

July 18, 2023

VIA EMAIL

Morrow County Planning Commission
c/o Tamra Mabbot, Planning Director
Morrow County Bartholomew Building
110 N. Court St.
Heppner, OR 97836

**Re: Rowan Percheron, LLC – Supplemental Information for July 25 Hearing
(Docket AC-145-23, AC(Z)-146-22, AZM-147-23)**

Dear Chair Ekstrom and Fellow Planning Commissioners:

Rowan Percheron, LLC (“Applicant”) appeared before the Planning Commission on June 27, 2023 for the first evidentiary hearing on the above-referenced application. Planning commissioners raised several good questions at the hearing, and in response, we are providing the enclosed supplemental information. We look forward to discussing the material with the Planning Commission at the next hearing on July 25, 2023.

Supplemental Information Provided

- *ERM Alternatives Analysis Technical Memo* (Attachment 1). This memo supplements the Alternatives Analysis found in the Application as Appendix D. It responds to questions from the planning commission and provides additional explanation for why different sites were disregarded during Applicant’s site selection process.
- *ERM Goal 14 Exception Technical Memo* (Attachment 2). This memo supplements the “reasons” analysis in the Application and provides additional support for “reasons” to justify the Goal 14 exception under OAR 660-014-0040. It responds to comments concerning the adequacy of the OAR 660-014-0040 justification and shows the connectivity of the proposal to economic activities that rely on nearby natural resources.
- *ERM Big Game and Wetland Habitat Technical Memo* (Attachment 3). This memo supplements the earlier environmental surveys performed and expands Applicant’s analysis of habitat quality and quantity specifically for Big Game species. It responds to questions from the planning commission regarding potential impacts to Big Game species and sensitive habitat. It shows that while Big Game species may periodically use the Project Parcel, the Project Parcel is not located in a protected Big Game range under either Morrow County’s Comprehensive Plan or Oregon Department of Fish and Wildlife’s Habitat Mitigation Policy.

- *ERM Soils Technical Memo* (Attachment 4). This memo supplements the Soils Analysis found in the Application as Appendix C. It responds to questions from the planning commission concerning productivity of the site and the location of Columbia Valley American Viticulture Area (AVA) soils within the Project Parcel. It provides additional explanation for why the Project Parcel is unproductive agricultural land.
- *Port of Morrow Water Supply Route* (to be provided). Applicant is in ongoing discussions with Port of Morrow (“POM”) over the water supply route and anticipates the POM to provide additional information into the record on the proposed route ahead of the July 25 hearing.
- *Kittelson Construction Traffic and Safety Analysis* (to be provided). Kittelson is undertaking a supplemental traffic analysis to evaluate the potential traffic and roadway impacts from construction activities. The analysis will also look at traffic safety and summarize further consultations with local and state agencies.

Response to Commissioner Killion’s Questions

Commissioner Killion posed several questions to Planning Director Mabbott in an email dated July 13, 2023. The following responds to each in turn (italics = posed question):

- 1) *The daily anticipated usage of water is 10,000-15,000 gallons per day. (page 4 of attachment 1) Later on-page 6 of attachment 1, it states that the applicant anticipates about 20 to 60 million gallons of annual total water use for the data center at the time of full buildout, depending on a variety of factors. My calculator did the math for me : 15,000 gallons per day for a year. $15,000 \times 365 = 5,475,000$ gallons per year. If one of their numbers is incorrect, it would be good to know. OR, do they intend to put in more than 1 data center? It does not state more than 1 data center...but, if 4-11 data centers are intended “at full buildout”, then would that not have 4X-11X the impact to traffic? And 4X-11X the impact to every other thing we are looking at (ie environmental, water capacity of the lines, electrical usage)?*

Response: The water use analysis is for the full campus build out (worst-case scenario impacts). It also contemplates fluctuating water use over the year depending on the campus water demands. Water use is higher when cooling water is used, which varies depending on the time of year and weather conditions. Applicant intends to build a data center campus within the Project Footprint and the Applicant evaluates the potential impacts associated with full build-out for water use and all other potential impacts (traffic, environmental, electrical, etc.). The Kittelson Construction Traffic and Safety Analysis (to be provided) will provide updated construction traffic impacts analysis for full campus build out.

- 2) *Where is the well located that will be supplying the water to the proposed data center from the POM? Is the well within the Critical Groundwater area? Is the well certified to sustain the larger 20-60 million gallons of water required annually? How will drawing that amount of water impact surrounding industry, homeowners, agriculture wells?*

Response: Applicant is working with the POM to supply the needed potable water for the data center campus. The POM already has existing water rights for the water supply and the water is already appropriated for industrial and commercial use. Applicant is not relying on new water rights for its water supply therefore would be no new impact to surrounding industry, homeowners, or agricultural wells.

3) *Page 18- the reasons why this site is “the only one”- reason 1a.) Proximity to existing infrastructure to minimize impacts and reduce costs, Only lands directly adjacent or with clear access (e.g. via a transmission easement) to an existing electrical infrastructure (e.g. substation or high voltage transmission line) were assessed as reasonable alternatives. All reasons 1a-e speak to this point. If this is an acceptable criteria-then, why have zoning laws? There are areas designated within our county that allow for Industrial Use. The reasons that continue on the following pages are completely arbitrary and unsupported for this zoning change. So, if we deny this zoning change- there is NO other acceptable site for a data center?*

Response: The ERM Alternatives Analysis Technical Memo helps explain why other industrially-zoned areas in the County could not accommodate the project under Applicant’s siting criteria. Further, the Technical Memo explains that not all industrial zones allow data centers as a permissible use. The Alternatives Analysis (Appendix D) is a snapshot in time of potentially feasible sites; it is possible that in the future, other land may become available or circumstances may change (e.g., more transmission capacity is built in the area) that opens up new potentially feasible sites, but at the time of the Alternatives Analysis, not such alternative sites existed.

I could go on through the packet and continue with questions. I will spare you. I do not like discrepancies, though- and if they are going to make a claim about water usage, I think all of their numbers should support it. If they have grander plans- they need disclose that, as well.

Response: Applicant is seeking approval to construct a data center campus within the Project Footprint. The preliminary facility layout is presented in the Application and Applicant has evaluated worst-case impacts with the full campus build out.

We look forward to discussing this project further with you on July 25, 2023. We appreciate your time on this project, and thank you for your consideration.

Very truly yours,

Davis Wright Tremaine LLP



Elaine R. Albrich

cc: Rowan Team