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Clackamas County

www.clackamas.us

ATTN: Clackamas County Board of Commissioners
RE: Data Center Moratorium

My name is James Johnson. I live in unincorporated Clackamas County between the cities of Lake Oswego and Rivergrove. I currently serve as a director on the board of the Clackamas County SWCD.

The CSWCD is a special district with an elected board and a mission focused on protecting and improving soil, water, and other natural resources. We provide technical and other support programs to both rural and urban county constituents and operate under a tax base to assist in project development.

The Clackamas Soil and Water Conservation District (CSWCD) strongly supports the Commission's action to implement a countywide moratorium on new data-center development. CSWCD believes the County should have a clear and comprehensive regulatory framework in place before approving large-scale data-center development. The moratorium will allow the county to put into place ordinances and requirements that allow data-center siting while protecting resources and residents.

This testimony is focused on land use issues.

Land Use Concerns

Scale: **The size of data centers now in planning are proposed to be substantially larger in scale, in power requirements, land needs and other components. Of the 111 existing centers developed to date we have seen small to mid-sized centers, but newer centers include "hexascale" or "hyperscale" centers that are driving today's building boom and carry some of the largest power demands. There are 33 additional data centers in planning, several of the hyperscale size.**

Rural Siting: **Locations are shifting from most centers sited in urban areas to approximately 67% nationally now planned in rural areas due to less expensive land, larger acreage sites available, and other developer needs. Oregon communities are planning for 9,100 acres of new data centers, primarily in rural areas, adding to the 2,900 acres of sites already developed. Over 5,000 acres will involve conversion from farmland.**

With this in mind, the CSWCD recommends that the BCC strongly consider land use code amendments that:

- **Limit centers to industrial zoned lands; update inventory. Some local governments have set up "data center zones" to mitigate impacts.**

- **Define what a data center is/encompasses**

- **Disqualify/preclude the siting on resource protected lands under state land use goals 3 (agriculture) and 4 (forestry). The exceptions process provided under current state law is available for exceptional situations.**

- **Identify impacts on transportation.**

- **Limit impacts on tribal or other vulnerable communities.**

- **Clustering data centers creates cumulative impacts on land and infrastructure, and cumulative impacts must be identified in the application and in ongoing reporting.**

- **Establish processes for vertical "stacking" and for buffering zones to protect resource lands and residential areas.**

- **Decommission standards should be adopted as data center technology changes rapidly and some centers may be abandoned. A decommissioning plan should be addressed to restore the site with required bonding or surety.**

***Some local governments in other states have established advisory committees that work with the local government in oversight of data center requirements and actions.**

Application Process Recommendations

Under current county code, data center siting applications can be approved as simply by staff through the Type II land use approval process, many times without a hearing. CSWCD recommends several changes in land use applications that are more specific to data centers given the proximity and extent of the impacts.

- **No lesser than a Type III land use approval with a full hearing process should be allowed.**

- **Provide public notice with consideration of broader notice boundaries due to the impacts that can go beyond current notification zone boundaries.**

- **Approval of a large project should ensure public materials are available, including at least one language that represents larger communities in the county.**

- **For large projects, provide both a daytime and an evening hearing.**

- **Non-disclosure agreements (NDAs) should not be allowed as all details for siting, operations and other requirements must be disclosed to the public. CSWD has submitted detailed written comments .**

Thank you for the opportunity to comment.