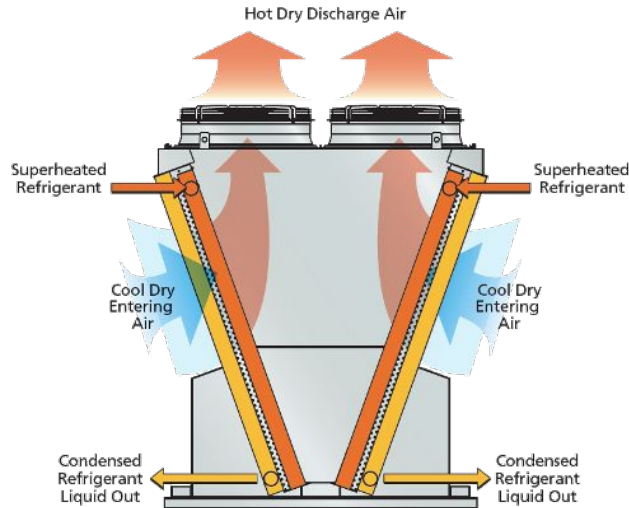
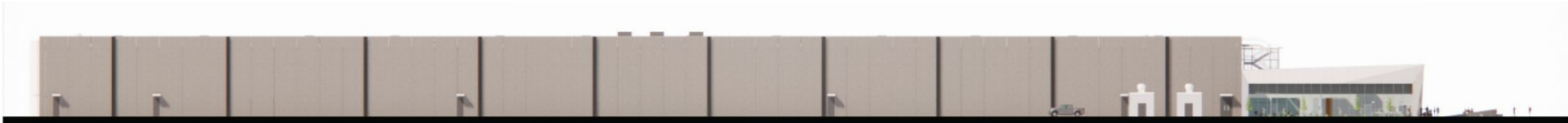
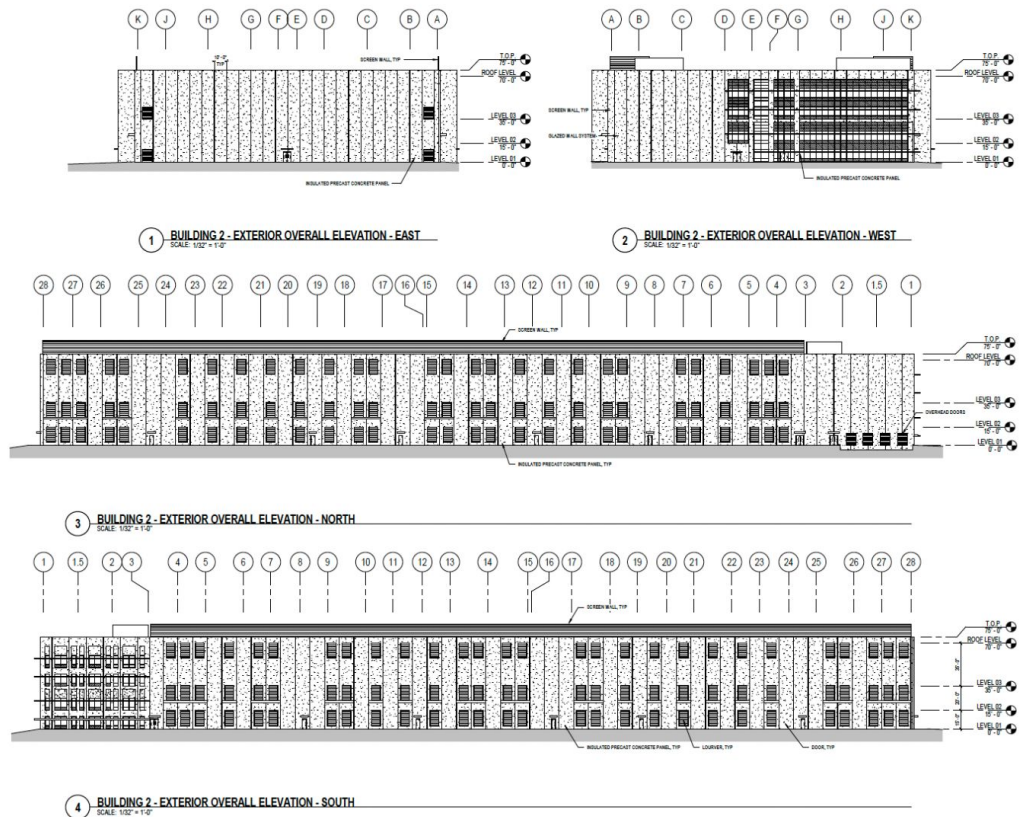


Image of a chiller used in air based cooling systems for data centers

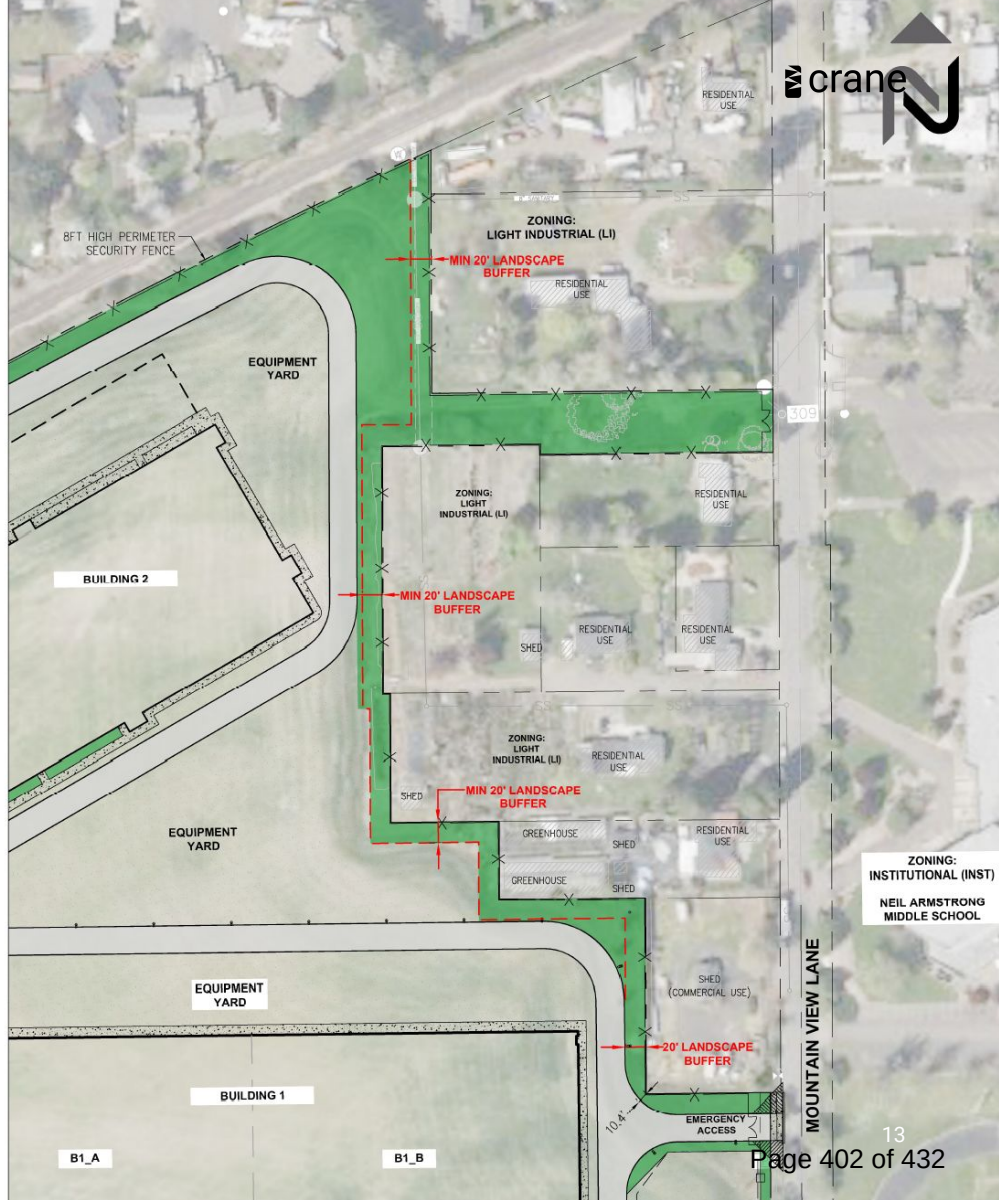
Canopies / Recessed Entries

All requirements for entries have been met



Landscaping Buffer

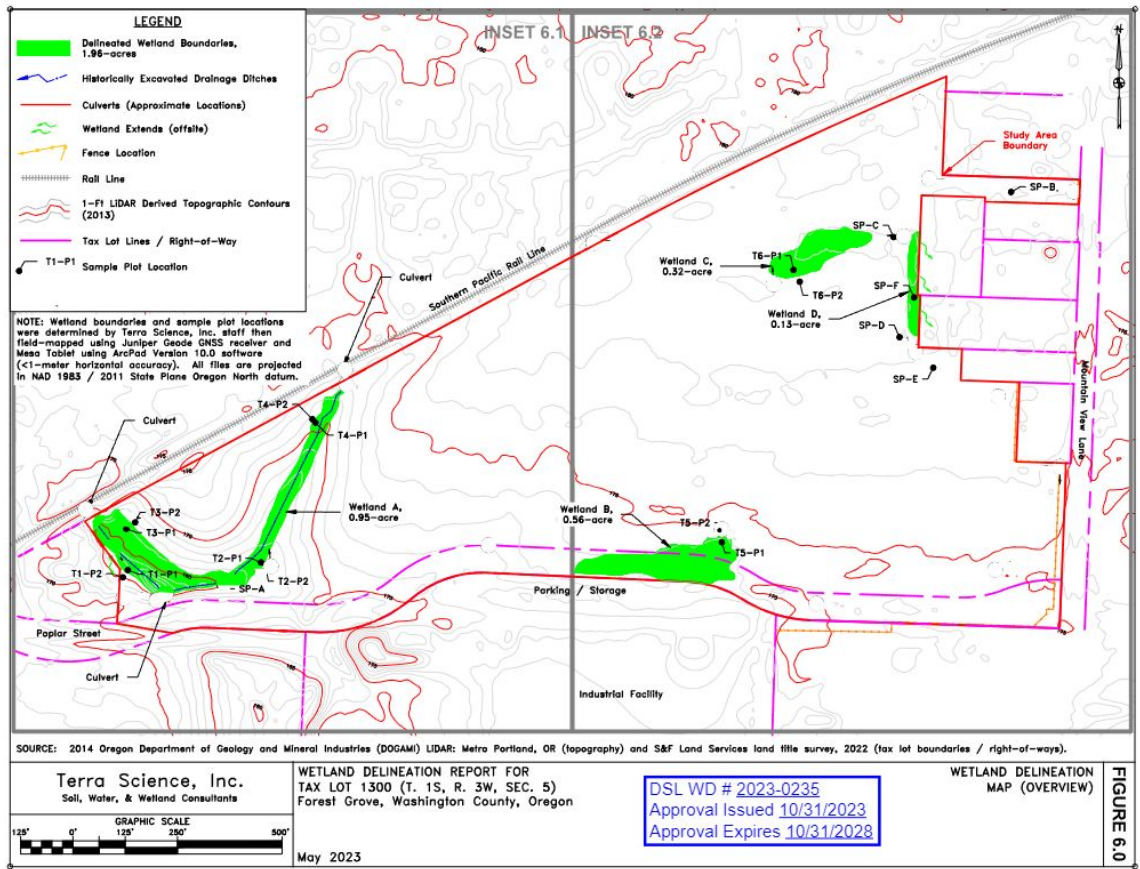
The project voluntarily provides a landscape buffer



Wetlands

- Onsite Wetlands
 - Land was previously used for farming for many years while waiting to be developed; the farming eventually led to soil erosion by digging too deep which created low quality wetlands in specific locations. These locations are dry most of the year
 - Land also had a drainage channel on the western part of the site; also mostly low-quality wetlands and dry most of the year.
 - No native species habitats in these areas; previously used for farming
- Relatively small wetland impact
 - Relocating wetlands to more natural wetlands preserves with natural habitat for native species (wetland bank)
 - Preserving the wetlands to the west
 - Proposing filling in depressions on farmfield that has intermittent flow
 - The biggest impact to wetlands is Heather Street
 - Urban growth boundary provides an abundance of suitable habitat for geese and other species

Wetlands





General Inquiries

info@cranedc.com

Media

media@cranedc.com



cranedc.com



October 14, 2024

Allison J. Reynolds
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
D. 503.294.9625
allison.reynolds@stoel.com

Forest Grove City Council
924 Council Street 6Address
Forest Grove, OR 97116

Re: Applicant's Response to Second Appeal - File No. 311-24-000038-PLNG

Dear City Council Members:

We represent Crane Data Centers Inc. ("Crane" or the "Applicant") the Applicant for File No. 311-24-000038-PLNG. Crane proposes to construct a multi-phased data center Project at the intersection of Mountain View Lane and Heather Street on vacant light industrial ("LI")-zoned land. The Project was approved by Planning Department Staff on July 31, 2024 ("Staff Decision"). The Staff Decision was affirmed by the Planning Commission on September 6, 2024 ("Planning Commission Decision") after the First Appeal. Both Staff and the Planning Commission Decisions (collectively "Decisions")) concluded that the Project meets the applicable approval criteria under the Forest Grove Development Code ("FGDC") and the appellants did not identify any issues that would warrant reversing the decision during the First Appeal.

Under the City's Code, a Second Appeal is limited to only those issues that were *already raised and considered* by the Planning Commission during the First Appeal. In this Second Appeal, the appellant raises several issues that were already considered by the Planning Commission and Staff and which both Planning Commission and Staff found were either irrelevant to the approval criteria or not a sufficient reason to deny the Project. The Second Appeal does not identify any new issues that were not previously considered. Because the Project satisfies all of the relevant approval criteria, we urge the Council to deny this Second Appeal.

We agree with the findings in the Staff Report which recommends denial of the Second Appeal and continued approval of the Project. While we agree with the Staff Report (and the prior Decisions) that there is already sufficient evidence in the record for the City Council to find that the Project meets the applicable Site Development Review approval criteria, we are providing additional evidence and re-submitting certain evidence to further strengthen the City's approval of the Project and address concerns raised by Project neighbors.

Attached to this letter, please find the following information:

- **Exhibit A: Acoustical Report.** Noise standards are operational performance criteria and are not criteria for Site Development Review. However, to address noise concerns raised

at the staff and Planning Commission level and demonstrate it is feasible for the Project to meet noise standards during operations, Crane commissioned the team at Vibro Acoustic Consultants (with work performed by Amy Ziffer, an acoustical designer, and Ahmad Bayat, a professional engineer) to evaluate the noise levels at the site pre-development and expected noise levels upon Project build-out. The Acoustical Report concludes that for many of the sensitive noise receptors, the Project as modeled can meet the operational noise standards at full build-out as designed. For other receptors, screening or other mitigation measures (which are commonly utilized as effective noise mitigation measures) may be required to meet the noise standards associated with operations. With acoustical screening incorporated, the noise standards are met for all receptors. The Acoustical Report also explains that other noise mitigation options may be available at the time of full Project build-out which could provide alternative ways to meet the noise standards during operations.

- **Exhibit B: Air-Cooled Chiller Cooling.** The Applicant provided information prior to the Planning Commission Decision about the air-cooled chiller cooling option for the Project. Air-cooled chiller cooling is an available, widely used technology for data center operations; hundreds of data centers utilize air-cooled chiller cooling including most of the data centers located in Hillsboro. Exhibit B includes an example of the utilization of this air-cooled chiller technology in a data center in Hillsboro, Oregon.
- **Exhibit C: Canopies and Recessed Entries.** The Second Appeal disagrees with Staff's interpretation of the FGDC regarding the need for canopies or recessed entries building entrances. To ensure compliance with this standard if the Second Appeal arguments are adopted, we have included updated elevations showing how canopies and recessed entries will be incorporated for all Project entrances.
- **Exhibit D: Landscaping Adjacent to LI-Zoned Homes.** The Second Appeal disagrees with Staff's interpretation of the screening requirements for light industrial zoned lands. If the City Council agrees with the arguments made in the Second Appeal and determines that screening is in fact required between the Project site and homes on the LI zoned land, the Project provides this screening.

Issues Raised by the Second Appeal

The Project Must Show Compliance With Relevant Approval Standards Only; Performance Standards for Operations and Standards for Building/Development/Engineering Permits are Not Approval Criteria for Site Development Review

As explained in the Staff Report, the approval criteria for Site Development Review are limited to the relevant portions of FGDC Titles 3, 5, and 8. FGDC 17.2.450. Standards contained elsewhere in the City's Code are not approval criteria for Site Development Review. Furthermore, Titles 3, 5 and 8 include applicable standards for Site Development Review *as well*

as performance standards for operations and other criteria that must be met to obtain engineering development or building permits; only the Site Development Review standards apply to this application. The operational performance standards and standards for others permits are not criteria for Site Development Review and the application is not required to address these criteria in a Site Development Review application. Because compliance with these sections of the FGDC are not required for Site Development Review approval, arguments that the Project has not shown it meets these standards cannot form the basis for a denial of the Project by the City.

The Decisions contain numerous Conditions of Approval that are advisory and designed to alert the Applicant to the requirements for future operations and development or building permit, as explained by the Decisions findings. Neither the Applicant nor appellants have objected to the majority of these Conditions of Approval and, with the exception of Conditions 12, 24 and 70, there are not concerns about the Project's feasibility to comply with these Conditions of Approval at the appropriate time.

We agree with the Staff Report evaluation of the Second Appeal issues and do not further discuss many of the issues below as they are fully covered by the Staff response. However, we provide additional information and explanation on several appeal issues below.

Both Phases of the Project are Being Evaluated Through this Review; Any Additional Development on the Site Proposed in the Future Will Require Additional Land Use Review(s).

The Second Appeal raises concerns about the phased nature of the Project and argues that a future substation that may be constructed on the site (which is not part of this Site Development Review application) renders the layout of the site is too uncertain to be approved.

Both phases of the Project that are proposed in the current application are being fully evaluated through this Site Development Review process. The application is clear that a power substation *may in the future be proposed* on the west corner of the Project site, but that a substation *is not proposed for approval under this current Site Development Review proposal*. The current application, as approved, authorizes the Applicant to seek construction permits for the site design that is contained in the approval. Future changes to that design, including any changes to existing facilities, would require a subsequent review as required by the FDGC. If a substation is proposed in the future, that development will require both Site Development Review and a Conditional Use Permit, which provide significant opportunities for public participation.

Noise: FGDC 17.3.540 Contains Performance Standards Applicable During Operations which are Not an Approval Criterion for Site Development Review; Advanced Documentation of Compliance is Not Required

We agree with the Staff Report analysis and the previous Decisions findings that FGDC 17.3.540 requires projects to meet any relevant standards for noise, vibration, smoke, particulate matter, odors, heat and glare, insects and rodents *during project operations* and does not require a noise

analysis or other study of these impacts for approval of Site Development Review. Consistent with this, a noise evaluation or other documentation estimating a Project's ability to meet the noise or other listed standards is not an application requirement for Site Development Review (see FGDC Section 17.2.440, Site Development Review application requirements). We also agree with the Staff Report analysis that the criteria for a Conditional Use Permit, which could require a broad-reaching analysis of impacts to the surrounding area at the time of land use review, including noise, are not applicable to the Project because the Project is a permitted use in the LI zone and does not require a Conditional Use Permit. The City is not allowed to apply the criteria for a Conditional Use Permit to an application for Site Development Review.

The Acoustical Report Demonstrates Feasibility to Meet the FGDC 17.3.540 Noise Standards During Operations and Condition of Approval 12.

Project neighbors have raised significant concerns about the Project's ability to meet the relevant noise standards during operations. The City's approval decision includes Condition of Approval 12 which requires the Project to meet these standards during operations, consistent with FGDC 17.3.540. The Second Appeal alleges that it may not be feasible for the Project to meet noise standards during operations.

To address the concerns about noise raised in this Second Appeal and show that it is feasible for the Project to meet the noise standards during operations, Crane worked with acoustical experts who prepared an Acoustical Report (Exhibit A). As explained by Staff in the Staff Decision findings, the Oregon Department of Environmental Quality ("DEQ") noise standards are applicable to the Project and the most stringent of the noise standards that would apply.¹

Evaluating operational noise levels for a project that is not yet constructed requires measuring the existing noise levels and the site and modeling the noise that will be generated by the Project and any noise reduction that can be achieved through mitigation measures. The Acoustical Report explains that the full-Project build-out was modeled and in some areas noise from the air-cooled chiller cooling systems (which are the highest noise-generating type of cooling system) exceeded noise standards before mitigation was applied. There are multiple noise mitigation technologies that can reduce noise from data center cooling systems and this technology is evolving rapidly. An available and widely used mitigation option is an acoustical screen. As explained in the Acoustical Report, when these screens were installed at the mitigation areas in the model, the Project's noise was reduced below the noise standards for all noise receptors. Other noise reducing technologies that do not require screening may also be available when the

¹ We note that the City also has noise standards under Forest Grove Code of Ordinances Section 91.082 which are less stringent than the DEQ standards, such that if the DEQ standards are met, a Project will also comply with the City's standards. These City noise standards are not approval criteria for this application, are not referenced as part of Condition of Approval 12 or any other Condition of Approval, and are not contained in FGDC Articles 3, 5, and 8; therefore, we do not discuss feasibility to meet these standards as it is not relevant to the Site Plan Review decision.

Project is constructed. The Acoustical Report demonstrates that it is feasible for the Project to meet the noise standards at the time of operations as required by Condition of Approval 12.

Water and Sewer Connectivity are Determined During Engineering Review

The Second Appeal wrongly posits that the Project must meet the standards under FGDC 17.8.630 Water Facilities, to obtain Site Development Review approval. FGDC 17.8.630 requires that adequate water facilities are available to serve new development prior to issuance of “development permits” which are permits reviewed and issued by the Engineering Department and are not land use reviews. The Applicant is not required to demonstrate that adequate water exists to serve the Project for approval of Site Development Review. The Project will require a development permit, at which point the Project’s water needs will be assessed. The FGDC allows the Planning Commission or Hearings Officer to restrict the ability for a development permit to later be issued only “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.” City Engineering Staff reviewed the application and have not identified a deficiency in the water system that could not be rectified with the development of the Project that would result in health, safety or legal violations. The record does not contain any evidence that the City’s water system is deficient.

The Second Appeal makes a similar argument regarding sanitary sewer. FGDC 17.8.625 requires the City Engineer to approve sewer system use for the Project prior to issuance of a development permit. Sewer analysis and approval is not required at the time of Site Development Review. Similar to the FGDC water regulations, FGDC 17.8.625 allows the Planning Commission or Hearings Officer to restrict future issuance of a development permit for a project only “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.” City Engineering Staff reviewed the application and have not identified a deficiency in the sewer system that could not be rectified with the development of the Project that would result in health, safety or legal violations. The record does not contain any evidence that the City’s sewer system is deficient.

The Second Appeal’s concerns regarding water and sewer availability are based on an assumption that the Project will be required to utilize large amounts of potable water taken from the City’s water systems for cooling and will then be required to dispose of this water into the City’s sewers. The record does not support either of these assumptions. The Project is able to utilize air-cooled chiller cooling which does not require water from the City’s water system and does not involve discharges to the City’s sewer systems.

The Project Will Not Discharge Heated Cooling Water to Regulated Waterways

The Second Appeal raises concerns about heated water (produced during the cooling process) that the appellant appears to believe will be discharged by the Project and in a manner subject to federal NPDES regulations or similar state regulations. The Project will not discharge heated process water or wastewater into waters of the U.S. and is not otherwise considered a point source.² The NPDES regulations cited by the Second Appeal, which govern these types of discharge activities, do not apply to the Project. We and the City are unaware of any state laws related to discharge of heated water that would apply to the Project and the Second Appeal did not identify any “state environmental laws” referenced by Condition of Approval 12 that are applicable to the Project and could not be met. Furthermore, as explained below and clear from materials in the record, the Project does not need to rely on water for cooling and can instead utilize an air-cooled chiller cooling system.

It is Feasible for the Project to Comply with Both Conditions of Approval 24 and 70

Condition of Approval 24 requires that, *if and only if*, the Project wishes to utilize the City’s potable water system for emergency back-up cooling (in a situation where the Project utilizes non-potable water for cooling through an agreement with CWS, rather than air-cooled chiller cooling), the Applicant must conduct a study of the City’s potable water system to prove that sufficient water is available for this emergency use purpose. If sufficient water is *not* available, the Project would not have the option to utilize the system for emergency cooling without making any necessary upgrades.

As we explained above, sufficiency of the City’s water system to accommodate a project is not a criterion for Site Development Review; connection to the City’s system and the necessity for upgrades are evaluated at the time of engineering development permits. Conditional of Approval 24 was added at the Applicant’s request during the initial Staff Decision when the Applicant was exploring a water-based cooling system for the Project with CWS. It is possible, if the Applicant utilized CWS recycled water for cooling, that emergency backup water from the City’s potable system could be needed and the Applicant wanted to ensure that the requirements to use the City’s system for emergency backup were clearly understood as early in the review process as possible.

During the Planning Commission Decision, the Applicant provided materials showing an air-cooled chiller cooling option (which would not use CWS recycled water or the City’s potable water system for cooling) for the Project. Air-cooled chiller cooling is an available technology utilized by many data center projects in the region and examples are provided as Exhibit B. The

² We note that the Second Appeal makes inconsistent assumptions about water discharges from the Project – as noted above, the Second Appeal assumes that all Project cooling water would be discharged to the City’s sewer system; whereas here, the Second Appeal seems to assume that the Project would discharge cooling water directly into regulated water bodies. Neither scenario is supported by evidence in the record.

noise levels analyzed by the Acoustical Report model air-cooled chiller cooling for a full build out of the Project show that the Project can comply with noise standards.

Condition of Approval 24 does not require the Project to utilize the City's potable water system for operational cooling and the evidence in the record demonstrates that the Project can be cooled in an alternative way (utilizing air-cooled chillers) while meeting all applicable standards. Condition of Approval 24 simply provides the Project with an *option* to study the City's water system and, if sufficient water is available, utilize the City's water system for emergency back-up if the Applicant so-chooses. It is feasible for the Project to meet Condition of Approval 24.

Condition 70 Relates to Construction Water Use and Is Unrelated to Operational Water Needs or Availability. Construction Water Availability is not an Approval Criterion for Site Development Review.

The Second Appeal appears to argue that it is not feasible for the Project to meet Condition 70, which requires the Project to obtain a permit to use City water for *construction* purposes, due to the uncertainty of water availability under Condition 24.

As explained above, Condition 24 provides an *option* for the Applicant to study the City's potable water system to determine if adequate potable water is available for emergency back-up in a water-based cooling operational scenario. Condition 24 is unrelated to the Project's water use for construction purposes. Adequacy of water for construction purposes is not an approval criterion for Site Development Review.

Condition 70 is advisory and governs water use "in conjunction with construction of the Project." The Applicant, like all parties seeking to connect to the City's water system *for construction purposes*, will be required to obtain a construction water permit before connecting to the City's system during construction. Condition 70 is not related to Project operations and does not require the Applicant to demonstrate adequate water supply for cooling operations in order to obtain a construction water permit. The Second Appeal does not identify any reasons that it would not be feasible for the Applicant to obtain a construction water permit. Furthermore, if for some reason the City's system could not accommodate the Project's construction water needs, construction water trucks are an available option for the Project and the Project would not require a water connection permit for this option.

The City's Approval Does Not Grant An Exception to CWS Stormwater Standards; The Decisions Provide Options for the Project to Meet Stormwater Standards for the Heather Street Extension

The Second Appeal alleges that Condition of Approval 13.i improperly *grants* an exception to the CWS Section 4.03.7 standards which pertain to treatment of stormwater generated by the new paving in the public right of way for the build-out of Heather Street. Condition of Approval 13.i explains the *options* for compliance with CWS regulations (which include the

right to seek an exception and comply in alternative way off-site) but does not grant an exception.

The City coordinates with CWS to ensure that stormwater from development sites and stormwater from construction of new impervious surfaces in the public right-of-way are managed in accordance with Design and Construction Standards for Sanitary and Surface Water Management (“CWS Standards”- see FGDC 17.8.635). Compliance with these standards is evaluated during engineering development review and is not a criterion for Site Development Review.

Condition of Approval 13.i is advisory and explains that the Applicant can comply with the CWS Section 4.03.7 standards to manage stormwater runoff from the Heather Street in one of two ways *if, in a potential future scenario* encountered at the time of engineering development review it is determined there is not sufficient right-of-way area to manage this street-runoff within the existing public right-of-way. Design of the new Heather Street segment will be finalized through an engineering development review and stormwater runoff treatment needs will be fully determined at that time. It is possible, given the size of the existing public right-of-way and the transportation facilities planned for the extension of Heather Street, that the City’s Engineering Staff will determine during engineering development review that there is not sufficient space to treat the stormwater runoff in the existing public right of way. If that scenario occurs, Condition 13.i provides two options for the Project: 1) seek an exception from CWS to provide stormwater treatment off-site via a fee-in-lieu, or, 2) provide additional public right-of-way or an easement on the Applicant’s private property for stormwater facilities. It is feasible for the Applicant to comply with Condition 13.i by either filing for an exception in order to pay for off-site stormwater management or providing its adjacent private property, which it controls, for stormwater management.

The Project Can Meet Whichever Interpretation the City Adopts for the Canopies/Recessed Entries and Landscape Screening Standards

The Applicant worked with Staff prior to the Staff Decision to ensure the application met all relevant approval criteria for Site Development Review. For two of the criteria, the Second Appeal argues for a different interpretation than the Decisions adopted.

The Decision interpreted the canopy/recessed entry standards in FGDC 17.3.540(F) to require canopies or recessed entries only at “primary” entrances, rather than all building entrances and the design reflects this original guidance from Staff. The Second Appeal argues that all building entries should be required to include canopies or recessed entries. The Applicant is willing to meet the Code standards by incorporating canopies and recessed entries as needed for the Project. If the City determines in considering this Second Appeal that canopies and recessed entries are required at *all* entrances, we have prepared Exhibit C, which updates the elevations to show these features as part of the design.

FGDC 17.8.425, Table 8-2 does not require a landscaping buffer between two sites zoned LI. However, Table 8-2 also includes a section which we and Staff interpret to refer to the screening requirements for certain types of dwellings within the residential zones – this section requires screening between these residential sites and an LI-zoned site at the “D” level. The Second Appeal argues that Table 8-2 should instead be interpreted to require a landscaping buffer between any LI zoned land and sites in any zoning district that contain single family dwellings. We agree with the Staff interpretation of Table 8-2, but the Project is designed to meet the standard under *either* interpretation. The Project includes perimeter landscaping screens in many areas, including a 20-foot wide landscaping buffer between the Project and the non-conforming LI-zoned homes on properties to the east of the Project which meets the “D” level landscaping standards. If the City determines in considering this Second Appeal that landscape screens are required between the project and residential homes on LI-zoned land, the Project complies. This landscaping screen, which has been part of the Project since its inception, is included here as Exhibit D.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Allison Reynolds', is written over a light blue horizontal line.

Allison Reynolds



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MEMORANDUM

PAGE 1 OF 13

DATE: 11 October 2024
TO: Mark Kleinsteuber, Page **EMAIL:** mkleinsteuber@pagethink.com
FROM: Amy Ziffer, VACC **EMAIL:** amy@va-consult.com
SUBJECT: Crane Data Center - Preliminary Environmental Noise Evaluation -
Full Buildout with Platform Screening (01933)

Dear Mark,

We have completed a preliminary environmental noise evaluation for the subject project, the proposed 96MW Crane Data Center in Forest Grove, OR. Our study involves developing a 3D environmental noise model in SoundPlan utilizing equipment layouts and operating conditions specified by Page (the project architecture and engineering firm) and sound data supplied by manufacturers and Page. The model predicts the property line noise levels due to project mechanical equipment.

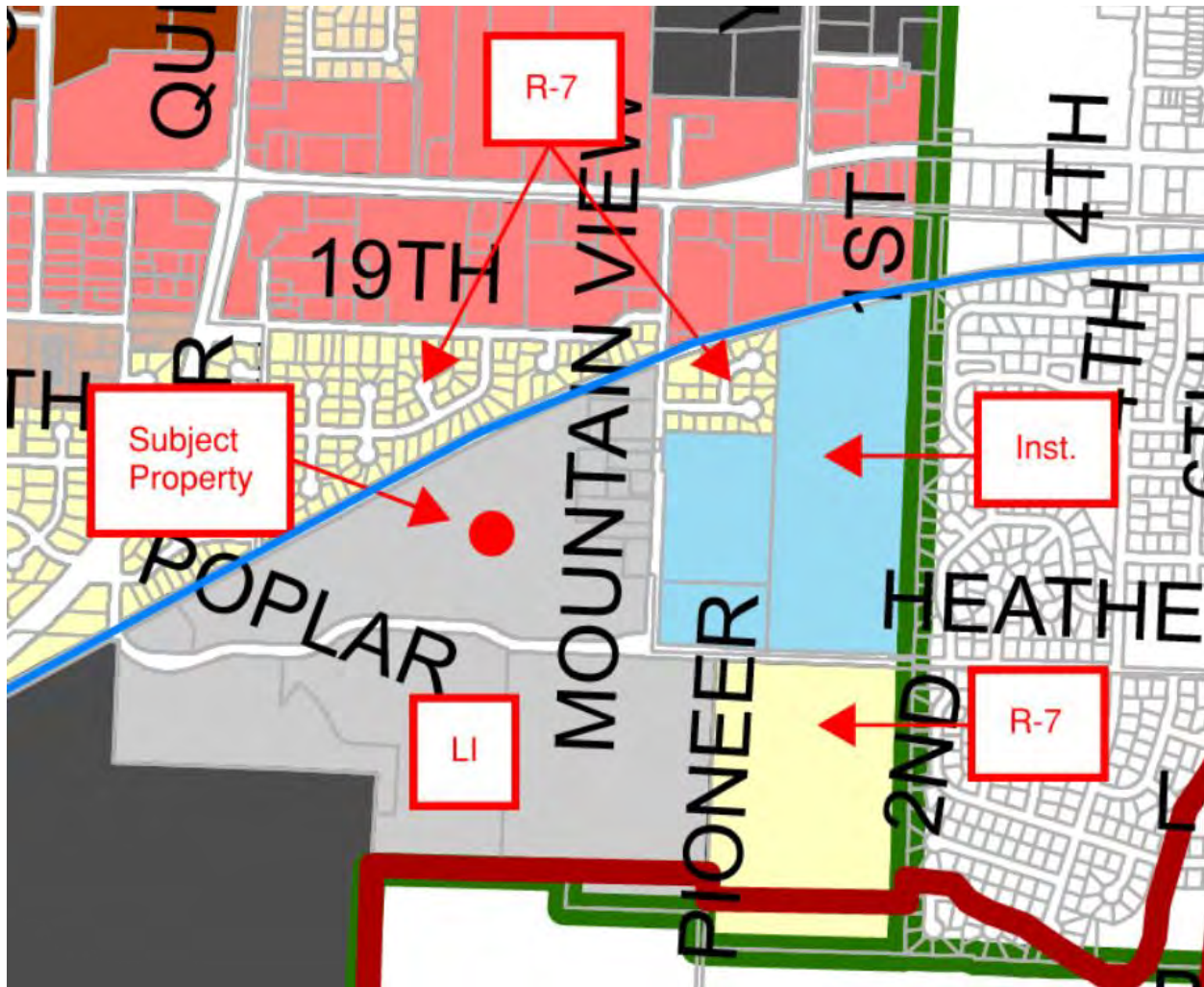
We understand that the full buildout of the site will occur in phases with two buildings and separate suites of associated equipment. This report documents results of predictive noise propagation modeling for the final buildout condition of the site, incorporating Buildings 1 and 2, with the full complement of associated equipment for both facilities, and includes a discussion of relevant codes and noise mitigation sufficient to meet the design criterion established for the project.

1. Code Requirements

1.1. Zoning and Use Classification

The proposed data center is located within an LI (Light Industrial) zone and would be classified as a Commercial or Industrial source. Noise Sensitive uses are defined as those zoned residential or institutional. Nearby properties include both other Commercial or Industrial uses within the LI zone; homes in an R-7 Residential zone to the northwest of the subject property and separated from them by a railroad right-of-way; homes in an R-7 Residential zone to the northeast of the subject property on the opposite side of Mountain View Lane; homes in an R-7 Residential zone to the southeast of the subject property, extending southeast from the intersection of Mountain View Drive and Heather Street; and the Neil Armstrong Middle School located in an Institutional zone to the east of the subject property, on the opposite side of Mountain View Lane. These zoning boundaries are shown in Figure 1. The blue line signifies the railroad right-of-way.

Figure 1 – Zoning of Subject Property and Nearby Properties



1.2. Forest Grove Noise Regulations

Conditions of the land use permit require the project to comply with both municipal and state codes concerning noise, which are as follows. Local Noise Regulations are found within the Forest Grove Code of Ordinances starting at section 91.030. Section 91.034 provides the table of Maximum Permissible Sound Levels shown in Figure 2. The maximum allowable levels specified for a Commercial or Industrial source to any type of receiver (Noise Sensitive, Commercial, or Industrial) is 70 dBA during nighttime hours (10:00 pm to 7:00 am) and 80 dBA during daytime hours (7:00 am to 10:00 pm). These limits apply at any measurement point on a receiving property, regardless of whether it shares a property line with the subject property.

Figure 2 – Forest Grove Local Noise Ordinance Limits

TABLE I: Table of Maximum Allowable Sound Levels (in dBA) in any Ten-Minute Period						
	Type of Received by Use					
	Noise Sensitive		Commercial		Industrial	
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 code states that a violation occurs if any continuous noise exceeds the maximum allowable values for a cumulative total of greater than five minutes in any ten-minute period. Noise from operation of mechanical equipment serving the proposed data center is understood to be continuous, thus, its level will be essentially constant and cannot exceed the 70 dBA/80 dBA day/night limits given above.

1.3. Department of Environmental Quality Noise Control Regulations

The subject property must also comply with Oregon Department of Environmental Quality (DEQ) Administrative Rule 340-035-0035(1)(b)(B), accompanied by Table 8: New Industrial and Commercial Noise Source Standards Allowable Statistical Noise Levels in Any One Hour. Table 8 provides maximum allowable hourly statistical levels with the most stringent standard being the L50 of 50 dBA during nighttime (10:00 pm – 7:00 am) hours. Table 8 is shown in Figure 3.

We note that the code does not state that the *contribution* of noise originating with a new use may not cause total noise levels to exceed 50 dBA, but only that the noise originating from the new use not exceed 50 dBA.

Figure 3 – DEQ Noise Regulation Limits

 OAR 340-035-0035 Table 8 New 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 ₅₀ – 55 dBA	L ₅₀ – 50 dBA
L ₁₀ – 60 dBA	L ₁₀ – 55 dBA
L ₁ – 75 dBA	L ₁ – 60 dBA

The DEQ code is stricter than the local noise ordinance and also uses different metrics (statistical levels within any hour as opposed to an hourly energy average). However, for a continuous noise source such as that anticipated for the subject project, an L50 value would be essentially the same as the continuous noise level measured as an energy average, or LAeq. Thus, in the results reported here, an anticipated LAeq is used for comparison to the L50 maximum allowable level.

Another difference between the DEQ noise regulation and the local noise ordinance is a different guideline for the appropriate measurement points at which noise limits apply. Under the DEQ regulation 340-035-0035(3)(b), the appropriate measurement point is either the point on the noise-sensitive property line nearest the noise source *or* a point 25 feet toward the noise source from that point on the noise-sensitive building nearest the noise source, whichever is farthest from the noise source. Thus, on noise-sensitive properties where the point on the residential structure thereon that is nearest the noise source is farther than 25 feet from the property line, the measurement point lies within the noise-sensitive property rather than at the property line.

We note that the DEQ code is silent on the standard to be applied when existing noise levels at the appropriate measurement points already exceed the maximum allowable levels provided in Table 8, excepting its provision for application and authorization for an Exception as outlined in 340-035-0035(6) under certain limited circumstances.

2. Measurements

Measurements were taken on site for a period of 24 hours on June 13-14, 2024. All measurements were taken in accordance with the requirements of state and local code on a calibrated Type 1 sound level meter by a professional acoustician trained in the use of the equipment. Measurements were all taken at points on the property line of the subject property. The measurement locations and an average of nighttime ambient values measured at each location are shown in Figure 4; hourly values are reported in Table 1.

Figure 4 – Measured Average Ambient Nighttime Noise Levels (June 13/14, 2024)



Table 1 – Measured Hourly Ambient Nighttime Noise Levels (L50, in dBA)

	Location				
Hour	LT-1	LT-2	LT-3	LT-4	LT-5
10-11 pm	45	52	51	58	45
11 pm-12 am	43	51	51	58	44
12-1 am	42	48	50	58	46
1-2 am	42	51	52	58	44
2-3 am	45	52	55	59	48
3-4 am	50	49	54	59	47
4-5 am	51	48	53	59	47
5-6 am	49	50	54	59	48
6-7 am	49	53	53	59	46

Measurement results found existing nighttime L50 ambient noise levels consistently higher than the Table 8 values at a point along the south property line adjacent to existing industrial uses (LT-4) as well as at a point on the east property line opposite the Neil Armstrong Middle School track (LT-3). The highest L50 measured was 59 dBA at LT-4 in Figure 4.

In addition, at the LT-2 measurement location on the south property line, hourly L50 values exceeded 50 dBA for a majority of the nighttime hours.

At LT-1 and LT-5, nighttime hourly L50 values were generally but not exclusively below the limit of 50 dBA limit established by Table 8.

A brief discussion of variability in hourly values is warranted. We note that location LT-1 showed the widest range of hourly values, from 42 dBA to 51 dBA. There is no obvious reason why this should be the case, and without conducting measurements over the course of several days or weeks, it is impossible to know if this is typical for this location. A railroad track runs adjacent to this measurement position, and we have confirmed from railroad schedule that it does carry freight traffic. It is possible for a very long freight train to affect an hourly noise level, but if this were the case, then the same variability would have been observed at LT-5, which also lies alongside the same train track. Therefore, we conclude that train noise is not the cause of the variability of measurements at LT-1. An average of hourly nighttime measurements is presented in Figure 4, but it is uncertain whether an average value is truly typical for the LT-1 location.

Conversely, there was little variability in hourly values measured at LT-4, the location nearest the presumed existing source(s) of noise currently impacting the site. This is consistent with round-the-clock manufacturing or other activities at the existing industrial facilities within the LI zone to the south of the subject property.

3. Performance Standard

Because ambient noise levels that exceed Table 8 values were measured at some hours and locations, we and Page requested that the Forest Grove Planning Department state what standard would be applied to the subject project. In a September 6, 2024 video meeting with Forest Grove Senior Planner Dan Riordan and Community Development Director Bryan Pohl, a standard of 10 dB above measured ambient levels was agreed, with “ambient” taken to be an average of hourly nighttime L50 values. Based on this, the design criteria for the subject project are as shown in Figure 5. At intermediate positions, the design criterion level can be interpolated.

Figure 5 – Noise Level Design Criteria



4. Environmental Model Results

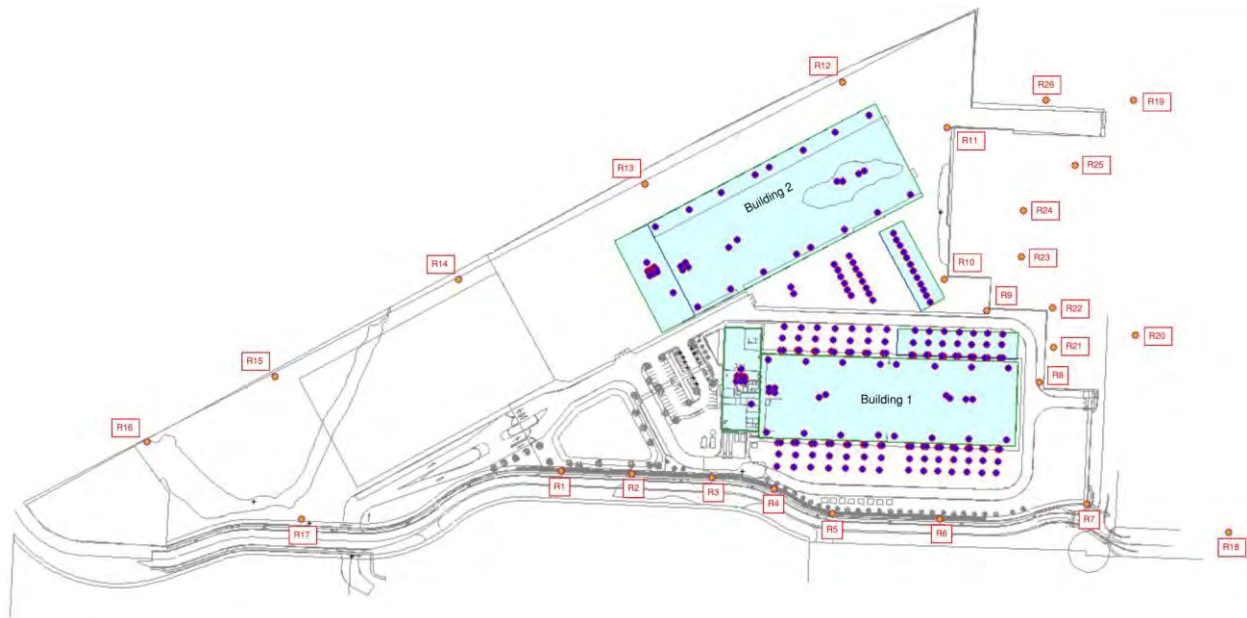
We created a 3D environmental noise model in SoundPlan utilizing equipment layouts and operating conditions specified by Page and sound data supplied by manufacturers and Page. We understand that the project will be built in phases, with portions of Building 1 coming online at different times, and full buildout of Building 1 anticipated before any portion of Building 2 is constructed.

This report documents the findings of our model for the scenario representing full buildout of both Building 1 and Building 2, the final scenario envisioned for the site. Equipment sound data representative of a typical nighttime operating condition were utilized.

4.1. Full Buildout of Building 1

A graphic representation of the model is shown in Figure 6. Structures are shown in blue. Buildings 1 and 2 are labeled; the two remaining structures are concrete platforms with 4-meter high noise mitigation barriers on selected sides of the platforms. Each piece of equipment is shown as a blue dot circled in red. R1, R2, etc. are receivers, i.e., points at which a noise level is predicted by the noise model. A 3-D representation of this scenario is shown in Figure 7.

Figure 6 – Full Buildout of Buildings 1 and 2 with Receiver Positions



Note:

- The actual measurement points at which the design criteria noise levels must be met may vary from property to property, per DEQ regulation 340-035-0035(3)(b), as outlined in section 1.3 above. For properties to the northwest of the subject property (where Receivers 12-16 are shown), all of them will lie approximately 60 feet farther to the northwest, on the other side of the railroad right-of-way. Calculations show that noise levels anticipated at the actual measurement points will vary by less than a decibel from those at the Receiver positions indicated.
- To the northeast, a more precise examination is warranted. Receivers 7-11 are located on the property line, while Receivers 18-26 approximately indicate the points at which the given design criteria must be met. However, existing ambient levels for any location off the subject property are not known and, without additional measurements, they can only be interpolated from the existing measured values. For Receivers 18-26, an ambient nighttime L50 of 50 dBA is interpolated.

Anticipated nighttime noise levels at each Receiver position due to operation of mechanical equipment on the subject property are shown in Table 2. These receivers correspond to those shown in Figure 6. An LAeq value is used as a proxy for L50 because noise levels are assumed to be roughly uniform over time. Under that condition, LAeq and L50 should be virtually identical.

Results are also shown in heat map form in Figure 8.

Figure 7 – 3D View, Full Site Buildout with Noise Mitigation Platform Screening

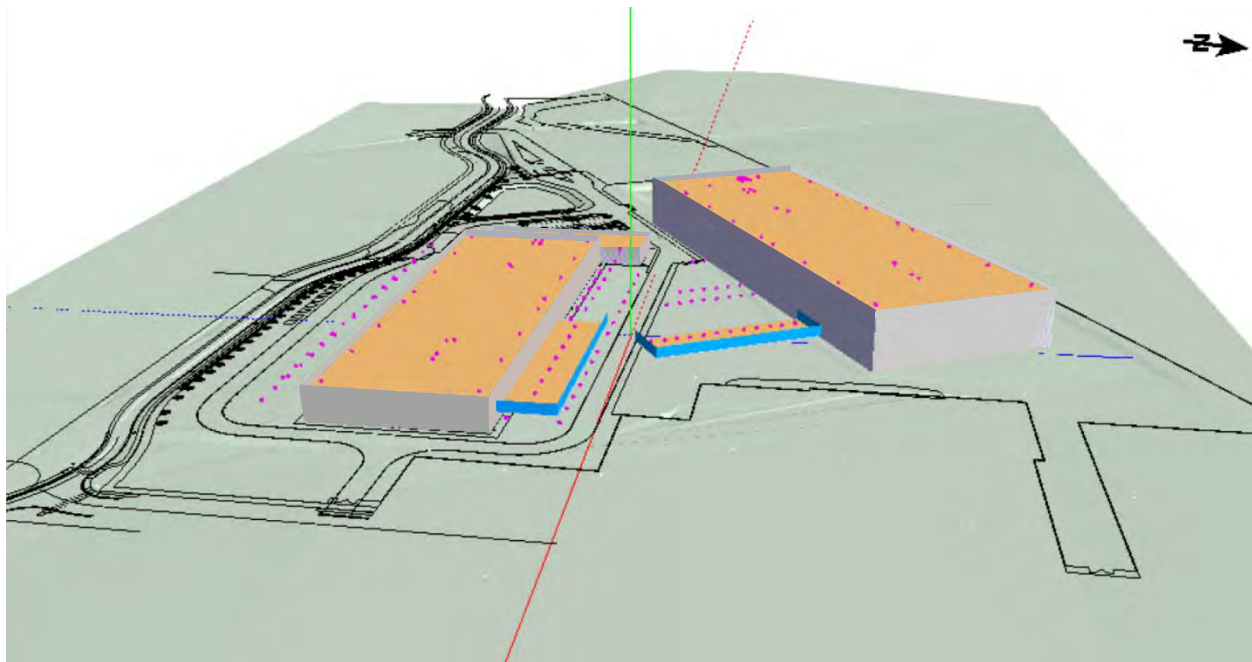


Figure 8 – Anticipated Mechanical Equipment Noise Levels (Heatmap) – Full Site Buildout with Noise Mitigation Platform Screening

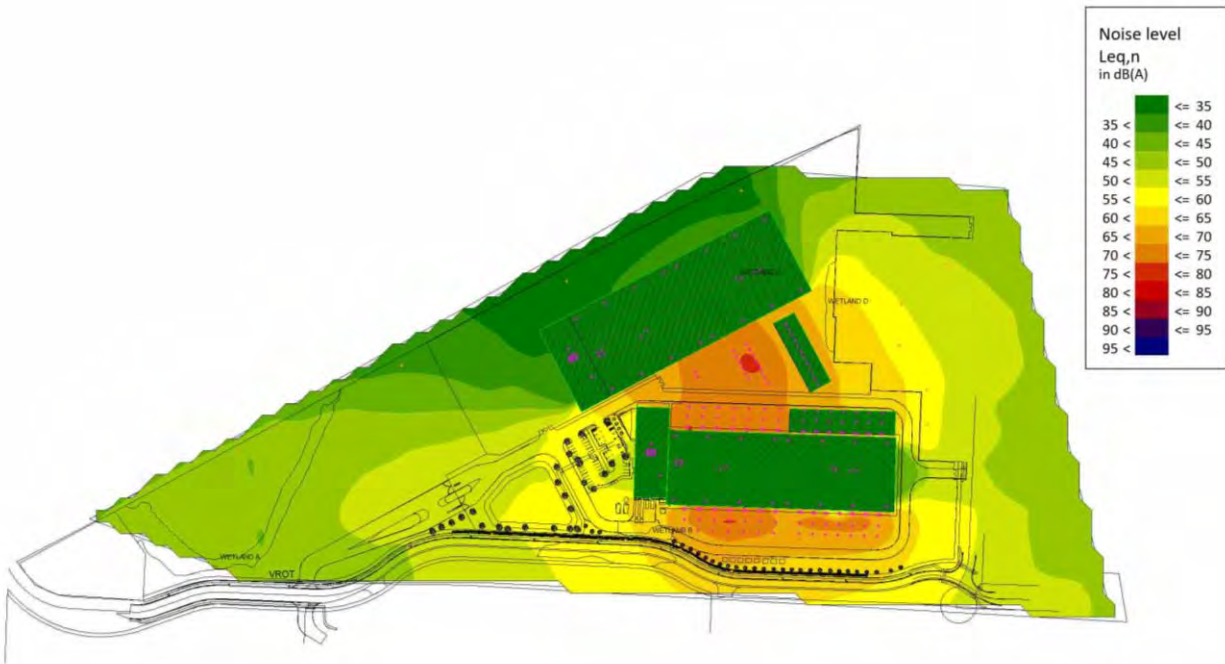


Table 2 – Noise Compliance for Full Site Buildout with Platform Screening Shown

Receiver	Anticipated Noise Level (Leq in dBA; proxy for L50)	Measured Average Nighttime Ambient Level (L50 in dBA)	Design Criterion (Ambient + 10 dBA)	Meets Criterion? (Y/N)
R1	54	--	--	See Note 1
R2	56	--	--	See Note 1
R3	59	--	--	See Note 1
R4	64	57-58 (interpolated)	67-68	Y
R5	64	59	69	Y
R6	62	--	--	See Note 1
R7	56	--	--	See Note 1
R8	50	53 (assumed from nearby LT-3 measurement)	63	See Note 2
R9	63	50 (interpolated)	60	See Note 2
R10	65	50 (interpolated)	60	See Note 2

R11	51	48 (interpolated)	58	See Note 2
R12	34	47 (assumed from nearby LT-1 measurement)	57	Y
R13	34	46-47 (interpolated)	56-57	Y
R14	39	46	56	Y
R15	46	--	--	See Note 3
R16	45	--	--	See Note 3
R17	46	51	61	Y
R18	50	50 (assumed on the basis of proximity to road and school)	60	Y
R19	46	50 (assumed on the basis of proximity to road and school)	60	Y
R20 (school property)	50	50 (interpolated)	60	Y
R21	57	50 (interpolated)	60	Y
R22	57	50 (interpolated)	60	Y
R23	58	50 (interpolated)	60	Y
R24	55	50 (interpolated)	60	Y
R25	51	50 (interpolated)	60	Y
R26	48	50 (interpolated)	60	Y

Notes:

1. There is no sensitive receptor along the south property line. Nevertheless, the criterion is satisfied at R4 and R5.
2. These points are located at the property line for information only. The criterion as defined at 25 feet from the sensitive bldgs. are satisfied as shown (i.e. R20, R23, R24, R25, & R19)
3. No ambient measurements exist at these locations. However, they are further away from the facility sources and as such, their compliance is covered by compliance at R12-R14.

In the full site buildout scenario documented above, compliance with the established design criterion of 10 dBA above measured ambient levels is accomplished with strategic implementation of concrete platforms supporting selected chiller units with 4-meter tall noise mitigation barriers on the needed sides. Values for R8, R9, are R10 are included here but are not understood to be locations where compliance with any noise limit is required. With respect to residential structures located on adjacent

properties within the LI zone, lying to the northeast of the subject project, the valid measurement locations are taken to be R22 through R26, per the DEQ code outlined in section 1.3 above. These points are located “25 feet toward the noise source from that point on the noise sensitive building nearest the noise source.”

5. Mitigation

Noise mitigation begins with the noise source(s) and proceeds outward. It is regularly the case that mechanical equipment manufacturers offer one or more noise-reducing options that purchasers can elect to implement. The sound data used in this analysis already reflect the available and feasible noise-reducing options offered by the selected equipment manufacturers.

Mitigation can also be implemented along the path between sources and receivers. Screening sufficient in height and extent to completely break the line of sight between a noise source and a receiver, and having sufficient mass to block noise, are the typical method used for this purpose.

This analysis demonstrates that mounting selected chiller units lying closest in proximity to the northwest property line on concrete platforms having appropriate 4-meter tall screening along the edges facing adjacent properties is sufficient to meet the established design criterion for noise levels. If needed, additional chiller units can be similarly mounted to achieve greater degrees of noise reduction. There is also the possibility that additional mitigation can be achieved at the source through project-specific engineered solutions.

• • •

Please feel free to call if you have any questions; I may be reached by telephone at (+1) 415-217-1275 or via email at amy@va-consult.com.

Sincerely,

Amy Ziffer

Associate

Vibro-Acoustic Consultants

Exhibit B

Publicly-Available Examples of Data Centers Utilizing Air-Chiller Cooled Chilling in the Region

Hillsboro HI1 Data Center

Hillsboro, Oregon is located in the heart of the Pacific Northwest technology hub. **HI1, the first of five data centers** on our 126MW campus, is Cleaner Air Oregon certified and provides easy access to the Asia-Pacific market through our Subsea Connect network service.

Data center space

- 138,000 sq. ft. data floor space
- Six 6MW vaults
- One-story building
- Class A office space available

Power

- Total critical IT load: 36MW
- Two (2) 34.5kV feeders, each rated at 60 MVA
- N+1 distributed redundancy for each vault
- Eight (8) x 1MW UPS modules for every 6MW capacity
- Dual-corded power distribution
- Generators with on-site fuel storage to support 24 hours run time at full load with 24x7x365 fuel delivery
- Diverse power distribution to the data vault (A and B feeds)
- Power densities available up to 22kW per rack
- Renewable energy options available

Cooling

- Air cooled chillers with airside economizers
- Fan coil wall cooling design with hot aisle containment and N+1 redundancy in the vault
- A dedicated modular chiller plant designed with a closed loop water cooling system for additional efficiency

Fire protection

- Next generation safety management by ONYXWorks for centralized control and monitoring of the fire alarm system
- Dual interlocked nitrogen filled preaction dry pipe fire suppression system
- Aspiration Smoke Detection (ASD) system enabling fast detection, response and mitigation

Security

- 24x7x365 Security and Operations team
- Fenced campus with centralized, electronic access control system
- 100+ real-time security feeds using pattern-based technology
- Multi-factor authentication throughout the facility
- Secure managed delivery and loading area 24x7x365

Connectivity

- Carrier-neutral
- Three diverse fiber entry points
- Two Meet-Me-Rooms
- Subsea Connect network service
- Network dense with access to many global and regional carriers and ISPs offering dark fiber, wavelength, ethernet, MPLS, VPLS, IP transit, and peering

PDX-01 Data Center

Low Power Cost

Connectivity

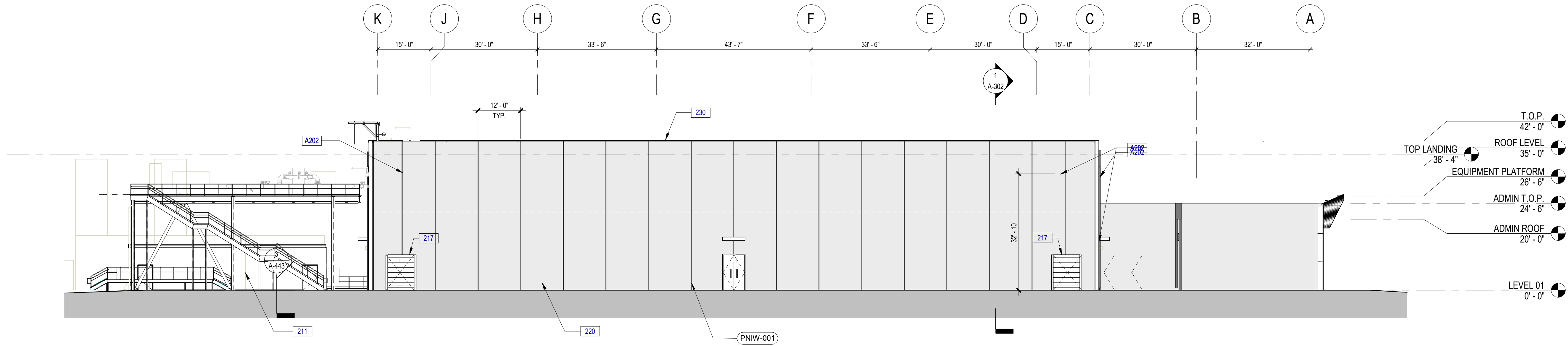
Renewable Power

Tax Exemptions

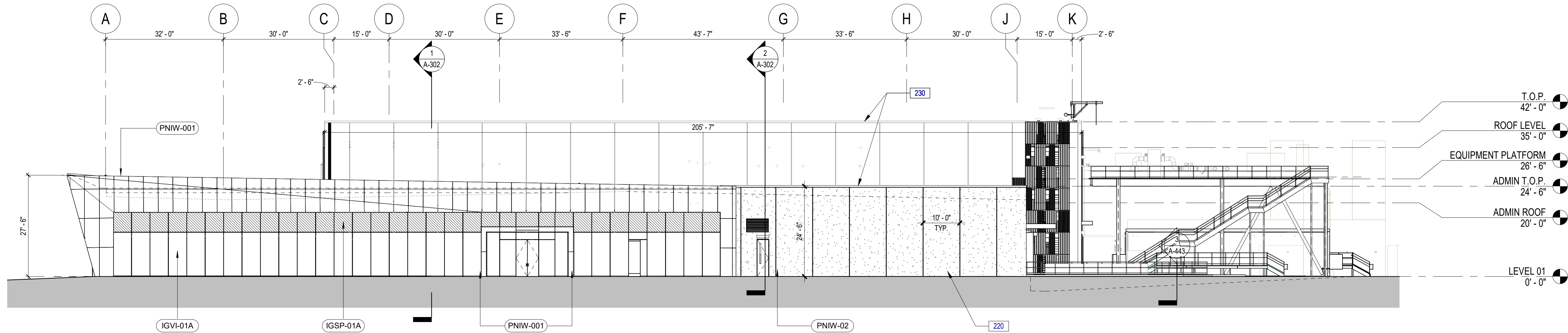
Electrical

Mechanical

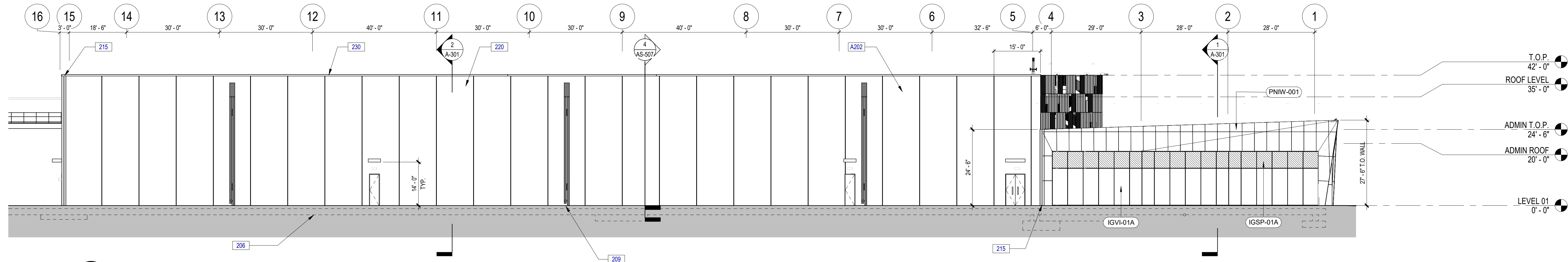
- Air-cooled chillers on roof
- PDU \ STS rooms cooled via CRAHs from primary loop
- Delta³™ w/ common plenum ceiling



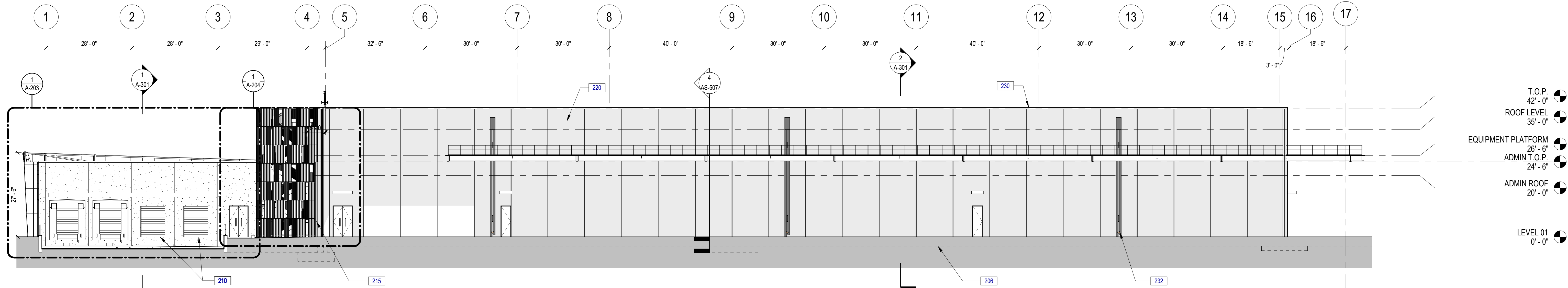
4 EXTERIOR OVERALL ELEVATION - EAST
SCALE: 1/16" = 1'-0"



3 EXTERIOR OVERALL ELEVATION - WEST
SCALE: 1/16" = 1'-0"



2 EXTERIOR OVERALL ELEVATION - NORTH
SCALE: 1/16" = 1'-0"



1 EXTERIOR OVERALL ELEVATION - SOUTH
SCALE: 1/16" = 1'-0"

EXTERIOR MATERIAL LEGEND

- PNRF-11A - METAL WALL PANEL
- SYSTEM: PBU PANEL, MFG: MSCI
- LOCATION: EXTERIOR STAR BY LOADING DOCK
- COLOR: ALUMINUM POLAR WHITE, TEXTURE: PERFORATED
- PANEL WIDTH 3'-0" TYP.
- PNRF-11B - METAL WALL PANEL
- SYSTEM: PBU PANEL, MFG: MSCI
- LOCATION: EXTERIOR STAR BY LOADING DOCK
- COLOR: ALUMINUM POLAR WHITE, TEXTURE: PERFORATED
- PANEL WIDTH 1'-6" TYP.
- PNIW-01 - METAL COMPOSITE MATERIAL WALL PANEL
- SYSTEM: RAINSCREEN WITH DRY JOINTS, MFG: TBD
- LOCATION: ADMIN EXTERIOR WALL AND ENTRY VESTIBULE PORTAL
- COLOR: TBD
- PNIW-02 - METAL COMPOSITE MATERIAL WALL PANEL
- SYSTEM: RAINSCREEN WITH DRY JOINTS, MFG: TBD
- LOCATION: DATA HALL AND ADMIN PRECAST EXTERIOR WALLS
- COLOR: TBD
- CW-21 - GLAZED ALUMINUM CURTAIN WALLS
- SYSTEM: 1600 SS 2 (SSG), MFG: KAWNEER
- LOCATION: EXTERIOR CURTAIN WALLS AT ADMIN
- COLOR AND FINISH: TBD
- IGVI-01A - GLAZING - EXTERIOR
- SYSTEM: 1" INSULATED SUNGUARD SUPERNEUTRAL, MFG: GUARDIAN
- DESCRIPTION: SNE 5025 ON CLEAR
- LOCATION: VISION
- SPACER: BLACK
- IGSP-01A - GLAZING - EXTERIOR
- SYSTEM: 1" INSULATED SUNGUARD SUPERNEUTRAL, MFG: GUARDIAN
- DESCRIPTION: SPANDREL (CHARCOAL GREY)
- LOCATION: SPANDREL (CHARCOAL GREY)
- SPACER: BLACK

EXTERIOR ELEVATION LEGEND

	BUILDING SECTION TAG WALL SECTION TAG
	COLUMN GRID DESIGNATIONS
	FINISH TAG
	KEYED NOTE KEYED NOTES ONLY APPLY TO THIS SHEET

KEYED NOTES

NUMBER	DESCRIPTION
206	SLAB AND FOOTINGS BEYOND, REF: STRUCTURAL
209	OVERFLOW DRAIN LEADER, TYP. CENTER IN CONCRETE PANEL
210	OVERHEAD COILING DOOR, TYP. EQUIPMENT, BEYOND.
211	EXPANSION JOINT
215	INSULATED OVERHEAD DOOR
217	INSULATED PRECAST CONCRETE PANEL, TYP.
220	PREFINISHED METAL PARAPET CAP
232	DOWNSPOUT METAL ENCLOSURE, SEE 1/A-S12
A202	

CONSULTANT TEAM

CIVIL	STRUCTURAL
Navix Engineering 10135 SE Sunnyside Road, Suite 210 Clackamas, OR 97015	Walter P Moore 401 South 1st Street Suite 600 Austin, Texas 78704

Notice of Extended Payment Provision
The construction contract will allow the owner to make: (1) progress payments no later than 60 days after the date a billing or estimate is received, and (2) final payment of all remaining amounts no later than 90 days after the owner approves all work.

Notice of Extended Certificate Period Provision
The construction contract will allow the owner to make: (1) progress payments no later than 60 days after the date a billing or estimate is received, and (2) final payment of all remaining amounts no later than 90 days after the owner approves all work.

REVISION HISTORY

REVISION	DESCRIPTION	DATE
E	100% CD QC DENSIFICATION	29 OCT
D	100% DD DENSIFICATION	30 AUG 2024
C	100% DD	03 JUN 2024
B	50% DD	10 MAY 2024
A	100% SD	16 APR 2024

PROFESSIONAL SEALS

CLIENT



CRANE DATA CENTERS FOREST GROVE BUILDING 1

3975 HEATHER STREET,
FOREST GROVE, OR 97116

PROJECT NUMBER	ABBREVIATION
72M23010	CDC - FG

DRAWN BY
Author

CHECKED BY
Checker

ORIGINAL ISSUE

100% DD DENSIFICATION
30 AUG 2024

SHEET NAME

ARCHITECTURAL - EXTERIOR
ELEVATIONS

SHEET NUMBER

A-201

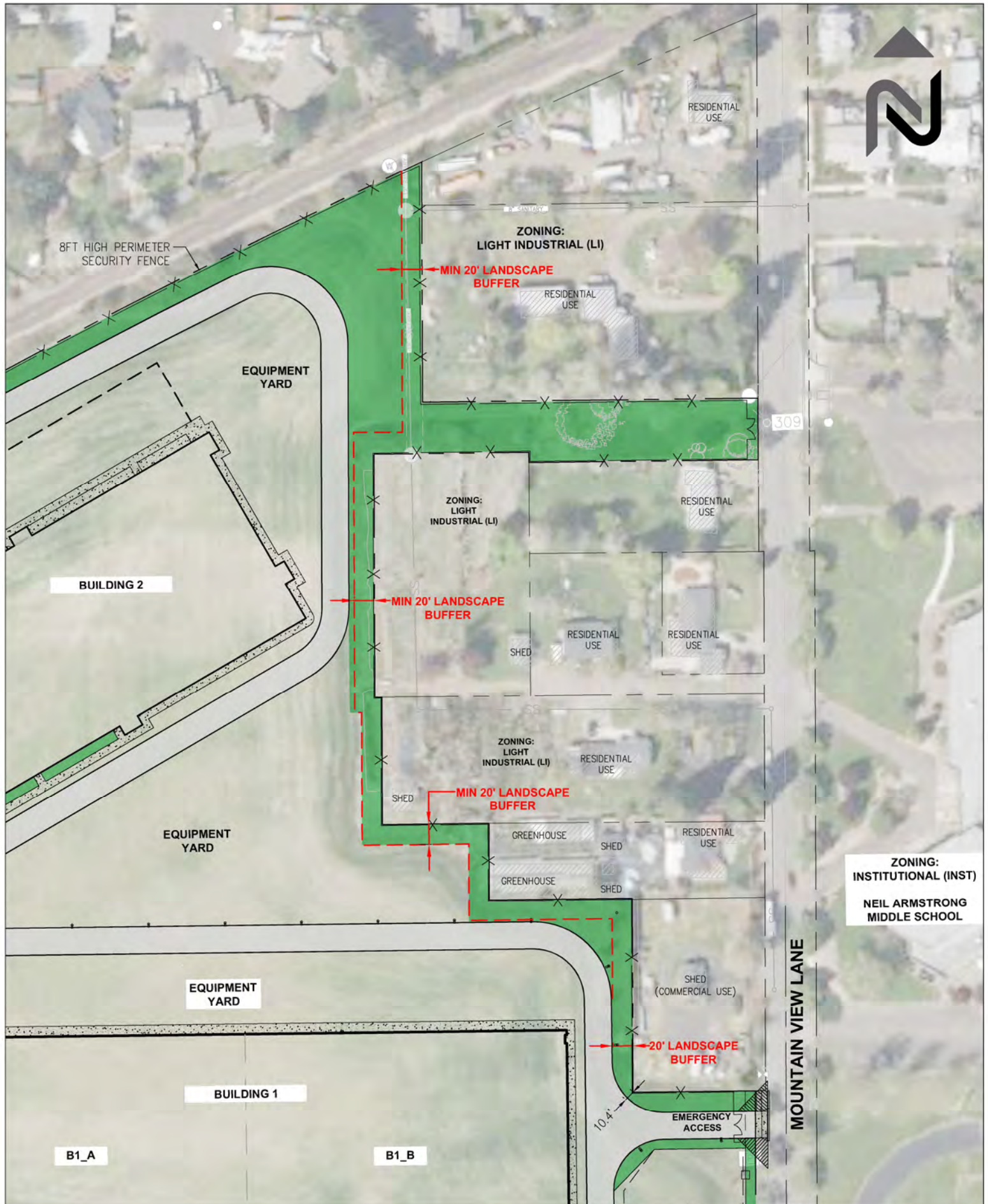


EXHIBIT D