Prehearing Exhibit PH-3

Public Comments Prior to Hearing Notice

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Strongly OPPOSE Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)
Date:	Thursday, August 21, 2025 4:32:47 PM

From: 350PDX WA County <350washco@gmail.com>
Sent: Thursday, August 21, 2025 4:12 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Strongly OPPOSE Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

To:

Washington County Board of Commissioners via Maitreyee Sinha, Senior Planner Washington County Dept. of Land Use & Transportation – Current Planning 155 N First Ave, Ste 350 Hillsboro, OR 97124

Dear Ms. Sinha and Washington County Commissioners;

On behalf of the members of 350.org Washington County, I am writing to Strongly OPPOSE the Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

There has been insufficient public process for such a massive abridgement of existing land use laws.

For multiple reasons this project belongs in one of Washington County's now increasingly abundant industrial zones, not in designated farmland proximate to rural homes.

The County MUST slow down this process and allow for proper vetting of legal status and due public process.

Thank you,

Debby Garman, Team Lead
350.org Washington County
503-318-5227

**The number 350 means climate safety: we must reduce the CO2 in the atmosphere from more than 400 parts per million to less than 350

https://www.facebook.com/350PDXWashingtonCountyTeam/

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Formal Argument Letter (for filing with Washington County before Aug. 21)

The Adams Family
7345 NW 214th PL
Hillsboro, OR 97124

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

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1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

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2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. Its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.
- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

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3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

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4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Names- stephanie, stephen, Alma, Patrick, & Anna Adams & Robin Sdq
7345 NW 214th PL Hillsboro, OR 97124
(857)222-6637

The Adams Family
7345 NW 214th PL
Hillsboro, OR 97124
857-222-6637

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

The Adams Family residing at 7345 NW 214th PL
Hillsboro, OR 97124:

Stephanie Adams stephanieAdams@gmail.com
Stephen Adams steveAdamspainter@gmail.com
Alma Adams AlmaAdams@gmail.com
Patrick Adams pt2adams85@gmail.com
Anna Adams AnnaAlexandra38@gmail.com
Robin Sola rsolarms5@gmail.com

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Wednesday, August 20, 2025 3:33:13 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Wednesday, August 20, 2025 2:02 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Wed, 08/20/2025 - 14:02

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Adrien Evans

Email
adriencevans@gmail.com

Address
52720 NW Wilson School Rd
Forest Grove, Oregon. 97116

Your Comments
This project conflicts directly with the needs, goals, and well-being of local families and is a gross misuse of public space. AF-5 rural and farm zoning does not permit industrial-scale battery plants, this project will directly harm the health and safety of nearby residents and wildlife, and there is already enough space in industrial areas for this site to be moved away from such an inappropriate part of the city of Hillsboro. Many are vehemently against this and those who permit it will not be supported in the future by the individuals who will be affected. Please make the right choice and build this battery storage facility elsewhere.

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Friday, August 22, 2025 12:20:29 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 12:38 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 12:38

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Alex Fisher

Email
alexfisher0325@gmail.com

Address
215 NE Edgeway Dr Apt 306
Beaverton, Oregon. 97006

Your Comments
I support this application and believe it will help the community.

Your Name: Alex Hang
Address: 21001 NW old Pass Rd
City: Hillsboro State: OR Zip: 97124

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchtone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Fire water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release hazardous fumes and

chemicals into the air, according to Alsym Energy. The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Developing Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Developing Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter battery site
Date: Tuesday, August 19, 2025 12:22:09 PM

From: Allison Reyes <klockfamilyblues@klockfamilyblues.com>
Sent: Monday, August 18, 2025 8:22 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter battery site

With little benefit for the Oregon people, this site should be prevented.

A local business like PGE should be funding local businesses to build sites like these at the bonnevile dam or near substations.
Where noise is already abundant and power systems already exist.
What are our state representatives doing about this?

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Your Name: Alma Adams
Address: 2345 NW 214th Pl.
City: Hillsboro State: OR Zip: 97124

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
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Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:26:44 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 7:32 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 07:32

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Amber Capwell

Address
529 se grand ave
Portland, Oregon. 97214

Your Comments
This project is a zoning Conflict. AF-5 rural/farm zoning does not permit industrial-scale battery plants.

There is incredible safety risk such as fire, toxic gas release and inadequate rural emergency response.

There is also going to be loud and constant noise which will disrupt neighboring people as well as resident animals. 24/7 fan and inverter noise exceeds rural character standards.
This project does not belong here next to other rural homes. Shame on Washington county handing over land to big tech from out of state!!

From: Kellie Crowdis
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Tuesday, August 19, 2025 8:28:01 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 10:20 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 22:19

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Ana Proa

Email
tomorrow916@yahoo.com

Address
1031 SE Tamora Ave
Hillsboro , Oregon. 97123

Your Comments
Why is a lithium battery storage being built on agriculture and forest district? There is almost no notice to the community and the fact that it is not up for public hearing feels unfair to the people living in Hillsboro and just in the interest of Blackrock and a Texas company. This is does not even benifit the community an any way, only causing noise pollution, ruining the rural area with what would be an eye sore battery storage containers and disturbing the nearby area.

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Friday, August 22, 2025 12:19:02 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 12:23 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 12:23

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Andrea D'Amico

Email
anddamico@msn.com

Address
13090 SW Vandermost Rd
BEAVERTON, Oregon. 97007

Your Comments
Dear Washington Co Planning-
I am writing you in opposition of the proposed Jupiter - Blackberry Grove Battery facility.
Instead of trying to continue to expand industrial land over AF zoning, please have your applicant explore existing industrial areas.
Our agricultural land will not come back once it is plowed over in asphalt.
And having this processed as type 2 is just wrong, the neighbors and public not given a chance to speak their minds about what they will be exposed to, noise, safety, water concerns, rural traffic problems.
You need to reconsider and have this reapplied under type 3 and let the public have a chance -

All the best
Andrea D'Amico
Save Scholls member

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Written Comment - 10-Acre Jupiter Battery Facillitt
Date:	Wednesday, August 20, 2025 8:34:38 PM

From: andrew Essig <andrew.m.essig@gmail.com>
Sent: Wednesday, August 20, 2025 7:47 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Written Comment - 10-Acre Jupiter Battery Facillitt

Hello ,
My name is Andrew Essig if 4420 SE Belmont St. , Portland, OR 97215

Im writing to urge the rejection of the proposed battery facility in Rural Hillsboro

Firstly, this would be a zoning conflict. AF-5 Rural /Farm zoning does not permit permits industrial scale battery plants

Secondly, the safety risks are not worth it for residents. The risk of fire and toxic gas release in ck.bjnation with in adequate Rural emergency response could cost a life or a livelihood

Thirdly, the 24/7 fan and inverter noise exceeds rural character standards

In general, it is simple terrible siting given its right amongst Rural Hillsboro homes

Thank you for your time,
Andrew Essig

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Concerns Regarding Proposed Jupiter Power Battery Facility
Date: Tuesday, August 19, 2025 12:35:44 PM

-----Original Message-----
From: Angela Kearns <amkearns819@gmail.com>
Sent: Saturday, August 16, 2025 11:46 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Concerns Regarding Proposed Jupiter Power Battery Facility

Dear Maitreyee Sinha,

I hope this message finds you well. I'm writing to express my concerns regarding the proposed Jupiter Power battery storage facility, which would involve the installation of rows of lithium-ion battery containers (specifically LFP units), placed on concrete pads and surrounded by fencing, transformers, and cooling infrastructure.

While I understand the importance of energy storage in supporting grid reliability and renewable integration, I believe this particular proposal raises several issues that merit closer scrutiny:

1. Environmental and Safety Risks
Lithium-ion batteries, even those using LFP chemistry, carry risks of thermal runaway and fire. Given the scale of the installation and the proximity to residential areas or natural habitats, the potential for hazardous incidents—however rare—should be weighed carefully. The presence of cooling fans and transformers also introduces noise pollution and heat emissions that could disrupt local ecosystems and quality of life.

2. Land Use and Aesthetic Impact
The industrial nature of the facility—shipping container-sized units, fencing, surveillance equipment is be incompatible with the character of the surrounding area.

3. Long-Term Community Considerations
Projects backed by large asset managers like BlackRock often prioritize financial returns over local engagement. I urge the planning department to consider whether this facility will offer tangible benefits to our community—such as local job creation, energy access, or reinvestment—or whether it will primarily serve external interests.

4. Alternative Approaches
Before approving a project of this scale, I encourage the department to explore decentralized or community-based energy storage models that may offer greater resilience and local control with fewer environmental trade-offs.

I appreciate the work your office does to balance innovation with responsible stewardship, and I trust that community voices will be given full consideration in the review process. Thank you for your time and attention to this matter

Thank you,
Angela Kearns
Orenco Area Resident
(915) 243-9990

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From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Thursday, August 21, 2025 8:36:44 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Wednesday, August 20, 2025 11:47 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Wed, 08/20/2025 - 23:46

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Anima

Email
anikalj21@gmail.com

Address
2133 SE Tibbetts St
Portland, Oregon. 97214

Your Comments
Please do not allow for the construction of this!! The impact on the city will be detrimental to the health of residents!! I refuse to let my bills increase, since my paycheck has not. Don't bleed the city dry of the reasons I love it here.

Your Name: Ann Mueller
Address: 20789 NW Old Pass Rd
City: Hillsboro State: OR Zip: 97124

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

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The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
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Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely, Gary Mueller
Ann Mueller

Maitreyee Sinha, senior planner

Regarding the special use and development review for a Utility Facility (BatteryEnergy Storage System) in the AF-5 District, what a terrible proposal.

West Union road has become a narrow, heavily traveled road with long lines of cars in morning and evening hours with commuters from Intel and other businesses. The proposed battery storage unit abuts West Union Road. The property owned by Steve and Kelli Bobosky is part of a long established neighborhood with families.The proposal shows a sound barrier wall surrounding the battery storage . From past experience sound barrier walls do not muffle irritating repetitive sounds that drone on through the night.

The parcel of land proposed for battery storage would impact a long standing grove of trees including the over 100 year old oak tree that marks the corner of Old Pass Road. This corner is a dangerous corner due to cars coming West and cars traveling East and turning in front of each other with poor visibility.

It would make much more sense to have the battery storage system on the large open property on the South side off West Union road, the same side as the existing power plant, to which it is proposed to connect.

Driving each day in Hillsboro has taught me the down side of development in Hillsboro. It has gone from a pleasant town to a poorly conceived system of roads that in many cases make no sense.

My name is. Ann Mueller, my husband is Gary Mueller. We have lived in our 100year old house on a beautiful wooded property for 47 years. This small neighborhood is very special and it is heartbreaking to see it compromised by the short sighted proposal of battery storage.

I do know the Bobosky's were able to get a small increase in their land by taking over an easement from the Wilson's property. That seems very dodgy in light of their selling their Land for battery storage.

Why is Hillsboro considering a land change from Kurt Nelson who lives in Texas? Who is he anyway? What is his motive?

Gary and ;Ann Mueller
20789 NW Old Pass Rd
Hillsboro, Oregon 97124

Ann Mueller
Gary Mueller

Ann M. Mueller
20789 N.W. Old Pass Rd.
Hillsboro, OR 97124

email/phone

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

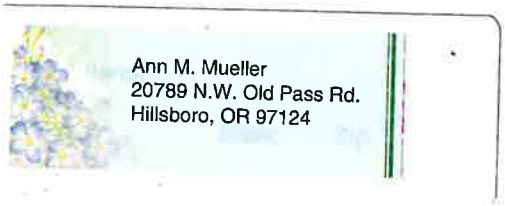
Thank you for considering these comments.

Sincerely, Anne Mueller
Gary Mueller

Name

Address

Formal Argument Letter (for filing with Washington County before Aug. 21)



email/phone

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
✉ maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. Its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully, George Mueller

Names- Ann Mueller

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery plant
Date: Thursday, August 21, 2025 10:25:35 PM

-----Original Message-----
From: Ann Ruttan <annruttan@hotmail.com>
Sent: Thursday, August 21, 2025 7:03 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Cc: Ralph Brooks Brooks <ralph.e.brooks@gmail.com>
Subject: [EXTERNAL] Battery plant

This plan is egregious. I cannot understand why Washington County has neglected to protect the long term interests of the environment and the citizenry of our area. If we do not vigorously protect our rural and wild spaces we do ourselves irrevocable harm.
When does the environment come first? When do citizens come first. Please don't let this happen.
In 100 years time the changes brought by gobbling up farm land for $$$$$ profit will be seen as the tragedy that it is. Don't let it happen. Think about the long term costs such as Environmental degradations, accelerated climate change , loss of rural safety and home environments, pollution of air and land to mention just a few.
PLEASE NO.
Ann Ruttan Firewise CochairSent from my iPhone

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] BESS (Jupiter Battery Facility) proposal
Date: Tuesday, August 19, 2025 12:27:15 PM

From: anna mari <annamariteres@gmail.com>
Sent: Sunday, August 17, 2025 10:24 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] BESS (Jupiter Battery Facility) proposal

I am not a resident of Washington County, but my daughter, grandchildren and great-grandchild all live there, so I am submitting my comment AGAINST the BESS facility - SUCH A HUGE, RISK-LADEN FACILITY SITUATED WITHIN CLOSE PROXIMITY TO RESIDENTS IS A GROSS NEGLECT of possible (Probable due to Lithion-Ion batteries past tendencies to explode?) toxic fumes, fire, etc., not to mention the lack of prior notice to residents (apparently only through word of mouth), probable lowering of their property values, and lack of option to vote on the project directly.

The pollution risks (toxicity, fire, noise), as well as the lowering of personal property values - not to mention the fact that profits would go to out-of-area enterprises - would not create a long-term Washington County/Hillsboro benefit.

Why not build Solar Arrays on that land, instead, to bolster local energy availability? Better yet, utilize AGRIVOLTAICS (dual-use of solar and agricultural) to increase the efficiency of the land space. The plants benefit from the shade and extreme weather protection provided by the solar arrays, while the solar arrays are cooled by the plants' transpiration. This kind of project would pose far less risk. benefit local agriculture/farms, keep profits local, and maintain a proper level of concern for the local community.

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Opposition to Proposed Battery Storage Facility in the Hillsboro Area
Date:	Tuesday, August 19, 2025 1:01:42 PM

From: Anna Peter <anna_preeti@hotmail.com>
Sent: Tuesday, August 19, 2025 1:01 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposition to Proposed Battery Storage Facility in the Hillsboro Area

Opposition to Proposed Battery Storage Facility in the Hillsboro Area

Dear Commissioners,

I am writing to express my strong opposition to the proposed large-scale battery energy storage facility in the Hillsboro area. As a practicing physician and a resident of this community, I am deeply concerned about the potential health, environmental, and ecological risks associated with this project.

Battery storage facilities of this scale raise serious questions about long-term air and water quality, especially in the event of leaks, fires, or other failures. These systems often rely on lithium-ion or similar chemistries that, while technologically advanced, carry known risks of **toxic emissions and groundwater contamination**. The possibility of chemical release, either gradually through degradation or suddenly through accidents, poses a direct threat to the well-being of nearby residents, including children, seniors, and those with preexisting health conditions.

From a public health perspective, even low-level chronic exposure to battery-related toxins can have cumulative effects on **respiratory health, neurological development, and overall immune resilience.** As someone who has committed my career to protecting human health, I must urge you to consider these dangers with the utmost seriousness.

In addition to human health risks, the impact on the local environment including native flora and fauna cannot be overlooked. Hillsboro is home to diverse ecosystems that contribute to the region's ecological balance and natural beauty. Disrupting these habitats for industrial development would cause irreversible **harm to local biodiversity**. Furthermore, the facility's construction and operation could increase **noise pollution and degrade nearby wetlands, streams, and groundwater resources**—many of which are already under stress from urban expansion. **24/7 fan and inverter noise exceeds rural character standards.**

Because of the above concerns, rural/farm zoning does not permit industrial-scale battery plants . This project belongs in Hillsboro's industrial zones, not next to rural homes.

Washington County has a responsibility to pursue clean energy solutions in a way that does not sacrifice the health of its residents or the integrity of its environment. I urge you to pause this project and conduct a truly independent and transparent environmental health impact assessment, with full community involvement.

Thank you for your attention to this serious matter. I hope the county will reconsider moving forward with this facility and instead explore more sustainable, less invasive alternatives.

Sincerely,

Anna P Peter, MD

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From: Kellie Crowdis
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Tuesday, August 19, 2025 1:59:11 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Tuesday, August 19, 2025 1:08 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Tue, 08/19/2025 - 13:07

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Anna Peter

Email
anna_preeti@hotmail.com

Address
5670 NW 128th ter
Portland, Oregon. 97229

Your Comments
I am writing to express my strong opposition to the proposed large-scale battery energy storage facility in the Hillsboro area. As a practicing physician and a resident of this community, I am deeply concerned about the potential health, environmental, and ecological risks associated with this project.
Battery storage facilities of this scale raise serious questions about long-term air and water quality, especially in the event of leaks, fires, or other failures. These systems often rely on lithium-ion or similar chemistries that, while technologically advanced, carry known risks of toxic emissions and groundwater contamination. The possibility of chemical release, either gradually through degradation or suddenly through accidents, poses a direct threat to the well-being of nearby residents, including children, seniors,

and those with preexisting health conditions.
From a public health perspective, even low-level chronic exposure to battery-related toxins can have cumulative effects on respiratory health, neurological development, and overall immune resilience. As someone who has committed my career to protecting human health, I must urge you to consider these dangers with the utmost seriousness.
In addition to human health risks, the impact on the local environment including native flora and fauna cannot be overlooked. Hillsboro is home to diverse ecosystems that contribute to the region’s ecological balance and natural beauty. Disrupting these habitats for industrial development would cause irreversible harm to local biodiversity.
Furthermore, the facility's construction and operation could increase noise pollution and degrade nearby wetlands, streams, and groundwater resources—many of which are already under stress from urban expansion. 24/7 fan and inverter noise exceeds rural character standards.
Because of the above concerns, rural/farm zoning does not permit industrial-scale battery plants . This project belongs in Hillsboro's industrial zones, not next to rural homes.
Washington County has a responsibility to pursue clean energy solutions in a way that does not sacrifice the health of its residents or the integrity of its environment. I urge you to pause this project and conduct a truly independent and transparent environmental health impact assessment, with full community involvement.
Thank you for your attention to this serious matter. I hope the county will reconsider moving forward with this facility and instead explore more sustainable, less invasive alternatives.
Sincerely, Anna P Peter MD

Your Name: Anthony Gomez Silva and Katie Gilbertson
Address: 7570 NW 212th Pl
City: Hillsboro State: OR Zip: 97124

Received

AUG 18 2025

PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

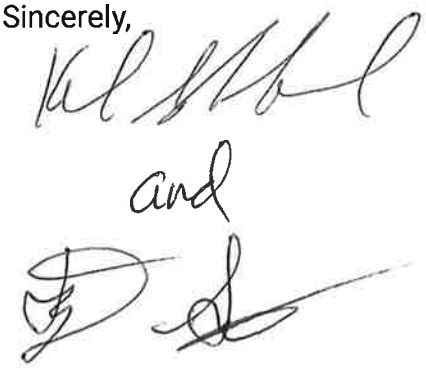
- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,



From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Casefile L2500161- SU/D/PLA
Date: Thursday, August 21, 2025 4:32:14 PM

From: Kt and Uncle Tone <ktntony@comcast.net>
Sent: Thursday, August 21, 2025 3:59 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Casefile L2500161- SU/D/PLA

Written Testimony Regarding Jupiter Battery Storage Facility
Casefile L2500161- SU/D/PLA

Dear Maitreyee Sinha, Senior Planner

Please accept these comments for the above referenced casefile.

We respectfully submit this testimony in opposition to the proposed Jupiter Battery Storage facility on farmland zoned AF-5. This proposal is being improperly characterized as a “Public Utility” to justify siting in agricultural zoning. It is a private, for-profit industrial energy storage project operated by BlackRock/Jupiter Power.

This facility is not compatible with the surrounding land uses outlined by Washington County land use code, which are family homes, farms, and natural spaces. It introduces an industrial use into a residential and agricultural setting without adequate protection or justification or consideration of the existing tenants.

1. AF-5 Zoning and Public Utility Mischaracterization
Washington County’s AF-5 zone is intended to protect agricultural and rural residential uses. Allowing a utility-scale lithium battery installation on this land contradicts both the spirit and the letter of AF-5 protections.
The applicant’s attempt to classify this facility as a “Public Utility” is misleading. A public utility typically provides essential services (water, electricity distribution, sewer) directly to the public under state regulatory oversight. This facility does not provide power directly to local residents.
It is a wholesale merchant operation, buying power at low-cost times and reselling at peak times for profit.
That is industrial commerce, not a utility service.

2. Incompatibility with Surrounding Homes and Community Safety
The proposed project site is surrounded by residences and farmland. Families live directly adjacent to this location, with no buffer of industrial zoning.
Lithium-ion battery energy storage systems (BESS) are high-hazard installations. Documented risks include:
- Thermal runaway fires that burn for days.
- Toxic off-gassing of hydrogen fluoride and other chemicals.

● Explosion risk from cascading cell failures.
These hazards make the project incompatible with residential settings. Unlike a typical structure fire, lithium BESS fires cannot be extinguished with water or foam; they must burn out while releasing toxic smoke.
Local fire departments in Washington County are not equipped to suppress or contain a full-scale BESS fire of this magnitude. At best, they can cordon off the site and wait for it to burn out.

3. Documented BESS Fire Incidents in the U.S.
Contrary to industry assurances, BESS fires have already occurred across the U.S., with serious outcomes:
● McMicken BESS Fire – Surprise, Arizona (2019): Explosion injured four firefighters. The facility was offline for years and prompted national safety reviews. APS (Arizona Public Service) ultimately faced lawsuits and paid millions in damages and settlements tied to the fire's impacts and injuries.
● Moss Landing Energy Storage Facility – California (2021 & 2022): Two separate thermal runaway incidents caused massive smoke releases and shut down hundreds of megawatts of storage.
● Victaulic Facility – New York (2023): A 5 MW BESS fire burned uncontrolled, prompting evacuations.
● Bridgewater, South Australia (2023, international but relevant): Tesla Megapack fire took three days to extinguish, releasing toxic gases despite top-tier fire suppression systems.
Each of these cases shows that even state-of-the-art BESS facilities experience catastrophic failures. Outcomes have included explosions, toxic smoke plumes, firefighter injuries, community evacuations, and significant legal liability for the operators.

4. More Suitable Locations Exist
Washington County and the City of Hillsboro already have extensive industrial-zoned land near:
● The Intel Ronler Acres campus,
● Hillsboro Technology Park Drive,
● The Evergreen and Helvetia Road industrial corridors.
● Hillsboro owns hundreds of acres of land along Meek Road and Sewell Road, and major substations are already available.
These areas have:
● Wide industrial buffers,
● Proximity to substations,
● Emergency response resources,
● No immediate residential exposure.
There is no public policy justification for siting this dangerous facility in an AF-5 zone when suitable industrial land is abundant.

5. Accountability for Damages
Given the devastation to property, farmland, and community health documented in past BESS fires, I request that if Washington County considers approval of this project, a clear and binding condition must be imposed:

BlackRock/Jupiter Power must be financially liable for all damages caused to surrounding property owners, farmland, and public resources in the event of a fire, explosion, or toxic release.
This condition must include full compensation for destroyed homes, crops, livestock, and long-term land contamination.
The Arizona McMicken case demonstrates the scale of liability when such facilities fail: APS faced lawsuits, lengthy investigations, and multimillion-dollar payouts after its BESS explosion. Washington County must ensure that no such costs are ever shifted onto local residents or taxpayers.
Conclusion and Plea for Proper Process

The Jupiter Battery Storage project:
● Misuses the “Public Utility” definition,
● Violates the intent of AF-5 zoning,
● Endangers surrounding families and farmland,
● Exposes Hillsboro to risks demonstrated in real-world BESS fires,
● And could be located in safer, industrially zoned areas nearby.

Finally, I urge Washington County to recognize that there has been substantial public outcry regarding this proposal. It is wholly inappropriate for a decision of this magnitude, with life-safety, environmental, and land use consequences, to be resolved under a Type II administrative process behind closed doors.
This project must be elevated to a Type III Public Hearing, where the people most affected can be heard, where transparency can be assured, and where the County can demonstrate equitable engagement with its residents.

Respectfully submitted,

Anthony John Gomez Silva
Katie Lynne Gilbertson
Washington County Resident Adjacent to the Proposed Facility

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery electric Plant
Date: Tuesday, August 19, 2025 12:26:15 PM

-----Original Message-----
From: Ayla Hofler <aylahofler@gmail.com>
Sent: Sunday, August 17, 2025 5:16 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery electric Plant

Maitreyee,
I can not believe this development application is a Type ll. This is AF-5 zoned land next to a food processing / fresh food market for the entire county. This is a major industrial use being proposed. The county has plenty of industrial zones land south of Hwy 26 and Black Rock can afford it. Rural public notice for this activity is severely inadequate. This is going to turn into another North Plains nightmare.
Sincerely,
Ayla
Sent from my iPhone

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August 18, 2025

Received
AUG 21 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Maitreyee Sinha
Washington County Department of Land Use and Transportation
155 N 1st Ave #350-13
Hillsboro, OR 97124

Casefile/Project #L2500161-SU/D/PLA

Dear Maitreyee Sinha,

We strongly oppose the proposed creation of a Battery Energy Storage System (BESS) at 21393 NW West Union Road in Hillsboro, Oregon.

The proposed development violates the intent and purpose of the AF-5 zoning. Section 348-1 of the Washington County Community Development Code defines the purpose of this zone as to retain the area's rural character, conserve the natural resources, promote agricultural and forest uses, and retain the character and economic viability of the agricultural and forest lands. Converting the proposed location into 10 paved acres of permanent battery storage with a 600 ft. long sound barrier wall will only result in significant, irreversible changes to the character of the zone rather than maintaining the current features. The BESS is simply not compatible with the purpose of AF-5.

The proposed development violates the definition of the AF-5 Zoning because the purpose of the BESS is to store power for later use, and AF-5 does not allow storage facilities. Other zoning definitions such as IND do allow for storage facilities. The proposal also includes a 10-12 foot tall sound barrier wall, which exceeds the AF-5 fence height limitation of 8 feet.

The proposed development introduces safety concerns that deem the project inappropriate for construction in close proximity to a neighborhood of homes. Of note, several BESS sites across the country have experienced major fire events, including in New York and California. The Moss Landing fire in California in January 2025 could not be extinguished for several days and caused significant damage due to the release of toxic gases, and heavy metal contamination of soil and water of the surrounding area up to 46 miles from the BESS site. And locally here in Hillsboro this spring, a small scale lithium battery fire at Digital Realty Data Center, which burned for hours with TVFR unable to put out the fire, illustrates an inability to minimize risk from fires on a larger scale that a BESS facility could experience. These types of BESS facilities lack the safety record needed to safely coexist in a community of homes, since the industry is not mature enough to have the necessary safety planning. Jupiter Power does not even plan an onsite 24-7 personnel presence to monitor for fire in case of thermal runaway, which is unthinkable for a community of forest and farms WITHOUT fire hydrants. This project should be located further from homes, in other zones such as FD-20 or I-S.

The proposed development introduces the potential for well water contamination. The community surrounding the proposed facility is dependent on well water. The potential for contamination from chemical spillage from these structures as they age over time are unknown, but likely to occur when extrapolating the current known risks of disposal and recycling of lithium batteries.

Finally, this project should not be processed as a Type II decision. County rules require facilities like this to go through a Type III review with a public hearing, so that affected neighbors can testify and decision makers can properly consider compatibility with surrounding homes and farm land. Therefore, we urge the Department of Land Use and Transportation to reject the application for the Blackberry Grove BESS site.

Respectfully,

Todd A. Baird Rebecca Baird Benjamin Baird
Nathaniel Baird Madelyn Baird

Todd Baird
Rebecca Baird
Nathaniel Baird
Benjamin Baird
Madelyn Baird
21210 NW Bendemeer Rd
Hillsboro, OR 97124

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery farm
Date: Thursday, August 21, 2025 8:21:51 AM

From: Barbara Ogilvie <barbogilvie@msn.com>
Sent: Thursday, August 21, 2025 8:17 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery farm

I am quite alarmed at the plan to put a battery farm on West Union. There has been little to no discussion about this with the general population and specifically with the people who live in the area. Please reconsider this.

- **Zoning Conflict:** AF-5 rural/farm zoning does not permit industrial-scale battery plants.
- **Safety Risks:** Fire, toxic gas release, and inadequate rural emergency response.
- **Noise & Incompatibility:** 24/7 fan and inverter noise exceeds rural character standards.
- **Better Siting:** This project belongs in Hillsboro's industrial zones, not next to rural homes.

Thank you for your attention,

Barbara Ogilvie

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Comment on Proposed Jupiter Power Battery Storage Facility (Case Pending in Washington County)
Date:	Tuesday, August 19, 2025 12:25:02 PM
Attachments:	image.png

From: Becky S Chapin <beckyschapin@gmail.com>
Sent: Sunday, August 17, 2025 9:26 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Comment on Proposed Jupiter Power Battery Storage Facility (Case Pending in Washington County)

Dear Ms. Sinha,

I am writing to express my opposition to the proposed Jupiter Power Battery Energy Storage System (BESS) facility, intended to be constructed at the corner of NW West Union Road and NW Old Pass Road.

This site is zoned AF-5 for agricultural and rural residential use. Thus, construction of am industrial-scale battery plant is not compatible with this zoning or the surrounding neighborhood of family homes, farms, and small acreage properties. The proposed allowance under the "Utility Facility" exception stretches the intent of this designation and undermines the protections rural zoning was designed to provide.

In addition, I am deeply concerned about the specific risks and impacts of this project:

- Fire & Safety Risks: Lithium-ion batteries pose a well-documented risk of thermal runaway and toxic gas release in the event of failure. Rural fire services are not adequately equipped to manage such specialized hazards.
- Noise Pollution: Continuous operation of fans, inverters, and transformers will create constant industrial noise (45–60 dBA or higher) that is incompatible with the quiet rural character of this community.
- Property Values: A fenced industrial plant of this scale will diminish property values for nearby homeowners and alter the character of one of Washington County's most desirable rural areas.
- Lack of Local Benefit: The project appears to serve financial arbitrage and investor returns rather than local energy needs. The community assumes the risks while gaining no tangible benefit.

There are more appropriate locations for a project of this size, such as Hillsboro's designated industrial zones. Siting this facility in a rural residential area is not compatible with county land-use goals and standards.

For these reasons, *I urge Washington County to deny this application*. At a minimum, the County should require a more transparent review process with robust public notice and hearings, rather than allowing such a significant project to proceed under a Type II

administrative review.

Proceeding with a Type II review process on such a project is supremely poor optics - it looks as if both Blackrock and the City/County are trying to pull a metaphorical "fast one" over the residents. This is, likewise, a twisting of the intended processes for community review when a project will affect them and their neighborhoods.

The image, below, indicates the approved land uses within a Type II Review. This sort of industrial project is not included in the list:

348-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

348-3.1 Family Day Care Provider - Section 430-53.4.

348-3.2 Home Occupation - Section 430-63.2.

348-3.3 Parks - Section 430-97.

348-3.4 Public Utility - (except commercial facilities for the purpose of generating power for public use by sale) - Section 430-105.3 through 430-105.7.

348-3.5 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

348-3.6 Stockpiling of aggregate, sand and gravel for road maintenance purposes - Section 430-132.

348-3.7 Temporary Use - Section 430-135.2 A.

348-3.8 Day Care Facility - Section 430-53.1 I.

348-3.9 Alteration, restoration or replacement of a lawfully established dwelling on a lot or parcel upon which two (2) or more lawful dwellings exist that is not permitted through a Type I procedure. For required standards see Section 430-8.2.

348-3.10 Boarding or training of horses for profit with fifteen (15) or more horse stalls (includes stalls for the owner's horses) - Section 430-21.

348-3.11 Unless exempt under 201-2, importing fill material as a customarily accepted farming practice or for a use allowed in the district - Section 410.

348-3.12 Clean Fill Site as defined by DEQ rules - Section 410.

(Ord. No. 826A, § 2.A.(Exh. 1, § 21), 10-24-17 , eff. 11-24-17; Ord. No. 832A , § 2.A.(Exh. 1, § 17), 9-18-18, eff. 10-18-18)

Again, please deny this application. If the city/county is insistent upon having such a project within their jurisdiction, it should be sited where industrial zoning already exists.

Please record this comment as part of the official record for this project.

Sincerely,
Becky Chapin

347 NW Malia Ln
Hillsboro, OR 97124
beckyschapin@gmail.com

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

Ben & Alice Grossen
21960 NW Phillips Rd
Hillsboro, Oregon 97124

email/phone

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
✉ maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Ben & Alice Grossen

Name

Address

Formal Argument Letter (for filing with Washington County before Aug. 21)

Ben & Alice Grossen
21960 NW Phillips Rd
Hillsboro, Oregon 97124

email/phone

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. Its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Ben and Alice Grosan

Names-

Addresses

Signatures

You
Add
City

Ben & Alice Grossen
21960 NW Phillips Rd
Hillsboro, Oregon 97124

_____
_____
_ Zip: _____

RECEIVED

AUG 20 2025

PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Bernard Alan Hoseen

Ben and Sarah Farley
7441 NW 212th Place
Hillsboro, OR 97124

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 15, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and Related Zoning Change

Dear Maitreyee Sinha,

We received notice of the proposed battery facility and have serious concerns on several levels, which lead us to strongly oppose this project.

Zoning Incompatibility

We do not understand how this type of project could be permitted in a Farm/Forest Residential zone, when it is clearly a commercial/industrial enterprise. Allowing it would undermine the very intent and purpose of the zone:

> *348 - Agriculture and Forest District (AF-5)*
> *348-1 Intent and Purpose*
> *The AF-5 District is intended to retain an area's rural character and conserve natural resources while providing for rural residential use in areas so designated by the Comprehensive Plan.*
>
> *The purpose of this agricultural and forestry district is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forest lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the farm and forest area. Residents of rural residential tracts shall recognize that they will be subject to normal and accepted farming and forestry practices.*

Application Type

After reviewing allowances under Type II and Type III applications, we believe this proposal has been miscategorized.

- *Type II, 348-3.4 Public Utility* (except commercial facilities for the purpose of generating power for public use by sale).

Jupiter Power is not a public utility; it is a corporate enterprise, backed by BlackRock, profiting from the sale of power. While they may not be *creating* energy, they are generating power in the sense that they purchase and resell it for profit through energy arbitrage. At minimum, this should be classified as a Type III application, if it were even permissible in this location.

Health and Safety Concerns

Even if the zoning somehow allowed such a facility—which we believe would be a gross misapplication of County code—we are deeply concerned about the risks it poses:

- **Risk of Fire or Explosion:** Multiple battery storage explosions and fires have already occurred in 2025. For example, at the Moss Landing BESS facility in January 2025, toxic gases were released, heavy metals spread through the area, and the fire burned for over 24 hours, smoldering for two weeks while air quality had to be monitored.
- **Quality of Life:** Continuous BESS operations, including noise from cooling systems and related infrastructure, would negatively affect the peace and quiet of this rural neighborhood.
- **Emergency Preparedness:** It is unclear whether the local fire department and emergency services are adequately equipped or trained to respond to lithium-ion battery fires, which are notoriously difficult to extinguish.
- **Property Values:** The presence of a BESS facility, with its associated fire and environmental risks, could significantly reduce property values and discourage future development.

Summary

The goal of Jupiter Power appears to be finding the cheapest land with the least oversight to maximize profits—at the expense of rural communities. They are creating safety risks and undermining the quiet enjoyment that this zoning is designed to protect, while disguising their true intent behind claims of convenient substation access, job creation, and grid support.

These so-called "benefits" are presented with misleading half-truths that blur the boundaries of what is acceptable in a rural residential zone. We ask you to consider how you would feel if you were asked to live next to a facility that poses health and safety risks, disrupts the quiet rural environment with 24/7 industrial noise, and reduces the value of a home you've lived in for many years.

Thank you for considering our concerns.

Respectfully,

Ben and Sarah Farley

Ben and Sarah Farley
7441 NW 212th Place
Hillsboro, OR 97124

August 15, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and Related Zoning Change

Dear Maitreyee Sinha,

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- **Quality of Life:** Continuous BESS operations, including noise from cooling systems and related infrastructure, would negatively affect the peace and quiet of this rural neighborhood.
- **Emergency Preparedness:** It is unclear whether the local fire department and emergency services are adequately equipped or trained to respond to lithium-ion battery fires, which are notoriously difficult to extinguish.
- **Property Values:** The presence of a BESS facility, with its associated fire and environmental risks, could significantly reduce property values and discourage future development.

Summary

The goal of Jupiter Power appears to be finding the cheapest land with the least oversight to maximize profits—at the expense of rural communities. They are creating safety risks and undermining the quiet enjoyment that this zoning is designed to protect, while disguising their true intent behind claims of convenient substation access, job creation, and grid support.

These so-called “benefits” are presented with misleading half-truths that blur the boundaries of what is acceptable in a rural residential zone. We ask you to consider how you would feel if you were asked to live next to a facility that poses health and safety risks, disrupts the quiet rural environment with 24/7 industrial noise, and reduces the value of a home you’ve lived in for many years.

Thank you for considering our concerns.

Respectfully,

Ben and Sarah Farley

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Concerns and Request For Access to Case File: L2500161-SU/D/PLA
Date: Thursday, August 21, 2025 10:39:33 AM
Attachments: Jupiter Letter in Opposition -Schuettke - Tristan200.pdf
Jupiter Letter in Opposition -Schuettke-Parker - Brian and Cheryl201.pdf

---

From: Ben Farley <503benfarley@gmail.com>
Sent: Thursday, August 21, 2025 10:37 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: Re: [EXTERNAL] Concerns and Request For Access to Case File: L2500161-SU/D/PLA

Ms. Sinha,

These letters are from our neighbors without document scanning capability. Please include them in the comments regarding the above referenced land use proposal.

Grateful,

Ben Farley
503-318-0700

On Tue, Aug 19, 2025 at 2:26 PM Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov> wrote:

> Hello Dirk (and other commenters), thank you for your email.
>
> Please see responses below.
>
> **Maitreyee Sinha | Senior Planner**
> 503-846-3835 maitreyee_sinha@washingtouncountyor.gov
>
> ***The counter lobby is open Monday, Tuesday, Wednesday, and Thursday 8AM to 4PM.***
> ***CLOSED FRIDAYS.***
> ***Staff are working in office and remotely and are best reached by email.***
>
> ***Please submit planning-related questions to LUTDEV@co.washington.or.us.***
>
> ***Current Planning updates***
> ***LUT Services available online***
>
> ---
>
> **From:** Dirk Knudsen <dirkknudsen@gmail.com>
> **Sent:** Monday, August 18, 2025 4:34 PM
> **To:** Heather Alvarez <heatherroost@yahoo.com>
> **Cc:** resiyodels@aol.com; joelldejong@yahoo.com; Susan Arney <suearney@hotmail.com>; jhickox330@gmail.com; mypdx3@gmail.com; jea97229@gmail.com; wangmeihui66@gmail.com; sofiejoe75@yahoo.com; 503benfarley@gmail.com; clawmom@gmail.com; lynjuve@msn.com; lschade03@yahoo.com; Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
> **Subject:** [EXTERNAL] Concerns and Request For Access to Case File: L2500161-SU/D/PLA
>
> Hello Ms. Sinha-
>
> Thank you for taking the time to meet with those of us who came to the County this AM to inquire about the

proposed Battery Storage Facility.

What we learned from you and the county staff:

- The application, along with all the associates' notes and submissions, including site plans and technical information, was not available online, nor were copies available for review. The only option was for someone to physically visit the Planning Department and attempt to sift through a massive amount of information.

You agreed to and committed to putting the information online and you will send us a link to where it will be posted online as soon as you get it posted- 1-2 days. ***RESPONSE: Physical copies are available for review at any time in County offices. If you need a paper copy to take with you, it may be arranged for at some nominal cost. Staff are working towards making the application materials available online. In the meantime, below is a link with the submitted application materials. Let me know ASAP if it doesn't work—**
https://washco.sharefile.com/public/share/web-sfe342d2338c0473aad9537316fcb523a
*

- The County public notice indicated clearly that anyone concerned has until the 21st of August, this Thursday, to comment and submit testimony to the record. ***RESPONSE: That is correct: the public notice period for L2500161 officially ends on 21st August.***
- You said that this application is a Type II (for now) and that a Type II has no deadline for concerned parties to provide information to the County. ***RESPONSE: The application is currently being evaluated via a Type II review process—correct. I don't recollect saying there was "no deadline". For Type II applications, we acknowledge the comments received from the public up until the time the staff report is drafted. We understand these comments are provided in good faith and often raise valid concerns, so we do consider them in our findings, and forward them on to the applicant for a response, if they choose to provide one. We also note in our findings the fact that they were received after the public comment period ended.***
- You have stated that anyone at any time before or after August 21st, 2025, can continue to send in information.***RESPONSE: Again, as mentioned above, for this Type II application that has not been elevated to a Type III, all comments that are received prior to the drafting and issuance of the staff report will be acknowledged. If this application is elevated to a Type III procedure, all comments received up until the hearing will be included into the record, including those received thus far.***
- You has stated that anyone can appeal any decision made by the County on this application, regardless of if they submit testimony or written information into the file. .***RESPONSE: For Type II applications that are not elevated to a Type III, the decision may be appealed during the appeal period, even if the appellant did not provide any comments during the public notice period.***
- You has stated that there is no requirement for anyone to submit comments to the record for this Casefile for that person to have legal standing for an appeal. .***RESPONSE: As stated above, for Type II applications that are not elevated to a Type III, the decision may be appealed during the appeal period, even if the appellant did not provide any comments during the public notice period.***

We need you to confirm this to us by responding to this email. This is not how Type II applications work in many Counties - and we are not sure the County if your take is correct meets the standards set in ORS 215.416(11). So you need to assauge our concerns please by committing to this positon you made clear today and to do that in writing. Please and Thank you! .***RESPONSE: Please provide more specific information.***

The other grave concern is that the Public Notice does not make it clear at all what the County believes this application is nor under what codes it is being processed. .***RESPONSE: This is standard notification procedure—the articles of the County Code that this application is subject to are listed at the bottom of page 2 of the public notice.***

Lastly you stated that the application meets a TYPE II under **Section 430-105.3 through 430-105.7** : ***RESPONSE: I made no statement about the application meeting any criteria. The applicant has chosen to apply for the BESS with supporting information under the criteria of Section 430-105: a staff report regarding its ability to comply with the above standards is yet to be drafted.***

Under the AF-5 zoning, "Utility facilities necessary for public service" are allowed as a **Special Use**. This category explicitly **excludes** certain types of facilities, including:

1. Commercial facilities for generating power for sale.
2. Transmission towers over 200 ft in height.
3. Telecommunications facilities beyond the specified types.
4. Other specific exclusions as outlined in the code.

Applicants must demonstrate that the facility is ***necessary*** to provide a public service and not merely a commercial or industrial use. The application must satisfy standards laid out in **Section 430-105.3 through 430-105.7** and comply with **ORS 215.275** and **OAR 660-033** (which govern siting of utility facilities in rural areas.

If the County wanted to process this as a Section 430-105 Public Utility why in the world did the County not make that clear in the notice? We believe this is not qualified as a Public Utility. We also believe the County erred in its Notice and must restart this process. We also urge you to alter the process to a Type III. Public out cry is great, and confusion is now everywhere because the County did not make this clear. So please strongly consider a new notice and process. ***RESPONSE: Elevating the application to a Type III is an option under consideration at this time.***

In closing let me say that we do not believe this private storage can qualify as a Public Utility.

- **Battery storage is explicitly excluded** under this definition if it's a commercial facility.
- Even if the applicant claims it's a "utility facility," they must **prove** it provides a public service — not just profit for a private company.
- The code creates a high standard: approval still requires compatibility with adjacent rural and farm uses and must follow **special use standards**, not just a simple administrative review.

Summary Table

Code Section	What It Allows	Excludes (Non-Permitted)
430-105 – Utility Facility Necessary for Public Service	Utility infrastructure providing public services (e.g., substations, water/sewer)	Commercial power generation, private merchant storage
430-105.3 – 105.7	Standards and findings for compatibility	—

We await your responses- and our list of concerned and interested parties is growing. I believe this is a landmark land use case, and I believe there is caselaw already in the courts that will prove this out.

Lastly, why is the County seemingly bending over backward to allow this application to move ahead? Why would the notice be sent out in such an unclear way and manner? Why would the application with all of the

material not be posted for people to read? This is bad governance- sorry, but it just is. It lacks transparency and puts the public and neighbors in a bad position causing undue stress.

Thank you for help!

Dirk Knudsen

Dirk Knudsen
Broker / Founder; Dirk Knudsen Real Estate, More Realty - Main Street Hillsboro Office

503-799-8383 | www.CallDirk.com
calldirk@gmail.com
222 East Main Street , Hillsboro, Oregon, 97123

"To succeed, you need to find something to hold on to, something to motivate you, something to inspire you." - Tony Dorsett.

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On Mon, Aug 18, 2025 at 1:51 PM Heather Alvarez <heatherroost@yahoo.com> wrote:

> This email is for the purpose of gathering a group of contacts requested by the County planner. She wanted one e-mal from us to respond to in regards to the deadline on accepting written responses to the application.
>
> Thank you Dirk for composing and sending to her.
>
> Looking forward to building our group email. Thank you to everyone jumping in to help.
>
> **Heather Alvarez**
> **Two Horse Farm**
> **Garden & Vintage**
>
> **Call or Text 503-515-1223**

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INFO: Washington County email address has changed from @co.washington.or.us to @washingtoncountyor.gov. Please update my contact

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:19:30 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Saturday, August 16, 2025 5:02 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Sat, 08/16/2025 - 16:54

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Ben Farley

Email
503BenFarley@gmail.com

Address
7441 NW 212th Place
Hillsboro, Oregon. 97124

Your Comments
Please see attached letter expressing our concerns for the proposed Lithium Ion Battery energy storage facility for more details. Battery facilities like these are unstable and there are many recent incidents of explosions and fires caused by facilities like these. Just one of these was the Moss Landing Power plant in California has caught fire 4 times since 2021. The latest fire, in January 2025 burned for days and smoldered for weeks emitting toxic fumes and heavy metals. There are multiple reports on this. See https://www.youtube.com/watch?v=6k4_b3H8Uhc - or - https://ctif.org/news/fire-largest-bess-us-led-evacuation-1500-residents-near-moss-landing-fire-left-burn-out.

Attach Documents

- letter-to-county-in-opposition-of-jupiter-power.pdf (197.23 KB)

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Tuesday, August 19, 2025 8:21:08 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 9:06 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 21:06

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Ben Griffin

Email
bengriffin.me@gmail.com

Address
5703 NW 204th Pl
Portland, Oregon. 97229

Your Comments
I am writing to express my strong opposition to the proposed 10-acre battery energy storage facility. While I understand the need for renewable energy solutions, this particular project raises serious safety, land-use, and community compatibility concerns that cannot be ignored. Across the U.S., communities have rejected similar BESS projects after recognizing the risks they pose—ranging from fire hazards and toxic gas release during rare but catastrophic failures, to the constant hum of cooling fans and inverters disrupting quiet rural neighborhoods. Washington County's AF-5 zoning was never intended to accommodate industrial-scale power infrastructure, and trying to fit this project into the definition of "compatible farm use" is both a stretch and a disservice to the residents who chose to live here. Beyond safety and zoning,

homeowners are rightfully concerned about declining property values from living beside a fenced industrial plant, undermining one of the county's most desirable rural enclaves.

Just as troubling is the lack of transparency in the county process. Most residents only learned of this project by word of mouth, not from proper notice. Proceeding under a Type II review may be expedient, but it effectively sidelines voters and reduces meaningful community input on a project with such far-reaching implications. Adding insult to injury, it appears this project offers our community no tangible benefits. The batteries themselves will be manufactured overseas, installed by out-of-state contractors, and operated largely for Wall Street financial arbitrage—buying power low, selling high—while the risks are borne entirely by Washington County residents. We will be left with the noise, the industrial fencing, and the safety risks, but none of the economic benefits. For these reasons, I urge the County to reject this proposal and protect our rural communities from an incompatible and unnecessary industrial development.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] No on the battery facility in Hillsboro, Oregon
Date: Tuesday, August 19, 2025 12:34:57 PM

From: Bob Kelly <rkelly9102@hotmail.com>
Sent: Saturday, August 16, 2025 11:20 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>; Bob Kelly <rkelly9102@hotmail.com>; Tonya Kelly <tlkelly22@yahoo.com>
Subject: [EXTERNAL] No on the battery facility in Hillsboro, Oregon

Good afternoon. I would respectfully request you deny this proposed battery facility anywhere in Washington County, Oregon.

- **Email or Mail to:**
  Maitreyee Sinha, Senior Planner
  maitreyee_sinha@washingtoncountyor.gov
  ☎ (503) 846-3835
  Dept. of Land Use & Transportation – Current Planning
  155 N First Ave, Ste 350, Hillsboro, OR 97124

Bob Kelly
Hillsboro, Or 97124
435.224.5550

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Casefile/Project # L2500161-SU/D/PLA
Date:	Wednesday, August 20, 2025 8:33:35 PM

From: Bob Zdebski <towpilot@gmail.com>
Sent: Wednesday, August 20, 2025 5:18 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Casefile/Project # L2500161-SU/D/PLA

August 20, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124
maitreyee_sinha@washingtoncountyor.gov

Casefile/Project # L2500161-SU/D/PLA

Subject: Proposed Battery Energy Storage System (BESS) Facility

Dear Maitreyee Sinha,

I'm writing to express my opposition to the proposed Battery Energy Storage System (BESS) facility proposed for 21393 NW West Union Road, Hillsboro, Oregon 97124.

My opposition for BESS at this location is based on over 20 years working in the renewables industry—developing, building and operating utility scale energy projects. I retired at the end of 2024 as Vice President of Development for a multi-national Independent Power Producer (IPP), with the last several years actively developing BESS and PV projects. I support and endorse BESS installations when they are properly sited, constructed, and operated to minimize harm to people and the environment.

Based on the project location adjacent to residences and other businesses, this project is not properly sited and presents unacceptable risks to its neighbors.

Multiple recent incidents at BESS installation in California highlight the potential risks of BESS in populated areas. One of these incidents was a fire (the 2nd) at a BESS in Moss Landing, California that burned for several days and led to evacuations, air quality concerns, and concerns about impacts to nearby wetlands. As a result of these incidents at BESS facilities, the California Public Utility Commission passed new standards (General Order 167) on March 13, 2025 to improve BESS safety and emergency response plans.

I'm a members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed BESS that we rely on for fresh, locally grown food. Please prioritize the health and safety of residents and the long-term environmental health of the community by rejecting this project application and explore alternative locations that are more suitable for an industrial facility.

Robert Zdebski
9825 NW Maring Drive
Portland, OR
robertzdebski@gmail.com

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Casefile/Project # L2500161-SU/D/PLA
Date:	Wednesday, August 20, 2025 8:33:35 PM

From: Bob Zdebski <towpilot@gmail.com>
Sent: Wednesday, August 20, 2025 5:18 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Casefile/Project # L2500161-SU/D/PLA

August 20, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124
maitreyee_sinha@washingtoncountyor.gov

Casefile/Project # L2500161-SU/D/PLA

Subject: Proposed Battery Energy Storage System (BESS) Facility

Dear Maitreyee Sinha,

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I'm a members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed BESS that we rely on for fresh, locally grown food. Please prioritize the health and safety of residents and the long-term environmental health of the community by rejecting this project application and explore alternative locations that are more suitable for an industrial facility.

Robert Zdebski
9825 NW Maring Drive
Portland, OR
robertzdebski@gmail.com

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From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Wednesday, August 20, 2025 9:03:52 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Tuesday, August 19, 2025 9:59 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Tue, 08/19/2025 - 21:59

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Bonnie Hildebrand

Address
17480 SW EIRWEN ST
BEAVERTON, Oregon. 97003

Your Comments
This project needs a level III review. This project is not a public service benefit, it's a private storage system, and is in conflict with AF-5 zoning. Rural areas should not be used for industrial projects like this, which poses a severe risk of fire that emergency services cannot meet, and a nuisance noise from fans and inverters.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Proposed Battery Facility
Date: Thursday, August 21, 2025 11:22:50 AM

From: Bradley Ganz <brad@ganzlaw.com>
Sent: Thursday, August 21, 2025 11:21 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Proposed Battery Facility

I am a nearby resident of Skyline and Cornelius Pass. I concur in the following comments submitted by my neighbor Lloyd Pollard:

"I oppose development of the proposed Battery Energy Storage System in the AF-5 District. On its face, the AF-5 District does not permit such a system to be installed, let alone under a Type II procedure.

According to the County's code, the AF-5 zone is intended to retain an area's rural character and conserve the natural resources while providing for rural residential use in areas so designated by the Comprehensive Plan.

The purpose of this agricultural and forestry district is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forest lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the farm and forest area. Residents of rural residential tracts shall recognize that they will be subject to normal and accepted farming and forestry practices.

The AF-5 Zone purports to permit "Public Utility - (except commercial facilities for the purpose of generating power for public use by sale) - Section 430-105.3 through 430-105.7" through a Type II procedure. Section 348-3.6. According to Section 430-105.3, A public utility service facility includes buildings, structures, and equipment within a fenced or otherwise enclosed area for the purpose of switching, regulating or controlling public utility services.

A battery facility that *discharges* power from the batteries does not fit within any of the purportedly allowable acts of "switching, regulating or controlling" public utility services. In contrast (and in fact), such a facility is a functional equivalent to a prohibited commercial facility for the purpose of generating power. See, Battery energy storage

systems: The foundations of a resilient energy future in the US; Impacts of grid-scale battery systems on power system operation, case of Baltic region; and What are Battery Energy
Storage Systems (BESS)?.

Even assuming, for the sake of argument, that some grid-level electrical facilities include capacitors or similar components for "switching, regulating or controlling" transmission and delivery of electricity, which I do not concede whatsoever, such capacitors or similar similar components would absorb, store and discharge many many orders of magnitude less energy than a proposed battery system because they serve different purposes.

Further, on information and belief, the proposed battery system is not intended for public utility services despite being connected to the same electrical grid as the public. Rather, the proposed battery system would compensate for electrical demand placed on the local grid by about one dozen data centers generally to the south of the proposed development. See, e.g., Berkley Lab Data Center Energy Report.

A facility intended to provide that compensation can and should be located in a zone appropriate for the intended use, e.g., an industrial zone. It is clear that Black Rock and out-of-state Applicant found a good bargain on land and proposes a new "loop hole" in the zoning code to capitalize on that land-price bargain by avoiding compliance with the letter and the spirit of Oregon law, which requires that they develop much more expensive industrial land.

Grid-scale battery systems as proposed are newly being commercialized and were not considered when state and county legislators and governments developed the state law, land use goals and county code underlying and defining permitted uses of the property at-issue in this application. Applicant and its sponsors should not be permitted to avoid state legislative scrutiny or to install a novel facility previously uncontemplated by state and local governments by bootstrapping sound bites from the county code

I also submit that Section 348-3.4 in invalid and unenforceable vague, and that any interpretation of any section of the County's code that would purport to permit the development proposed in this application runs afoul of state law.

Lloyd L. Pollard II
Shareholder | Patent Attorney
Office-Direct: (801) 322-8461

Mobile: (503) 475-5155
Email: LPollard@wnlaw.com<mailto:LPollard@wnlaw.com>
[Final]“

--Bradley Ganz
15700 NW Skyline Blvd

www.ganzlaw.com

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Your Name: BRIAN C. SCHUETTKE, Cheryl S. Parker
Address: 7565 NW 212th PL
City: Hillsboro State: OR Zip: 97124

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Brian C. Schmettka

Cheryl S Parker

Your Name: BRIAN C. SCHUETTKE, Cheryl S. Parker
Address: 7565 NW 212th PL
City: Hillsboro State: OR Zip: 97124

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

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The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

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In addition to these critical concerns, there are also potential impacts on:

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- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
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The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Brian C. Schmettke

Cheryl S Parker

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Tuesday, August 19, 2025 8:11:10 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 8:13 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 20:13

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Briana

Address
51701 sw em watts rd
Scappoose, Oregon. 97056

Your Comments
As a household that has lived and worked in Washington County, the county should focus on preserving farmland rather than building toxic battery facilities on them. We need nutritious and safe food and drinking water to have a successful society, and polluting valuable farmland to generate profits for out of state investors is short sighted. We should prioritize our long term future and health, not short term ways to make money for massive companies based in other states. This lot is zoned as farm land, and building a facility that will generate noise, toxic pollution, and become a depressing eye sore that will bring down property values, diminish the amount of pollutant free farmland, and jeopardize the quality and safety of local drinking water and wells. I strongly oppose this proposal. Please choose our future over profits.

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:30:14 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 10:43 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 10:43

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Brianna Mason

Email
brianna.mason1005@gmail.com

Address
5233 NE Schoeler Circle
Hillsboro, Oregon. 97124

Your Comments
I do not approve this proposal. A lithium battery factory on our farmland will have environmental impacts that could harm residents and our land. Keep a corporation who has NOTHING to do with the safety of Oregonians in Texas. Make them build their factory in their own backyard. Risk their people's well-being. Not ours.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] 10 acre battery storage
Date: Thursday, August 21, 2025 1:46:14 PM

-----Original Message-----
From: Brooke Spitler <spitlerbrooke@gmail.com>
Sent: Thursday, August 21, 2025 1:44 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] 10 acre battery storage

Hello,

I strongly oppose the proposal by Jupiter Power LLC to construct a 10-acre battery energy storage facility adjacent to residential areas in rural Hillsboro. This project raises significant concerns that must be addressed:

1. Safety Risks – Fire, Toxic Smoke, and Runoff
- Lithium-ion battery fires, though sometimes described as "rare," have occurred repeatedly in large-scale storage facilities across the U.S. and internationally.
- These fires can produce toxic smoke and hazardous runoff, which could threaten the health of residents and local ecosystems.

2. Incompatibility with Rural Residential Context
- A 10-acre industrial-scale facility is inappropriate for a rural area next to homes. Battery farms belong in industrial zones, not among quiet neighborhoods and farmland.
- Other counties, like Skagit County, have denounced battery farms placed in agricultural zones or near salmon-bearing streams, while endorsing similar-sized facilities placed in industrial areas.

3. Inadequate Notification and Community Engagement
- Reports indicate that Jupiter Power filed plans quietly, with neighbors only learning of the proposal through media coverage—this lack of transparency is unacceptable and erodes trust.
- Residents deserve meaningful participation in planning processes for projects that profoundly affect their lives and property values.

4. Alternative Options Exist
- There is ample available industrial land in and around Hillsboro that could accommodate such energy storage infrastructure without encroaching on residential or agricultural areas.
- Placing the facility in a properly zoned location would help maintain rural character, prevent safety risks, and respect community values.

5. Preservation of Quality of Life
- A facility of this scale could bring 24/7 noise, visual blight, and disruption—seriously impacting the peace and rural lifestyle that residents currently enjoy.
- The rural setting of Hillsboro is not merely scenic; it supports local agriculture, community harmony, and property values.

Please don't let them build this in our backyards… Thank you kindly, Brooke Spitler Rock Creek resident

Sent from my iPhone

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

Your Name: Carla Gayle GROSSEN
Address: 23350 NW Phillips Rd
City: Hillsboro State: OR Zip: 97124

RECEIVED
AUG 18 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Gayle Grossen

Calvin Grossen

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Case file L2500161-SU/D/PLA
Date: Tuesday, August 19, 2025 12:15:58 PM

From: Candace Chinick <cchinick@me.com>
Sent: Tuesday, August 19, 2025 9:04 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Case file L2500161-SU/D/PLA

To Washington County Planning Staff,

I received the Type II notice regarding the property across the street from one I own on West Union Road. I was very surprised to see this kind of proposed development even being considered in Agriculture zoned land. It is inconceivable to me that this could be considered in any way having been through the process of purchasing agriculture zone land not too far down the road from here that I've lived on for the past 12 years. This appears to be a money making endeavor not serving the neighborhood in any conceivable way. And seems to be a safety risk for all of the surrounding homes, including my business property on the industrial side of the road across the street.

Yes it is industrial land right across the street, however, that line needs to be drawn somewhere and it needs to hold for the sake of who lives on the next line and the next line.

I am reiterating now these sentiments as my comment on the record:

I am writing to oppose the proposed 10-acre Jupiter/Black-berry Grove Battery Energy Storage Facility planned for the
AF-5 zone at NW West Union Road.
This project should not be processed as a Type II decision.
The County's own rules require facilities like this to go through a Type III review with a public hearing, so that ffected neighbors can testify and decision-makers can properly consider compatibility with surrounding homes and far mland.
This is not a small utility. It is an industrial-scale battery plant with noise, safety, and land-use impacts far beyond what AF-5 zoning was intended to ailow. Processing it as a Type II wrongly denies the community a public hearing.

1. Reclassify this project as a Type III and schedule a public hearing.
2. Require the applicant to demonstrate full compatibility with AF-5 zoning and nearby residents.
3. Reject the application if it cannot meet these standards.

Please accept this letter as my official comment on the record.

Thank you for serious consideration of this application issues.

Candace Chinick
9075 NW Groveland Rd. And 21300 NW West Union Rd.

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Concerns Regarding the Proposed Industrial-Scale Battery Plant
Date: Thursday, August 21, 2025 8:48:20 AM

From: Cari Martz <cvmartz@gmail.com>
Sent: Thursday, August 21, 2025 8:38 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Concerns Regarding the Proposed Industrial-Scale Battery Plant

Dear Ms Sinha,

I am writing to express my concerns regarding the proposed industrial-scale battery plant in our area, which is currently zoned as AF-5 rural/farm land. This zoning does not permit such industrial developments, and I believe it is crucial to uphold these regulations.

There are significant safety risks associated with the project. The potential for fire and toxic gas release poses a serious threat to the community. Additionally, the inadequate rural emergency response capabilities in our area make it ill-equipped to handle such emergencies effectively.

Moreover, the noise generated by the 24/7 operation of fans and inverters is expected to exceed the rural character standards. This noise pollution is incompatible with the peaceful and serene environment that our community values and relies on.

Lastly, I believe that this project would be better suited for Hillsboro's industrial zones, where it can be developed without disturbing the tranquility of rural homes. Siting the plant in an appropriate industrial area would align with zoning regulations and ensure the safety and well-being of our community.

I urge you to consider these concerns and take appropriate action to address them. Thank you for your attention to this important matter.

Sincerely,

Cari Martz

Borgata resident (corner of west Union and Cornelius pass neighborhood)

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Your Name: CARL CLAWSON
Address: 20767 NW Old Pass Rd
City: Hillsboro State: OR Zip: 97124

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

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The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

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The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Your Name: Cassandra Schade
Address: 20701 NW Old Pass Rd
City: Hillsboro State: OR Zip: 97124

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

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Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

From: LUT Planning
To: Louisa Bruce; LUT Planning
Subject: FW: [EXTERNAL] Opposition to Proposed Battery Energy Storage Facility
Date: Wednesday, August 20, 2025 2:00:01 PM

Here's another email.

Regards,

Susan Aguilar, MPA – she/her/hers
SR. ADMINISTRATIVE SPECIALIST/PC CLERK
Washington County Department of Land Use & Transportation
Planning and Development Services | Long Range Planning
155 N First Avenue, Suite 350, MS 14, Hillsboro, OR 97124
503-846-8121 direct | 503-846-3519 main
Susan_Aguilar@washingtoncountyor.gov | www.washingtoncountyor.gov/lut

Monday, Wednesday & Thursday: In Office |Tuesday & Friday: Remote

Washington County Roads on **Twitter** on **Facebook**

Plan Responsibly. Build Safely. Live Well.

From: Catherine Bax <cbax1948@gmail.com>
Sent: Wednesday, August 20, 2025 11:13 AM
To: LUT Planning <lutplan@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposition to Proposed Battery Energy Storage Facility

Catherine Bax
2007 NE Mason St, Portland, OR 97211

August 20, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: SlOpposition to Proposed Battery Energy Storage
System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

I'd like to add my voice in opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5.
This proposed site is adjacent to or close to the Bendemeer Neighborhood and residential areas of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, large and small.
I understand that battery storage facilities are necessary as we continue to create sustainable energy solutions. But it seems reckless and short sighted to build facilities that could contaminate the ground water so close to heavily populated and farmed communities.

I am a member of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. The farm relays on well water to grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.

The proposed location for this battery storage facility so close to farms and residential areas doesn't seem like a well thought out or necessary step forward.

Please reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.
Sincerely,
Catherine Bax

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Comment on proposed 10-acre Jupiter Battery Facility under a Type II review
Date:	Wednesday, August 20, 2025 8:34:00 PM

From: C W <cpwolf@gmail.com>
Sent: Wednesday, August 20, 2025 5:55 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Comment on proposed 10-acre Jupiter Battery Facility under a Type II review

Hello,

Considering our fascist federal government; we will see more corporations like Blackrock trying to sneak disastrous projects like this battery storage project in places where they do not belong like neighborhoods, farm land, and parks. Corporations like Blackrock think Oregonians are too distracted to notice they are trying to build a battery storage facility where it does not belong.

Did Hillsboro not expand the urban growth boundary that includes a larger industrial development zone? Why does Blackrock not want to put the battery storage in Hillsboro's or McMinnville's industrial development areas? Our fascist federal government is the result of greedy, unregulated corporations like Blackrock; we know corporations only care about profits over Oregonians. Please do not move forward with this battery storage facility.

Moss Landing battery storage in California had a fire back in January 2025. The residents are suffering health issues from that battery fire. The land/water/plants are polluted from the battery fire smoke/ash and from the batteries heavy metals. Does Hillsboro have a litigious fund for the lawsuits that we will encounter when the battery storage catches fire?

Thank you,
Celeste Wolf
Hillsboro, OR 97123
503-741-9658

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

Your Name: CHANTHA LOM
Address: 21001 NW OLD PASS RD
City: Hillsboro State: OR Zip: 97124

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

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The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Fire water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

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Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Your Name: Charles H Harding
Address: 2500 NW 214th pl
City: Hillsboro State: Or Zip: 97124

Received
AUG 19 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
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Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely, Charlie Harding

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Wednesday, August 20, 2025 9:04:15 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Wednesday, August 20, 2025 7:36 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Wed, 08/20/2025 - 07:36

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Charlie Wake

Email
wake.charlie@gmail.com

Address
650 SW Meadow Dr
Unit 113
Beaverton, Oregon. 97006

Your Comments
No data center taking public resources. There is no benefit for the people here. Fix up our power grid and committ to lowering prices before cozying up and selling us out to private interests. Research how these data centers have affected other communities.

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Thursday, August 21, 2025 10:34:04 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 9:39 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 09:37

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Cheryl Neal

Email
cheryl4774@gmail.com

Address
12115 NW Skyline Blvd.
Portland, Oregon. 97231

Your Comments
Cheryl Neal
12115 NW Skyline Blvd.
Portland, Oregon 97231

August 21, 2025
RE: L2500161

Hearing Officer: HearingsOfficeClerks@portlandoregon.gov

I urge you to deny development of a battery energy storage system proposed for the roughly described area of NW West Union Road and NW Old Pass Road.

As a fifth generation Oregonian and a forty-plus year resident of Skyline Blvd., Portland, Oregon, just north of this area, I am deeply invested in the health of Portland Metro.

The proposed development site is zoned for farmland):
This zoning is designed to preserve the rural character of farmland. Currently, the creep to overtake such important land is depressing. It already is regretful that preserving such land has been insufficiently prioritized, putting at-risk the important ability to grow our own food close to home. The future holds unimaginable challenges if we do not begin now to prioritize preserving agricultural lands.

Health and Safety:
There is a line from the film, “Jurassic Park” which is essentially: “I hate it when I am right!”

Although I acknowledge the potential for increasing residential electric demands, I believe Jupiter Power’s expansion is primarily to promote industrial growth including data centers with limited community value situated on prime farmland close to our population centers at the expense of our health, safety, and food supply.

Supporting such data centers is puzzlingly counterproductive to the mental health and productivity of citizenry.

Depleting our water supply and diverting electricity to data centers is dangerously short-sighted: The rich may profit on short-term payback—The economy may respond to short-term investments. However, the longer-term needs of our shared community will not benefit.

This project would add significantly to the noise pollution already encroaching on residential sites. The cumulative effect of noise pollution has adverse effects on mental health and biological diversity necessary for a healthy ecosystem.

The potential for something to go wrong is more likely a certainty. (If something can go wrong, it will.) The massive toxic fumes wafting over residents are a disaster which can be averted by denying a permit for this BESS. If Washington County permits this BESS, it will be held responsible for the deaths and destruction of such a disaster yet would have no way of making amends to the grieving constituents.

Decreased Property Values:
How can we even consider decreasing the property values to nearby residents?

Alternatives and Cost:
A better alternative for this project would be strong educational campaigns and changes to the built environment which would decrease residential energy consumption. I have experience with and can think of multiple such changes which in-aggregate have the potential to offset increased residential demand for electricity. However, that alternative is beyond Jupiter Power's scope and likely would not address the primary driver for Jupiter Power's proposed project—greed.

In Conclusion:
Please guard our future now, and reject Black Rock/Jupiter Power's proposed BESS.

Sincerely,

Cheryl Neal
12115 NW Skyline Blvd.
Portland, Oregon 97231
(503) 421-6574

Attach Documents

- washington-county-re-battery-storage.pdf (98.94 KB)

Dear Matrieyee Sinha,

I am writing to express my firm opposition to the proposed Battery Energy Storage System (BESS) at 21393 NW West Union Road, Hillsboro, Oregon 97124 (zoned AF-5). This location is immediately next to my neighborhood, just outside the Urban Growth Boundary, and alarmingly close to Rock Creek, Liberty High School, West Union and Lennox Elementary Schools, Touchstone Preschool, and various nearby businesses. Although I support renewable energy efforts, placing such a facility so near to residential areas, schools, and community centers is simply too risky.

Concerns About Public Health and Safety

Threat to drinking water: My family, like many others nearby, depends on well water. A fire, leak, or malfunction at the facility could release hazardous substances like lithium, cobalt, nickel, and manganese—contaminating groundwater and posing long-term risks to health and property values.

Fire and explosion dangers: Lithium-ion batteries carry a known risk of overheating, leading to fires that are difficult or impossible to extinguish, releasing toxic fumes and endangering lives.

Emergency response limitations: As noted by Fire Marshal Steve Forster of TVFR, fires at such facilities are typically uncontainable and can only be controlled by flooding the area—hardly a viable safeguard in a populated residential zone. Similar incidents at other BESS sites have led to evacuations and serious harm to neighboring communities.

Negative Impact on the Community and Environment

Decreased property values: Establishing a high-risk industrial site in a residential setting is likely to lower home values and discourage new investment in the area.

Reduced quality of life: Constant noise, bright lighting, and environmental disturbances from the facility's equipment and operations would erode the neighborhood's tranquility and disrupt local ecosystems.

Ethical and Moral Concerns

In addition to safety and environmental threats, I am troubled by the involvement of BlackRock in this project. The company's track record of putting profits above environmental responsibility and community well-being raises significant ethical red flags. Partnering with such an entity further diminishes public trust and casts doubt on the project's motivations—especially when it is proposed in a sensitive, residential location.

This site is clearly unsuitable for a BESS facility. Placing it so close to homes, schools, and local businesses shows a disregard for public safety and environmental responsibility. I strongly urge Washington County Planning and Development Services to reject this proposal and instead seek more appropriate industrial zones where the potential risks can be more safely managed.

In addition, a project of this magnitude and impact demands a public hearing. It is unacceptable that such a serious development has not yet been subject to a transparent, community-inclusive review process. Residents have a right to be informed and involved before any decisions are finalized.

Thank you for considering my concerns. I hope your response will prioritize the safety, health, and well-being of our community.

Chris Martinez

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Friday, August 22, 2025 12:18:48 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 12:07 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 12:06

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Chris Martinez

Email
chris.j.martinez@gmail.com

Address
20581 NW Old Pass RD
Hillsboro, Oregon. 97124

Your Comments
I am writing to voice my strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road, Hillsboro, Oregon 97124 (zoned AF-5). I urge Washington County Planning and Development Services to reject this application and instead pursue alternative sites in areas zoned and designed for industrial use.

Attach Documents

- letter.pdf (86.48 KB)

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:29:38 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 1:07 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 13:06

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Christine Cummings

Email
c.l.cummings127@gmail.com

Address
22235 Southwest 110th Place
Tualatin, Oregon. 97062

Your Comments
I'm deeply concerned about the proposed battery facility on rural land. First of all, an industrial project legally should not be placed in a rural zone. Lithium batteries are highly flammable and pose a safety hazard to livestock, crops, and residents in the surrounding area. Moreover, the fans required to cool down the plant violate rural sound ordinances and would disrupt livestock. I strongly urge you to reconsider.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] WE OPPOSE THE BATTERY FACILITY!
Date: Tuesday, August 19, 2025 3:42:51 PM

From: Corinna Woita <CWoita@fgsd.k12.or.us>
Sent: Tuesday, August 19, 2025 3:35 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] WE OPPOSE THE BATTERY FACILITY!

Dear Washington County Planning,
I am writing to oppose the proposed 10-acre Jupiter/Black-berry Grove Battery Energy Storage Facility planned for the AF-5 zone at NW West Union Road. This project should not be processed as a Type Il decision.
The County's own rules require facilities like this to go through a Type Ill review with a public hearing, so that affected neighbors can testify and decision-makers can properly consider compatibility with surrounding homes and farmland.
This is not a small utility. It is an industrial-scale battery plant with noise, safety, and land-use impacts far beyond what AF-5 zoning was intended to allow. Processing it as a Type lI wrongly denies the community a public hearing. The safety risks for fire and toxic gas release are grossly inadequate for rural emergency response services. The 24/7 fan and inverter noise exceeds rural character standards. This project belongs in Hillsboro's industrial zones, not next to rural homes and farmland.
1. Reclassify this project as a Type Ill and schedule a public hearing.
2. Require the applicant to demonstrate full compatibility with AF-5 zoning and nearby residents.
3. Reject the application if it cannot meet these standards.
Please accept this letter as my official comment on the record.
Corinna Woita

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] oppose 10-acre battery energy storage system
Date:	Tuesday, August 19, 2025 12:17:09 PM

From: Dale Feik <dfeik33@comcast.net>
Sent: Tuesday, August 19, 2025 5:20 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Cc: 'Faun H' <faun11@msn.com>; Kathryn Harrington <Kathryn_Harrington@washingtoncountyor.gov>; Nafisa Fai (Commissioner) <N_Fai-Commissioner@washingtoncountyor.gov>; Pam Treece <Pam_Treece@washingtoncountyor.gov>; Jerry Willey <Jerry_Willey@washingtoncountyor.gov>; Jason Snider <Jason_Snider@washingtoncountyor.gov>; Washington County Clerk <WashCoClerk@washingtoncountyor.gov>; Tanya Ange <Tanya_Ange@washingtoncountyor.gov>; Stephen Roberts <Stephen_Roberts@washingtoncountyor.gov>
Subject: [EXTERNAL] oppose 10-acre battery energy storage system

To: Maitreyee Sinha, Senior Planner Washington County Dept. of Land Use & Transportation – Current Planning 155 N First Ave, Ste 350 Hillsboro, OR 97124

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

I, and Faun Hosey of Save Helvetia, are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service).

Neither section applies.
1. Not “Generation” under 430-141 A battery does not generate electricity. It stores electricity produced elsewhere.
● FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.
● Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services. Applying 430-141 to this project is an unlawful expansion of “generation” beyond its plain meaning.

2. Not a “Utility Facility Necessary for Public Service” under 430-105 The Key Legal Question Does a privately owned, merchant battery storage plant built by Jupiter/BlackRock for wholesale market profits qualify as a “utility facility necessary for public service”? No.

● Private Merchant Facility: Jupiter is not a regulated utility like PGE or TVWD. It's a private company building assets to sell power into wholesale markets.
● Not dedicated to the public: The facility is not dedicated to serving Washington County residents. Its output will flow into the regional grid, dispatched for profit, often to stabilize loads for nearby data centers.
● Oregon Case Law: LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is dedicated to public use, like substations, water towers, or telephone exchanges.
○ DLCD v. Jackson County (1999) — LUBA overturned approval where a county treated a private energy facility as a utility.
○ Friends of Yamhill County v. Yamhill County (2014) — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively. Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105. Relevant precedent:
● DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.
● Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

3. Therefore: Unlisted Use = Prohibited Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

4. Request for Action

● Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
● At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
● With any approval the County contemplates, Save Helvetia demands that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility. Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. Our neighborhood fully intends to appeal any decision Washington County makes to approve this application. The application must be denied/rejected by Washington County.

Respectfully,

Dale Feik

dfeik33@comcast.net

Cc: Kathryn Harrington, Chair, and County Commissioners
Kevin Moss, County Clerk
Tanya Ange, County Administrator
Stephen Roberts, Director of Land Use and Planning
Faun Hosey, Save Helvetia

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Comment in opposition to Proposed Battery Energy Storage System (BESS)
Date:	Tuesday, August 19, 2025 12:17:42 PM
Attachments:	Letter in opposition to BESS.pages

From: Dan Swerbilov <dswerbilov@me.com>
Sent: Monday, August 18, 2025 9:38 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Comment in opposition to Proposed Battery Energy Storage System (BESS)

Name: Dan Swerbilov and family
Full Address:
2828 NE 69th Ave
Portland, OR 97213

Date: 8/18/25

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Opposition to Proposed Battery Energy Storage
System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

We are subscribers of a Community Supported Agriculture (CSA) farm named La Finquita del Buho, an organic farm less than one mile from this proposed Energy Storage system. Our farmers rely on well water for their farm operation. They grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system. A fire at this facility would be polluting to those around.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

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links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are expected.

Your Name: Dan Swerbilov

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Battery Storage Facility on German Town road
Date:	Tuesday, August 19, 2025 12:15:08 PM

From: Daniel <damayeri@hotmail.com>
Sent: Tuesday, August 19, 2025 11:35 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery Storage Facility on German Town road

Maitreyee Sinha, Senior Planner,
I oppose the battery facility in this AF5 zoned property. My house is on old pass rd. I bought into an agricultural zone and don't see how you can cut deep into this agricultural zone to put in a hazardous battery facility. This AF5 area has smaller plots of land and thus consists of many residential houses.
Would you want this battery plant 50 yards from your house? For some this battery plant would be right next door.
Please let me know if you need a louder voice to oppose this facility.
I don't know your position but I would be surprised if you support such a facility as putting it next to houses does not make sense.
There are other larger acreage that are in industrial zones and not near homes. I can see signs of for sale in those properties

Thanks
Daniel Mayeri
20861 NW Old Pass Rd
Hillsboro OR

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From: Kellie Crowdis
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Tuesday, August 19, 2025 1:59:32 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Tuesday, August 19, 2025 11:42 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Tue, 08/19/2025 - 11:42

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Daniel Mayeri

Email
damayeri@hotmail.com

Address
14310 NW McNamee Rd
Portland , Oregon. 97231

Your Comments
Maitreyee Sinha, Senior Planner,
I oppose the battery facility in this AF5 zoned property. My house is on old pass rd. I bought into an agricultural zone and don't see how you can cut deep into this agricultural zone to put in a hazardous battery facility. This AF5 area has smaller plots of land and thus consists of many residential houses.
Would you want this battery plant 50 yards from your house? For some this battery plant would be right next door.
Please let me know if you need a louder voice to oppose this facility.
I don't know your position but I would be surprised if you support such a facility as putting it next to houses does not make sense.

There are other larger acreage that are in industrial zones and not near homes. I can see signs of for sale on those properties

~~Dirk Knudsen, et. al.~~ Darren + Kirsten King
Address 7750 NW Cornelius Pass Rd.
Address Hillsboro, OR 97124
email/phone sofiejoe75@yahoo.com

Date: 8/17/25

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing.**

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review.**

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA).**

Thank you for considering these comments.

Sincerely,

Kirsten King

Name Kirsten King

Address 7750 NW Cornelius Pass Rd.
Hillsboro, OR 97124

Formal Argument Letter (for filing with Washington County before Aug. 21)

~~Dirk Knudsen, et. al.~~ Darren + Kristen King
Address 7750 NW Cornelius Pass Rd.
Address Hillsboro, OR 97124
email/phone sofiajoe75@yahoo.com

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. Its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
    - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
    - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

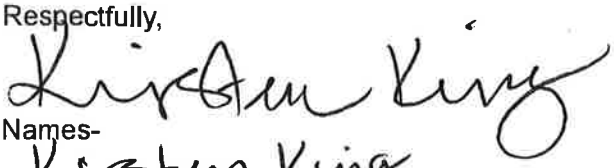
4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,



Names-
Kirsten King
7750 NW Cornelius Pass Rd
Hillsboro, OR 97124

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] BESS plant proposed by Jupitor Power
Date: Wednesday, August 20, 2025 9:45:11 AM

From: D F <davefarmer15362@gmail.com>
Sent: Wednesday, August 20, 2025 1:06 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] BESS plant proposed by Jupitor Power

Please stop the BESS project. At least pause it for six months or longer. The residents of Washington County and also the entire state of Oregon deserve a lot more time to become informed, and learn about this huge project. Publicity has been very poor from our Governments and WE THE PEOPLE
deserve so many more opportunities to understand this complicated situation.

Allowing the taxpayers and voters some more time is NOT asking too much. Public hearings, that can be accessed by Zoom or similar platforms are critical to enabling us to learn these hazardous NEW industries. Jupiter Power has to be available to answer questions. This needs to required before ANY more permits are issued for anything here.

This property is zoned AF-5. BESS is not compatible!!! Land Use Planning is so important and such a big part of Oregon life and heritage. We can't just let this project slide through on a loophole. Due Diligence must be done.

The Grid Price business is little more than gambling. Storing some electricity is very little help to the Electrical Grid. Real solutions that are safe, fit into our neighborhoods fairly, and actually produce electricity (in a clean manner) are so much more important.

A list of my concerns follows.

1. Any large Lithium Battery facility is inherently dangerous. When they catch fire, (not IF) our current fire fighting abilities are NOT ADEQUATE. Lithium fires just burn on and on.
2. Noise issues haven't been addressed for residential area. Quality of life can be degraded so easily.
3. If there is an accident, there is no evacuation plan in place. This needs to be done before the plant construction begins.
4. This plant does nothing to provide electricity for the county or even the state.
5. Jupiter Power has not released how many containers will be built. The County might know, but this is not available to us. This might have just changed, but it is not available to me right now.
6. I have little trust in immense companies and local & state level governments. I will use Agent Orange as an example.

As I am sure you know, or can learn from the Internet, Agent Orange is one of the most

heinous products ever produced. The United States quit using it in the Vietnam War in 1971. Just too deadly. It was sprayed on Oregon wild lands by helicopters in Oregon by the Timber Industry. Agent Orange kills vegetation at a very rapid pace and has long term effects. The spraying was legal and permitted by Oregon State Government. This tragedy is covered very well by the PBS Documentary

The People vs Agent Orange. It is the most disturbing show I have ever seen.

I am 71. We now have more than one million gallons of Agent Orang stored close to Alkali Lake, In Lake County Oregon. It started leaking so our brilliant State Government crushed the barrels and dumped them into an unlined trench. Actions like this make me suspicious of what will be next?? Huge

Lithium batteries are a dangerous and unproven product.

Please stop this MADNESS forever or until Jupitor Power can prove it is safe, and a good fit for this location.

I am sending a picture in my next

E mail.

Thanks for your time and consideration.

Davefarmer15362@gmail.com

971 409 0444

~Dave Farmer

davefarmer15362@gmail.com

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Formal Argument Letter (for filing with Washington County before Aug. 21)

David Pratt
20825 NW Old Pass Rd
Hillsboro, OR 97124

email/phone dpratt@TriTrophy.Com
503-680-3056

Received
AUG 20
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

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- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
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- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

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3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Names- David Pratt
Cecile Pratt

Addresses 20825 NW Old Pass Rd
Hillsboro, OR 97124

Signatures

Cecile Pratt

David Pratt
20825 NW Old Pass Rd
Hillsboro, OR 97124

email/phone dpratt@TriTrophy.com
503-680-3056

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Cecile Pratt

Name DAVE PRATT Cecile Pratt

Address
10825 NW Old Pass Rd
Hillsboro, OR 97124

August 11, 2025

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

David J Pratt
Claudia C Pratt
20825 NW Old Pass Rd.
Hillsboro, OR 97124
Cell 503.680.3056
dpratt@tritrophy.com

Maitreyee Sinha, Senior Planner
Washington County, Oregon
Department of Land Use and Transportation
Planning and Development Services
155 N. 1st Ave., #350-13
Hillsboro, OR 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: OBJECTION to this Blackberry Grove Project by Jupiter Power

Urban Growth Boundary and Comprehensive Plan
For 40+ Years we have lived on Old Pass Road. We rely upon the Urban Growth Boundary to protect our investment and the Comprehensive Plan to provide certainty for our future. We object to changes that serve a single purpose like this instead of the "Greater Good" principle of Planned and Predictable Land Use. We Strongly Object to any such change.

Zoning
Our AF-5 Zoning has protected the whole area from runaway development and has sanctified the purpose of AF exclusive use. Even though we have only one acre, we maintain rural landscape, encourage Fruit and Forest trees and annually grow a productive vegetable garden. This is the spirit of what used to called AFE.
To consider changing Zoning from AF to Industrial, which we think would be necessary is abhorrent. To call what is clearly just a Commercial Grab a Utility is ridiculous and Commercial zoning is absurd and to which we also Strongly Object.

Dangers
The conspicuous absence of mention of Lithium Ion Battery technology speaks volumes. Such a project should be carefully documented including a Hazard Mitigation Study which would inform any consideration of propriety of the project as it cannot be considered without this Danger Assessment. We consider Dangers of Uncontrolled Fire, Ground Water Contamination, Explosion, and/or Air Contamination to disqualify this project from consideration anywhere near residential properties and we therefore Strongly Object

Aesthetics
Noise is anticipated to accompany such an installation as Cooling Components and Operational Sounds will be nearly In our Back Yards.

Additionally, the appearance of such a facility right on West Union Road, makes our verdant neighborhood look like an industrial sight, which of course it would be. We Strongly Object.

Property Values
The conspicuous measure of the impact of this proposed project will be measurable in loss of value for each and every resident of West Union, which is In Fact a Long Ago Established Community.
We strongly object to this Project.

David and Cecile Pratt
20825 NW Old Pass Rd
Hillsboro, OR 97124
dpratt@tritrophy.com
503.680.3056 Cell

David J Pratt

Claudia C Pratt

August 17, 2025

Receive
AUG 18 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

David M. Allie
21378 NW Bendemeer Rd.
Hillsboro, OR 97124.

Maitreyee Sinha, Senior Planner
Planning and Developement Services
Development Review / Current Planning
155 N 1st Ave. #350-13
Hillsboro, OR 97124

Casefile/Project # L2500161-SU/D/PLA

The reason for this letter is to express my incredulity at this proposed development of my neighbor's property. My property is directly north of this 9.52 acre parcel and these are my objections.

~Lithum Batteries~
They catch fire. Will the fire department have to be specially trained in how to put out a battery fire? Will the fire travel along the heavy power cables?
What if? What about all the debris soaking into the ground after a fire, contaminating our soil and well water? What about polluted air flowing into the nearby grade school and high school?

~Security Lights~
In Jupiter Powers' other facilities there are many large industrial lights all around the perimeter and among the units: that will be detrimental to me, the bats, owls and other creatures. It will be day light all the time, living so close by.

~Noise Pollution~
As I see a "sound barrier wall" on two sides of the map, that means it is a known fact there will be continuous noise. That is not acceptable in an area zoned AF-5.

~Ground Water Contamination~
All but one neighbor is on well water so a huge issue is contamination of our drinking water. You can not guarantee that won't happen.

In summery, this property is outside of the Urban Growth Boundary and was designated AF-5 for sound reasons; to change that designation will set a precedence to allow other out of state companies to build on all the farmland that's left in Washington County. Also, to allow a company that will service the data centers, Intel, and other businesses rather than the general public and cause an entire neighborhood stress, worry, and fear is unjustifiable.

Please consider the ramifications of your decision. Think about how you would feel about this property you have lived next door to for 36 years becoming a lithium battery facility.

Sincerely,

David M. Allie

David M. Allie

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Thursday, August 21, 2025 8:49:49 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 8:32 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 08:31

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
David Senders

Email
d_senders@hotmail.com

Address
14323 NW Skyline Blvd
Portland, Oregon. 97231

Your Comments
I oppose this permit application.

Zoning Conflict: AF-5 rural/farm zoning does not permit industrial-scale battery plants.

Safety Risks: Fire, toxic gas release, and inadequate rural emergency response.

Noise & Incompatibility: 24/7 fan and inverter noise exceeds rural character standards.

Better Siting: This project belongs in Hillsboro's industrial zones, not next to rural homes.

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Tuesday, August 19, 2025 4:23:56 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Tuesday, August 19, 2025 1:14 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Tue, 08/19/2025 - 13:13

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
David Steinkamp

Email
daveofcorbin@gmail.com

Address
21408 NW PIHL ROAD
Banks, Oregon. 97106

Your Comments
Please do not approve the BESS site project on NW West Union Rd. This project should not be allowed in an agricultural/rural zoned area due to its size, impact to the quality of life for the rural farm/households, impact to the fauna in the area, and increased fire risk in a rural environment. These sites are not compatible with the rural and farming community for the following:1) The AF-5 zoning conflict with a large battery plant. Per the Oregon statue 348 "The AF-5 District is intended to retain an area's rural character and conserve the natural resources while providing for rural residential use.." A BESS site does not retain the 'rural character'.
"The purpose of this agricultural and forestry district is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character

and economic viability of agricultural and forest lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the farm and forest area. Residents of rural residential tracts shall recognize that they will be subject to normal and accepted farming and forestry practices." A BESS site does not meet the intent of the criteria.

There is an allowance for a Public Utility , (384-3.4), but not one that generates power for public use by sale. The Merriam-Webster dictionary definition of "Generate" is to create by means of a defined process. As such, a battery generates electricity but a chemical process. Thereby the BESS generates power and is in violation of the 384-3.4 allowance. As we know the BESS plant will not give away the power for free, it is in violation of the 384-3.4 allowance.
Thus the BESS should not be located in AF-5 as it does not meet the zoning requirements. 2) These sites are noise generators. The 24/7 noise from the cooling fans are not conducive to a home environment. The constant noise would certainly affect individuals quality of life as well as sleep. An industrial zoned area already has 24/7 noise and not homes. 3) Light pollution. Due to security concerns, the sites will have excessive lighting. The lighting, although it may be required to be aimed into the facility will have light pollution spilling out from the property lines intruding upon the neighbors. Additionally, the increased lighting will affect the fauna in the area: the moths and bats will be affected by the increased lighting challenging their navigation. An industrial zoned area already has light pollution and thereby additional fauna would not be affected. 4) Fire risk: There are cases where lithium ion batteries ignite. With this being in a rural area, the response time for fire suppression is longer and there is a greater risk of an out of control wildfire due to the dry grasses in the neighboring areas. An industrial zoned area would have less combustible materials available.

For the above reasons, and others not mentioned here, this project should not be allowed to proceed to be built in an AF-5 zone.
Sincerely,David Steinkamp21408 NW Pihl RdBanks, OR 97106

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Proposed 10-acre Jupiter Battery Facility under a Type II review in Washington County
Date:	Wednesday, August 20, 2025 12:14:11 PM

From: Dawn Glass <dglass39@hotmail.com>
Sent: Wednesday, August 20, 2025 12:12 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Proposed 10-acre Jupiter Battery Facility under a Type II review in Washington County

Dear Ms. Sinha,

We are writing to express our strong opposition to the proposed 10-acre Jupiter Battery Facility under a Type II review in Washington County. We believe that such a heavy industrial plant should be situated in an industrial zone, not adjacent to rural homes where it could compromise the health and welfare of the residents.

The project is in clear conflict with the AF-5 rural/farm zoning regulations, which do not permit industrial-scale battery plants. The use of the "Utility Facility" exception to seek approval for this project appears dubious. The absence of public hearings and the requirement for written comments to be submitted by August 21, 2025, before 4:00 p.m., suggests that this process is being rushed. This approach seems suspicious and undermines the principles of transparency and fairness. It appears that only those who are aware of this project and submit comments will have their voices counted, with the right to appeal the County's decision. This process seems to be an overreach of authority and lacks the integrity, ethics, and care for citizens' rights that Oregon is known for.

The facility poses multiple safety risks for area residents, including potential fire hazards, toxic gas releases, and the inadequacy of rural emergency response capabilities. The 24/7 noise from the fans and inverters is incompatible with a neighborhood setting and exceeds the rural noise standards.

As long-term residents of Washington County, we want to clarify that we are not against business or battery facilities. Our support would be unwavering if the facility were located in a properly zoned area that benefits local governments, businesses, and residents alike. Our primary concern lies with our friends in Rock Creek and our own neighborhood, where many residents remain unaware of this project and the timeframe for thorough review has been insufficient.

This project seems to benefit out-of-state investors, foreign battery power providers, and

contractors from outside Oregon, rather than serving the interests of Washington County or Oregon residents. It will harm local residents without providing them with usable energy benefits.

Thank you for considering our concerns.

Sincerely,

Robert & Dawn Glass

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] 10 Acre battery facility in Hillsboro
Date: Tuesday, August 19, 2025 12:26:55 PM

From: Debbie Baynes <dbaynes67@gmail.com>
Sent: Sunday, August 17, 2025 11:59 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] 10 Acre battery facility in Hillsboro

Hello,

I am concerned about the proposed Battery Farm that is being considered at the corner of NW West Union Rd and NW Old Pass Rd. This could be a potentially deadly Battery Farm if something goes wrong in the future. I would like to express concern about the government officials in the great state of Oregon who are allowing all of the beautiful land to be bought up by Data Centers and now Battery Farms. This is outrageous and should not be allowed, or at the very least, let the hardworking taxpayers decide if we want these types of "businesses" built in our communities.
I have lived in my home for 20+ years and planned on staying here, but with all of these harmful, ugly changes to our landscape, my husband and I are seriously looking at moving to another state, one that cares about its citizens.
This should be brought to the citizens for a vote.

Thank you for your time,

Debbie Baynes
Hillsboro Oregon resident

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] battery storage site
Date: Thursday, August 21, 2025 9:07:37 AM

From: Deborah Buchanan <dlbadger@gmail.com>
Sent: Thursday, August 21, 2025 9:06 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] battery storage site

Dear Washington County,
For many years I lived on Phillips Rd between Helvetia and Cornelius Pass. Now I am on Skyline off Cornelius Pass. The West Union area has been in my neighborhood for over 40 years.
I am deeply concerned about the proposed location of the battery storage 10 acres over West Union Rd. It is not within zoning laws, it doesn't benefit the neighborhood and is completely out of context and us for the area. I ask you to reconsider moving it to other sites more appropriate where it won't have such negative effects. I"m sure there are others open.
Thank you, Deborah Buchanan

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Proposed Battery Storage Facility in AF-5
Date:	Thursday, August 21, 2025 12:15:46 PM

From: Deborah Lockwood <deborahlockwood50@gmail.com>
Sent: Thursday, August 21, 2025 12:05 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Proposed Battery Storage Facility in AF-5

Dear Ms. Sinha,

The following is a comment on the battery storage facility proposed for a 9.5 acre site, zoned AF-5, at NW Bendemeer Road and NW West Union Road. I live about a mile northwest from this site.

The Community Development Code, Article III, Section 348, addresses generating power in AF-5, but not storing power. Article III, Section 430, addresses public utilities as special uses, including a provision that the project demonstrate compatibility with surrounding uses (430-105.5).

This application, siting almost 10 acres of power storage immediately adjacent to 5-acre residential-agricultural parcels, would seem to be disallowed from the outset.

If the battery storage facility application goes forward, then given its scale (including a sound-barrier wall on 3 sides), given the disparity between this industrial use and adjacent residential uses, and especially, given the significant alarm in the community about the application, it should be elevated from internal or Type II review.

Type III review, including a public hearing and the scrutiny of a hearings officer, is required to address this proposal's significant departure from zoning guidelines for AF-5 and from established uses in the immediate area.

Sincerely,

Deborah Lockwood
10047 NW DIck Rd
Hillsboro, OR 97124

Your Name: Debra Lynn True
Address: 775 W Main
City: Hillsboro State: OR Zip: 97123

Received
AUG 25 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Debra True

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:30:32 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 11:18 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 11:18

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Debra Van Raden-Davis

Email
d.tappendorf@gmail.com

Address
33499 SW Riedweg Rd
Cornelius, Oregon. 97113

Your Comments
To Senior Planner Maitreyee Sinha,
My name is Debra Van Raden-Davis, I live at 33499 SW Riedweg Rd Cornelius OR 97113. I manage an LLC with a five acre asset at 21235 NW West Union Rd Hillsboro Oregon 97124. It is currently used as a residential rental property with a single dwelling. The property is Zoned AF-5 and it located on the north side of West Union Rd which has a designation of Rural Reserve Land.
The applicant Blackberry Grove, LLC of Austin, Texas is proposing that a neighboring piece of property that is also AF-5 Rural Reserve be granted Special Use for a Utility Facility Battery Energy Storage System and a Type 1 Property Line adjustment.
This out of state energy giant has submitted an application using a little known process,

Utility Facility Use Exception.
As a business owner and managing partner of an LLC, of which the financial stability and the health of our tenants will be negatively impacted, I STRONGLY OPPOSE THIS APPLICATION BEING APPROVED!
The list of factual arguments is long. Today I will focus on the health and safety of the West Union/Bendemeer community, which is made up of family homes including seniors whose will be unable to independently evacuate, a daycare for infants and toddlers, two public schools, and many businesses including retail, and service. Heavy Industrial Use does not belong in a rural neighborhood. The hazards are insurmountable, thermal runaway fire events, poisonous gas plumes and ground water contamination. A constant drone of the necessary cooling system and the knowledge that a potential calamitous event that poses real life and death consequences can only exacerbate the mental heath crisis we are addressing. This is not hyperbole. We have witnessed many disasters where Land Use Planning has placed Heavy Industrial activities next to vulnerable residential neighborhoods. My parents bought the house in 1960, I grew up at 21235 NW West Union Rd, I raised my kids there and I still have more than a hundred friends who will be impacted negatively. We will fight this application in the courts if necessary, employing the help of A Thousand Friends of Oregon and others.
I am not a physically aggressive person but I will stand up for who and what I believe in. I know that Blackstone Inc has some interested in this application, and they have deep pockets. I'm counting on our Oregon Washington County Senior Planner Maitreyee Sinha to have the moral compass to guide this application to the NOT APPROVED round file.
Thank you for reading this testimony in its entirety.
Debra Van Raden-Davis
33499 SW Riedweg Rd
Cornelius Oregon 97124
503-443-8061

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Case file L250016
Date: Tuesday, August 19, 2025 12:18:38 PM

From: Deidre Beeton <deidre.teach@yahoo.com>
Sent: Monday, August 18, 2025 6:41 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Case file L250016

To Whom It May Concern,

I grew up in California, where much of the beautiful farmland and open spaces were replaced by large corporations and endless development. That experience is one of the reasons I chose to move to Oregon—because of its open land, natural beauty, and the sense of space between communities.

Unfortunately, Hillsboro has already lost a significant amount of land to out-of-state companies, and I strongly oppose allowing yet another large corporation to come in and take more. This type of development does not only destroy land; it also increases traffic, strains housing needs, and chips away at the quality of life that makes Oregon special.

Oregon's natural beauty and balance of open land and community are worth protecting. This company has more than enough room to expand in Texas, where they are already established, and should not come here at the expense of the Pacific Northwest. Please consider the long-term impact on our environment, our neighborhoods, and our way of life before approving any further corporate expansion.

Sincerely,
Deidre Lindberg

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Comments on Juniper Battery Energy Storage System in Hillsboro rural area
Date: Tuesday, August 19, 2025 12:25:09 PM

From: Derek Rodrigues <derekr247@gmail.com>
Sent: Sunday, August 17, 2025 8:21 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Comments on Juniper Battery Energy Storage System in Hillsboro rural area

To Whom It May Concern,

I am writing to express my objections and concerns regarding the proposed 10-acre Battery Energy Storage System facility at the corner of NW West Union Road and NW Old Pass Road.

Zoning Conflict: The AF-5 rural/farm zoning designation does not permit industrial-scale battery facilities.

Safety Risks: The project poses significant hazards, including fire danger, potential toxic gas release, and the lack of adequate emergency response resources in rural areas.

Noise & Incompatibility: Continuous 24/7 fan and inverter noise is incompatible with the quiet rural character of our community.

Better Siting: This project would be more appropriately located in Hillsboro's designated industrial zones, not adjacent to rural homes and farmland.

For these reasons, I strongly urge the Dept. of Land Use & Transportation to reconsider the siting of this project and protect the integrity and safety of our rural community.

Sincerely,
Derek Rodrigues
15901 SW Campbell Rd, Hillsboro, OR 97123
805-218-2061

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Opposition to BESS facility in Hillsboro
Date:	Tuesday, August 19, 2025 12:18:02 PM

From: Diane Jacobs <dianejacobs2@icloud.com>
Sent: Monday, August 18, 2025 7:57 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposition to BESS facility in Hillsboro

Diane Jacobs
2828 NE 69th Ave.
Portland, OR 97213

August 18, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage
System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

We are members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. Our farmers rely on well water for their farm operation. They grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Diane Jacobs

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] proposed battery facility
Date:	Tuesday, August 19, 2025 12:26:22 PM

From: Diane Larson <dianedellarson@gmail.com>
Sent: Sunday, August 17, 2025 4:32 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] proposed battery facility

Dear Maitreyee Sinha:

I am adamantly opposed to siting a proposed battery facility in rural Hillsboro.

Here are my reasons:

*According to zoning regulations, an industrial-scale battery plant is not permitted in a rural/farm zone.

*Risks to safety from fire and toxic gas release are unacceptable. Also, the rural emergency response would be inadequate.

*The noises from a 24/7 fan and an inverter would be intrusive and disturbing in a rural setting.

*Hillsboro does have industrial zones. If need be, site the battery plant there.

I ask that planners please take these concerns seriously when making your decision.

Thank you

Diane Larson
20601 NW Painted Mountain Drive
Beaverton, OR 97006

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Concerns and Request For Access to Case File: L2500161-SU/D/PLA
Date: Tuesday, August 19, 2025 12:19:46 PM

THIS IS NOT A FORMAL COMMENT: BUT ALL THESE EMAILS NEED TO BE IN THE MAILING LIST

From: Dirk Knudsen <dirkknudsen@gmail.com>
Sent: Monday, August 18, 2025 4:34 PM
To: Heather Alvarez <heatherroost@yahoo.com>
Cc: resiyodels@aol.com; joelldejong@yahoo.com; Susan Arney <suearney@hotmail.com>; jhickox330@gmail.com; mypdx3@gmail.com; jea97229@gmail.com; wangmeihui66@gmail.com; sofiejoe75@yahoo.com; 503benfarley@gmail.com; clawmom@gmail.com; lynjuve@msn.com; lschade03@yahoo.com; Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Concerns and Request For Access to Case File: L2500161-SU/D/PLA

Hello Ms. Sinha-

Thank you for taking the time to meet with those of us who came to the County this AM to inquire about the proposed Battery Storage Facility.

What we learned from you and the county staff:

- The application, along with all the associates' notes and submissions, including site plans and technical information, was not available online, nor were copies available for review. The only option was for someone to physically visit the Planning Department and attempt to sift through a massive amount of information.
- You agreed to and committed to putting the information online and you will send us a link to where it will be posted online as soon as you get it posted- 1-2 days.
- The County public notice indicated clearly that anyone concerned has until the 21st of August, this Thursday, to comment and submit testimony to the record.
- You said that this application is a Type II (for now) and that a Type II has no deadline for concerned parties to provide information to the County.
- You have stated that anyone at any time before or after August 21st, 2025, can continue to send in information.
- You has stated that anyone can appeal any decision made by the County on this application, regardless of if they submit testimony or written information into the file.
- You has stated that there is no requirement for anyone to submit comments to the record for this Casefile for that person to have legal standing for an appeal.

We need you to confirm this to us by responding to this email. This is not how Type II applications work in many Counties - and we are not sure the County if your take is correct meets the standards set in ORS 215.416(11). So you need to assauge our concerns please by committing to this positon you made clear today and to do that in writing. Please and Thank you!

The other grave concern is that the Public Notice does not make it clear at all what the County believes this application is nor under what codes it is being processed.

Lastly you stated that the application meets a TYPE II under Section 430-105.3 through 430-105.7 :

Under the AF-5 zoning, "Utility facilities necessary for public service" are allowed as a Special Use. This category explicitly excludes certain types of facilities, including:

1. Commercial facilities for generating power for sale.
2. Transmission towers over 200 ft in height.
3. Telecommunications facilities beyond the specified types.
4. Other specific exclusions as outlined in the code.

Applicants must demonstrate that the facility is *necessary* to provide a public service and not merely a commercial or industrial use. The application must satisfy standards laid out in Section 430-105.3 through 430-105.7 and comply with ORS 215.275 and OAR 660-033 (which govern siting of utility facilities in rural areas.

If the County wanted to process this as a Section 430-105 Public Utility why in the world did the County not make that clear in the notice? We believe this is not qualified as a Public Utility. We also believe the County erred in its Notice and must restart this process. We also urge you to alter the process to a Type III. Public out cry is great, and confusion is now everywhere because the County did not make this clear. So please strongly consider a new notice and process.

In closing let me say that we do not believe this private storage can qualify as a Public Utility.

- Battery storage is explicitly excluded under this definition if it's a commercial facility.
- Even if the applicant claims it's a "utility facility," they must prove it provides a public service — not just profit for a private company.
- The code creates a high standard: approval still requires compatibility with adjacent rural and farm uses and must follow special use standards, not just a simple administrative review.

Summary Table

Code Section	What It Allows	Excludes (Non-Permitted)
430-105 – Utility Facility Necessary for Public Service	Utility infrastructure providing public services (e.g., substations, water/sewer)	Commercial power generation, private merchant storage
430-105.3 – 105.7	Standards and findings for compatibility	—

We await your responses- and our list of concerned and interested parties is growing. I believe this is a landmark land use case, and I believe there is caselaw already in the courts that will prove this out.

Lastly, why is the County seemingly bending over backward to allow this application to move ahead? Why would the notice be sent out in such an unclear way and manner? Why would the application with all of the material not be posted for people to read? This is bad governance- sorry, but it just is. It lacks transparency and puts the public and neighbors in a bad position causing undue stress.

Thank you for help!

Dirk Knudsen

Dirk Knudsen
Broker / Founder; Dirk Knudsen Real Estate, More Realty - Main Street Hillsboro Office

503-799-8383 | www.CallDirk.com
calldirk@gmail.com
222 East Main Street , Hillsboro, Oregon, 97123

"To succeed, you need to find something to hold on to, something to motivate you, something to inspire you." - Tony Dorsett.

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

On Mon, Aug 18, 2025 at 1:51 PM Heather Alvarez <heatherroost@yahoo.com> wrote:

> This email is for the purpose of gathering a group of contacts requested by the County planner. She wanted one e-mal from us to respond to in regards to the deadline on accepting written responses to the application.
>
> Thank you Dirk for composing and sending to her.
>
> Looking forward to building our group email. Thank you to everyone jumping in to help.
>
> **Heather Alvarez**
> **Two Horse Farm**
> **Garden & Vintage**
>
> **Call or Text 503-515-1223**

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Formal Argument Letter (for filing with Washington County before Aug. 21)

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

Dirk Knudsen, et. al.
Address : 20701 NW Old Pass Road
Address : Hillsboro, OR 97124
email/phone : Ischade03@yahoo.com 503-530-0700

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

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1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. Its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Linda D. Schade

Names-

Linda D. Schade

Dirk Knudsen, et. al.
Address : 20701 N.W. Old Pass Road
Address : Hillsboro, OR 97124
email/phone : Ischade03@yahoo.com 503-530-0706

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review.**

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Linda D. Schade

Name: Linda D. Schade

Address: 20701 N.W. Old Pass Road
Hillsboro, OR 97124

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Thursday, August 21, 2025 10:34:23 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 9:58 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 09:57

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Dirk T Knudsen

Email
dirkknudsen@gmail.com

Address
6750 NE Alder Street
Hillsboro, OR, Oregon. 97124

Your Comments
Written Testimony Regarding Jupiter Battery Storage Facility
Casefile: L2500161- SU/D/PLA
To: Maitreyee Sinha, Senior Planner
maitreyee_sinha@washingtoncountyor.gov

Submission Instructions
Maitreyee Sinha, Senior Planner
maitreyee_sinha@washingtoncountyor.gov
RE: Casefile L2500161- SU/D/PLA

Introduction

I respectfully submit this testimony in opposition to the proposed Jupiter Battery Storage facility on farmland zoned AF-5. This proposal is being improperly characterized as a "Public Utility" to justify siting in agricultural zoning. In reality, it is a private, for-profit industrial energy storage project operated by BlackRock/Jupiter Power.

This facility is not compatible with the surrounding land uses, which are family homes, farms, and natural spaces. It introduces an industrial use into a residential and agricultural setting without adequate protection or justification.

1. AF-5 Zoning and Public Utility Mischaracterization

Washington County's AF-5 zone is intended to protect agricultural and rural residential uses. Allowing a utility-scale lithium battery installation on this land contradicts both the spirit and the letter of AF-5 protections.

The applicant's attempt to classify this facility as a "Public Utility" is misleading. A public utility typically provides essential services (water, electricity distribution, sewer) directly to the public under state regulatory oversight. This facility does not provide power directly to local residents. It is a wholesale merchant operation, buying power at low-cost times and reselling at peak times for profit.

That is industrial commerce, not a utility service.

2. Incompatibility with Surrounding Homes and Community Safety

The proposed project site is surrounded by residences and farmland. Families live directly adjacent to this location, with no buffer of industrial zoning.

Lithium-ion battery energy storage systems (BESS) are high-hazard installations. Documented risks include:

Thermal runaway fires that burn for days.

Toxic off-gassing of hydrogen fluoride and other chemicals.

Explosion risk from cascading cell failures.

These hazards make the project incompatible with residential settings. Unlike a typical structure fire, lithium BESS fires cannot be extinguished with water or foam; they must burn out while releasing toxic smoke.

Local fire departments in Washington County are not equipped to suppress or contain a full-scale BESS fire of this magnitude. At best, they can cordon off the site and wait for it

to burn out.

3. Documented BESS Fire Incidents in the U.S.
Contrary to industry assurances, BESS fires have already occurred across the U.S., with serious outcomes:
McMicken BESS Fire – Surprise, Arizona (2019):
Explosion injured four firefighters. The facility was offline for years and prompted national safety reviews. APS (Arizona Public Service) ultimately faced lawsuits and paid millions in damages and settlements tied to the fire's impacts and injuries.

Moss Landing Energy Storage Facility – California (2021 & 2022):
Two separate thermal runaway incidents caused massive smoke releases and shut down hundreds of megawatts of storage.

Victaulic Facility – New York (2023):
A 5 MW BESS fire burned uncontrolled, prompting evacuations.

Bridgewater, South Australia (2023, international but relevant):
Tesla Megapack fire took three days to extinguish, releasing toxic gases despite top-tier fire suppression systems.

Each of these cases shows that even state-of-the-art BESS facilities experience catastrophic failures. Outcomes have included explosions, toxic smoke plumes, firefighter injuries, community evacuations, and significant legal liability for the operators.

4. More Suitable Locations Exist
Washington County and the City of Hillsboro already have extensive industrial-zoned land near:
The Intel Ronler Acres campus,

Hillsboro Technology Park Drive,

The Evergreen and Helvetia Road industrial corridors.
Hillsboro owns hundreds of acres of land along Meek Road and Sewell Road, and major substations are already available.

These areas have:
Wide industrial buffers,

Proximity to substations,

Emergency response resources,

No immediate residential exposure.

There is no public policy justification for siting this dangerous facility in an AF-5 zone when suitable industrial land is abundant.

5. Accountability for Damages
Given the devastation to property, farmland, and community health documented in past BESS fires, I request that if Washington County considers approval of this project, a clear and binding condition must be imposed:
BlackRock/Jupiter Power must be financially liable for all damages caused to surrounding property owners, farmland, and public resources in the event of a fire, explosion, or toxic release.
This condition must include full compensation for destroyed homes, crops, livestock, and long-term land contamination.
The Arizona McMicken case demonstrates the scale of liability when such facilities fail: APS faced lawsuits, lengthy investigations, and multimillion-dollar payouts after its BESS explosion. Washington County must ensure that no such costs are ever shifted onto local residents or taxpayers.

Conclusion and Plea for Proper Process
The Jupiter Battery Storage project:
Misuses the “Public Utility” definition,

Violates the intent of AF-5 zoning,

Endangers surrounding families and farmland,

Exposes Hillsboro to risks demonstrated in real-world BESS fires,

And could be located in safer, industrially zoned areas nearby.

Finally, I urge Washington County to recognize that there has been substantial public outcry regarding this proposal. It is wholly inappropriate for a decision of this magnitude, with life-safety, environmental, and land use consequences, to be resolved under a Type II administrative process behind closed doors.
This project must be elevated to a Type III Public Hearing, where the people most affected can be heard, where transparency can be assured, and where the County can demonstrate equitable engagement with its residents.
Respectfully submitted,

Dirk Knudsen
Hillsboro, Oregon

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Dept. of Land Use & Transportation – Current Planning RE: 10-Acre Battery Facility in Rural Hillsboro Next To Homes
Date:	Tuesday, August 19, 2025 12:25:48 PM

From: Donna Burch <donna.j.burch@gmail.com>
Sent: Sunday, August 17, 2025 6:34 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>; Donna Burch <mysticdj@gmail.com>
Subject: [EXTERNAL] Dept. of Land Use & Transportation – Current Planning RE: 10-Acre Battery Facility in Rural Hillsboro Next To Homes

I OPPOSE THIS FOR THE FOLLOWING REASONS:

- **Zoning Conflict:** AF-5 rural/farm zoning does not permit industrial-scale battery plants.
- **Safety Risks:** Fire, toxic gas release, and inadequate rural emergency response.
- **Noise & Incompatibility:** 24/7 fan and inverter noise exceeds rural character standards.
- **Better Siting:** This project belongs in Hillsboro's industrial zones, not next to rural homes.

- *This is not a "green neighborhood project." It's an **industrial asset placed in a rural zone** to support **energy-hungry data centers** a mile down the road FROM HOMES!*

- *Thank you Donna Burch*

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From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Wednesday, August 20, 2025 3:23:42 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Wednesday, August 20, 2025 2:50 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Wed, 08/20/2025 - 14:50

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Doug Beyer

Address
21335 NW CLEAR CUT DR
BANKS, Oregon. 97106

Your Comments
Please do not approve the BESS site project on NW West Union Rd. This project should not be allowed in an agricultural/rural zoned area due to its size, impact to the quality of life for the rural farm/households, impact to the fauna in the area, and increased fire risk in a rural environment.
These sites are not compatible with the rural and farming community for the following:
1) The AF-5 zoning conflict with a large battery plant. Per the Oregon statue 348 "The AF-5 District is intended to retain an area's rural character and conserve the natural resources while providing for rural residential use.." A BESS site does not retain the 'rural character'.

"The purpose of this agricultural and forestry district is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forest lands, as well as recognizing that

existing parcelization and diverse ownerships and uses exist within the farm and forest area. Residents of rural residential tracts shall recognize that they will be subject to normal and accepted farming and forestry practices." A BESS site does not meet the intent of the criteria.

There is an allowance for a Public Utility , (384-3.4), but not one that generates power for public use by sale. The Merriam-Webster dictionary definition of "Generate" is to create by means of a defined process. As such, a battery generates electricity but a chemical process. Thereby the BESS generates power and is in violation of the 384-3.4 allowance. As we know the BESS plant will not give away the power for free, it is in violation of the 384-3.4 allowance.

Thus the BESS should not be located in AF-5 as it does not meet the zoning requirements.

2) These sites are noise generators. The 24/7 noise from the cooling fans are not conducive to a home environment. The constant noise would certainly affect individuals quality of life as well as sleep. An industrial zoned area already has 24/7 noise and not homes.
3) Light pollution. Due to security concerns, the sites will have excessive lighting. The lighting, although it may be required to be aimed into the facility will have light pollution spilling out from the property lines intruding upon the neighbors. Additionally, the increased lighting will affect the fauna in the area: the moths and bats will be affected by the increased lighting challenging their navigation. An industrial zoned area already has light pollution and thereby additional fauna would not be affected.
4) Fire risk: There are cases where lithium ion batteries ignite. With this being in a rural area, the response time for fire suppression is longer and there is a greater risk of an out of control wildfire due to the dry grasses in the neighboring areas. An industrial zoned area would have less combustible materials available.

For the above reasons, and others not mentioned here, this project should not be allowed to proceed to be built in an AF-5 zone.

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Wednesday, August 20, 2025 3:40:39 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Wednesday, August 20, 2025 3:40 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Wed, 08/20/2025 - 15:39

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Doug Beyer

Email
dbeyer557@gmail.com

Address
21335 NW CLEAR CUT DR
BANKS, Oregon. 97106

Your Comments
Please do not approve the BESS site project on NW West Union Rd. This project should not be allowed in an agricultural/rural zoned area due to its size, impact to the quality of life for the rural farm/households, impact to the fauna in the area, and increased fire risk in a rural environment.
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For the above reasons, and others not mentioned here, this project should not be allowed to proceed to be built in an AF-5 zone.

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:21:21 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Sunday, August 17, 2025 5:27 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Sun, 08/17/2025 - 17:26

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Douglas Boom

Email
nikbo@comcast.net

Address
5261 NW Wickiup Way
Portland, Oregon. 97229

Your Comments
This battery storage plan is the wrong location for this type of facility. I live just off Cornelius Pass Road and at rush hour the road is so full of traffic that it often goes back across HWY 26. If the batteries catch fire, they wouldn't be able to address the situation in time. Plus that area has a meat facility next to, the Meating Place, will it contaminate the area? Why build this in a quiet rural neighborhood when there are larger less dense areas in the county? This is being railroaded and if you open it for public inputs the feedback would be 100% negative. Just putting up with the construction in that area would permanently change the neighborhood. This is an interesting project, but the completely wrong area to put it.

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] concerns about proposed 10 acre battery energy storage system - Jupiter power
Date:	Thursday, August 21, 2025 2:10:34 PM

From: Doody Boliba <d.boliba@hotmail.com>
Sent: Thursday, August 21, 2025 2:10 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] concerns about proposed 10 acre battery energy storage system - Jupiter power

Good Afternoon,

I am writing to express my concerns about the 10 acre battery energy storage system that has been proposed in Hillsboro by Jupiter Power.
As stated in the articles that I have read, this proposed facility will be on land zoned for farming. This type of proposed facility should be placed in an industrial zoned area. The use of farm zoned property for this purpose is inconsistent with farm zoning.

In addition, being a neighbor living off of West Union I am concerned about the gas and fire risk and the effect it would have on us who live nearby. I agree with neighbors who live closer than I do, that it will impact their property value and impact noise in the area.

All of that in addition to the way this has been handled. Quietly, without the opportunity for the community to be aware and to voice their concerns.

Respectfully,

Edra Lea Boliba

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Louisa Bruce

From: Kellie Crowdis
Sent: Tuesday, August 19, 2025 1:59 PM
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Tuesday, August 19, 2025 10:11 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Tue, 08/19/2025 - 10:10

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Edward Fuller

Email
tfuller_2001@yahoo.com

Address
7250 NE Shaleen St
Hillsboro, Oregon. 97124

Your Comments
Resubmitting-could not confirm if first submission was successful (approximately 9:50 am Tu Aug 19)

Regarding the development review for the Utility Facility / Battery Energy Storage System: this application should be rejected for several reasons.

Most importantly, this development does not meet the requirements for a Type II review. It requires a Type III review.

This is not a public utility facility such as a power substation to distribute energy to the community. It is a privately owned business that will store and sell electricity to the highest bidder. This is a business/industrial use, not a public utility.

The site is not zoned for the proposed use.
Industry-scale battery storage is not permitted on agricultural land (site is zoned as AF-5).
Better siting is available in industrial zoned areas within a reasonable distance from the proposed site.

Major safety issues need to be addressed due to the potential risks of fires and toxic gas releases that would impact neighboring residences with minimal rural fire protection services.

Continuous noise from the fans and inverters exceeds rural character standards.

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Tuesday, August 19, 2025 1:54:18 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Tuesday, August 19, 2025 9:47 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Tue, 08/19/2025 - 09:47

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Edward Fuller

Email
tfuller_2001@yahoo.com

Address
7250 NE Shaleen St
Hillsboro, Oregon. 97124

Your Comments
Regarding the review for the Utility Facility / Battery Energy Storage System, the development should be rejected for several established reasons:
The development does not meet the requirements for a Type II review. It requires a Type III review.
This is not a public utility facility such as power distribution substation that provides infrastructure to be used by the community. It is a privately owned storage facility to be used to sell energy to the highest bidder.

The development is not permitted at the site.
An industrial facility is not allowed on agriculture land. Specifically, AF-5 zoning does not

permit industrial-scale battery plants.
Safety risks due to potential fire and toxic gas releases, with insufficient fire agency coverage.
Better siting is available nearby in areas zoned for industrial use.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Fwd: Battery storage facility
Date: Monday, August 25, 2025 9:01:54 AM

This one was sent to my personal email!

---------- Forwarded message ---------
From: **elizabeth johnson** <elizkeenan@gmail.com>
Date: Fri, Aug 22, 2025 at 10:43 PM
Subject: Battery storage facility
To: <maitreyee.sinha@gmail.com>

To Whom It May Concern,

I oppose the proposed 10-acre Jupiter/Blackberry Grove Battery Storage Facility near West Union Road.

Safety: Large-scale lithium batteries carry fire, explosion, and toxic risks. This is not appropriate next to rural homes and farms.

Not a Utility: This project does not qualify as a “Utility Facility Necessary for Public Service.” It is a private, for-profit venture trading energy on wholesale markets — not serving local residents.

No Local Benefit: Neighbors will absorb the risks without receiving any direct services or cost savings.

Better Land Use: If zoning changes are considered, the land would be better used for affordable housing, which truly meets a community need.

For these reasons, I ask the County to deny this application and reconsider land use priorities that benefit residents directly.

Respectfully,
Elizabeth Johnson
Resident in West Union area for 25 years

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Proposed 10-acre Battery Energy Storage System BESS on NW West Union Road Na NW Old Pass Road
Date:	Thursday, August 21, 2025 10:36:11 AM

From: Elizabeth Offensend <eoffensend@gmail.com>
Sent: Thursday, August 21, 2025 10:33 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Proposed 10-acre Battery Energy Storage System BESS on NW West Union Road Na NW Old Pass Road

Hello,

I'm writing in opposition of the proposed BESS on NW West Union Road and Cornelius Pass. The risks and concerns for us nearby neighbors outweigh the benefits, and this proposed use is not in line with the AF-5 zoning. The project belongs in Hillsboro's industrial zones, not next to rural homes and farmland.

Thank you,
Elizabeth Offensend

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Your Name: Elizabeth Pugsley
Address: 2677 N.W. 3rd Avenue
City: Hillsboro State: OR Zip: 97124

Received
AUG 21 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.

- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.

- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Elizabeth Pugsley

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Black Rock BESS Facility
Date: Tuesday, August 19, 2025 12:34:31 PM

-----Original Message-----
From: Emily Elmerick <emilyelmerick@gmail.com>
Sent: Saturday, August 16, 2025 8:25 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Black Rock BESS Facility

Good Morning,
I am writing out of concern for the proposed BESS facility to operate on agricultural land. The lot site next to family homes and farmland, and I worry that pollution and noise pollution will pose risk to our community. The Helvetia area is so special particularly because it is farmland, places where families go to berry picking, where our food is grown. I fear that this new Black Rock facility will destroy the value of homes in the area, and drastically affect the area which is known for its farms and market and community. The land is zoned for farmland and agricultural use, we need to keep it that way.
Thank you
—
Emily Elmerick
Hillsboro Resident

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From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Friday, August 22, 2025 12:18:29 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 12:03 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 12:03

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Emily Heininge

Email
emmysanrio@gmail.com

Address
2081 nw Everett street
Portland, Oregon. 97209

Your Comments
I am not in support of this project I don't think it should be completed

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:20:35 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Sunday, August 17, 2025 12:34 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Sun, 08/17/2025 - 12:33

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Emily Schnipper

Email
emily.schnipper@gmail.com

Address
6730 SE 67TH AVE
PORTLAND, Oregon. 97206

Your Comments
I'm writing in opposition to the Jupiter Battery Facility. I have friends and family in Hillsboro, including in the neighborhood of the proposed battery facility. I am disappointed by the lack of collaboration with residents who will be impacted by this project. It does not make sense to place the project near homes, when the Hillsboro area has abundant industrially zoned land that is already being used for similar purposes. The facility will be a source of constant noise pollution for residents, as well as pose a safety risk in an area with an emergency response system that is not equipped to deal with it.

From: Kellie Crowdis
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Monday, August 18, 2025 4:24:49 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 7:05 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 07:05

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Emma

Address
8953 NE Tennyson St
Apt 322
Hillsbork, Oregon. 97006

Your Comments
Absolutely not. I can't believe the county won't even do a hearing for his. This area is not industrial—it is rural and this factory is next to thousands of residents. We do not want this lithium battery plant in our backyard. Shame on you.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Case L2500161 - public comment - please DENY this application
Date: Tuesday, August 19, 2025 12:20:51 PM

-----Original Message-----
From: Eric <w9t2mcdr5n@snkmail.com>
Sent: Monday, August 18, 2025 11:11 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Case L2500161 - public comment - please DENY this application

Case L2500161 should be denied/rejected, and I urge you to please do so.
- This project is not appropriate for the current zoning (AF-5) of this land. This project belongs in one of Hillsboro's industrial zones.
- This project poses various safety risks and requires emergency response planning more suitable to an industrial zone.
- This project will create significant noise in a quiet rural setting.

While this project may be beneficial for the county, it should be located in an appropriately-zoned area, and receive a full public hearing. Many citizens believe that the applicants are trying to sidestep the appropriate process because they have something to hide. We hope that our county officials are not helping them hide anything, and will do the right thing for county residents by rejecting this application and requiring the applicants to be transparent.

Thank you.

Eric Heit
1278 NE Estelle Ct., Hillsboro, OR 97124 w9t2mcdr5n@snkmail.com

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From: Kellie Crowdis
To: Louisa Bruce
Subject: FW: [EXTERNAL] Case L2500161 - public comment - please DENY this application
Date: Monday, August 18, 2025 4:30:00 PM

-----Original Message-----
From: Eric <w9t2mcdr5n@snkmail.com>
Sent: Monday, August 18, 2025 11:11 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: [EXTERNAL] Case L2500161 - public comment - please DENY this application

Case L2500161 should be denied/rejected, and I urge you to please do so.
- This project is not appropriate for the current zoning (AF-5) of this land. This project belongs in one of Hillsboro's industrial zones.
- This project poses various safety risks and requires emergency response planning more suitable to an industrial zone.
- This project will create significant noise in a quiet rural setting.

While this project may be beneficial for the county, it should be located in an appropriately-zoned area, and receive a full public hearing. Many citizens believe that the applicants are trying to sidestep the appropriate process because they have something to hide. We hope that our county officials are not helping them hide anything, and will do the right thing for county residents by rejecting this application and requiring the applicants to be transparent.

Thank you.

Eric Heit
1278 NE Estelle Ct., Hillsboro, OR 97124 w9t2mcdr5n@snkmail.com

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From: Kellie Crowdis
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Tuesday, August 19, 2025 1:53:42 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Tuesday, August 19, 2025 9:40 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Tue, 08/19/2025 - 09:40

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Eric Sfetku

Address
4895 nw 187th ave
Portland , Oregon. 97229

Your Comments
What is the point of zoning if we don't enforce it. Build this in the industrial zone by the airport. Keep are limited arable land farmland until zoning is changed.

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Casefile L2500161- SU/D/PLA
Date:	Thursday, August 21, 2025 9:37:34 AM
Attachments:	image001.png image003.png

From: erik@piggy.com <erik@piggy.com>
Sent: Thursday, August 21, 2025 9:37 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Casefile L2500161- SU/D/PLA

Hello,

I am concerned about this battery storage facility on West Union Road. I live 1.5 mile or so as the crow flies to the north. This placement is not fair to the rural community that has chosen and paid in that area to stay out of the industrial zone. This is not an industial zone, so not sure why this is even being concidered? Why not have this facility close to one of the PGE substations that serve the local data centers, since ultimately we all know that is who the power storage is for. The data centers with no employees that we will never get our tax dollars back… That is another subject for later discussion.

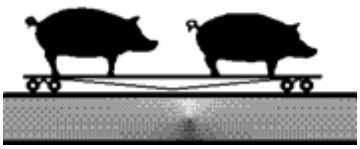
Thank you for your time, and hope that you can suggest a better placement in an industrial zone.

Signed by a Concerned Citizen:

Erik Maki
21440 NW Coffey Lane
Hillsboro, OR 97124

Thank You,

Erik Maki
President
Piggyback Plus
800.327.4449 (800.32.PIGGY)
503.643.2300
503.644.3116 ~ Fax
www.piggy.com



Stone Cliff Restaurant and Bar
Co-Owner
503-969-8120 (Cell #)
503-631-7900 (Stone Cliff #)
503-644-3116 (My fax #)
www.stonecliffinn.com

Owner/CEO
REaL, LLC
Office: 503.643.2300
Cell: 503.969.8120
Fax: 503.644.3116
www.real-llc.com (under construction)

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From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Friday, August 22, 2025 1:44:03 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Friday, August 22, 2025 1:07 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Fri, 08/22/2025 - 01:07

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Faun Hosey

Email
faun11@msn.com

Address
13515 NW Jackson Quarry Rd
Helvetia , Oregon. 97124

Your Comments
I oppose the siting of the 10-acre Jupiter Battery Storage facility in AF-5 zoning. This project poses fire, health, and safety risks to nearby homes, schools, jobs, and farms and should not be treated as a “Public Utility.”

Given the significant public concern and the impacts on surrounding families, this application should not be decided as a Type II administrative matter. I respectfully request that Washington County elevate this proposal to a Type III Public Hearing so that all stakeholders have the chance to participate openly, transparently, and on the public record.

The Bendemere residential area risks the very real potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

More particularly, it's clear that
Washington County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service).

Neither section applies.
1. Not “Generation” under 430-141 A battery does not generate electricity. It stores electricity produced elsewhere.
● FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.
● Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services. Applying 430-141 to this project is an unlawful expansion of “generation” beyond its plain meaning.

2. Not a “Utility Facility Necessary for Public Service” under 430-105 The Key Legal Question Does a privately owned, merchant battery storage plant built by Jupiter/BlackRock for wholesale market profits qualify as a “utility facility necessary for public service”? No.
● Private Merchant Facility: Jupiter is not a regulated utility like PGE or TVWD. It’s a private company building assets to sell power into wholesale markets.
● Not dedicated to the public: The facility is not dedicated to serving Washington County residents. Its output will flow into the regional grid, dispatched for profit, often to stabilize loads for nearby data centers.
● Oregon Case Law: LUBA has consistently held that “public utility” or “utility facility” language requires a showing that the facility is dedicated to public use, like substations, water towers, or telephone exchanges.

○ DLCD v. Jackson County (1999) — LUBA overturned approval where a county treated a private energy facility as a utility.
○ Friends of Yamhill County v. Yamhill County (2014) — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively. Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not “necessary for public service” under 430-105. Relevant
precedent:

● DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

● Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

3. Therefore: Unlisted Use = Prohibited Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

4. Request for Action

● Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.

● At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.

● With any approval the County contemplates, Save Helvetia demands that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility. Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-

making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. Our neighborhood fully intends to appeal any decision Washington County makes to approve this application. The application must be denied/rejected by Washington County.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter/Blackberry Grove Battery Storage Facility
Date: Thursday, August 21, 2025 12:15:27 PM

From: fhaybear <fhaybear@gmail.com>
Sent: Thursday, August 21, 2025 12:07 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter/Blackberry Grove Battery Storage Facility

To Whom It May Concern,

I oppose the proposed 10-acre Jupiter/Blackberry Grove Battery Storage Facility near West Union Road.

Safety: Large-scale lithium batteries carry fire, explosion, and toxic risks. This is not appropriate next to rural homes and farms.

Not a Utility: This project does not qualify as a "Utility Facility Necessary for Public Service." It is a private, for-profit venture trading energy on wholesale markets — not serving local residents.

No Local Benefit: Neighbors will absorb the risks without receiving any direct services or cost savings.

Better Land Use: If zoning changes are considered, the land would be better used for affordable housing, which truly meets a community need.

For these reasons, I ask the County to deny this application and reconsider land use priorities that benefit residents directly.

Respectfully,

Here is the follow up article:

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] BEES Facility (1)
Date:	Wednesday, August 20, 2025 2:46:52 PM
Attachments:	juniper notes.pdf

———————— Forwarded message ————————

From: Funk Wise funkwise@gmail.com

Date: Aug. 17, 2025 11:40am

Subject: [EXTERNAL] BEES Facility

To: bcc@washingtoncountyor.gov, dirkknudsen@gmail.com

Dirk, great article about the Juniper Battery Facility! Our lifestyle and property values are among those about to be obliterated! Attached is a copy of the letter WE sent in, as are many of our neighbors.

The County seems hell-bent on destroying this neighborhood. We fought strenuously against a Cement Work Yard that they let happen. It's an ugly place that is surely NOT AF5! You should have been at the hearings officer meeting. NOBODY had anything good to say about the people there and all were unanimous against allowing it to persist. The County just slapped some conditions on the variance that have NEVER been met. The County NEVER comes out to check or follow up or take any action against them. Once I had to call TVF&R to report the entire region being poisoned by plastic fumes because they were burning garbage in a barrel! I'm not a racist, but if Trumps ICE Thugs wanted to up their quotas a bit they should just stop by this place. So many people and cars in and out continuously. There is also a property with several outbuildings where some kind of automobile modification business is being run. DEFINITELY not AF5!

So, apparently with regard to Code Enforcement in Washington County, Oregon it's basically "What's That?"

Thanks. Keep reporting on this please and maybe follow the money if you can. A financial impact and money flow report would be outstanding. And, of course, you know it's a Texas company just coming in here to shove this down our throats.

Kevin B.

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Your Name: Gary & Teresa Brandt
Address: 20921 NW Bendemeer Rd
City: Hillsboro State: OR Zip: 97124

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Teresa Grosser
Lary M. Brandt

I would like to make some additions to this letter.

I am concerned about the noise this facility generates and how it will impact on both residents and wildlife. This cannot be so close to our homes.

Our neighborhood is well aware of the dangers and potential of electrical fires that this BESS could bring to our neighborhood.

On March 6, 2015 a BPA substation fire located at Cornelius Pass and Hwy 26 was visible from our neighborhood. The fire was contained and allowed to freely burn itself out, which is the protocol. I remember seeing it smoldering for days.

Oregonian Newspaper Photo

On May 23, 2025 a fire in a Battery Energy Storage System (BESS) in the Data Reality data center in Hillsboro, Oregon near the intersection of Jacobsen and Helvetia Road just miles from our homes. It burned for 5 hours before according to Fox 12 News, "Firefighters played defense on the fire to prevent it from spreading and waited for the batteries to burn themselves out."

On January 16, 2025 a major fire broke out in the Moss Landing BESS facility in Monterey County, California. The residents in the area are now suing these energy companies after the toxic fire. See attachment concerning this lawsuit. In addition, this is what Jodie Lutkenhaus, professor of Chemical Engineering at Texas A&M University, says about BESS facilities, "safer batteries must be found that can be used on the grid. Some improvements, such as more fire prevention measures, can be made to reduce fire risks with lithium batteries, Lutkenhaus said, "but the only way to really address the problem is to use a safer technology." Water-based and redox flow batteries are being developed by scientists but have not yet scaled commercially. Lithium iron phosphate batteries are a possible alternative because they are highly stable, but they still carry some fire risk. No matter what kind of lithium battery you use, "when you reach a certain size, it is inherently very dangerous and easy to catch fire," said Yiguang Ju, engineering professor at Princeton University.

CALIFORNIA

PG&E plans to reopen lithium battery plant near Monterey County site burned in toxic fire

A fire burns at Vistra Corp.'s Moss Landing battery storage facility in Moss Landing on Jan. 17. (Nic Coury / Getty Images)

This is facility does not belong nestled in a residential neighborhood and should be denied a zoning change to do so. This is not a utility company, but a company that would like to partner with our utility company PGE.

Our fire insurance rates could raise or even cancelled as a result once they learn our proximity to this plant and who is going to cover that.

I also raise concerns about this BESS being surrounded by a berm planted with large Douglas Fir trees that adjoin our historically significant grove of White Oak trees found among our homes.

The Bendemeer neighborhood rests on one of three summer camps used by Atfalati indigenous people who once lived in this area. Observing the other two sites; one near HWY 26 and West Union Road and the other near Helvetia and Dierdorff Roads. You will see the treasured White Oaks there too. The Atfalati came to this area in the summer to fish the Willamette and Columbia Rivers, hunt game and gather acorns from the White Oak before returning to their winter camp near Gaston. Before leaving their summer camps they would bury their stone bowls and implements near the bases of trees, because these tools were just too heavy to transport back and forth. I, while planting, found a stone hand tool which is a significant reminder of our past here in the Bendemeer neighborhood. Burial grounds have been documented on the HWY 26 site and I am certain they are located here as well. A fire allowed to burn for hours would destroy this beautiful legacy these White Oak provide. Please find the attached documentation of this camp and mention of our large grove of trees.

Also, I would like to add that our neighborhood has a high water table and is a part of the water shed that runs first into Holcomb Creek near Old Pass and Cornelius Pass Roads. Holcomb Creek then flows through Holcomb Lake before becoming part of Rock Creek which then feeds into Bethany Lake which part a popular park ran by Tualatin Parks and Recreation District near

185th and West Union Road. All of these creeks and lakes are important habitat for cougar, bob cat, deer, elk and birds. I feel with the amount of rainfall we have the danger of water contamination cannot be fully mitigated. It seems from the Jupiter Power website all of their BESS facilities are built in Texas, in very dry areas with no residential areas nearby. These pictures alone tell me they don't have the experience necessary to put BESS here or anywhere in western Oregon. They have a lot to learn about our strict zoning here. THERE IS A ZONING CONFLICT. JUPITER POWER IS NOT A UTILITY AND DOES NOT QUALIFY FOR THIS TYPE OF ZONING CHANGE. We are not Texas we protect our neighbors and communities.

Please help us, so many are elderly here in the Bendemeer neighborhood and feel powerless.

Sincerely,

Gary and Teresa Brandt

Teresa Brandt
Gary M. Brandt

West Union Centennial

1851 - 1951

This booklet is a community project sponsored by the West Union Community Club in connection with the West Union Centennial Celebration—honoring the schools and one hundred years of organized free public education in the West Union community of Washington County.

Printed by the Hillsboro Argus

School District Number 1

Washington County, Oregon

COVER COMPLIMENTS OF BRADFORD-STREITWIESER MOTORS
Buick Dealer — Hillsboro 8071 - 8081 — 330 E. Lincoln

Land Claim in Same Name 93 Years

United States to Stephen H. Holcomb and wife, 1850. The land claim known for years as the "Holcomb place" was originally 550 acres. Later more land was acquired until it consisted of 1100 acres and not until 1943 did the last small piece of 64 acres leave the Holcomb name.

Their first home consisted of a very small log cabin which stood a little west of the present house. The house that still stands is in its original state and is one of the oldest in the community being built in 1867. It has high ceilings. The rough lumber is hand hewn and very thick. There are two fireplaces with rock base, and sawed rock approximately 16 by 12 inches in size form the fire boxes which show signs of much use, they being used originally for cooking as well as for furnishing heat. They are still being used and work excellently. Hand built-up moldings decorate the living room. There had never been any plumbing in this house until sold to the present owner. A very little wiring had been put in on the first floor, but none upstairs.

There was an old dug well with an oaken bucket just outside the kitchen door where water was drawn by hand and carried into the house. Two other wells on the place were used for the stock, one of which is under the large old barn which was also made with hand hewn beams put together with round wooden pegs and square headed nails.

John Babcock, the present owner, says he has picked up several nail kegs of horseshoes in the eight years that he has lived there. At one time the horses used for grading the railroad right-of-way, which runs close to the west line, were corralled here.

Originally there were three very large black locust trees planted by Steve Holcomb before the present house was built. One of these trees (the largest in the area) stood as a landmark for miles around. It presented a beautiful sight when its white blossoms were in full bloom until it was blown down in 1946. Two of the rare Oregon myrtle trees were planted in the front yard by Maude Holcomb, and while killed back by the cold of 1949 they are now putting forth new growth.

A short distance northeast of this farm is a small lake which is still known as Holcomb Lake.

These folks as well as others in this locality had Indians for neighbors. Across the road to the north where the West Union Store now stands was a large grove of trees which the Indians used as a camp grounds.

The ground for the original West Union School was donated to the community by Steve Holcomb.

From the Hillsboro Argus, May 31, 1900:

"In 1852 there were 18 pupils (in the West Union School), which was increased to 47 in 1858. At this school attended Congressman Tongue, his first initiation in public institutions after reaching America from England."

Jackson Falls was a popular picnic spot, and before the forests were logged off, carried considerable water over the falls. It was a favorite place for other communities as well as Helvetia, and many were the initials to be found carved on the alder trees.

COMPLIMENTS OF ROY W. HEINRICH & CO.
J. I. Case Farm Machinery

Monterey County, CA – Following a massive **lithium-ion BESS battery fire** at the **Moss Landing Power Plant** on January 16, 2025, residents have filed a lawsuit against multiple energy companies, accusing them of failing to maintain adequate fire safety measures.

The fire, which began after **a fire suppression system failed,** smouldered for four days and led to the **temporary evacuation of over 1,200 residents**. The blaze released **toxic gases and scattered heavy metals** over the surrounding area, causing health concerns among the local community.

The lawsuit, filed by four residents, targets **Texas-based Vistra Energy,** which owns the storage facility, **LG Energy Solution**, which installed the batteries, and **Pacific Gas & Electric (PG&E)**, which owns an adjacent battery storage facility.

The plaintiffs accuse the companies of **prioritizing profits over safety** and failing to comply with **fire safety standards.**

Environmental advocate **Erin Brockovich**, working with law firm Singleton Schreiber, is supporting the lawsuit. Brockovich emphasized the need for transparency, justice, and real protections for affected families. Residents have reported experiencing skin, eye, and respiratory irritation, as well as other health issues.

Despite the U.S. Environmental Protection Agency's (EPA) reassurances that the released particulate matter and **hydrogen fluoride gas did not pose a risk to public health**, residents remain concerned about long-term health effects.

The lawsuit seeks compensatory and punitive damages for **property damage, health conditions, loss of income during evacuations, and future environmental remediation costs**. It also calls for an investigation into the root causes of the fire and the adoption of updated safety standards and fire prevention measures.

Vistra Energy and LG Energy Solution have not commented on the lawsuit, while PG&E stated that the fire was not a PG&E incident.

The Moss Landing Power Plant fire may serve as a wake-up call for the energy storage industry, highlighting the importance of stringent safety measures to protect these large stores of lithium batteries from thermal runaway.

Sources:

https://www.latimes.com/california/story/2025-02-07/after-massive-toxic-battery-fire-residents-sue-owners-of-moss-landing-power

https://www.latimes.com/california/story/2025-01-29/heavy-metals-found-in-monterey-estuary-

Please read this about the community of Westfield, Massachusetts. The residents brought their concerns to their local government about Jupiter Power and the plans to build one were cancelled. Jupiter Power has only 2 years of experience in this industry. A company with no track record doesn't belong here either. Be brave do the same for us!

Sincerely,

Teresa Brandt

ADVERTISEMENT

Plans cancelled for lithium battery storage facility in Westfield

ADVERTISEMENT

Westfield Mayor Mike McCabe announced on Friday that plans for a lithium battery energy storage facility in the city have been cancelled.

By Robin Stockler and Tyler Beraldi

Published: Apr. 25, 2025 at 2:33 PM PDT

SPRINGFIELD, Mass. (WGGB/WSHM) - Westfield Mayor Mike McCabe announced on Friday that plans for a lithium battery energy storage facility in the city have been cancelled.

"After many months of communication and consideration, I am pleased to announce that Jupiter Power has withdrawn their proposal for a battery storage site for the city of Westfield," Mayor McCabe said, after receiving a statement from Jupiter Friday morning.

The company says they are terminating the Streamfield Project and focusing development efforts elsewhere, following a lot of public concern over the proposed project for Medeiros Way. Residents raised fire and safety concerns with the site being near the Barnes Aquifer.

City leaders met with Jupiter Power over several months to address these concerns. McCabe on Friday attributed the public's involvement and the voicing of their concerns to the decision.

ADVERTISEMENT

Jupiter Power has released a statement, reading:

"Jupiter Power has a broad portfolio of projects in active development across the United States, and is consistently evaluating which projects to continue to invest in and advance. While we know that the Streamfield project would bring many economic and grid resiliency benefits to the region, and are of course disappointed with the outcome,

Most Read

Formal Argument Letter (for filing with Washington County before Aug. 21)

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Your Name: Gary & Teresa Brandt
Address: 20921 NW Bendemeer Rd
City: Hillsboro, State: OR Zip: 97124

email/phone resiyodels@aol.com
503-629-5925

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

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2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. Its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
    - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
    - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

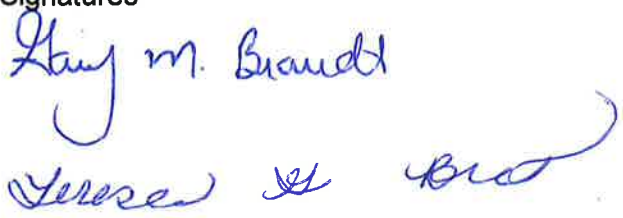
Names-

Teresa M Brandt

(see back too)

Addresses

Signatures



Your Name: Gary & Teresa Brandt
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Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
✉ maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Mary M. Brandt

Name Teresa M Brandt

Address

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Lithium battery operation in Washington county
Date:	Wednesday, August 20, 2025 8:33:43 PM

From: Gary Johnson <GaryJ@ihco.com>
Sent: Wednesday, August 20, 2025 5:46 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Cc: pam_treece@county.washington.or.us
Subject: [EXTERNAL] Lithium battery operation in Washington county

Let me go on record for a vote against this proposal because of :
Zoning conflict
Safety risk
Noise and incompatibility
Better siting

Please find a better site if this needs to happen. Away from residential areas Please!

Gary Johnson
19799 NW Rock creek Dr
Portland, Oregon 97229

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] 10 Area Battery Plant
Date: Tuesday, August 19, 2025 3:28:28 PM

From: Gayle Goodman <gaylegoodman2015@gmail.com>
Sent: Tuesday, August 19, 2025 3:28 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] 10 Area Battery Plant

To: Maitreyee Sinha, Senior Planner, Washington County Project Comment

Mr. Sinha,

We are writing to oppose Washington County's approval for the proposed 10-acre Jupiter Battery Facility under a Type II review. Such a heavy industrial use plant belongs in an industrial zone, not next to rural homes where it will compromise the health and welfare of home residents. The project conflicts with AF-5 rural/farm zoning that does not permit industrial-scale battery plants. Use of the "Utility Facility" exception is a questionable method of getting approval.

With no public hearings planned and only written comments submitted by August 21, 2025 before 4:00 p.m. received in your office, you are rushing a process which seems suspicious. Only those of us who hear about this project and comment will count, with the right of appeal to the County's decision. That process appears to be an overreach of authority and lacking in Oregon integrity, ethics and care for citizen's rights. The plant will pose a safety risk for area residents for fire, toxic gas release and inadequate rural emergency response capability. The 24/7 fan and inverter noise are incompatible with a neighborhood setting and exceed rural character standards.

As long-time Washington County residents (in Beaverton and Hillsboro) who live ten minutes south of Rock Creek, we are not anti-business or anti-battery if the plant were placed in an appropriately zoned area for the advantage of local government, businesses and residents. We have concerns for our Rock Creek friends and even our own neighborhood if this project, unknown to many residents, does not have time for judicious review. This project is not as advantageous to Washington County/Oregon as might be possible since it only profits out-of-state investors, out-of-country battery power, and contractors outside of Oregon. The project will harm area residents rather than benefit them with energy they can use.

Warmly,
Gayle Goodman (she/her)
20395 SW Almond St, Aloha, OR 97003

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking

Formal Argument Letter (for filing with Washington County before Aug. 21)

Ms. Gayle Grossen
23350 NW Phillips Rd
Hillsboro, OR 97124

email/phone gaylcglg32@coho.net

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
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maitreyee_sinha@washingtoncountyor.gov

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Respectfully,

Names-

Ms. Gayle Grossen
23350 NW Phillips Rd
Hillsboro, OR 97124

email/phone 5036475901

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

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Thank you for considering these comments.

Sincerely,

Name

Address

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] RUNEY = Casefile L2500161-SU/D/PLA
Date: Tuesday, August 19, 2025 1:36:29 PM

From: Gaylene Runey <gx3@mac.com>
Sent: Tuesday, August 19, 2025 1:30 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] RUNEY = Casefile L2500161-SU/D/PLA

Dear Washington County Planning,

WHAT IN THE WORLD IS GOING ON WITH WASHINGTON COUNTY?!

As someone who has lived their entire 60 years in Washington County, with family settling in Helvetia in 1891, you read that right, 1891, I am writing to strongly oppose the proposed 10-acre Jupiter/Blackberry Grove Battery Energy Storage Facility planned for rural Hillsboro.

How can you possibly even THINK of allowing an INDUSTRIAL-SCALE BATTERY STORAGE PLANT to be constructed on AF-5 zoned farmland? This is obviously an industrial use facility, and does not fit in or amongst farming and residential zones. Not in the least! I've already had concerns about industrial spewings contaminating family members and friends who live in the West Union/Brookwood areas, and now Washington County is planning to allow a battery storage plant with potential fires, toxic gas and noise North of 26 in the immediate vicinity - and with zero benefit to the public? Unbelievable. I cannot understand why Washington County has been on a path to pave over and destroy our precious, fertile farmland. I mean, I know it's greed and money-based, but that is a very sad, upsetting, and harmful reason.

In short, Jupiter does not qualify for AF-5 use and foolishness like this needs to be stopped. Please accept this letter as my official comment on the record.

Sincerely,

Gaylene Runey

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter Power LLC proposed 10-acre Battery Energy Storage System in Hillsboro
Date: Tuesday, August 19, 2025 2:03:44 PM

From: Georgia Johnston <georgiajohnston5349@gmail.com>
Sent: Tuesday, August 19, 2025 1:58 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter Power LLC proposed 10-acre Battery Energy Storage System in Hillsboro

It's a really bad idea to build a battery energy storage system on farmland-zoned property where there are dozens of family homes and small farms.

Dangers to health include fire, toxic gas release, and inadequate rural emergency response.
The 24/7 fan and inverter noise exceeds rural noise standards, which can be a detriment to the health of residents and wildlife.
This project belongs in Hillsboro's industrial zones, not next to rural homes.

Please, don't green-light this project.

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Your Name: Gideon Hess
Address: 21835 NW West Union Rd
City: Hillsboro State: Or Zip: 97124

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Opposing the Proposed Battery Facility
Date: Tuesday, August 19, 2025 12:16:40 PM

From: GINNY MAPES <ginny@coho.net>
Sent: Tuesday, August 19, 2025 8:06 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposing the Proposed Battery Facility

Dear Washington County Planning,

I am writing to oppose the proposed 10-acre Jupiter/Black-berry Grove Battery Energy Storage Facility planned for the
AF-5 zone at NW West Union Road.
This project should not be processed as a Type Il decision.
The County's own rules require facilities like this to go through a Type Ill review with a public hearing, so that ffected neighbors can testify and decision-makers can properly consider compatibility with surrounding homes and far mland.
This is not a small utility. It is an industrial-scale battery plant with noise, safety, and land-use impacts far beyond what AF-5 zoning was intended to ailow. Processing it as a Type lI wrongly denies the community a public hearing.

1. Reclassify this project as a Type Ill and schedule a public hearing.
2. Require the applicant to demonstrate full compatibility with AF-5 zoning and nearby residents.
3. Reject the application if it cannot meet these standards.

Please accept this letter as my official comment on the record.

Ginny Mapes

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Your Name: Gordon Vreugdenhil
Address: 7527 NW 212th Pl
City: Hillsboro State: OR Zip: 97124

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

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The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

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hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
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The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

G. Vreugdenhil

Formal Argument Letter (for filing with Washington County before Aug. 21)

Your Name: Grace - Robert Reichen
Address: 3457 NW 185th Avenue
City: Portland State: OR Zip: 97231
email/phone

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
✉ maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. Its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Names- Bruce Rucker

Your Name: Robert and Grace Reichen
Address: 8450 NW 185th Avenue
City: Portland State: OR Zip: 97231

email/phone graceg@gracereichen.com

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Name Grace Reicken

Address 8450 NW 185th Ave
Portland OR 97231

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] 10-acre Battery Plant proposal
Date: Tuesday, August 19, 2025 12:16:29 PM

-----Original Message-----
From: Harriet <5022shopping@gmail.com>
Sent: Tuesday, August 19, 2025 8:11 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] 10-acre Battery Plant proposal

Dear Maitreyee Sinha,

Please add my voice to the many outraged by the idea of a large battery making facility proposed to be situated just north or Highway 26 and next to a neighborhood.

We watch in dismay as warehouses and data centers go up in our beautiful land. But a battery facility would be noisy with fans and pose a terrible contamination risk if an accident should happen. This kind of factory should be well away from residences. The Union Carbide disaster in Bhopal will never be forgotten. I believe modern lithium batteries would be even worse in a fire.

I want us to keep the lovely qualities of our residential areas. Please don't allow a battery plant next to a neighborhood.

Harriet Schmidt
Hillsboro, OR

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From:	LUT Development
To:	Maitreyee Sinha; Louisa Bruce
Subject:	FW: [EXTERNAL] Feedback on Blackberry Grove L2500161
Date:	Friday, August 22, 2025 1:48:25 PM

From: Hayley Johanesen <hayleyjk17@gmail.com>
Sent: Thursday, August 21, 2025 8:59 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: [EXTERNAL] Feedback on Blackberry Grove L2500161

Hi,

My name is Hayley Johanesen and my address is 20900 nw rock creek blvd, Portland OR 97229.

I have some feedback about this proposed battery energy storage project. I fully support transitioning to renewable energy and having a more resilient grid, and I'm happy to see that these projects are considered. However, the proximity of these batteries and the risk to nearby neighborhoods is something that I would like to see a clear assessment of.

Is this the right location for this project? Is there not an alternative 10 acres that isn't right next to a neighborhood?

Specifically, I would like to understand the environmental impact of these batteries in the event of a fire. Does Washington County have the capability to quickly put out the fires? How would the risk to impacting groundwater and local environmental contamination be handled? How would the risk to the air quality be handled? (For reference: https://www.sciencedirect.com/science/article/abs/pii/S095042302200208X)

It seems like a good idea to install these batteries, but the wrong location, as it is too close to homes.

Thanks,
Hayley

Sent from my iPhone

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Opposition of BESS on West Union Rd - Confirm Receipt
Date:	Wednesday, August 20, 2025 2:21:23 PM

From: Heather Alvarez <heatherroost@yahoo.com>
Sent: Wednesday, August 20, 2025 2:16 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposition of BESS on West Union Rd - Confirm Receipt

August 20, 2025

Heather Williams Alvarez 22097 NW West Union Rd Hillsboro, OR 97124

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13
Hillsboro, Oregon 97124

Casefile/Project# L2500161-SU/D/PLA
Proposed Battery Energy Storage System (BESS)

Subject: Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Maitreyee Sinha,

The objective of this letter is to express intense opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5.

The proposed located is adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses appropriately NOT inside the UGB, such as the award winning Meating Place and the largest being UPS, Beaverton Foods and Reser's Fine Foods.

There are a number of family owned organic farms surrounding the proposed location. In the event of a leak, fire or explosion their business would be ruined. Generations of work wiped out for greed. You will be responsible.

Supporting sustainable energy solutions is an important and worthy objective, but the potential risks of this specific project, in its current proposed location, are completely unacceptable and a significant concern to community residents. Several of the primary

concerns and risks are outlined below but some or many may not be apparent to the residents of the area as the company, Juniper, would surely want to keep those hidden and unknown to the residents they are proposing negatively impact.

Groundwater Contamination:

A significant concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells and aquafers due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

The battery storage units are FULL of PFASS chemicals. We implore you and the County Board of Commissioners to visit the following websites for further information.
https://www.epa.gov/pfas/pfas-explained https://www.niehs.nih.gov/health/topics/agents/pfc

Lithium-ion Batteries (Fire):

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release hazardous fumes and chemicals into the air, according to Alsym Energy (https:llwww.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbsl). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.

Noise Pollution:

Continuous operations of cooling fans and noise from maintenance equipment and maintenance activities will cause a significant hardship and loss of quality of life for the nearby residence. This will effectively impinge out our RIGHT to enjoyment of property and peace. It is known that a sound barrier is proposed. Therefore, one KNOWS there will be constant noise 24 hours a day or this would not be proposed.
I live across the street from UPS and experience them breaking noice code every single day - all night long. My neighbors and I have had zero success thus far getting the County to force compliance. I was told I should sleep with fans running. My neighbor was told to give up.

Light Pollution:

These industrial installations are always accompanied by significant lighting to accommodate ongoing maintenance at all hours and to enhance security. There will be a noticeable and unavoidable increase in the ambient light in the surrounding area and undoubtedly and constant “glow” surrounding the installation. No one in the surrounding community will ever see the stars at night clearly, again.

Property Values:

A Battery Energy Storage System facility with fire and environmental risks in a residential area can and will significantly reduce property values and hinder future development and property sales in the community. The County has ALREADY caused the potential loss of values through the allowance of several other irritating businesses nearby, which are CLEARLY not appropriate for AF5.
Homeowners are also at risk of losing insurance completely or not being able to afford homeowners insurance. What responsibility does the County hold for that type of loss?

Quality of Life:

The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, light pollution could and will negatively impact the peace and quiet of the neighborhood and the legal RIGHT to enjoy our property without interruption.

Insufficient Emergency Response:

It is unclear if the local fire department (TVF&R) and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish. The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

More questions we citizens do not have answers that I hope Washington County can prove they do:

Will a reputable neutral 3rd party be responsible for ensuring air, water quality?

Will the facility be built with earthquake, fire safety precautions?

Is there a proven existing contract with PGE or is the County taking the word of the corporate tycoons that this will be a utility beneficial to public?

This technology will be soon obsolete. Does the County have guarantees that protect against abandonment or bankruptsy for an environmental clean up?

In Oregon, citizens have the right to enjoy peace and quiet on one's property. The interference of peace and quiet thrust upon this community by this facility will be both substantial and unreasonable. They will NOT be minor nor a temporary inconveniences and any reasonable person will find this interference substantial and real.

Washington County Planning and Development Services is respectfully requested to REJECT this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration regarding this significant and life changing

matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely

Heather Williams Alvarez

Heather Alvarez
Two Horse Farm
Garden & Vintage

Call or Text 503-515-1223

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] WA co Battery Facility comment
Date:	Thursday, August 21, 2025 9:22:44 AM

From: Roy S <roynheidi@msn.com>
Sent: Thursday, August 21, 2025 9:22 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] WA co Battery Facility comment

I'm a concerned resident in the rural area west of Cornelius Pass Road. I am rewriting to request the re-siting of the proposed battery storage facility in WA county. The project should be relocated to an industrial zone instead of siting it in AF-5 zoning. AF-5 rural/farm zoning does not permit industrial-scale battery plants. In addition, noise pollution from inverters and fans will exceed rural character standards. Rural residents in the area will face higher safety risks from potential fires and chemical leakage in the event of battery malfunctions/failures. Zoning designations should not be overlooked when siting what is clearly an industrial project.

Please consider resiting this to a location better suited to the project, in an industrial zone, on land that is zoned for such uses. Thank you.

Heidi Siegel

Get Outlook for iOS

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Opposition Comment - Jupiter Battery Facility
Date: Thursday, August 21, 2025 11:22:44 AM

From: Holly Haber <hhmd40@gmail.com>
Sent: Thursday, August 21, 2025 11:18 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposition Comment - Jupiter Battery Facility

To Whom It May Concern,

I am writing in opposition to the proposed 10-acre Jupiter Battery Storage Facility near West Union Road in rural Hillsboro.

Safety Concerns

Large-scale lithium battery facilities pose well-documented fire, explosion, and toxic contamination risks. These dangers are magnified in rural residential areas where emergency response times may be longer and firefighting resources are limited. Installing this type of industrial operation next to homes and farms is not only unsafe, it is irresponsible land-use planning.

Misclassification as a Utility

The County's decision to classify this facility as a "Utility Facility Necessary for Public Service" under CDC 430-105 appears to be a misapplication of code. This project is not designed to serve the residents of Washington County directly. Instead, it will operate as a private, for-profit enterprise, trading power on wholesale markets and potentially serving large industrial customers like data centers. This is not a public utility by any reasonable definition, and approving it as such undermines both the intent of the law and the trust of the community.

Lack of Local Benefit

Residents are being asked to absorb the risks of noise, pollution, and potential hazards without any meaningful benefit in return. The facility will not lower local energy costs, improve grid reliability specifically for our neighborhoods, or provide direct services to rural households. To the contrary, it will degrade the compatibility and livability of our community.

Better Land Use Options

If the County is willing to consider changes to zoning in this area, there are far more constructive paths forward. Our region continues to face a severe shortage of affordable housing. These 10 acres could be thoughtfully planned to provide housing opportunities for working families, young professionals, and seniors — all while aligning with County goals for equity, livability, and sustainability. Such a use would directly benefit residents, strengthen our community, and address a pressing public need.

Conclusion

For reasons of safety, misclassification under land use law, and lack of public benefit, I strongly urge the County to deny this application. I also call on the County to reevaluate land

use priorities in this area with an eye toward meeting genuine community needs such as affordable housing, rather than allowing industrial-scale projects that provide no tangible value to rural residents.

Respectfully,
Holly T Haber

--

Holly T. Haber
Licensed Oregon Real Estate Broker
503-516-2165 Mobile
LIC# 201218078
www.HollyHaber.com

Windermere West, LLC
1341 NE Orenco Station Parkway
Hillsboro, OR 97124
503-648-1169
hollyhaber@windermere.com

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

Formal Argument Letter (for filing with Washington County before Aug. 21)

Your Name: HYUN J LIM
Address: 21691 NW Westerman Rd
City: Hillboro State: OR Zip: 97124

email/phone hyunsputer@aol.com
503-708-2178

Date: 8/17/25

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Names- Hyun J Lim

Your Name: Hyun J Lim
Address: 21691 NW West Union Rd
City: Hillsboro State: OR Zip: 97124

email/phone 503 708 2178

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Name Hyun J Lim

Address 21691 NW West Union Rd
Hillsboro, OR 97124

Formal Argument Letter (for filing with Washington County before Aug. 21)

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Your Name: Irene Masters & Phil VanDyke
Address: 17208 NW Ivybridge
City: Portland State: OR Zip: 97229

email/phone
503-939-7396
971-228-9815
PHJL11775@msn.com
IMASTERS7@yahoo.com

property address
21627 NW West Union Rd.
Hillsboro, OR 97124

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

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  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
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The application must be denied/rejected by Washington County

Respectfully,

Names- Phillip L. VanDyke

Your Name: Phil VanDyke & Irene Masters
Address: 21622 NW West Union Rd. Hillsboro, OR 97124
City: Hillsboro State: OR Zip: 97124

email/phone 503-939-7396
971-228-9815

Received
AUG 20 20[illegible]
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

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  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
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Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
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This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Name Phillip L. VanDyke

Address 21627 NW West Union Rd.
Hillsboro, OR 97124

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter Battery Facility
Date: Tuesday, August 19, 2025 12:15:48 PM

From: Ivan Halstead <saxman02777@gmail.com>
Sent: Tuesday, August 19, 2025 9:08 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter Battery Facility

To Washington County Planning,

I am writing to **OPPOSE** the proposed 10-acre Jupiter/Black-berry Grove Battery Energy Storage Facility planned for the
AF-5 zone at NW West Union Road.

This project should not be processed as a Type ll decision. The County's own rules require facilities like this to go through a Type Ill review with a public hearing, so that affected neighbors can testify and decision-makers can properly consider compatibility with surrounding homes and farmland.

This is not a small utility. It is an industrial-scale battery plant with noise, safety, and land-use impacts far beyond what AF-5 zoning was intended to ailow. Processing it as a Type Il wrongly denies the community a public hearing.

1. Reclassity this project as a Type Ill and schedule a public hearing.
2. Require the applicant to demonstrate full compatibility with AF-5 zoning and nearby residents.
3. Reject the application if it cannot meet these standards.

Please accept this letter as my official comment on the record.

Sincerely,

Ivan Halstead
21159 NW Galice Ln, Apt 101,
Portland, OR 97229
971-732-6775

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking

Your Name: JAMES SHEPHERD
Address: 7555 NW 214th PL
City: HILLSBORO State: OR Zip: 97124
email/phone JWINSTON647@COMCAST.NET
503-969 3655
Date: 8/17/25

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

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Thank you for considering these comments.

Sincerely,

Name

Address

Formal Argument Letter (for filing with Washington County before Aug. 21)

Your Name: JAMES SHEPHERD
Address: 7555 NW 214th
City: HILLSBORO State: OR Zip: 97124
email/phone JWINSTON647@COMCAST.NET 503-969-3655

Received
AUG 20 20[illegible]
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

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The application must be denied/rejected by Washington County

Respectfully,

Names-

August 20, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

We are members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. Our farmers rely on well water for their farm operation. They grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety and noise compatibility. In addition, there appears to be a zoning conflict as that area is zoned AF-5 rural/farming, which does not allow industrial scale battery plants.

The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community. We respectfully request to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter.

Jim + Janey Baker

Jim & Janey Baker
1671 NE Greensword Dr.
Hillsboro, OR 97124

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Casefile/Project #L2500161-SU/DPLA
Date: Wednesday, August 20, 2025 2:40:10 PM
Attachments: 8-20-25 Letter to County.pdf

-----Original Message-----
From: Janey Baker <gmajaney@gmail.com>
Sent: Wednesday, August 20, 2025 2:32 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Casefile/Project #L2500161-SU/DPLA

Hello Maitreyee Sinha,

I have attached our letter expressing our opposition to the proposed Battery Energy Storage System facility. Thank you for your time and consideration of our opinion.

Sincerely,
Janey & Jim Baker

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] No to Jupiter Battery Facility
Date: Tuesday, August 19, 2025 12:28:32 PM

From: Jason Thompson <jasonneilthompson@gmail.com>
Sent: Saturday, August 16, 2025 5:51 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] No to Jupiter Battery Facility

I am writing in opposition to the building and placement of the proposed Jupiter Battery Facility. I want my opposition to go on record. Please do not move forward with this facility. Keep Hillsboro and Washington County beautiful. Thank you.

- **Zoning Conflict:** AF-5 rural/farm zoning does not permit industrial-scale battery plants.
- **Safety Risks:** Fire, toxic gas release, and inadequate rural emergency response.
- **Noise & Incompatibility:** 24/7 fan and inverter noise exceeds rural character standards.
- **Better Siting:** This project belongs in Hillsboro's industrial zones, not next to rural homes.

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery Plant Proposal
Date: Tuesday, August 19, 2025 12:16:53 PM

From: Jean Powers <jeanpowers.uu@gmail.com>
Sent: Tuesday, August 19, 2025 7:54 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery Plant Proposal

Dear Maitreyee,

I am writing in opposition to the proposed 10-acre battery plant near West Union Road. I am concerned about the proximity to homes. The zoning in that area is meant for farming and rural housing, and Washington County must prove that the plant is compatible with rural neighbors. The presence of this plant in a zone meant for farming and housing means neighbors will be subjected to the noise pollution and risk of toxic gas released in the case of a fire. I would like to know what plans have been made for firefighting and evacuation in the case of an emergency, and why this facility is not planned for an industrial zone. It seems the financial benefits from arbitrage will go to out-of-state investors, while local residents will bear the burden of the land-use impacts.

Thank you for taking these concerns into consideration.

Jean Powers

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Thursday, August 21, 2025 8:36:28 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Wednesday, August 20, 2025 7:26 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Wed, 08/20/2025 - 19:26

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Jeanine Fieldhouse

Address
9285 SW Inez St
Tigard, Oregon. 97224

Your Comments
I support this storage project is crucial because it enhances grid reliability, reduces reliance on fossil fuels, and helps to lower energy costs for the community.

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Opposition to Proposed BESS Development
Date:	Tuesday, August 19, 2025 5:14:01 PM

From: Jed Mitchell <jedfish@gmail.com>
Sent: Tuesday, August 19, 2025 4:58 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposition to Proposed BESS Development

Jed Mitchell and Christina Milano
3823 NE 8th Ave
Portland, OR 97212

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review / Current Planning
155 N 1st Ave, #350-13
Hillsboro, Oregon 97124

Casefile/Project #: L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and Zoning Change

Dear Maitreyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at **21393 NW West Union Road, Hillsboro, Oregon 97124**, which is currently zoned AF-5. The site is located adjacent to the Bendemeer Road Neighborhood, an area made up of many homes on small 1–2 acre parcels. It is also in close proximity to the residential area of Rock Creek, Liberty High School, Lennox Elementary, West Union Elementary, Touchstone Preschool and Daycare, as well as several businesses—including major employers such as UPS, Beaverton Foods, and Reser's Fine Foods.

While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and represent a major concern for nearby residents and the broader community.

We are proud members of La Finquita del Buho CSA, a small organic farm less than a mile from the proposed Energy Storage System. This farm is more than just land—it is a lifeline for over 400 people who depend on the fresh, healthy food grown here. Our farmers rely on clean well water to nurture the soil, care for the plants, and sustain the community they serve. Any risk of water contamination would not only devastate the farm, but also harm families, neighbors, and the local food system we all share.

Placing a large industrial battery facility so close to homes and farmland raises deep concerns about safety and the well-being of our community. This is not just a question of land use—it is a question of protecting the health of residents, the livelihoods of farmers, and the environment that supports us all.

We ask Washington County Planning and Development Services to put people and community first. Please reject this project application and instead seek locations that do not endanger families, farmland, or fragile ecosystems.

Thank you for listening to our voices and for considering what truly matters: the safety of our neighbors, the future of our farm, and the integrity of the place we all call home. A response and solution that protects the well-being of the community are anticipated.

Sincerely,

Jed Mitchell and Christina Milano

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

Jed Mitchell and Christina Milano
3823 NE 8th Ave
Portland, OR 97212

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review / Current Planning
155 N 1st Ave, #350-13
Hillsboro, Oregon 97124

Casefile/Project #: L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and Zoning Change

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Thank you for listening to our voices and for considering what truly matters: the safety of our neighbors, the future of our farm, and the integrity of the place we all call home. A response and solution that protects the well-being of the community are anticipated.

Sincerely,

Jed Mitchell and Christina Milano

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Wednesday, August 20, 2025 9:00:55 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Tuesday, August 19, 2025 4:57 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Tue, 08/19/2025 - 16:56

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Jed Mitchell

Email
jedfish@gmail.com

Address
3823 NE 8th Ave
Portland, Oregon. 97212

Your Comments
The proposed battery energy storage facility should not move forward. It poses too many risks for local farms, schools, houses and businesses. Please see attached letter for more information.

Attach Documents

- jrm_opposition_to_bess_facility.docx (7.88 KB)

Your Name: Jeff and Lisa Barnhart
Address: 7800 NW 212th Place
City: Hillsboro State: OR Zip: 97124

Received
AUG 25 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

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The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

Jeff & Cheryl Boden
7775 NW Cornelius Pass Rd.
Hillsboro, Oregon 97124
503-319-8037
wu.gardens@gmail.com

Received
AUG 19 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 18, 2025

Maitreyee Sinha
Senior Planner
Department of Land Use & Transportation
155 N First Ave, Ste 350
Hillsboro, OR 97124

Re: Case File: L2500161-SU/D/PLA - Proposed Jupiter Power Battery Facility

Dear Ms. Sinha,

My husband and I live and farm very near the location of this proposed facility. Our business, West Union Gardens, has been a part of the Hillsboro community since 1988. We are ***for* Hillsboro**, ***for* progress,** and ***for* our neighborhoods.**

We strongly oppose this project for the following reasons:

1. This property is not zoned for this type of use. AF-5 land and this kind of industrial project are not even remotely compatible.

2. To use an exception for "Utility Facility Necessary for Public Service" is unjustified.
   - This project is planned by a privately owned company. The market for this private company's services is for wholesale trading, NOT for public necessity or benefit.
   - Under the standard for this designation (430-105) a facility must meet compatibility with rural residential neighbors. *This standard cannot be met,* for reasons outlined in point 3.

Just because an exception is allowed does not mean it should be granted.

3. This is a totally inappropriate placement for this kind of facility, which would negatively impact residents of adjacent properties, and probably a wider area.

    - Home-owners immediately adjacent would be subject to **industrial-sized dangers in a non-industrial area**. While the risk of a fire may not be great, the effects of one would be devastating - not just to the immediate neighbors but also to farms and homes like ours who are within an area of impact.
    - Constant **operating noise** generated by the project would be enough to change the quality of "rural living" that comes with AF-5 zoning.
    - **Property values** in this old, historical area of small acreages would be depressed, unfairly wiping out the long-term investment values of property owners.

    This industrial installation should be placed in an industrial area.

4. The way in which this application is being handled by the County is mistaken at best. To all appearances it seems underhanded, with no regard for the reasonable process created for land use zoning and review.

    - No notice to the immediate neighborhood shows a total lack of concern for the people most affected.
    - Information about the project is not provided on the Washington County Project Comment Portal, where other Type II projects are shown. Why not?
    - There is no easy way for the public to comment on this application. The only way we know about it is because of a news report, giving what little information was available at the time. This is not how our local government should operate.

To be clear, we are not opposed to the growth of data and hi-tech companies in our community. We have nothing against the efficient provision of power by enterprising companies. **We simply believe that this project should only be built in an industrial zone, not in a rural, small property neighborhood.**

We request that you either **deny** this application or **restart this application as a Type III review.** If it is approved under a Type II project, we will join an appeal.

Sincerely,

Cheryl + Jeff Boden

Jeff & Cheryl Boden

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Proposed Jupiter Battery Facility
Date: Thursday, August 21, 2025 8:04:34 AM

-----Original Message-----
From: Jen Lin <jentamlin@yahoo.com>
Sent: Thursday, August 21, 2025 6:31 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Proposed Jupiter Battery Facility

Dear Maitreyee Sinha,

I am writing in regards to the proposed battery energy storage system ("battery facility") in Washington County that will be located on West Union and Old Pass Rd. The proposed site is very close to my local farms and schools. My daughter has soccer practices at Liberty High School and I would be concerned with her safety being in close proximity. I am a frequent patron of West Union Gardens and La Finquita del Buho CSA. These farms are located about 1 mile away from the battery facility. I wonder if the battery facility would contaminate the ground water and thus the food I buy. Also in close proximity is Lenox Elementary School, Touchstone Preschool/Daycare and a dense residential area. I live 3 miles away from the proposed site.

I am very concerned about how this battery facility will affect my community. Particularly is the battery facility safe? What are the risks it poses to my community?

Will locating Lithium Ion batteries or other type that will be used amongst zoned farmland create a big fire hazard? Will the battery facility compound the already fragile situation where Oregon is struggling to find funding to combat wildfires? Are there safeguards and other resources in place in case the batteries on 10-acres were to ignite? How much more will Washington County need to spend to make the area safe with the battery facility? Is the ecological landscape continue to be as it was (pollinators and other unseen aspects)? Is there another location (away from farmland and children-centric facilities) to situate the battery facility that would pose less harm?

There are many questions that remain to be answered and many causes for alarm. I would encourage you to put the safety and welfare of our community first. Please do not approve the battery facility.

I appreciate the work that you do to serve our community. Thank you for your consideration.

Sincerely,
Jennifer Lin
16737 NW Canton Street
Portland, OR 97229
(503)330-2454
jentamlin@yahoo.com

Sent from my iPhone

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

Your Name: Jenny Junwoo
Address: 21001 NW Old Pass Rd
City: Hillsboro State: OR Zip: 97124

Received
AUG 20
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchtone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Fire water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release hazardous fumes and

chemicals into the air, according to Alsym Energy. The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Developing Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Developing Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

From: LUT Development
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Friday, August 22, 2025 12:18:04 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 11:03 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 11:00

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Jessica Martinez

Email
jessica.lee.martinez@gmail.com

Address
20581 NW Old Pass Rd
Hillsboro, Oregon. 97124

Your Comments
I am writing to voice my strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road, Hillsboro, Oregon 97124 (zoned AF-5). I urge Washington County Planning and Development Services to reject this application and instead pursue alternative sites in areas zoned and designed for industrial use, where risks can be better contained and public safety is not compromised.

Attach Documents

- l2500161_jmartinez-letter.pdf (305.94 KB)

Jessica Martinez
20581 NW Old Pass Road
Hillsboro, Oregon 97124

August 21, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transport
maitreyee_sinha@washingtoncountyor.gov

Casefile: L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,
I am writing to voice my **strong opposition** to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road, Hillsboro, Oregon 97124 (zoned AF-5). This site lies directly adjacent to my neighborhood, outside the Urban Growth Boundary, and alarmingly close to Rock Creek, Liberty High School, West Union and Lennox Elementary Schools, Touchstone Preschool and Daycare, and numerous businesses within the UGB. While I support renewable energy, the risks of this project in such close proximity to homes, schools, and businesses are **unacceptable**.

Public Health and Safety Risks

- **Groundwater contamination:** Local families, including mine, rely on private wells for drinking water. The potential release of toxic metals such as lithium, cobalt, nickel, and manganese due to fire, explosion, or leakage would have devastating, long-term consequences for health, safety, and property values.

- **Fire hazards:** Lithium-ion battery storage facilities are known for the risk of thermal runaway, explosions, and uncontrollable fires that burn at extreme temperatures and release hazardous fumes.

- **Insufficient emergency response:** According to Fire Marshal Steve Forster of TVFR (503-529-1429), these fires cannot be extinguished and only managed by flooding the surrounding area. This is not a reassuring safeguard for a facility so close to families and schools. There are numerous cases of BESS facility fires that have caused nearby evacuations and harm to their surrounding neighborhoods.

Community and Environmental Impacts

- **Property values:** The presence of a high-risk industrial site in a residential area would almost certainly reduce property values and deter future investment.

- **Quality of life:** Noise, disruption, and environmental stress from the facility's operations, lights and cooling systems would erode the peaceful character of the neighborhood and harm local wildlife.

Moral Concerns
Beyond the environmental and safety risks, it is also troubling that this project involves partnerships with BlackRock. Doing business with BlackRock raises serious ethical concerns given the company's record of prioritizing profits over communities, the environment, and sustainability. This relationship further undermines public trust and calls into question the motives behind placing such a facility in a vulnerable residential area.

The proposed location is fundamentally inappropriate. Placing a BESS facility within the neighborhood and next to schools and small businesses disregards community safety and environmental integrity.

I urge Washington County Planning and Development Services to **reject this application** and instead pursue alternative sites in areas zoned and designed for industrial use, where risks can be better contained and public safety is not compromised.

Furthermore, this proposal must be opened to a public hearing. It is unacceptable that a project of this scale, with such serious implications for the health, safety, and property of surrounding residents, has not yet undergone full public review. My neighbors and I deserve a transparent process where our concerns are heard before any decision is made.

Thank you for your time and thoughtful consideration. I look forward to a response that reflects the community's best interests.

Sincerely,

Jessica Martinez

Your Name: JESUS MARTINEZ
Address: 20875 NW OLD PASS RD
City: ~~LOS ANGELES~~ HILLSBORO State: ~~TEXAS~~ OR Zip: ~~90063~~ 97124

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

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- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.

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The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Developing Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

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Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Wednesday, August 20, 2025 8:59:16 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Tuesday, August 19, 2025 4:29 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Tue, 08/19/2025 - 16:29

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Jevin Morris

Email
jevinmorriswriter@gmail.com

Address
4440 se 26th avenue
Portland, Oregon. 97201

Your Comments
Although I live away from Hillsboro, I frequent the area and am disheartened to see that this project could potentially come to pass. Seeing the impact that data centers have had on other areas, it seems this project is not a good fit for the area it is proposed for. The risk to the neighborhood's safety is my chief concern.

Your Name: Jim & Lucy Hrysyzen
Address: 7444 NW 212th Pl
City: Hillsboro State: OR Zip: 97124

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

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hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
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The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] 10 -acre Jupiter Battery Facility
Date:	Thursday, August 21, 2025 10:39:38 AM

From: JOANNE TAYLOR <jojotay1012@gmail.com>
Sent: Thursday, August 21, 2025 10:39 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] 10 -acre Jupiter Battery Facility

Maitreyee,

I am writing to you with my **concerns for this project.** I live in the Rock Creek neighborhood which is approximately 1.1 miles from the proposed plant.
As it turns out I am approximately 1.5 miles from Fred Meyers located on Imbrie Drive. In the late evenings when it is quiet I can hear the hum of the machines cleaning Fred Meyers parking lot. If I can hear that I know I will be hearing the **noise from the multiple huge cooling fans running 24/7 of the proposed project.**

My other **concerns** are:

SAFETY RISKS:

- **The toxic gas release, and inadequate rural emergency response.**

ZONING CONFLICT:

- **AF-5 rural/farm zoning does not permit industrial-scale battery plants.**

NOISE & INCOMPATIBILITY:

- **24/7 FAN & INVERTER NOISE EXCEEDS rural character standards.**

CONSTRUCTION SITE:

- **This project belongs in Hillsboro's industrial zones, NOT next to rural homes.**

PROPERTY VALUES:

- **This project will impact the surrounding property values for sure. Would you want this project in your backyard?**

Respectfully submitted,

JoAnne Taylor
20787 NW Quail Hollow Drive
Portland, OR 97229
360-903-4014

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] 10 acre battery facility
Date: Tuesday, August 19, 2025 12:28:13 PM

-----Original Message-----
From: Jodie Loeks <jodie.loeks@gmail.com>
Sent: Friday, August 15, 2025 9:18 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] 10 acre battery facility

Hi there,

I am a long time resident of the Hillsboro area, grew up in Helvetia - graduated Sunset High School and I still live in Washington county. I'm not sure what you are thinking by adding more industry to such a beautiful area that is now full of server farms and such. This is atrocious. I'm a HUGE No!!!!!!

Please stop!!!!
Jodie

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] ZONING CONFLICTS, NO HEARING
Date: Wednesday, August 20, 2025 11:40:13 AM

From: Joe Casper <casperjmc@gmail.com>
Sent: Wednesday, August 20, 2025 11:14 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Cc: Board of County Commissioners <BCC@washingtoncountyor.gov>
Subject: [EXTERNAL] ZONING CONFLICTS, NO HEARING

Dear Washington County Planning,

I am writing to oppose the proposed 10-acre Jupiter/Black-berry Grove Battery Energy Storage Facility planned for the

AF-5 zone at NW West Union Road.

This project should not be processed as a Type Il decision.

The County's own rules require facilities like this to go through a Type Ill review with a public hearing, so that effected neighbors can testify and decision-makers can properly consider compatibility with surrounding homes and farm and.

This is not a small utility. It is an industrial-scale battery plant with noise, safety, and land-use impacts far beyond what AF-

5 zoning was intended to allow. Processing it as a Type lI wrongly denies the community a public hearing.

Reclassify this project as a Type Ill and schedule a public hearing.

Require the applicant to demonstrate full compatibility with AF-5 zoning and nearby residents.

Reject the application if it cannot meet these standards.

Please accept this letter as my official comment on the record.

I have watched this county be destroyed by all the high tech and data farms all while destroying our farm land. I don't know why the county doesn't listen to the residents. We do not need anymore high tech and especially battery storage facilitates on our farm land. Did you all see the fire in California last year?

Joe Casper
casperjmc@gmail.com
503-705-1979

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] ZONING CONFLICTS, NO HEARING (1)
Date:	Wednesday, August 20, 2025 2:46:15 PM

From: Board of County Commissioners <bcc@washingtoncountyor.gov>
Sent: Wednesday, August 20, 2025 12:24 PM
To: Mary Hartshorn <Mary_Hartshorn@washingtoncountyor.gov>
Subject: Fwd: [EXTERNAL] ZONING CONFLICTS, NO HEARING (1)

———————— Forwarded message ————————

From: Joe Casper casperjmc@gmail.com

Date: Aug. 20, 2025 11:14am

Subject: [EXTERNAL] ZONING CONFLICTS, NO HEARING

To: maitreyee_sinha@washingtoncountyor.gov

CC: bcc@washingtoncountyor.gov

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503-705-1979

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Your Name: Joe MARTINEZ
Address: 20533 Old Pass RD.
City: Hillsboro State: OR Zip: 97124

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Formal Argument Letter (for filing with Washington County before Aug. 21)

Your Name: John & Sharon Bauman
Address: 20889 NW Old Pass Rd
City: Hillsboro State: OR Zip: 97124
email/phone 503- 888-9871

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. Its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Names-

Your Name: John & Sharon Bauman
Address: & 20889 NW Old Pass Rd
City: State: Zip:
Hillsboro, OR 97124

email/phone

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Name Jack R Baarman

Address

Your Name: JOHN R BAUMAN
Address: 20979 G C PASS RD.
City: HILLSBORO State: OR Zip: 97124

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchtone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Fire water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release hazardous fumes and

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- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Developing Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Developing Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

John R Bauman
Sharon Bauman

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Fwd: inappropriate land use
Date: Thursday, August 21, 2025 8:04:40 AM

From: John Hamilton <trackxtry@gmail.com>
Sent: Thursday, August 21, 2025 6:31 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Fwd: inappropriate land use

It seems pretty clear to me that the proposed lithium battery site at old cornelius pass road is not currently allowed. The property is not zoned for that usage. It would seem that common sense would require a facility like that to lbe ocated much further from any residential areas. I vote no.
John Hamilton 19837 nw rock creek drive

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] inappropriate land use
Date: Thursday, August 21, 2025 5:54:03 AM

From: John Hamilton <trackxtry@gmail.com>
Sent: Wednesday, August 20, 2025 9:56 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>; John Hamilton <trackxtry@gmail.com>
Subject: [EXTERNAL] inappropriate land use

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Need to reconsider!!!
Date: Thursday, August 21, 2025 11:49:03 AM

From: John Hembroff <john@hembroff.net>
Sent: Thursday, August 21, 2025 11:46 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Need to reconsider!!!

I am strongly opposed the battery facility proposed for West Union Road. We have State environmental regulations that seem to oppose such a facility in farm, residential areas.

Lithium battery storage facilities pose several dangers including fire and explosion risks, toxic gas and runoff, and potential environmental contamination.

We must not allow for building a battery facility on agricultural and farmland! There is plenty of industrial land available to site this project.

I will be joining many of my neighbors to oppose this at your upcoming hearing.

John Hembroff
503.701.5450
"In the end, nobody ever says they wish they hadn't pet so many dogs."

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Battery Energy Storage System proposed at the corner of West Union and Old Cornelieus Pass Roads
Date:	Thursday, August 21, 2025 3:53:55 PM

From: John Hinshaw <drjohn999@gmail.com>
Sent: Thursday, August 21, 2025 3:12 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery Energy Storage System proposed at the corner of West Union and Old Cornelieus Pass Roads

Dear Ms. Sinha,

I recently became aware of plans to obtain county planning approval for a BESS at the above mentioned address. I reside less than one mile from that location, and have been a resident there since 2002.

I am writing to express my concerns about this project. I am a former electrical power generation, transmission, and distribution engineer, retired just this year. I am aware of the benefits of such power storage facilities for levelling load fluctuations, having worked in pumped hydraulic storage facilities in the past. I support the application of power storage and agree with the benefits it provides to industrial operations such as Intel's facility and the various large-scale computing installations in the area.

My concerns about this BESS project are

1. The proposed facility would be in conflict with the current AF-5 zoning of the site.

2. The installation would impose unwarranted noise plus potential fire and toxicity hazards there.

3. There is no sound technical reason for the BESS to be located in close proximity to a particular substation such as the one on the south side of West Union Road adjacent to the proposed BESS site.

It is my opinion that the BESS would be better located closer to the industrial facilities that would benefit from it. Such a location would be in compliance with zoning regulations, and it would not impose additional noise, fire, and toxicity beyond existing hazards.

Thank you for your consideration,

Dr. John Hinshaw, PhD.
drjohn999@gmail.com
971 867-4144

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] upiter/Black-berry Grove Battery Energy Storage Facility planned for the AF-5 zone Comments
Date:	Thursday, August 21, 2025 10:30:38 AM

From: John Stone <John@pacificmarinedist.com>
Sent: Thursday, August 21, 2025 10:03 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] upiter/Black-berry Grove Battery Energy Storage Facility planned for the AF-5 zone Comments

Dear Ms. Sinha & Washington County Planning,

I am writing to oppose the proposed 10-acre Jupiter/Black-berry Grove Battery Energy Storage Facility planned for the AF-5 zone at NW West Union Road.
This project should not be processed as a Type II decision. The County's rules require facilities like this to go through a Type III review with a public hearing, so that affected neighbors can testify and decision-makers can properly consider compatibility with surrounding homes and farmland.
This would be an industrial-scale battery plant with noise, safety, and land-use impacts that the community should be able to have a say on. Please reclassify this project as a Type III and schedule a public hearing.

Please accept this letter as my official comment on the record.
Thank you,
John Stone
President, Save Scholls

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

Your Name: Joseph C. Suppes
Address: 6223 SE Polaris Way
City: Hillsboro State: OR Zip: 97123

Received
AUG 25 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

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The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

August 18, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave 3350-13
Hillsboro, OR 97124

Casefile/Project #L2500161_SU/D/PLA

Subject: Strong Opposition to Proposed Batter Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Maitreyee Sinha,

I am writing this letter to you as an employed Washington County resident who is very concerned about the (BESS) that is proposed to be built in a clearly rural/residential area.

While I am truly pro-business for the economic success of Washington County, I am just as committed to the ethical use of land for the health of established families and farms that support people, and (in this case) the premature expansion of a dangerous and toxic site into nature itself.

My father was involved in land planning and taught me from a young age to keep strong growth boundaries; manage land in a way that that is prudent for the common good both for business, people, and nature for now and into the future.

This newly proposed deal disrespects and is caustic to people and land planning from the start. The fact that zoning would have to be changed for this deal should tell us there is a big problem from the beginning. Not to mention the ethical intentions and kind of neighbors they will be if Jupiter Power, LLC who seek to "sneak" their battery facility into an area that is vulnerable and/or offensive on many fronts.

Not to propose a slippery slope argument here, but this decision could also set a precedent to have noxious facilities built in my back yard and yours! There are plenty of more appropriate industrial sites where their battery facility would work well. It's time to make a responsible decision here. The response to Jupiter Power straightforward: "Please take your battery facility to an industrial area now."

Thank you, Maitreyee Sinha, for your patience in reading this letter and respect for the right decision here,

Joe Suppes, Washington County resident

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] BESS
Date: Thursday, August 21, 2025 5:16:04 PM

-----Original Message-----
From: Judy Schilling <jeschilling@yahoo.com>
Sent: Thursday, August 21, 2025 4:41 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] BESS

I just read about the proposed 10 acre industrial development for BESS and am opposed to siting an industrial facility in designated farm land. There are potential dangers not compatible with the surrounding area. Plus very few people have been informed about this, which seems to be coming more and more common with this County Commission. The voters should decide whether this is an acceptable project for rural Washington County.
Judy Schilling
Gaston, OR

Sent from my iPad

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Your Name: Julie Garcia
Address: 7331 NE Nelly St.
City: Hillsboro State: OR Zip: 97124

Received
AUG 19 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Julie Garcia

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Opposition to Planned Construction of Industrial Facility in Rural Hillsboro
Date: Thursday, August 21, 2025 11:39:58 AM

From: Jun Maruyama <jun.t.maruyama@gmail.com>
Sent: Thursday, August 21, 2025 11:24 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposition to Planned Construction of Industrial Facility in Rural Hillsboro

Hi,

I'm writing this email to share concerns about the planned construction of a Jupiter Power LLC battery facility in rural Hillsboro.

These concerns include:

- Zoning conflict: AF-rural/farm zoning does not permit industrial-scale battery plants
- Safety risks: fire, toxic gases release and inadequate rural emergency response
- Noise & incompatibility: 24/7 fan and inverter noise exceeds rural character standards
- Better siting: this project belongs in Hillsboro's industrial zones, not next to rural homes

I'm writing this email in opposition to this planned project. The environmental impacts are also of concern to me. Land needs to be respected and honored.

Thank you for your time and consideration.

Jun

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] AF-5 rural/farm Zone Battery Farm
Date:	Tuesday, August 19, 2025 12:24:53 PM

From: Justin Juan <justinjvincent@gmail.com>
Sent: Sunday, August 17, 2025 10:47 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] AF-5 rural/farm Zone Battery Farm

To whom it may concern:

I'm writing you with concerns regarding plans to construct a large battery farm at the corner of NW West Union Road and NW Old Pass Road. I'm not inherently against the use of such technology for the sake of grid strengthening, but I believe the placement of this facility, so close to residential areas, is questionable given the risk of Lithium Batteries combusting in extreme conditions such as wildfires which do threaten our communities regularly. I think it would be prudent to release a thorough report of the risks to the community before proceeding and consider requiring the project to relocate to an area that's more appropriately zoned for industrial use.

Thank you for your time,

Justin Juan
Aloha, OR
(503)616-1904

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] BESS Facility and Zoning change
Date: Tuesday, August 19, 2025 12:25:33 PM
Attachments: BESS Facility and Zoning change.pdf

From: Justine Ellis <justineellis1111@gmail.com>
Sent: Sunday, August 17, 2025 8:09 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] BESS Facility and Zoning change

Dear Maitreyee,
Attached you will find my signed letter in opposition of the current planning of a Lithium Battery Storage facility in the West Union area of Hillsboro.
Please consider the needs and concerns of the current residents and businesses and don't allow this dangerous facility to be built.
I was born and raised in Hillsboro and attended one of the grade schools near the proposed site, West Union Elementary. I have witnessed far too much change in Washington County, specifically Hillsboro, through my 66 years and it is disgusting how this quaint area has become overrun by industry. Prime, fertile farmland covered with concrete, pavement and buildings, no longer producing the very things that sustain life, Farmers!
Please read "our" letter and reconsider this crucial decision you are about to make.
Thank you for your time,
Justine R Ellis

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Your Name: Justine R Ellis
Address: 221 NE Evergreen Rd.
City: Hillsboro State: OR Zip: 97124

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
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- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.

- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Justine R Ellis

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] I oppose the Jupiter Power 10-acre battery plant being proposed in rural Washington County
Date:	Tuesday, August 19, 2025 12:18:30 PM

From: Kaisa Leberg <kaisaleberg@gmail.com>
Sent: Monday, August 18, 2025 6:56 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] I oppose the Jupiter Power 10-acre battery plant being proposed in rural Washington County

To Whom It May Concern,

As a Washington County resident, I am opposed to the 10-acre industrial battery plant being proposed in rural Hillsboro.

First of all, the site is currently zoned AF-5, Agricultural and Forest with 5-acre minimum lots. An industrial-scale battery plant is NOT an agricultural or forest endeavor.

Second, I understand the application is being processed under the "utility facility" use exception. I do not understand how an industrial-scale battery plant can be considered a utility facility.

Third, while lithium battery failures are rare, when they do occur, they produce toxic plumes of hydrogen fluoride and other gases. And, in fact, Hillsboro has already experienced a lithium battery fire this year – one that the local fire department was unable to extinguish!

Finally, the 45-60 dBA noise pollution from the cooling fans and inverters that run 24 hours a day 7 days a week is unacceptable in a residential area. That's what industrial parks are for.

Please do not allow this project to move forward.

Thank you for considering my concerns,

Kaisa Leberg

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Proposed battery plant at NW West Union Rd and NE Old Pass Rd
Date: Thursday, August 21, 2025 5:54:28 AM

-----Original Message-----
From: Karen Kranz <kk_mccoy_1@msn.com>
Sent: Thursday, August 21, 2025 3:23 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Proposed battery plant at NW West Union Rd and NE Old Pass Rd

Dear Maitreyee Sinha:

Thank you for taking the time to read my comments and concerns regarding the proposed 10 acre Jupiter Battery Facility.

My name is Karen Kranz and my home is located in Rock Creek just a few blocks from the proposed site. I have owned the home since 1997 and raised my family here.
Lenox Elementary School is in Rock Creek, which one of my sons attended, and the building and playground are in close proximity to the proposed site as well.

Perhaps you have heard from, or will be hearing from others besides myself, with some serious concerns about placing this battery facility in the proposed location.

First and foremost, such a facility belongs in an industrial area, not in a residential one.

If placed in an industrial zoned area, then proper fire and emergency systems can be properly planned for. Risks to the lives and safety of citizens in a residential zone is too high should a plant accident occur.
Toxic gases, not only fire, are a real concern to humans, animals and the overall environment.

The constant 24/7 noise level emitted from battery facilities is another factor which is not appropriate near homes, apartments, condos, golf courses and schools.

As a senior planner, I know you are extremely busy, so thank you again for your kind attention to these valid issues. As a homeowner, resident and voter I truly appreciate your time since there is no public forum at which to address them.

Best regards,
Karen Kranz

Sent from my iPhone

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

Your Name: Kari Suppes
Address: 6223 SE Polaris way
City: Hillsboro State: OR Zip: 97123

Received
AUG 25 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

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hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
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- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well being of the community are anticipated.

Sincerely,

Kari A. Suppes

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter Power facility on farmland
Date: Tuesday, August 19, 2025 9:57:32 PM

From: Karl S <kfshl12@gmail.com>
Sent: Tuesday, August 19, 2025 6:41 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter Power facility on farmland

Put my comments in the review record and I demand standing for all future reviews on this project.

This should not be a Level 2 review process since rural/farm zoning clearly does not permit industrial facilities like the proposed battery plant.

I formally object to this project and the process being used to review it.

Karl Swanson

12085 SW King Richard Dr

King City, OR 97224

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From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Friday, August 22, 2025 12:22:13 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 3:28 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 15:13

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Karla Hennebold

Address
prefer not to give address
North Plains, Oregon. 97124

Your Comments
Please see attached PDF file.

Attach Documents

- blackberrygrovehennebold.pdf (1.36 MB)

August 18, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13
Hillsboro, OR 97124

Casefile/Project #L2500161-SU/D/PLA

RE: Strong Opposition to Blackberry Grove Battery Energy Storage System (BESS)

Dear Maitreyee Sinha,

We strongly oppose the proposed creation of a Battery Energy Storage System (BESS) at 21393 NW West Union Road in Hillsboro, Oregon. The proposed development violates the intent and purpose of the AF-5 zoning as defined in the section 348-1 of the Washington County Community Development Code (CDC). The purpose of this zoning is to retain the area's rural character and conserve the natural resources and to promote agricultural and forest uses on small parcels in the rural area while recognizing the need to retain the character and economic viability of the agricultural and forest lands. The proposed location of the BESS is 9.5 acres, which is the largest plot in the zone, representing 7% of the total acreage of the zone. Converting this plot into 9.5 paved acres of permanent battery storage with a 600 ft. long sound barrier wall will result in a significant, irreversible change to the character of the zone.

Additionally, the proposal to develop a battery storage facility violates the definition of the AF-5 Zoning for this site and neighborhood because AF-5 does not allow storage facilities. Other zoning definitions such as IND do allow for storage facilities. The proposal also includes a 10-12 foot tall sound barrier wall, which exceeds the AF-5 zoning fence height limitation of 8 feet.

There are several safety concerns that deem the project inappropriate for construction in close proximity to a neighborhood of homes. Of note, there have been several BESS sites with fires in both New York and California. The Moss Landing fire in California in January 2025 burned for days causing significant damage due to the release of toxic gases, and heavy metal contamination of soil and water of the surrounding area up to 46 miles from the BESS site. These types of BESS facilities have a track record of toxic fires even within the last few months, indicating the industry is not mature enough to have the safety planning needed in the vicinity of a neighborhood. And locally here in Hillsboro this spring, a small scale lithium battery fire at Digital Realty Data Center burned for hours with TVFR unable to put out the fire but rather just containing it, illustrates the lack of ability to minimize risk from these types of fires on a larger scale that a BESS facility could experience. Jupiter Power does not even plan an onsite 24-7 personnel presence to monitor for fire in case thermal runaway develops. This project should be located further from homes, in other zones such as FD-20 or I-S.

Another safety concern is the potential for well water contamination. The community surrounding the proposed facility is dependent on well water. The potential for contamination from chemical spillage from these structures as they age over time are unknown but likely to occur when extrapolating from the current known risks of disposal and recycling of lithium batteries.

Finally, this project should not be processed as a Type II decision. County rules require facilities like this to go through a Type III review with a public hearing, so that affected neighbors can testify and decision makers can properly consider compatibility with surrounding homes and farm land. Therefore, we urge the Department of Land Use and Transportation to reject the application for the Blackberry Grove BESS site.

Respectfully,

Karla Hennebold
Washington County Resident

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Opposition to the Jupiter Battery Plant
Date:	Wednesday, August 20, 2025 9:44:36 AM

From: Kathleen LaFlamme <laflamme.kathleen@gmail.com>
Sent: Wednesday, August 20, 2025 8:49 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposition to the Jupiter Battery Plant

We are writing to oppose Washington County's approval for the proposed 10-acre Jupiter Battery Facility under a Type II review. This plant belongs in an industrial zone, not next door to houses. It also conflicts with AF-5 rural/farm zoning that does not permit industrial-scale battery plants. Use of the "Utility Facility" exception is a questionable method of getting approval.The plant will pose a safety risk for area residents for fire, toxic gas release and inadequate rural emergency response capability. The 24/7 fan and inverter noise are incompatible with a neighborhood setting and exceed rural character standards.

With no public hearings planned and only written comments submitted by August 21, 2025 before 4:00 p.m. received in your office, you are rushing a process which seems suspicious. The public, especially Rock Creek are residents, deserves more information and the right to be meaningfully heard. That process appears to be an overreach of authority and lacking in Oregon integrity, ethics and care for citizen's rights.

Please reconsider this approval without public hearings. The people affected need more information and deserve an opportunity to raise concerns.

Thank you,
Kathleen LaFlamme

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Your Name: Kathy George
Address: 20767 NW Old Pass Rd
City: Hillsboro State: OR Zip: 97124
email: clawmom@gmail.com

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

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The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

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- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Kathy L George

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Oppose 10-acre Jupiter Battery Facility
Date: Tuesday, August 19, 2025 12:28:20 PM

-----Original Message-----
From: Kathy Small <kathyb417@gmail.com>
Sent: Friday, August 15, 2025 9:55 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Oppose 10-acre Jupiter Battery Facility

As a native Oregonian raised in Hillsboro, I oppose the Black Rock funded Jupiter Power battery facility in rural Hillsboro.

Enough is enough! Too much prime farm land has already been developed into data centers and other large factories consuming an alarming amount of utilities and providing minimal jobs or other value to local residents.

In addition this specific project negatively impacts the quality of life and property value to neighbors who intentionally bought property and housing in this rural area.

Other negative and unacceptable impacts are: the known and documented toxic gas and fire risk; noise pollution; and the blatant disregard for approved land zoning that you are negligently bypassing.

No one except the financiers and large corporations want this. Our voices and opinions matter!

Thank you, Kathy

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Casefile L2500161- SU/D/PLA
Date:	Thursday, August 21, 2025 4:32:14 PM

From: Kt and Uncle Tone <ktntony@comcast.net>
Sent: Thursday, August 21, 2025 3:59 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Casefile L2500161- SU/D/PLA

Written Testimony Regarding Jupiter Battery Storage Facility
Casefile L2500161- SU/D/PLA

Dear Maitreyee Sinha, Senior Planner

Please accept these comments for the above referenced casefile.

We respectfully submit this testimony in opposition to the proposed Jupiter Battery Storage facility on farmland zoned AF-5. This proposal is being improperly characterized as a “Public Utility” to justify siting in agricultural zoning. It is a private, for-profit industrial energy storage project operated by BlackRock/Jupiter Power.

This facility is not compatible with the surrounding land uses outlined by Washington County land use code, which are family homes, farms, and natural spaces. It introduces an industrial use into a residential and agricultural setting without adequate protection or justification or consideration of the existing tenants.

1. AF-5 Zoning and Public Utility Mischaracterization
Washington County’s AF-5 zone is intended to protect agricultural and rural residential uses. Allowing a utility-scale lithium battery installation on this land contradicts both the spirit and the letter of AF-5 protections.
The applicant’s attempt to classify this facility as a “Public Utility” is misleading. A public utility typically provides essential services (water, electricity distribution, sewer) directly to the public under state regulatory oversight. This facility does not provide power directly to local residents.
It is a wholesale merchant operation, buying power at low-cost times and reselling at peak times for profit.
That is industrial commerce, not a utility service.

2. Incompatibility with Surrounding Homes and Community Safety
The proposed project site is surrounded by residences and farmland. Families live directly adjacent to this location, with no buffer of industrial zoning.
Lithium-ion battery energy storage systems (BESS) are high-hazard installations. Documented risks include:
- Thermal runaway fires that burn for days.
- Toxic off-gassing of hydrogen fluoride and other chemicals.

● Explosion risk from cascading cell failures.
These hazards make the project incompatible with residential settings. Unlike a typical structure fire, lithium BESS fires cannot be extinguished with water or foam; they must burn out while releasing toxic smoke.
Local fire departments in Washington County are not equipped to suppress or contain a full-scale BESS fire of this magnitude. At best, they can cordon off the site and wait for it to burn out.

3. Documented BESS Fire Incidents in the U.S.
Contrary to industry assurances, BESS fires have already occurred across the U.S., with serious outcomes:
● McMicken BESS Fire – Surprise, Arizona (2019): Explosion injured four firefighters. The facility was offline for years and prompted national safety reviews. APS (Arizona Public Service) ultimately faced lawsuits and paid millions in damages and settlements tied to the fire's impacts and injuries.
● Moss Landing Energy Storage Facility – California (2021 & 2022): Two separate thermal runaway incidents caused massive smoke releases and shut down hundreds of megawatts of storage.
● Victaulic Facility – New York (2023): A 5 MW BESS fire burned uncontrolled, prompting evacuations.
● Bridgewater, South Australia (2023, international but relevant): Tesla Megapack fire took three days to extinguish, releasing toxic gases despite top-tier fire suppression systems.
Each of these cases shows that even state-of-the-art BESS facilities experience catastrophic failures. Outcomes have included explosions, toxic smoke plumes, firefighter injuries, community evacuations, and significant legal liability for the operators.

4. More Suitable Locations Exist
Washington County and the City of Hillsboro already have extensive industrial-zoned land near:
● The Intel Ronler Acres campus,
● Hillsboro Technology Park Drive,
● The Evergreen and Helvetia Road industrial corridors.
● Hillsboro owns hundreds of acres of land along Meek Road and Sewell Road, and major substations are already available.
These areas have:
● Wide industrial buffers,
● Proximity to substations,
● Emergency response resources,
● No immediate residential exposure.
There is no public policy justification for siting this dangerous facility in an AF-5 zone when suitable industrial land is abundant.

5. Accountability for Damages
Given the devastation to property, farmland, and community health documented in past BESS fires, I request that if Washington County considers approval of this project, a clear and binding condition must be imposed:

BlackRock/Jupiter Power must be financially liable for all damages caused to surrounding property owners, farmland, and public resources in the event of a fire, explosion, or toxic release.
This condition must include full compensation for destroyed homes, crops, livestock, and long-term land contamination.
The Arizona McMicken case demonstrates the scale of liability when such facilities fail: APS faced lawsuits, lengthy investigations, and multimillion-dollar payouts after its BESS explosion. Washington County must ensure that no such costs are ever shifted onto local residents or taxpayers.
Conclusion and Plea for Proper Process

The Jupiter Battery Storage project:
● Misuses the “Public Utility” definition,
● Violates the intent of AF-5 zoning,
● Endangers surrounding families and farmland,
● Exposes Hillsboro to risks demonstrated in real-world BESS fires,
● And could be located in safer, industrially zoned areas nearby.

Finally, I urge Washington County to recognize that there has been substantial public outcry regarding this proposal. It is wholly inappropriate for a decision of this magnitude, with life-safety, environmental, and land use consequences, to be resolved under a Type II administrative process behind closed doors.
This project must be elevated to a Type III Public Hearing, where the people most affected can be heard, where transparency can be assured, and where the County can demonstrate equitable engagement with its residents.

Respectfully submitted,

Anthony John Gomez Silva
Katie Lynne Gilbertson
Washington County Resident Adjacent to the Proposed Facility

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] battery storage facility
Date: Friday, August 22, 2025 9:10:12 AM

From: Katie Miranda <katie@katiemiranda.com>
Sent: Friday, August 22, 2025 8:48 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] battery storage facility

Please halt the discussion of the battery storage facility. The zoning for the proposed location is Farm use, not industrial use. Why is the county is considering breaking its own rules to house a facility with toxic noise and chemicals?

-Katie Miranda

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Formal complaint about the battery plant.
Date: Tuesday, August 19, 2025 12:27:47 PM

From: Katie Von Schuessler <kvonschu@gmail.com>
Sent: Sunday, August 17, 2025 2:01 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Formal complaint about the battery plant.

I absolutely do not want a battery plant coming into hillsboro especially on land that is for farming.
https://hillsboroherald.com/energy-giant-proposes-10-acre-battery-facility-in-rural-hillsboro-next-to-homes/

Zoning Conflict: AF-5 rural/farm zoning does not permit industrial-scale battery plants.

Safety Risks: Fire, toxic gas release, and inadequate rural emergency response.

Noise & Incompatibility: 24/7 fan and inverter noise exceeds rural character standards.

Better Siting: This project belongs in Hillsboro's industrial zones, not next to rural homes.

-Kathryn Von Schuessler
Local hillsboro resident

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Opposition to 10-acre Battery Energy Storage System (BESS) facility on farmland-zoned property
Date:	Tuesday, August 19, 2025 12:35:23 PM

From: Kelci Walker <kelcijowalker@gmail.com>
Sent: Saturday, August 16, 2025 8:43 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposition to 10-acre Battery Energy Storage System (BESS) facility on farmland-zoned property

Hi there,

I'm writing to you today to voice my opposition to the proposed 10-acre Battery Energy Storage System by Jupiter Power. This proposal is very concerning and unethical. They are wanting to do this on farmland-zoned land in conflict with AF-5 zoning. Not only does this proposal conflict with the original purposes of the land, but it's not going to bring anything to the community like the land is intended for. On top of that, there are many safety risks involved with such an operation being so close to many other homes and farms including fire hazards and toxic gas releases. The noise of these batteries operating 24/7 would exceed the standards set for the area and disrupt the current peace established there. I don't believe this operation should be allowed anywhere as it's privatizing utilities and pushing the cost to the citizens, but at the very least, this operation belongs in a designated industrial zone, not a farmland zone.

I appreciate you taking the time in reading my concerns and hope that you will make the right decision to deny this proposal.

Best Regards,

Kelci Walker, a concerned Hillsboro resident

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Your Name: Alex + Brittany Kelley
Address: 7595 NW 214th Pl
City: Hillsboro State: OR Zip: 97124

RECEIVED
AUG 15 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:27:12 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 8:53 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 08:53

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Kelli Juan

Email
kelli.morrill@gmail.com

Address
20010 SW Cedar Grove Ln.
Beaverton , Oregon. 97003

Your Comments
I oppose the building of this battery farm within our pristine farmland. This is clearly a stretch of interpretation of the zoning laws. We do not want heavy industry in our farm and residential areas.

I'm sure many people have talked at length about the material and immaterial impacts to the residents of that area. And I am opposed to it on those grounds, but also to a greater extent, the threat that that facility poses to the natural landscape. What precautions are they taking to protect the environment? Do we want heavy metals leaching into our water table? What about the increasing risk of wild fires? A lithium battery facility would produce a horrifying amount of toxic gas in the event of a fire. I'm

not convinced that a power company from another state, Texas, of all states, would take proper precautions to build and run this facility safely. Please don't let them poison us for profit.

August 19, 2025

Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350, Hillsboro, OR 97124
ATTN: Maitreyee Sinha, Senior Planner
Sent via email to: maitreyee_sinha@washingtoncountyor.gov

Ms. Sinha,

We are writing to oppose Washington County's approval for the proposed 10-acre Jupiter/Blackberry Grove battery storage facility currently under a Type II review. This heavy industrial use plant belongs in an industrial zone, not next to rural residential homes where it will compromise the health and welfare of nearby residents. This project is not permitted under AF-5 rural/farm zoning, and to use the "Utility Facility" exception is questionable at best.

Because there are no public hearings scheduled at all, and written comments are due within a matter of days of the public even becoming aware of this project, why should we trust that everything here is above board, safe for local residents and complies with local requirements? It certainly smacks of disregard of rules and regulations as well as a significant lack of honesty with the public trust. The plant will pose a safety risk for area residents in case of fire and/or toxic gas release. It would also require additional rural emergency response support. The 24/7 fan and inverter noise are incompatible with a neighborhood setting and exceed rural character standards.

As long-time Washington County residents, of course we want what is best for the County. As residents of NE Hillsboro, we are not only concerned for our neighbors in North Plains but for everyone who lives in an area full of residential homes – NONE OF WHOM WILL BENEFIT IN ANY WAY FROM THIS PROPOSED FACILITY!!

This facility belongs in an area properly zoned for industrial purposes, with **FULL** exposure to public review. We believe that the County **MUST** re-notice the application properly, restart the process and move it into to Type III review with a public hearing.

Ken & Amy Patton
623 NE Josephine Ct
Hillsboro, OR 97124

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery facility in Hillsboro
Date: Tuesday, August 19, 2025 12:22:54 PM

From: Kent Helm <kenthelm@gmail.com>
Sent: Monday, August 18, 2025 6:15 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery facility in Hillsboro

No, absolutely no.

This is an abomination and blight on the landscape.

I object to WACO even considering letting something like this be built, especially on farmland. here are more points on this:

- Zoning Conflict: AF-5 rural/farm zoning does not permit industrial-scale battery plants.
- Safety Risks: Fire, toxic gas release, and inadequate rural emergency response.
- Noise & Incompatibility: 24/7 fan and inverter noise exceeds rural character standards.
- Better Siting: This project belongs in Hillsboro's industrial zones, not next to rural homes.

Please "vote" 'no'.

Kent Helm
12499 nw shearer hill road
forest grove, or 97116

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] I oppose the Jupiter Power 10-acre battery plant being proposed in rural Washington County
Date:	Tuesday, August 19, 2025 12:18:46 PM

From: Kerri Nussbaum <kerrifnussbaum@gmail.com>
Sent: Monday, August 18, 2025 5:42 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] I oppose the Jupiter Power 10-acre battery plant being proposed in rural Washington County

To Whom It May Concern,

As a Washington County resident, I am opposed to the 10-acre industrial battery plant being proposed in rural Hillsboro.

First of all, the site is currently zoned AF-5, Agricultural and Forest with 5-acre minimum lots. An industrial-scale battery plant is NOT an agricultural or forest endeavor.

Second, I understand the application is being processed under the "utility facility" use exception. I do not understand how an industrial-scale battery plant can be considered a utility facility.

Third, while lithium battery failures are rare, when they do occur, they produce toxic plumes of hydrogen fluoride and other gases. And, in fact, Hillsboro has already experienced a lithium battery fire this year – one that the local fire department was unable to extinguish!

Finally, the 45-60 dBA noise pollution from the cooling fans and inverters that run 24 hours a day 7 days a week is unacceptable in a residential area. That's what industrial parks are for.

Please do not allow this project to move forward.

Thank you for considering my concerns,

Kerri Nussbaum

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Your Name: KEVIN & ANN BABBITT
Address: 21295 NW BENDEMEER RD
City: HILLSBORO State: OR Zip: 97124

Received
AUG 21 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Tom Babbitt

Received

AUG 21 2025

PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 17, 2025

Kevin and Ann Babbitt
21295 NW Bendemeer Rd
Hillsboro, OR 97124

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13
Hillsboro, Oregon 97124

Casefile/Project# L2500161-SU/D/PLA
Proposed Battery Energy Storage System (BESS)

Subject: Intense Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Maitreyee Sinha,

The objective of this letter is to express intense opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5.

The proposed located is adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses appropriately NOT inside the UGB, such as the award winning Meating Place and the largest being UPS, Beaverton Foods and Reser's Fine Foods.

Supporting sustainable energy solutions is an important and worthy objective, but the potential risks of this specific project, in its current proposed location, are completely unacceptable and a significant concern to community residents. Several of the primary concerns and risks are outlined below but some or many may not be apparent to the residents of the area as the company, Juniper, would surely want to keep those hidden and unknown to the residents they are proposing negatively impact.

Groundwater Contamination:
A significant concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells and aquafers due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

The battery storage units are FULL of PFASS chemicals. We implore you and the County Board of Commissioners to visit the following websites for further information.
https://www.epa.gov/pfas/pfas-explained
https://www.niehs.nih.gov/health/topics/agents/pfc

Lithium-ion Batteries (Fire):
Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release hazardous fumes and chemicals into the air, according to Alsym Energy (https:llwww.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbsl). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.

Noise Pollution:
Continuous operations of cooling fans and noise from maintenance equipment and maintenance activities will cause a significant hardship and loss of quality of life for the nearby residence. This will effectively impinge out our RIGHT to enjoyment of property and peace. It is known that a sound barrier is proposed. Therefore, one KNOWS there will be constant noise 24 hours a day or this would not be proposed.

Light Pollution:
These industrial installations are always accompanied by significant lighting to accommodate ongoing maintenance at all hours and to enhance security. There will be a noticeable and unavoidable increase in the ambient light in the surrounding area and undoubtedly and constant "glow" surrounding the installation. No one in the surrounding community will ever see the stars at night clearly, again.

Property Values:
A Battery Energy Storage System facility with fire and environmental risks in a residential area can and will significantly reduce property values and hinder future development and property sales in the community. The County has ALREADY caused the potential loss of values through the allowance of several other irritating businesses nearby, which are CLEARLY not appropriate for AF5.

Quality of Life:
The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, light pollution could and will negatively impact the peace and quiet of the neighborhood and the legal RIGHT to enjoy our property without interruption.

Insufficient Emergency Response:
It is unclear if the local fire department (TVF&R) and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish. The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

Westfield Massachusetts Case:
Please review the case of the Juniper Power siting in Westfield Massachusetts. The Board of Commissioners should and at the very least be made aware of this immediately.
https://www.youtube.com/watch?v=Toqwl4BoLUo&ab_channel=FiscalAllianceFoundation

https://www.wraft.org/westfield-battery-storage

https://www.westernmassnews.com/2025/04/25/plans-cancelled-lithium-battery-storage-facility-westfield/

Further, The Board and LUT Development Services should immediately communicate with the Westfield Board to learn about the perils of this application:
https://www.cityofwestfield.org/92/Boards-Commissions

In Oregon, citizens have the right to enjoy peace and quiet on one's property. The interference of peace and quiet thrust upon this community by this facility will be both substantial and unreasonable. They will NOT be minor nor a temporary inconveniences and any reasonable person will find this interference substantial and real.

Washington County Planning and Development Services is respectfully requested to REJECT this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration regarding this significant and life changing matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely

Kevin C. Babbitt
Ann Babbitt

August 17, 2025

Kevin and Ann Babbitt
21295 NW Bendemeer Rd
Hillsboro, OR 97124

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13
Hillsboro, Oregon 97124

Casefile/Project# L2500161-SU/D/PLA
Proposed Battery Energy Storage System (BESS)

Subject: Intense Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Maitreyee Sinha,

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Continuous operations of cooling fans and noise from maintenance equipment and maintenance activities will cause a significant hardship and loss of quality of life for the nearby residence. This will effectively impinge out our RIGHT to enjoyment of property and peace. It is known that a sound barrier is proposed. Therefore, one KNOWS there will be constant noise 24 hours a day or this would not be proposed.

Light Pollution:
These industrial installations are always accompanied by significant lighting to accommodate ongoing maintenance at all hours and to enhance security. There will be a noticeable and unavoidable increase in the ambient light in the surrounding area and undoubtedly and constant “glow” surrounding the installation. No one in the surrounding community will ever see the stars at night clearly, again.

Property Values:
A Battery Energy Storage System facility with fire and environmental risks in a residential area can and will significantly reduce property values and hinder future development and property sales in the community. The County has ALREADY caused the potential loss of values through the allowance of several other irritating businesses nearby, which are CLEARLY not appropriate for AF5.

Quality of Life:
The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, light pollution could and will negatively impact the peace and quiet of the neighborhood and the legal RIGHT to enjoy our property without interruption.

Insufficient Emergency Response:
It is unclear if the local fire department (TVF&R) and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish. The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

Westfield Massachusetts Case:
Please review the case of the Juniper Power siting in Westfield Massachusetts. The Board of Commissioners should and at the very least be made aware of this immediately.
https://www.youtube.com/watch?v=TogwI4BoLUo&ab_channel=FiscalAllianceFoundation

https://www.wraft.org/westfield-battery-storage

https://www.westernmassnews.com/2025/04/25/plans-cancelled-lithium-battery-storage-facility-westfield/

Further, The Board and LUT Development Services should immediately communicate with the Westfield Board to learn about the perils of this application:
https://www.cityofwestfield.org/92/Boards-Commissions

In Oregon, citizens have the right to enjoy peace and quiet on one's property. The interference of peace and quiet thrust upon this community by this facility will be both substantial and unreasonable. They will NOT be minor nor a temporary inconveniences and any reasonable person will find this interference substantial and real.

Washington County Planning and Development Services is respectfully requested to REJECT this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration regarding this significant and life changing matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely

Kevin C. Babbitt
Ann Babbitt

From: Kellie Crowdis
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Monday, August 18, 2025 4:19:09 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Saturday, August 16, 2025 7:39 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Sat, 08/16/2025 - 07:39

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Kim A Crosbie

Email
kacccrosbie@gmail.com

Address
15535 SW Holly Hill Rd
Hillsboro, Oregon. 97123

Your Comments
Protest this use. This is zoned agriculture not industrial. There are health and safety concerns to nearby neighbors. County needs to deny. There are better options

From: Kellie Crowdis
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Thursday, August 14, 2025 8:25:27 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Wednesday, August 13, 2025 12:13 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Wed, 08/13/2025 - 12:12

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Kim Terhaar

Email
kterhaar43@gmail.com

Address
18760 NW Astoria Dr.
Portland, Oregon. 97229

Your Comments
I am very concerned about the placement of a battery energy storage system in this proposed location. First and foremost, the safety considerations. This is a residential area and most of the residents are on well water. If there is a leak, this would be catastrophic. We know that even the best safety precautions fail - What would families do if their water is contaminated??? How would this impact future development as this area is in the urban reserve, set for expansion in the future? Additionally, with this expansion would draw extra traffic and potentially the widening of West Union; this would impact these plans. This project puts in jeopardy the health, safety and well-being of people who have lived in this area for a long time, as well as those of us newer to the area who purchased as a urban/rural place to live as well as a good investment. This will

absolutely impact the value of our properties. It seems this type of storage facility would be better placed farther away from a residential community where the physical and financial safety of families will be impacted.
Thank you for taking into consideration my concerns and comments.

Your Name: Kimberley Trosborough
Address: 21100 NW Bendemeer Rd
City: Hillsboro State: Ore Zip: 97124

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Kimberley Tribough

Kimberley Trisbough
Your Name: 21100 NE Dr. Bendemeer Rd
Address:
City: Hillsboro State: Or Zip: 97124

email/phone

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Name

Address

Formal Argument Letter (for filing with Washington County before Aug. 21)

Your Name: Kimberly Trisbrough
Address: 21100 NW Bendemeer Rd
City: Hillsboro State: Ore Zip: 97124

email/phone Jimtrisbrough12@gmail.com

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
✉ maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

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1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

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2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. Its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

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3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Names-

From: Kellie Crowdis
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Tuesday, August 19, 2025 8:12:01 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 8:19 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 20:18

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Kimberly Powell

Email
kpowell0012@gmail.com

Address
2745 NW Amity lane
Portland, Oregon. 97229

Your Comments
My question is how can a mega battery facility get the permits to develop when the land they want to develop on is zoned for agriculture? Last i checked batteries aren't considered an agriculture item...

Name: KINGMAN STRATTON
Full Address: 9516 KOLL TICK RD HILLSBORO OR 97123

Date:

Received
AUG 28 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

We are members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. Our farmers rely on well water for their farm operation. They grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Your Name:

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Re: Casefile/Project #L2500161-SU/D/PLA | Opposition to Proposed Battery Energy Storage System (BESS) Facility and Zoning Change
Date:	Thursday, August 21, 2025 5:15:55 PM

From: Kipperlyn Sinclair <kipperlyn@eatdrinkwashco.com>
Sent: Thursday, August 21, 2025 4:34 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Re: Casefile/Project #L2500161-SU/D/PLA | Opposition to Proposed Battery Energy Storage System (BESS) Facility and Zoning Change

Kipperlyn Sinclair

2853 SE Camwal Drive

Hillsboro, OR. 97123

August 21, 2025

Maitreyee Sinha, Senior Planner

Washington County Department of Land Use and Transportation

155 N 1st Avenue, Suite 350-13

Hillsboro, OR 97124

Re: Casefile/Project #L2500161-SU/D/PLA

Opposition to Proposed Battery Energy Storage

System (BESS) Facility and Zoning Change

Dear Washington County Planning and Transportation,

I'm writing to express concern about the proposed Battery Energy Storage System (BESS) and the lack of public involvement and safety assurances in this process.

1. Lack of Transparency and Public Engagement
The County has not provided a clear or inclusive public process. Without defined siting criteria or risk information, residents are unable to participate meaningfully in decisions that potentially affect their health, safety, property, and economic livelihood.

2. Fire and Emergency Response

There is no work session or evidence provided that Tualatin Valley Fire & Rescue is equipped to handle lithium-ion battery fires, which pose unique risks like toxic smoke and water contamination. Without proven response capacity, the project fails to meet CDC Section 501 and Comprehensive Plan Goal 11.

3. Land Use Conflicts
The proposed BESS is not compatible with the AF-5 zone, which is intended for agricultural and rural residential uses. A utility-scale facility of this kind is industrial in nature and contradicts CDC Sections 340, 430-109, and 430-135.

4. Breach of Planning Goals
Comprehensive Plan Goals 6, 7, and 13, and Statewide Planning Goal 2 require environmental protection, safety, and compatibility. These have not been adequately addressed.

Until siting standards are clearly defined, emergency response capacity is confirmed, and the public is meaningfully involved, this application should be denied. I urge the County to prioritize safety and transparency before moving forward with any BESS projects in residential or agricultural areas.

Sincerely,

Kipperlyn Sinclair

Hillsboro City Councilor

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] RE: Casefile L2500161- SU/D/PLA
Date: Thursday, August 21, 2025 12:34:34 PM

From: Kirsten King <sofiejoe75@yahoo.com>
Sent: Thursday, August 21, 2025 12:33 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] RE: Casefile L2500161- SU/D/PLA

To Whom it May Concern,

My name is Kirsten King, and I am writing to formally oppose the proposed Jupiter Battery Storage facility on farmland currently zoned AF-5. While this project is being described as a "public utility," it is, in reality, a for-profit storage facility owned by Black Rock/Jupiter Power.

To be clear, I am not opposed to progress. Progress, when thoughtfully planned, can benefit communities. However, this proposal is not an appropriate or responsible fit for the location being considered. Washington County is attempting to allow an industrial-scale facility—misclassified as a public utility—directly within a residential neighborhood. The proposed site is surrounded on three sides by homes, despite the fact that hundreds of acres of appropriately located land are available along West Union Road, away from established neighborhoods.

Battery storage facilities carry well-documented risks. Lithium batteries are highly volatile, which is why airlines prohibit them from checked baggage due to fire hazards. In less than seven years, there have been at least four incidents at similar facilities—including sites with multiple fires. If such an event were to occur here, surrounded by homes and farmland, the consequences would be devastating. Lithium fires burn at extreme temperatures and cannot be suppressed with resources currently available to our local fire departments. It is critical to ask: Is Washington County, and is Black Rock/Jupiter Power, prepared to manage the fallout from such a disaster?

This proposal does not align with the character, safety, or zoning of the area.

- It is not a public utility.
- It is not agricultural use.
- There are hundreds of acres of land currently for sale nearby, including areas designated for future urban growth, that would be more appropriate for such a facility.
- A fire or other emergency at this site would pose a severe threat to surrounding homes, with little to no buffer in place.

Given the scale of the proposal and the serious concerns raised by residents, this project must be elevated to a **Type III Public Hearing**, so that those directly affected have the opportunity to be heard. Washington County has improperly categorized this facility as a Type II "public utility," which it is clearly not.

For these reasons, I urge Washington County to reconsider this proposal in its current form and require proper review and public input through a Type III hearing.

Sincerely,
Kirsten King

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] proposed 10 acre Jupiter Battery Facility
Date:	Wednesday, August 20, 2025 3:35:15 PM
Attachments:	image.png

From: knorr.family@comcast.net <knorr.family@comcast.net>
Sent: Wednesday, August 20, 2025 3:12 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] proposed 10 acre Jupiter Battery Facility

Hello -

I am writing to express my strong opposition to the proposal to build a battery manufacturing or storage facility in a rural part of Washington County that is currently zoned as AF-5 (Agriculture and Forestry – 5 Acre Minimum).

This area was specifically designated for farmland and agricultural use, and the proposed battery plant is clearly incompatible with the intended use and character of this land. Battery plants, by their nature, present a range of serious concerns that make them unsuitable for rural and suburban communities. These facilities may emit toxic fumes, produce considerable noise, and pose a risk of chemical fires—hazards that demand close proximity to specialized emergency response teams. The proposed location is not adequately served by such emergency infrastructure, making it a potentially dangerous site for both residents and the environment.
Furthermore, the introduction of an industrial facility into a quiet agricultural area disrupts the rural character and quality of life that residents of this region value and rely upon. These areas are not designed to accommodate industrial traffic, heavy equipment, or the infrastructure needs associated with large-scale battery operations. A project of this nature is far better suited to an area that is zoned for industrial use, where environmental controls, emergency services, and infrastructure are already in place to manage the associated risks. Moving forward with this proposal in an AF-5 zone not only violates the land-use designation but also sets a concerning precedent for future incompatible developments in rural parts of the county.
I respectfully urge you to deny any permits or land use exceptions that would allow for this industrial facility to proceed in an area that is clearly not intended for such use. Please preserve the integrity of our rural zoning laws and protect the health, safety, and well-being of the residents who live there. Thank you for your time and consideration.

Sincerely,
Carolyn Norris
A concerned Oregonian

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] RE: Battery Facility in Rural Hillsboro
Date: Thursday, August 21, 2025 10:25:36 PM

From: Kristin Allen <kallen84@gmail.com>
Sent: Thursday, August 21, 2025 5:46 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] RE: Battery Facility in Rural Hillsboro

To Whom it May Concern;

I'm not sure if there's still time to submit comments on this project. But I really believe this is an ill advised concept that could have irreversible negative ramifications for our neighbors. Why choose an area with such desirable land that could serve a more positive function for the community?? Our neighbor's daughter goes to preschool next to this location. Why put the community and its children at risk? I'm also deeply concerned about the slippery slope of bending zoning laws to accommodate industrial energy facilities in our farm communities. This project would set a dangerous precedent for future development. Please stop this.

Thank you for your consideration,

Kristin Allen
Washington County Resident

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

From: LUT Development
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Wednesday, August 20, 2025 9:04:31 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Wednesday, August 20, 2025 8:16 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Wed, 08/20/2025 - 08:15

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Kyle Patterson

Address
14875 NW Oak Hills Dr
Beaverton, Oregon. 97006

Your Comments
Please see the letter in opposition to this project.

Attach Documents

- letter-in-opposition-to-bess.pdf (29.17 KB)

Kyle Patterson
14875 NW Oak Hills Dr., Beaverton, OR 97006

August 20th, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

We are members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. Our farmers rely on well water for their farm operation. They grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Kyle Patterson

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:21:39 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Sunday, August 17, 2025 10:58 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Sun, 08/17/2025 - 22:58

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Kymberlin Bush

Email
bushk150@gmail.com

Address
21179 NW Galice Ln
Apt 301
Portland, Oregon. 97229

Your Comments
I am a resident of the neighborhood that would be directly downwind of this proposed facility.

I oppose this construction and want my comment to be counted and on the record. I oppose based on the following factors:

Fire and toxic gas risk
Health and safety risks due to fumes
Health and safety risks due to water table pollution

Noise pollution
AF-5 Zoning conflicts
Reduced property values

Rural communities should not have to sacrifice the way of living we pay for and our physical health for the benefit of big tech companies that can easily find land in industrial zones away from rural homes and families.

Thank you.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Opposition to the 10-acre Jupiter Battery Facility
Date: Tuesday, August 19, 2025 12:23:02 PM

From: Kymberlin Bush <bushk150@gmail.com>
Sent: Sunday, August 17, 2025 10:52 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposition to the 10-acre Jupiter Battery Facility

I am a resident of the neighborhood that would be directly downwind of this proposed facility.

I oppose this construction and want my comment to be counted and on the record. I oppose based on the following factors:

Fire and toxic gas risk
Health and safety risks due to fumes
Health and safety risks due to water table pollution
Noise pollution
AF-5 Zoning conflicts
Reduced property values

Rural communities should not have to sacrifice the way of living we pay for and our physical health for the benefit of big tech companies that can easily find land in industrial zones away from rural homes and families.

Thank you,

K Bush 97229

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] 10-Acre Jupiter Battery Facility Comment
Date: Thursday, August 21, 2025 10:36:25 AM

From: Lainie Clem <godzillahelper@gmail.com>
Sent: Thursday, August 21, 2025 10:34 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] 10-Acre Jupiter Battery Facility Comment

August 19, 2025

To: Maitreyee_Sinha@washingtoncountyor.gov

Dear Dept. of Land Use & Transportation and Washington County Board of Commissioners,

I would like to record my firm opposition to the 10-acre Jupiter Battery Facility proposal under consideration in Hillsboro.

My first objection to this proposal is the manner in which is ***not*** being "rolled out." I am extremely frustrated that this proposal is under a Type II review, as this proposal has both short- and long-term repercussions to the immediate neighborhood and the land it proposes to sit on. Like numerous other land use decisions made in the last 5+ years by the County and the City of Hillsboro, these proposals have been quietly reviewed under the radar and passed quickly with little awareness of the community, which I strongly suspect is intentional—a strategy to bypass residents who might create inconvenient opposition. This kind of behavior is viewed as underhanded and deceitful, and it does not represent my interests as a lifelong resident of Washington County.

My second objection to this proposal is that land in and around the county is agricultural, and while growth and progress is inevitable, the proposed space is not suitable for this project. The zoning for the proposed facility is intended and registered for farming and rural housing, **not** industrial, as this category of operations is certainly industrial. The only party this proposal benefits is the county coffers, ***temporarily***. This project does not benefit the local neighborhoods or the local community. This project carries the risk of another future Superfund site, like the former Tektronix printer site, and in an agricultural zone, it could be disastrous. In an area that will inevitably experience the devastation of a Cascadia Subduction Zone earthquake, the risks include fire, toxic gas, and chemical leakage into the surrounding farming and rural area soil, air, and groundwater. This is an unacceptable risk for such little community benefit.

My third objection is that the placement of this project is undoubtedly due to the data farms located nearby…another set of projects that negatively impact our community and provide little benefit. Like the data centers, will the Jupiter Facility bring jobs just during building process, then have a skeleton crew following its functional opening? Will

the Jupiter Facility require inordinate amounts of our ground water supply (and ultimately our water table), causing a shortage of fresh water for the surrounding farmlands and regional households, causing residential water costs to skyrocket like they have over the last decade? How does that benefit the community considering the bleak projections of global and regional climate change? The energy stored does not benefit locals, it benefits out-of-state investors who buy energy when its cheap and spike it when use is at its highest. This type of investor could care less about future risks and long-term damages to our community.

But YOU are supposed to care about that, because you represent our interests, right?

In summary, the Board of County Commissioners and county Land Use representatives cannot claim to represent the best interests of the community when they try to exclude reasonable public notice and land-use hearings for important considerations such as this. It reduces trust and widens the gap between community members and our "representatives" in positions of authority. Trust in local and national government has diminished over time for exactly this reason: those who have been voted into a position of power would prefer to avoid messy measures for consensus or putting such decisions to a vote in favor of railroading the community for their own purposes. My family is NOT in favor of more industrial projects that mar beautiful Tualatin Valley and rob the area of its rich resources of trees, fertile soil, clean water and clean air. These types of projects are just ***one*** way to measure progress, not THE way.

I hope you will hear my voice and the other voices in your community that want a part in this process and a seat at the table to discuss these major decisions before they are quietly made in a vacuum.

Thank you.

M. Moore

Hillsboro, Or

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery Facility in Hillsboro
Date: Tuesday, August 19, 2025 12:34:24 PM

From: Lana Ishka <alchemista333@gmail.com>
Sent: Saturday, August 16, 2025 7:42 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery Facility in Hillsboro

Hello Maitreyee,

I am deeply concerned about the proposed battery facility going up near rural homes. I am concerned about the noise pollution and risk of toxic gas and fire. It's going to sink property values.

I would also like to express my disappointment that residents were not notified of this.

Lana Roach
503-309-8889

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter Battery Proposal Comment
Date: Tuesday, August 19, 2025 12:17:23 PM

From: Lara Schlerf <lara.schlerf@gmail.com>
Sent: Monday, August 18, 2025 10:13 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter Battery Proposal Comment

Dear Maitreyee,

As a long time resident of Hillsboro, I am greatly concerned by the proposed battery storage facility. Consider the residents of Hillsboro and what is best for them and not the pockets of big corporations and decision makers. This is beautiful farm land nestled right next to residents. I urge you to deny this project.

Thank you,

Lara Schlerf
Hillsboro Resident

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery storage
Date: Tuesday, August 19, 2025 12:35:33 PM

From: laura norman <jnlnorman5@gmail.com>
Sent: Saturday, August 16, 2025 9:25 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery storage

Don't do it
Your town will get nothing in return for this development
It's a Texas firm - let Texas have the noise and danger
Black Rock is a terrible investment firm. Don't let them into your small town
Laura Norman

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

Your Na
Address
City: _____

LeAnn Collier
8191 NW CORNELIUS PASS RD
HILLSBORO OREGON 97124

RECEIVED

AUG 15 2025

PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchtone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Fire water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release hazardous fumes and

chemicals into the air, according to Alsym Energy. The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Developing Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Developing Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

I strongly oppose this BESS for our health & safety. I live close and don't want any more health hazards post up.

LeAnn & Collin

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Casefile L2500161 Comment
Date: Thursday, August 21, 2025 2:45:43 PM

From: LeeAnn Ducker <leeann.ducker@gmail.com>
Sent: Thursday, August 21, 2025 2:43 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Casefile L2500161 Comment

Good afternoon,

I am a resident in Hillsboro reaching out with concerns about the proposed battery facility in an agricultural neighborhood. Project L2500161 belongs in an industrial zone, building a potentially hazardous facility so close to homes is inappropriate. Hazards aside, BESS facilities are known to have a negative impact on the quality of life when placed near homes. This project does not serve Hillsboro residents and negatively impacts them. I urge you to consider comments from myself and community members on what's best for our home when making your decision.

--
Thank you,
Haley LeeAnn Ducker
3021 NE Overlook Dr APT 822,
Hillsboro, OR 97124

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Lenika Hutchens
1724 Willamina Ave
Forest Grove OR 97116

August 19, 2025

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is near the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

We are members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. Our farmers rely on well water for their farm operation. They grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Respectfully,

Lenika Hutchens

Formal Argument Letter (for filing with Washington County before Aug. 21)

Leo Bruce Wilson

Your Name: Leo Bruce Wilson
Address: 21897 NW West Union Rd
City: Hillsboro State: Oregon Zip: 97124
email/phone
503-332-0323

Date: 8/17/25

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD** It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. Its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Leo Bruce Wilson

Names-

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Your Name: Leo Bruce Wilson
Address: 21897 NW West Union Rd
City: Hillsboro State: Oregon Zip: 97124
email/phone
503-332-0323
Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Name Leo Bruce Wilson

Address 21897 NW West Union Rd
Hillsboro Oregon 97124

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:27:00 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 7:50 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 07:50

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Lia Kashdan

Email
Lkashdan@gmail.com

Address
5705 NW Landing Drive
Portland, Oregon. 97229

Your Comments
As a neighbor within walking distance of this proposed new development, it is extremely concerning that this would be considered so close to houses, farmland and food establishments. This land is zoned for agriculture and using for batteries and storage is an extreme stretch. What kinds of health risks may I and my child be exposed to from this operation? What are the emergency plans if there is a fire at the site? This appears to be an extreme risk for this space - are there no other spaces with proper zoning that may be more appropriate for this type of development? Reject this proposal, do not contaminate this zoned farmland with battery storage facilities.

Your Name: Linda de Boer
Address: 11995 NW Dick Rd
City: Hillsboro State: OR Zip: 97124

Received
AUG 19 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

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Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] 10-acre Battery Energy Storage System (BESS) facility on farmland-zoned property at the corner of NW West Union Road and NW Old Pass Road.
Date: Thursday, August 21, 2025 8:50:25 AM

-----Original Message-----
From: Linda GUSTAFSON <gstvsn@icloud.com>
Sent: Thursday, August 21, 2025 8:50 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] 10-acre Battery Energy Storage System (BESS) facility on farmland-zoned property at the corner of NW West Union Road and NW Old Pass Road.

I can't believe this is even considered. I object on so may levels. This is an agricultural community . Changing the zoning for this project jeopardizes the entire farming community. It does not benefiting to Hillsboro, or even the State of Oregon.
Please do what you can to stop this from happening. Let them build in an Industrial zone. Preserve our farming communities.

Thank you,
Linda Gustafson

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Your Name: linda sawaya
Address: 10410 NW LAIDLAW ROAD
City: Portland State: OR Zip: 97229

Received
AUG 25 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

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- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.

- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Your Name: Linda D. Schade
Address: 20701 NW Old Pass Road
City: Hillsboro State: OR Zip: 97124

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Linda D. Schade

Formal Argument Letter (for filing with Washington County before Aug. 21)

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

Dirk Knudsen, et. al.
Address : 20701 NW Old Pass Road
Address : Hillsboro, OR 97124
email/phone : Ischade03@yahoo.com 503-530-0700

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. Its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Linda D. Schade

Names-

Linda D. Schade

Dirk Knudsen, et. al.
Address : 20701 N.W. Old Pass Road
Address : Hillsboro, OR 97124
email/phone : 1schade03@yahoo.com 503-530-0706

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review.**

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Linda D. Schade

Name: Linda D. Schade

Address: 20701 N.W. Old Pass Road
Hillsboro, OR 97124

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility
Date:	Tuesday, August 19, 2025 12:17:50 PM

From: Lindsay Hudson <lindsayghudson@gmail.com>
Sent: Monday, August 18, 2025 8:26 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility

Regarding Casefile/Project # L2500161-SU/D/PLA

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

We are members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. Our farmers rely on well water for their farm operation. They grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Lindsay Hudson

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From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Tuesday, August 19, 2025 8:12:21 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 8:31 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 20:30

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Lindsay Partain

Email
lpartainproductions@gmail.com

Address
12500 SW KAREN ST.
UNIT 9
TIGARD, Oregon. 97223

Your Comments
Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in

close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser’s Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.
We are members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. Our farmers rely on well water for their farm operation. They grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.
The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety.
The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.
The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Lindsay Partain

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Proposed 10-Acre Battery Facility
Date: Wednesday, August 20, 2025 9:44:44 AM

From: Lisa Bradburn <lisa@yourown.team>
Sent: Wednesday, August 20, 2025 7:56 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Proposed 10-Acre Battery Facility

As a residential Realtor in Washington County for nearly 30 years I am highly concerned about this proposal and am extremely opposed to advancing this initiative.

The implications are of enormous concern including:

- **Zoning Conflict:** AF-5 rural/farm zoning does not permit industrial-scale battery plants.
- **Safety Risks:** Fire, toxic gas release, and inadequate rural emergency response.
- **Noise & Incompatibility:** 24/7 fan and inverter noise exceeds rural character standards.
- **Better Siting:** This project belongs in Hillsboro's industrial zones, not next to rural homes.

Your attention to respect the concerns being expressed by so many citizens in the area are greatly appreciated.

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] 10-acre Jupiter Battery Facility
Date: Tuesday, August 19, 2025 12:20:58 PM

From: Lisa Lake <ladylake711@gmail.com>
Sent: Monday, August 18, 2025 11:01 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] 10-acre Jupiter Battery Facility

Don't let this happen! We need to protect our farmland, homes, and families in the area.

- **Zoning Conflict:** AF-5 rural/farm zoning does not permit industrial-scale battery plants.
- **Safety Risks:** Fire, toxic gas release, and inadequate rural emergency response.
- **Noise & Incompatibility:** 24/7 fan and inverter noise exceeds rural character standards.
- **Better Siting:** This project belongs in Hillsboro's industrial zones, not next to rural homes.

Lisa Lake (She/They)
Spirit Lights
435-531-1928

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BERKELEY LAB

Energy Analysis & Environmental Impacts Division

2024 United States Data Center Energy Usage Report

Arman Shehabi, Sarah J. Smith, Alex Hubbard, Alex Newkirk, Nuoa Lei, Md Abu Bakar Siddik, Billie Holecek, Jonathan Koomey, Eric Masanet, and Dale Sartor
Energy Analysis and Environmental Impacts Division, Lawrence Berkeley National Laboratory

December 2024

This work was supported by the DOE Office of Energy Efficiency and Renewable Energy (EERE), Office of Industrial Efficiency and Decarbonization Office (IEDO) under Lawrence Berkeley National Laboratory Contract No. DE-AC02-05CH11231.

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Citation

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Executive Summary

The Energy Act of 2020 calls for the U.S. Department of Energy to make available to the public an update to Lawrence Berkeley National Laboratory's prior study entitled *United States Data Center Energy Usage Report* (2016). This report, designed to meet that Congressional request, estimates historical data center electricity consumption back to 2014, relying on previous studies and historical shipment data. This report also provides a scenario range of future demand out to 2028 based on new trends and the most recent available data. Figure ES-1 (below) provides an estimate of total U.S. data center electricity use including servers, storage, network equipment, and infrastructure from 2014 through 2028.

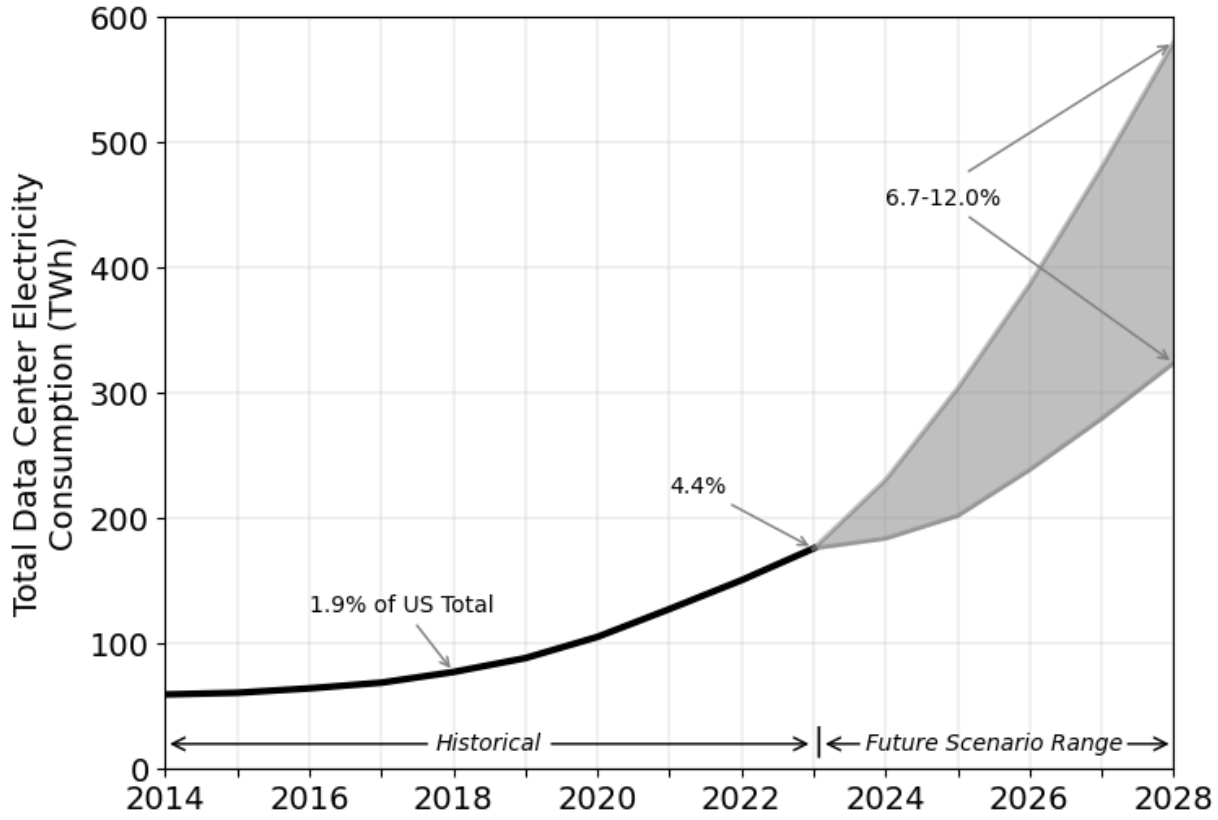

Figure ES-1. Total U.S. data center electricity use from 2014 through 2028.

As Figure ES-1 shows, U.S. data center annual energy use remained stable between 2014–2016 at about 60 TWh, continuing a minimal growth trend observed since about 2010. In 2017, the overall server installed base started growing and Graphic Processing Unit (GPU)-accelerated servers for artificial intelligence (AI) became a significant enough portion of the data center server stock that total data center electricity use began to increase again, such that by 2018 data centers consumed about 76 TWh, representing 1.9% of total annual U.S. electricity consumption. U.S. data center energy use has continued to grow at an increasing rate, reaching 176 TWh by 2023, representing 4.4% of total U.S. electricity consumption.

With significant changes observed in the data center sector in recent years, owing to the rapid emergence of AI hardware, total data center energy use after 2023 is presented as a range to reflect various scenarios. These scenarios capture ranges of future equipment shipments and operational practices, as well as variations in cooling energy use. The equipment variations are based on the assumed number of GPUs shipped each year, which depends on the future GPU demand and the ability of manufacturers to meet those demands. Average operational practices for GPU-accelerated servers represent how much computational power, and how often AI hardware in the installed base is used, to meet AI workload demand. Cooling energy use variations are based on scenarios in cooling system selection type and efficiency of those cooling systems, such as shifting to liquid base cooling or moving away from evaporative cooling. Together, the scenario variations provide a range of total data center energy estimates, with the low and high end of roughly 325 and 580 TWh in 2028, as shown in Figure ES-1. Assuming an average capacity utilization rate of 50%, this annual energy use range would translate to a total power demand for data centers between 74 and 132 GW. This annual energy use also represents 6.7% to 12.0% of total U.S. electricity consumption forecasted for 2028.

Historically, data center electricity use increased substantially from 2000–2005, roughly doubling during that period. During the early and mid-2010s, a shift from on-premise data centers to colocation or cloud facilities helped enable efficiency improvements that allowed data center electricity use to remain nearly constant at a time when the data center industry grew significantly, with a large expansion of data center services. The efficiency strategies that allowed the industry to avoid increased energy needs during this period included improved cooling and power management, increased server utilization rates, increased computational efficiencies, and reduced server idle power.

While many of these efficiency strategies continue to provide significant energy efficiency improvements in data center design and operation, the expansion of data center services into areas that require new types of hardware has ended the era of generally flat data center energy use. Most notably, the rapid growth in accelerated servers has caused current total data center energy demand to more than double between 2017 and 2023, and continued growth in the use of accelerated servers for AI services could cause further substantial increases by the end of this decade. The current and possible near-future surge in energy demand highlights the need for future research to understand the early-stage, rapidly changing AI segment of the data center industry and identify new efficiency strategies to minimize the resource impacts of this growing and increasingly significant sector in our economy.

Areas of future research identified in this report include benchmarking initiatives, collaborations with electric utilities, and technology development, all of which would be furthered by greater transparency in data center energy use, as the lack of data availability significantly limits the analysis in this report. The estimates in this report are based on a “bottom-up” energy use model that calculates total electricity use from an installed base of data center equipment. This method avoids overestimation that can be caused by tracking data center load for projects that

have not yet selected a power provider, but requires many inputs and assumptions developed from limited publicly available data, proprietary market analyst data, and review by industry representatives and stakeholders. The lack of direct energy data available in a sector with rapidly evolving technologies limits the analysis in this report, especially when trying to understand and estimate future energy demand scenarios.

The results presented here indicate that the electricity consumption of U.S. data centers is currently growing at an accelerating rate. Figure ES-1 shows a compound annual growth rate of approximately 7% from 2014 to 2018, increasing to 18% between 2018 and 2023, and then ranging from 13% to 27% between 2023 and 2028. This surge in data center electricity demand, however, should be understood in the context of the much larger electricity demand that is expected to occur over the next few decades from a combination of electric vehicle adoption, onshoring of manufacturing, hydrogen utilization, and the electrification of industry and buildings. Research initiatives are needed not merely to identify strategies to meet data centers' future energy needs, but also to help stakeholders use this relatively near-term electricity demand for data centers as an opportunity to develop the leadership and strategic foundation for an economy-wide expansion of electricity infrastructure.

1. Introduction

In the United States, demand for computation has increased as the economy has digitalized. Over the last decade, the rise of expanded computational services has been accompanied by increased demand for associated cloud computing infrastructure. The data center industry's improving operational efficiency during this period initially held U.S. computing-related energy use flat while servicing greater demand (Shehabi et al. 2016; Masanet et al. 2020). The expansion of data center services into areas that require new types of hardware, such as artificial intelligence (AI) and cryptocurrency, is projected to break this trend, contributing to growth in American electricity consumption (IEA 2024). The exact magnitude of this growth remains a subject of debate due to the heterogeneity of estimation methodologies. These methodologies can be broadly categorized into three main approaches: bottom-up, top-down, and extrapolation (Mytton and Ashtine 2022). Analyzing these approaches will shed light on the strengths and limitations of each for accurate data center energy use estimation.

Bottom-up modeling delves deeply into the specificity of a data center. Using this method requires the meticulous gathering of data on individual components, such as the power draw of servers and a facility's overall efficiency. This information is then combined with estimates of equipment shipment and the number of servers already deployed (i.e., the "installed base") to calculate total energy consumption. This method provides insights into individual components of data centers and their energy use, allowing for more granular analysis. While this approach approximates a physical model of the data center, bottom-up modeling has limitations. It is heavily reliant on the accuracy of the data regarding installed base, equipment sales, and shipments, as well as accurate predictions of technological changes. Bottom-up approaches necessarily require knowledge of the underlying installed equipment base. While existing contracts for future sales mean near-term shipment forecasts are reasonably reliable, bottom-up methods cannot estimate at the same level of accuracy once they become projections, owing to variations in equipment characteristics and operation, and require periodic updates to reflect such changes in their foundational data (Malmodin et al. 2024).

Top-down modeling takes a broader view and leverages existing data from governments or industry organizations. This approach analyzes regional or national energy consumption totals, often derived from surveys and statistics. Aggregated estimates of service or product demand are then used to derive the required physical infrastructure to supply that demand. In a review of 46 studies on data center energy estimation, Mytton and Ashtine (2022) found this method to be less common, with only one example of an exclusively top-down approach found in their analysis.

The relative ease and low cost of implementation are clear advantages of a top-down model, as illustrated by an example in Malmodin et al. (2014). They utilized site-level energy measurements from various locations in Sweden, including seven large data/telecom centers, comprising measured service demand from 15 offices, 58 stores, and approximately 11,000 fixed and mobile sites. This approach was paired with bottom-up equipment statistics to

extrapolate a global estimate. This approach allows for the use of defined values, including the total measured network data volumes and total energy consumption values from electricity meters, which allows for accuracy but only at a very high level of aggregation. Additionally, this approach encounters difficulties in understanding the impact of technology change compared to bottom-up approaches, due to a limited breakdown of data center components that make up the overall estimate. Functionally, top-down approaches interpolate the hardware stack based on service energy use.

The last approach, extrapolation, builds on existing estimates (either bottom-up or top-down) to forecast future energy use. Extrapolation begins with a base value of data center energy use that is then extrapolated, either using a projected annual growth rate or the basis of a service demand indicator, when normalized to a unit of service such as information technology (IT) traffic (Lei and Masanet 2021). This method projects future energy consumption based on energy intensity per unit of transmitted data by developing assumptions about overall market growth and energy efficiency improvements for future projects. While extrapolation methods are simpler and rely on less data than other methods, they rely heavily on the accuracy of the bottom-up or top-down models used, as well as assumptions about future market trends (Mytton and Ashtine 2022). These extrapolative studies are highly sensitive to errors in their input analyses, as extrapolation of those errors functionally compounds them. While they offer a useful benchmark for future demand, these methods must be used judiciously. A summary of the three main approaches to modeling data center energy use can be seen in Table 1.1.

Table 1.1. Characteristics of the Three Main Approaches to Estimating Data Center Energy Use: Bottom-Up, Top-Down, and Extrapolation

	Bottom-Up	Top-Down	Extrapolation
Key Inputs	• Equipment specification, e.g., server power draw • Data center infrastructure characteristics, e.g., power usage effectiveness (PUE) • Installed base/equipment shipment values	• Government or organization measurements, e.g., total data volume and total operator energy consumption	• Baseline year values (from bottom-up or top-down models) • Growth rate (which may factor in energy efficiency improvements and growth in data volumes or customer numbers)
Assumptions for Future Growth	• Future equipment shipment values • Future equipment trends, e.g., power density, graphics processing units (GPUs), liquid cooling • Energy efficiency improvements, e.g.,	• Relationship between demand and energy consumption, usually data volume • Future customer growth, e.g., the number of internet provider customers	• Relationship between demand and energy consumption, usually data volume • Energy efficiency improvements, e.g., PUE improvements

	PUE improvements or server power draw improvements	• Energy efficiency improvements (usually broad because of the lack of specific breakdowns such as PUE or server power)	or server power draw improvements
Main Limitations	• Availability of installed base and server equipment values • Ability to project trends in equipment types and energy efficiency improvements more than a few years into the future	• Accuracy and availability of organization data • Ability to project future trends in energy efficiency • Correlation between inputs, e.g., data consumption per customer	• Correlation between inputs, e.g., energy consumption per unit of data • Ability to project future trends in energy efficiency
Examples	• Masanet et al. (2020) • Shehabi et al. (2016) • Malmodin et al. (2014) • Koomey (2011) • Masanet et al. (2011) • Malmodin et al. (2010) • Brown, et al. (2007) • Koomey (2007)	• Malmodin et al. (2014)	• Belkhir (2018) • Andrae (2017) • Andrae and Edler (2015)

Table adapted from “Sources of data center energy estimates: A comprehensive review” (Mytton and Ashtine 2022).

Bottom-up models have historically shown more modest growth in data center energy use. In a 2007 report to Congress (Brown et al. 2007), the U.S. data center sector was estimated to have consumed about 61 billion kilowatt hours (kWh) in 2006, equivalent to 1.5% of total U.S. electricity consumption, for a total electricity cost of about $4.5 billion (in 2006 dollars). In a follow-up report (Shehabi et al. 2016), the data center sector was estimated to have consumed about 70 billion kWh in 2014, equivalent to 1.8% of total U.S. electricity consumption. This estimated level of electricity consumption is comparable to the amount of electricity consumed by approximately 6.7 million average U.S. households.

While these estimates paint a picture of a gradual rise in data center energy use, other projections suggest a much more dramatic scenario. According to Reuters, nine of the 10 largest U.S. electric utilities said data centers would be the main source of customer energy demand growth, stemming from technologies like generative AI (Kearney 2024). The electric utility Southern Company projects data centers will increase its electricity sales by 6% each year from 2025 to 2028, up from its prior predicted growth rate of 1–2%. Financial and industry

analytics firms share similar findings: Boston Consulting Group estimates that data center energy use could triple from 2.5% of U.S. electricity consumption to 7.5% by 2030 (Lee 2023). Companies like Georgia Power, a subsidiary of Southern Company, have drastically increased their near-term load growth predictions based on growth from data centers (Halper 2024). However, data center operators and federal agencies are seeking greater visibility into the company's heavily redacted resource planning filings, criticizing the utility's approach to load forecasting. Microsoft challenged Georgia Power's modeling methods, highlighting concerns that the model is undervaluing renewable energy while overestimating data center load for projects that have not yet selected Georgia Power as their provider (Allsup 2024).

Utilities consistently emphasize data centers, and specifically AI, as drivers of projected increases in electricity demand. Seven of eight utility forecasts highlighted AI as a key driver of demand growth (Wilson and Zimmerman 2023). Strategic consulting and financial analytics firms consistently predict expanded demand (Avelar and Donovan 2023; Anderson, Sweeney, and Canonica 2023). It is noteworthy that in parallel with predicted increases in AI-related computational demand, specialized microelectronics industry analysts have made more reserved estimates of short- and medium-term load growth due to greater emphasis on manufacturing. Industry analytics firm SemiAnalysis projected AI would account for 4.5% of 2030 electricity use in its base case estimate (Patel, Nishball, and Ontiveros 2024). Institutions specializing in projecting energy use (IEA 2017) or IT power specifically (Nelson 2022) have also updated previous analyses to incorporate AI investment (IEA 2024a; IEA 2024b; Avelar and Donovan 2023). Plots of both historical academic estimates and associated projections of data center energy use in the United States and globally can be seen in Figures 1.1 and 1.2.

We should not dismiss these projections out of hand, as the most extreme cases would constitute a significant stress on electrical infrastructure. Many underlying models on which financial analytics firms build these projections are proprietary or methodologically opaque (Goldman Sachs Research 2024; Jeff Brown 2024; Bloomberg 2024). Others are often extrapolations from utility load growth forecasts based on market research demand projections (Aljbour et al. 2024). While not meaningless, historical utility demand forecasts consistently overestimate both peak and average demand (Carvallo et al. 2018). Rigorous models of data center energy use are needed to adequately calibrate both future investment and public concern.

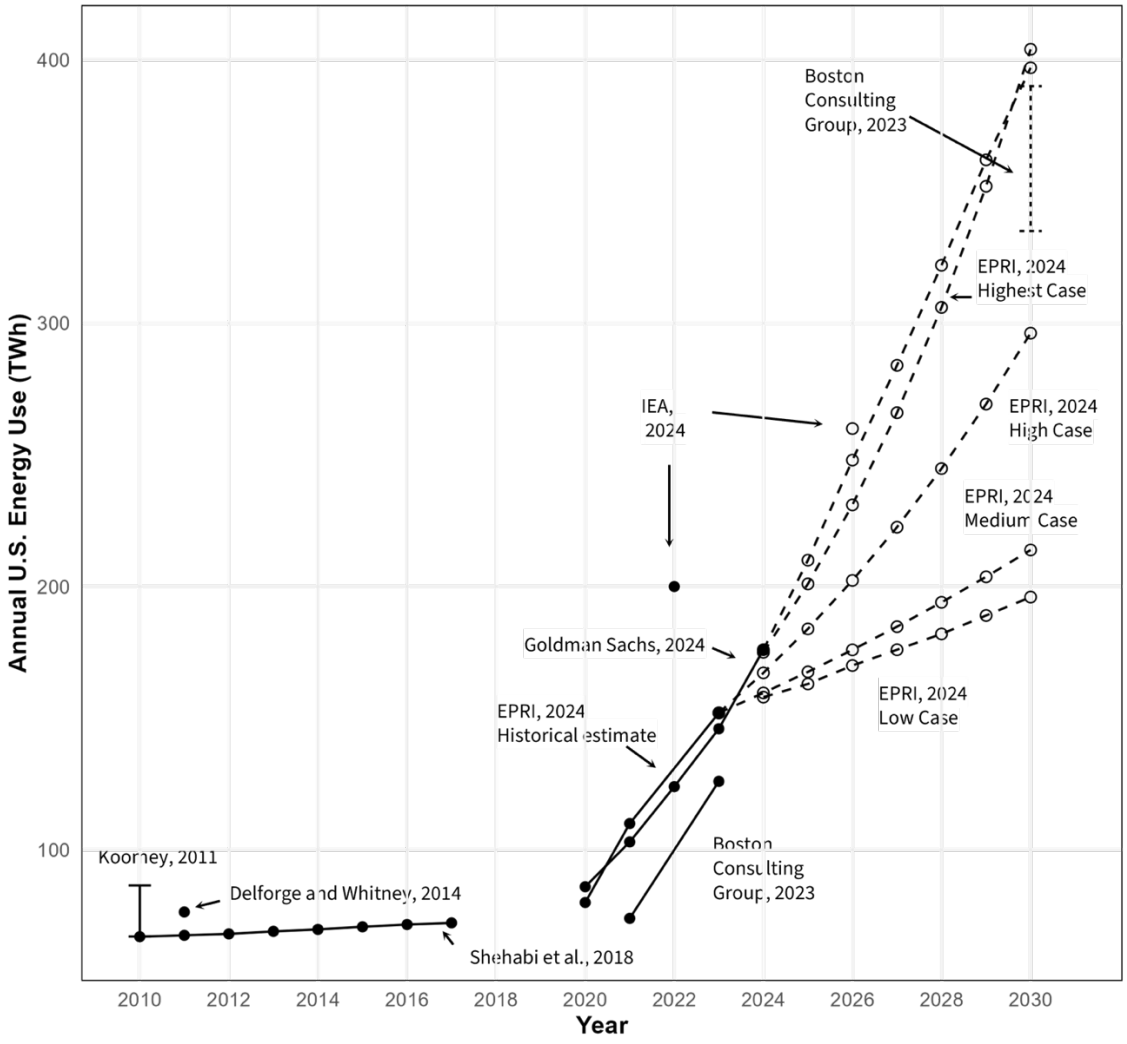

Figure 1.1. Academic and industry historical estimates of U.S. data center energy use.
Plot also includes future projections from those sources. Historical estimates are shown with solid lines, and projections are shown with dashed lines.

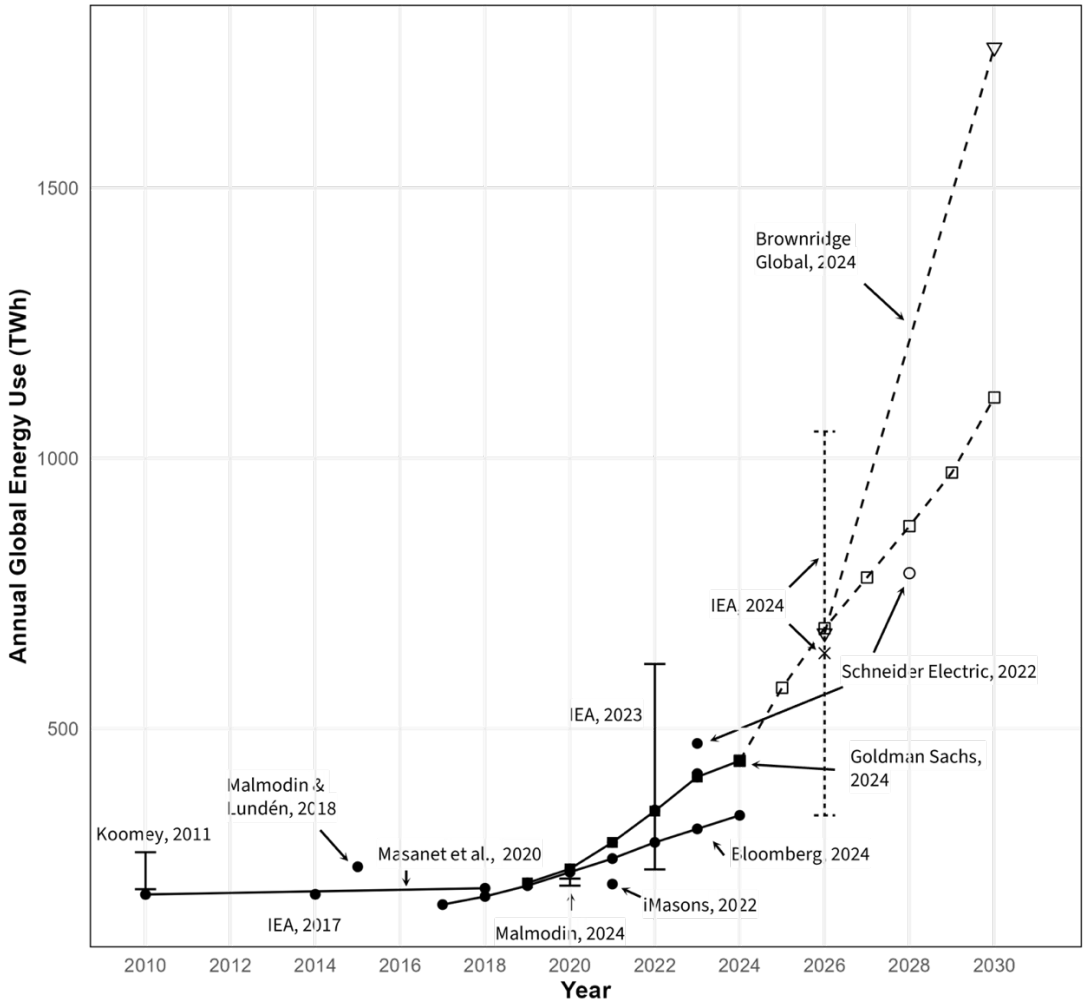

Figure 1.2. Academic and industry historical estimates of global data center energy use.
Plot also includes future projections from those sources. Historical estimates are shown with solid lines, and projections are shown with dashed lines.

The Energy Act of 2020 (U.S. Congress 2020) calls for the Department of Energy to make available to the public an update to the *United States Data Center Energy Usage Report* from Lawrence Berkeley National Laboratory (Berkeley Lab), which estimated historical data center electricity consumption back to 2000 (Shehabi et al. 2016), hereafter referred to as "the 2016 report". This analysis is designed to meet this Congressional request to update the 2016 report and builds on the bottom-up, technology-based modeling approach developed by Koomey, Masanet, and coauthors (Capuccio and Craver 2007; Koomey 2007; 2008; Koomey and Masanet 2021; Masanet et al. 2011; Shehabi et al. 2018). Bottom-up methods are recognized for their accuracy and robustness, stemming from their reliance on meticulous data collection regarding the IT equipment inventory within data centers (Lei, Masanet, and Koomey 2021). While limitations exist in using this approach, top-down estimates instead interpolate backwards from service demand, which has become increasingly uncoupled from electricity use in the IT sector (Malmodin and Lundén 2016). This study seeks only to estimate the direct

energy use by data centers, not any underlying economic factors or transitions that may substantially change the underlying environment and technological base.

The remainder of the report is organized as follows. Section 2 describes the methodology employed in this study. Section 3 describes the categories and subcategories of IT equipment modeled in this study, including the power consumption estimates for various equipment types, how those estimates are evolving over time, and the calculation and results for the installed base of IT equipment. Section 4 then describes the different data center types considered in this study, how IT equipment is allocated across those space types, and the modeling of non-IT power and water demands (namely from the cooling systems) to estimate site power usage effectiveness (PUE) and water usage effectiveness (WUE). Section 5 then presents the resulting estimates for total electricity consumption, as well as the emissions and water footprints considering the source energy of regional electricity grids. Section 6 provides a separate analysis for cryptocurrency. Section 7 summarizes findings, highlights limitations, and provides suggestions for future research.

2. Methodology Overview

This report utilizes a “bottom-up” model, with data and assumptions starting at the equipment level being scaled up and aggregated to generate total results. Figure 2.1 shows the overall structure of the model, including input data sources and the major units of analysis. As shown in the second column, the model characterizes IT equipment as either servers, storage, or networking equipment, and it uses shipment data to generate estimates for the “installed base” of equipment in each year. The installed base represents the quantity of equipment that is being operated in a given year; these values are distinguished by subcategories of equipment, the type of data center the equipment is in, and other characteristics. Each installed base has a complementary set of assumptions regarding the power draw of the installed equipment. Like the installed base, these wattage assumptions might vary across equipment and data center types. For servers, there is an underlying model of power draw that leads to this assumption, considering rated power, maximum power, server operational time, and idle power to estimate annual average wattages.

Adding up the product of installed base and wattage across each equipment category leads to total estimates for annual IT equipment electricity consumption. This value can then be multiplied by modeled PUE and WUE values to estimate total on-site electricity and water demand across the data centers. The PUE and WUE models consider assumptions for the types of cooling systems present at different types of data centers, as well as the locations of data centers and therefore the average surrounding weather conditions. These assumptions are paired with the results from a detailed, physics-based model of cooling electricity demand, which also accounts for ancillary electrical demands such as lighting and uninterruptible power supplies (UPS) to estimate the average PUE and WUE for different types of data centers.

Finally, these on-site demands are combined with models of the carbon and water intensity of the electrical grid to estimate the total greenhouse gas (GHG) footprint and water consumption

related to data centers.

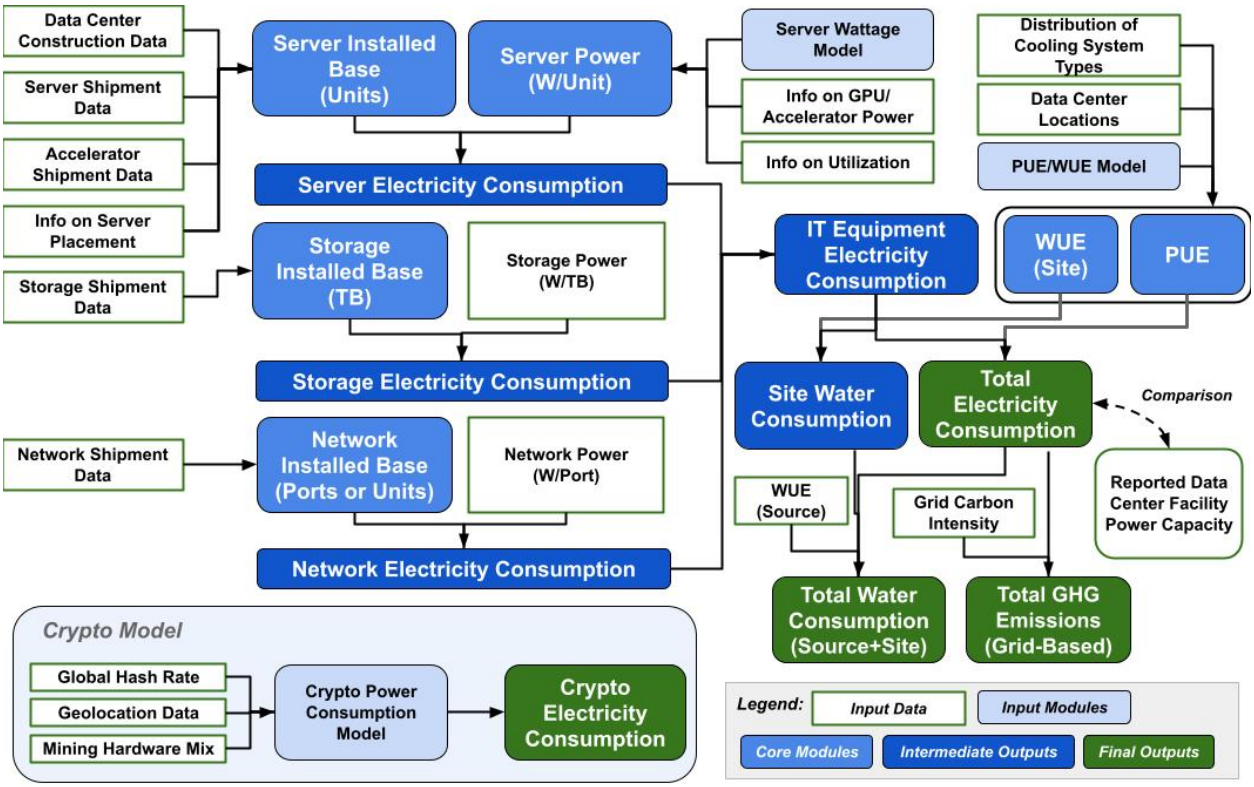

Figure 2.1. Flow chart for the data center electricity model used in this study.

The modeling framework described above is very similar to the model employed in the 2016 U.S. data center energy use study (Shehabi et al. 2016). Key updates include extensive quantification and characterization of accelerated servers used for AI applications, consideration of various cooling system types and outdoor temperatures when modeling PUE and WUE, calculation of carbon and water footprint of electricity consumed based on local grid mixes, and an estimate of electricity demand from cryptocurrency mining. Details on each of these modeling advancements will be given in the remaining sections of the report.

Historical Best Estimates and Future Scenarios

Total electricity, water, and emissions associated with U.S. data center operation are estimates for the period 2014–2028. The years prior to 2024 are historical estimates and, while there are significant variations in the equipment and operational practices of that equipment across data centers, the inputs and assumptions for the core modules during this historical period characterize best estimates of average representative values based on collected data and stakeholder feedback during the review process. Beginning in 2024, estimates are based on forecasts for equipment shipments and predictions of future operational practices, which are inherently less certain than historical estimates. This uncertainty is magnified with the recent rapid growth in accelerator shipments, which significantly affect total electricity use values given the current and anticipated power demand of GPU chips. This report addresses that uncertainty

by presenting future electricity demand as a range that represents different electricity demand scenarios. The scenarios are based on possible variations in future accelerator shipments, the operational time for AI servers, the operational power draw of AI servers, and the efficiency of specific data center cooling systems. The specific variation and rationale for those variations are described in the corresponding sections in the following section.

3. IT Equipment Installed Based and Power Draw

Server Types

Servers are split into two main categories: conventional and AI specialized servers. **Conventional** servers are those with configurations of processing, memory, and networking equipment that are designed for serving legacy data center workloads. While there is significant variation in the configuration, operation, and power consumption of these servers, the primary driver of the power consumption is the number of central processing units (CPUs) present in the device. Therefore, we break out conventional servers into categories of single processor, dual processor, and multiple processor count. Traditionally, the vast majority of servers deployed at data centers were **dual processor**. In more recent years, a shift to **single processor** servers has occurred, with several “blade”-style servers being installed in a chassis (e.g., Facebook’s Yosemite design [Haken et al. 2021]). **Multiple processor count** servers are those with four or more CPUs, with some machines having 32 or even more CPUs; these servers are typically used in scientific computing, big data processing, or content delivery applications. They make up a small portion of the installed base in terms of the number of servers, but their total electricity demand can be substantial. When modeling the power draw of these machines, we include additional specificity in the CPU count (4 vs. 8 vs. 16 CPUs), but we group these servers together as multiple processor count (MPC) servers when presenting results.

AI specialized servers are further categorized as “AI accelerated” and “AI non-accelerated,” based on whether or not accelerators are present. Accelerators are additional processing units that complement the CPU function and allow the server to more quickly process large quantities of calculations in parallel. The most common accelerator type is the graphics processing unit (GPU), though other types of accelerators (e.g., ASIC, TPU) are growing in popularity. **AI non-accelerated** servers are two-processor servers that are dedicated to AI workloads but do not contain any accelerators. Compared to conventional dual processor servers, these machines typically have more robust memory and networking configurations and use higher-power CPUs. The types of data centers where they are installed and the way in which they are operated can also differ from conventional server deployments. **AI accelerated** servers contain two or more accelerators and are dedicated to AI workloads, such as training and inference for large language models. Each server includes two CPUs, modeled after the NVIDIA DGX line of servers. Within the AI accelerated category, servers are split into three groups based on the number of GPUs shipped with the servers (either 2, 4, or 8). Larger-scale AI server configurations have been announced, namely the 72-GPU rack-scale GB200 from NVIDIA (NVIDIA n.d.-a), but these are not yet being deployed and the power draw of these

systems is expected to scale close to linearly from 8-GPU machines.

Server Power Draw

The actual electricity demand for a given server fluctuates throughout the day depending on the amount of work it is doing. In the past, these fluctuations were minimal, as servers consumed electricity near their maximum levels even when sitting idle, but as the power scaling ability of servers has improved, it is important to capture these fluctuations. Further, it is critical to note that servers rarely, if ever, actually draw the full wattage for which they are rated on specification sheets. These "rated power" levels are used to inform the design of power supply and electrical systems and therefore must conservatively include the absolute maximum wattage of every server component running at the exact same time. Ultimately, this creates several wattage levels to be considered when analyzing server electricity demand:

- **Rated power:** the absolute maximum possible power draw of the server, as one might find on an equipment specification sheet. This is generally determined by summing up the thermal design power (TDP) of every component within the machine.
- **Maximum power:** the observed power draw when the server is operating at its maximum computational workload. This can be found via testing benchmarks such as SPEC (SPEC n.d.) or by metering in-use servers for a sufficient amount of time such that maximum workloads are likely to have been achieved and then finding the maximum power draw.
- **Operational power:** the observed power draw when the server is operating in a "typical" workload mode. This term is most relevant for AI training servers that have a relatively predictable power draw when they are doing a training run. It is less relevant for conventional servers that are dealing with continuously variable workloads.
- **Idle power:** the power draw when a server is sitting idle with no computational demand. Lower power draws are possible with enhanced power saving settings such as "deep sleep" modes, but here we consider idle power as when the server is on and in active standby mode but not completing any computations.
- **Annual average power:** the average power draw over an entire year, considering all operating modes and power levels.

For this study, we aim to understand the total annual electricity consumption of servers. Therefore, the annual average power is our metric of interest. Average power draw is calculated in our model by approximating all of the server's operations as one of two states: operational or average. This gives us the following equation for calculating average power:

$$P_{avg} = P_{op} \cdot T_{op} + P_{idle} \cdot T_{idle}$$

Where P represents a power draw (wattage) metric and T represents the fraction of time throughout the year that the server is in a given state. For AI servers, particularly those used for training, this binary representation is reasonably representative of their behavior throughout the year: they are either conducting a training run, or they are not. The power metrics used in the

equation are straightforward and as defined above, and the operational time metric is the fraction of time we expect servers to be actively conducting training runs (idle time is then 1-operational time).

For conventional servers, the operational state (and therefore power demand) is much more varied, but our choice of metrics is such that this formulation is mathematically equivalent to the method used in the prior report. We use the maximum power draw of the server to represent the operational power and use an expected average utilization level as the operational time metric. This gives us an average power draw that is equivalent to a linear interpolation between idle and max power, at a point between those two power levels that is representative of their average workload level. In other words, if we think a server is operating at 30% workload on average, we will end up with an average power that is 30% of the way between idle and maximum power. The assumptions for operational power, idle power, and operational time are described in the following subsections.

Server Operational Wattage

Conventional Servers

Figure 3.1 shows the assumed power draw of operating conventional (non-AI) servers based on the year and number of processors present. The operational power draw for single and dual processor servers shipped prior to 2014 is the maximum power for “Volume 1S” and “Volume 2S+” servers in the previous report (118 and 365 W, respectively). For 2023, the operational wattage of dual processor servers is set to 600 W based on the Green Grid Server Energy Efficiency Database (SEED) average for that year. Intermediate years between 2015 and 2023 are linearly interpolated. After 2023, the operational wattage is determined by applying the linear growth trend from the SERT database to the 2023 values, ultimately reaching 782 W by 2028.

While ultimately the average wattage from the SEED was used for the current wattage of conventional servers, substantial analysis went into exploring additional data sources and understanding the underlying trends and uncertainties in conventional server power draw. Initially, conversations with industry analysts suggested that typical dual processor servers going into data centers in 2023 had maximum power levels, on average, of 1 kW (or even more). Data from the SPEC benchmarking database (SPEC n.d.) supported this trend, with average wattages of around 750 W for 2023–2024. Generally, servers in the SPEC database are expected to be the most efficient configurations and operational settings possible, so this supported an expectation that the average server was at a wattage well above those values. However, further analysis of SPEC and SERT data showed that the SPEC servers had substantially more cores per CPU than servers in the SERT database (approximately 150 vs. 50 cores per CPU, on average, respectively). Additional data on core counts obtained from the IDC confirmed that, on average, servers being shipped to data centers have core counts more in line with the SEED data than the SPEC data. Therefore, the total wattage numbers presented in the SPEC database are not only unrepresentative due to their computationally efficient configurations, but because they are much more powerful servers than the average. While SPEC data still provides numerous valuable insights, we found the SEED data to be

more representative of typical servers and therefore used the average wattages found there for our modeling.

Single processor server operational wattage is determined by following the same growth trend found in SEED, flattening after 2025. Operational wattage for 4 processor count servers is assumed to be two times that of dual processor servers, and 8 processor count server operational power draw is assumed to be two times that of 4 processor servers. Data from the SERT database supports this relative scaling between servers with various processor counts.

An additional category in the data, 16+ processor count servers, represents the remainder of the higher performance computing market. In the prior study, these servers were captured in the “high-end” category. Data on the wattage of these servers was first analyzed in 2007 by Jon Koomey (2007), who created an estimated power draw time series for 2000–2007 based on the most popular servers being shipped at that time. In the 2016 report, this trend was extrapolated to 2020 with an annual growth rate of 7%. In retrospect, this 13-year extrapolation led to an overestimation of the amount of power these servers would consume, with the high-end servers reaching 20 kW in 2020. In this study, we use a simple 10-kW power draw assumption for all years, as this is in line with the power draw of the most powerful servers on the market today. This causes some discrepancies between this study’s pre-2020 estimates and the prior study results, which will be discussed further in a later section.

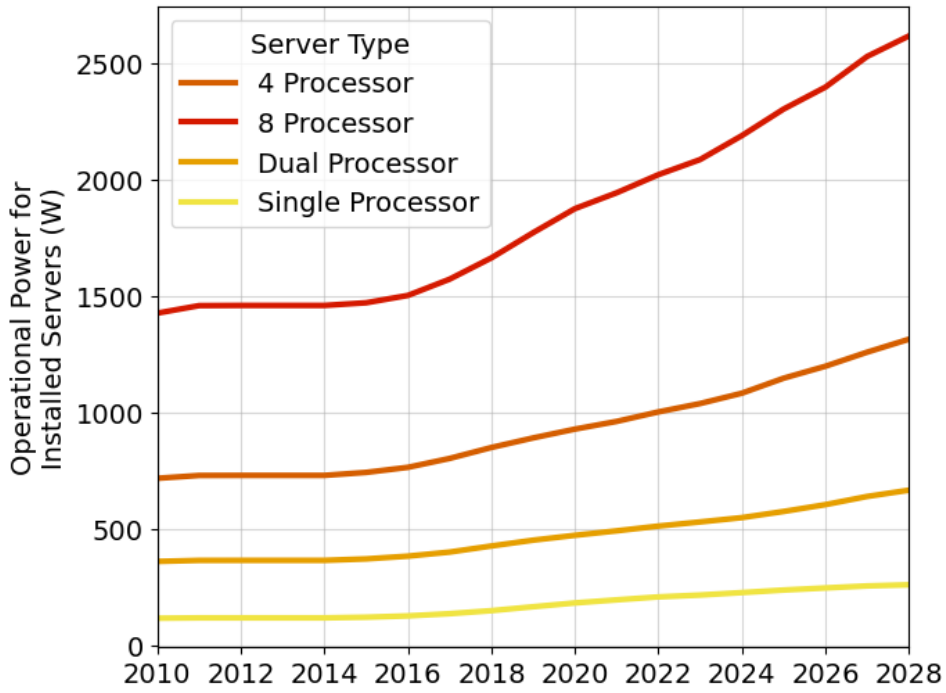

Figure 3.1. Operational power draw for conventional servers across the installed base.

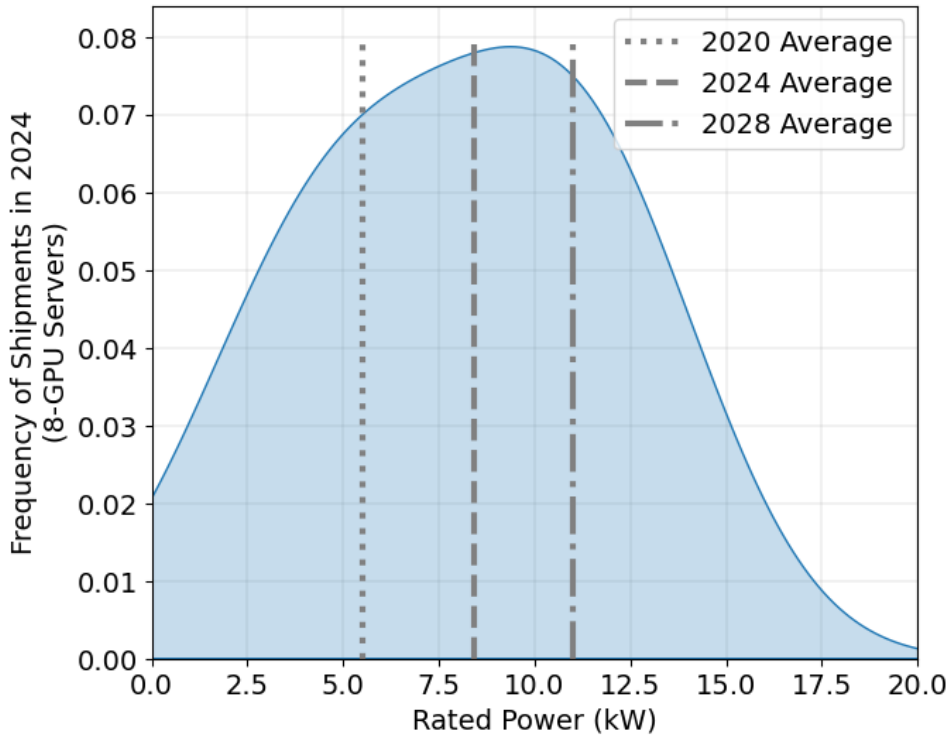

Figure 3.2. Distribution of rated power draw for shipped servers.

AI Servers

For AI servers, the operational power draw is calculated as a fraction of the rated power of the servers, which is shown by shipment year in the left panel of Figure 3.3. These values are based on the rated power for NVIDIA DGX 8-GPU systems shipped in each year, which are then averaged based on the distribution of GPU shipments in each year. For example, if in a given year, 25% of shipped GPUS are in the NVIDIA A100 class, with a rated power of 6.5 kW (NVIDIA n.d.-b), 25% are in the NVIDIA A2, A40, or L4 class, with a rated server power of 3.4 kW (Omdia, 2024), 25% are in the NVIDIA H100 class (NVIDIA n.d.-c), with a rated server power of 10.2 kW, and 25% are in the B100 class, with a rated power of 12.2 kW (Omdia, 2024), the resulting average rated power for that year would be about 8 kW (i.e., the weighted average of 6.5, 3.4, 10.2, and 12.2). Average rated power for 2020, 2024, and 2028 are shown in Figure 3.2. This results in the average rated power numbers by shipment year shown in the left panel of Figure 3.3.

For non-accelerated AI servers, we assume that the power draw in 2023 is the 90th percentile value of the dual processor server power in the SERT database, then follows same linear trend as dual processor servers. We then estimate that, during typical operation, the power draw for these servers is 70% of the rated power, leading to the values in the right panel of Figure 3.3. This is based on an analysis of measured power data from accelerated servers in workload (Newkirk 2024). This analysis found that across both single-node and multi-node AI training workloads, 8 H100 GPU nodes averaged 74% of manufacturer rated thermal design power in workload. Assuming a heterogeneous mix of workloads, some of which won't computationally

saturate the hardware, we elected a value of 70%. Operational power in the years 2024 to 2028 is varied between 60% and 80% of the rated power to reflect possible differences in the future operation of these servers.

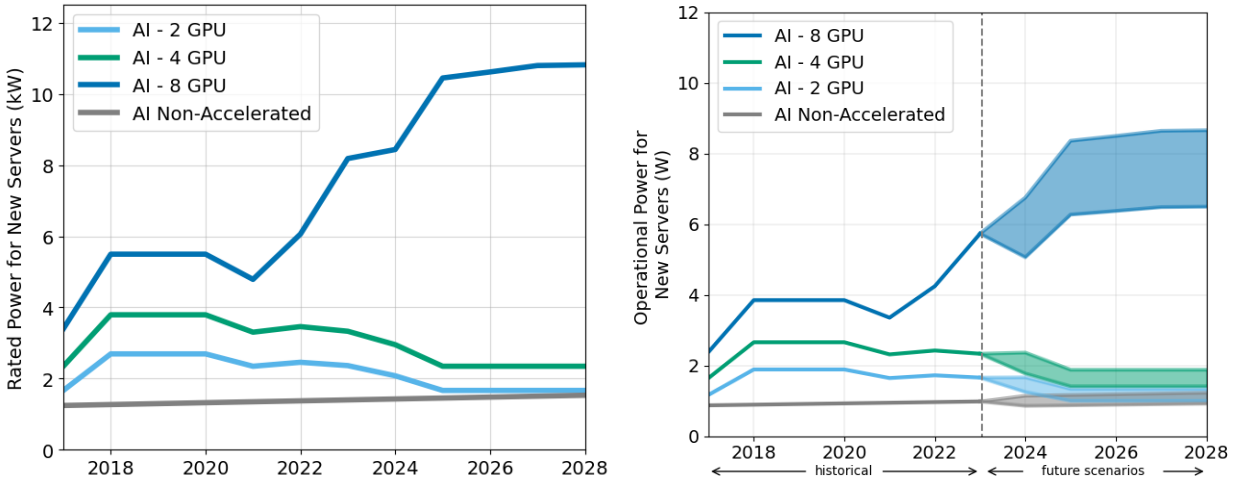

Figure 3.3. Rated power for accelerated servers (left); operational power for accelerated servers (right).

Accelerated Server Operational Parameters

The energy footprint of artificial intelligence (AI) computation differs fundamentally from traditional enterprise computing in several key aspects that directly impact modeling approaches. At its core, AI computation consists of massive quantities of parallel matrix operations that create distinctive facility-level power demands when performed at scale. These workloads are highly parallelizable and show consistent performance improvements with increased computational scale, driving the development and deployment of specialized hardware infrastructure.

This computational profile has led to a distinctive hardware stack dominated by specialized accelerators, primarily graphics processing units (GPUs) for training workloads. While these accelerators perform the bulk of computation, they operate as part of complex nodes including supervisory central processing units (CPUs), memory, and high-bandwidth interconnect. This integration means that individual components can throttle others, creating characteristic load profiles; empirical measurements consistently show that even in computationally intensive workloads, node-level power demand rarely approaches manufacturer rated maximums. A crucial distinction exists between training and inference workloads. Training involves intensive, long-duration computation with relatively predictable power draws, typically performed in dedicated facilities with specialized hardware. This creates opportunities for efficiency optimization through facility siting and cooling system design. In contrast, inference presents more variable loads across a heterogeneous hardware mix, making it more challenging to model but increasingly important as deployment scales. The relationship between inference and training energy use continues to evolve as models grow in both scale and capability.

The consistent relationship between computational scale and AI capability improvements suggests that efficiency gains will typically be reinvested in larger models rather than reducing absolute power demand. However, the scale and capital intensity of these facilities creates strong incentives for operational efficiency, particularly in cooling and power delivery systems. These characteristics inform our modeling approach: We derive parameters from empirical measurements of operational systems, while accounting for the distinctive load profiles and efficiency characteristics of AI computation.

We collected empirical power draw data for AI training workloads on a current generation 8-H100 DGX node in collaboration with Brookhaven National Lab (Latif et al. 2024). We then integrated these results with open-source data from public benchmarking results for multinodal training, with summary statistics of these workloads shown in table 1 below. Using these measurements, we derived a statistical estimate of average node power demand in training for computationally saturated workloads of 7.9 kW or ~78% manufacturer rated power (Newkirk 2024). As commercial hardware will be running a mixture of workloads at a mixture of computational intensity, we parameterized annualized workload demand at 70% of node rated power. For a more detailed analysis of these techniques and a review of the relevant literature on AI-related computational demand, see Newkirk (2024). One finding from this work was the characteristic fluctuation in power demand for AI training as compared to more conventional HPC workloads, which can be especially taxing to grid operators. A plot of a characteristic time series for training can be seen in Figure 3.4.

While training energy use has dominated historical analysis of AI's energy footprint due to its discrete, measurable nature, inference energy consumption presents a more complex modeling challenge with greater long-term implications. The challenge stems from four interacting uncertainties: the energy efficiency of inference hardware, the mix of hardware types used (from ASICs to GPUs to CPUs), the scale and nature of user demand, and the characteristics of inference facilities.

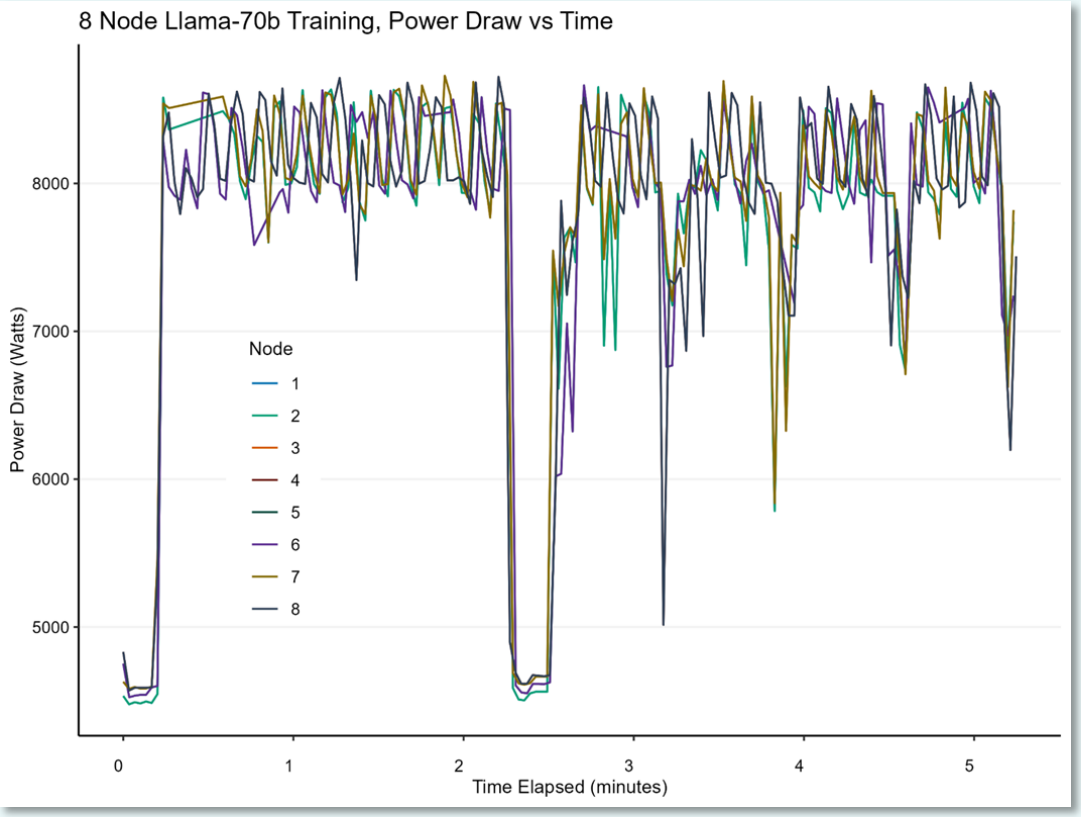

Figure 3.4. Time series of node-level power demand during Llama-70B training across 8 nodes at Sustainable Metal Cloud.
Each line represents a unique node. The characteristic square-wave pattern of transformer architecture training is evident, with regular drops in power demand across all nodes (e.g., at 2:20) corresponding to synchronization points and memory access periods. Power drops of individual nodes during compute intensive phases likely correspond to throttling as GPUs or nodes await intermediate values from other processors.

Economic incentives favor widespread model deployment to amortize high upfront training costs, suggesting inference energy use could dramatically exceed training. However, the actual energy impact will depend heavily on user adoption patterns, hardware evolution, and varying workload requirements. This makes inference energy use both potentially much larger than training and significantly harder to model with confidence. Given the modeled timeframe and these uncertainties, we parameterized inference-related power demand as half of that during training.

Table 3.1. Summary Statistics for Each Individual Workload in Our Dataset

All systems use NVIDIA H100-SXM5-80GB GPUs (8 per node). B = billion parameters, M = million. "Batch" refers to the global batch size. For each workload, average power (Pavg), maximum power (Pmax), and standard deviation (SD) are reported in kilowatts (kW). Power measurements are per-node, energy values represent total system consumption. BNL indicates Brookhaven National Laboratory data, while SMC indicates open-source benchmarking data from Sustainable Metal Cloud.

Workload	P_{avg} (kW)	P_{max} (kW)	SD (kW)	Arch.	Param.	Batch (global)	Nodes	Duration	IT Energy (kWh)
SMC - GPT3-175B (64)	7.67	8.45	0.73	DNN	175B	2048	64	0.95	479.45
SMC - Llama-70B (64)	5.92	8.76	1.5	DNN	70B	64	64	0.03	10.78
SMC - Llama-70B (8)	7.73	8.73	1.11	DNN	70B	8	8	0.09	5.43
SMC - Llama-70B (1)	6.78	7.32	1.05	DNN	70B	8	1	0.5	3.39
BNL-Llama-13B (1)	7.79	8.42	0.61	DNN	13B	8	1	8	62.36
SMC - ResNet 1 (8)	6.36	7.89	1.66	CNN	26M	3200	8	0.07	3.75
SMC - ResNet 2 (1)	6.76	6.88	0.29	CNN	26M	3200	1	0.22	1.51
BNL - Resnet 1 (1)	4.6	5.02	0.34	CNN	60M	512	1	26.8	123.41
BNL - Resnet 2 (1)	5.76	6.48	0.11	CNN	60M	4096	1	5.25	30.15

Idle Power

The method for estimating server idle power varies slightly between AI servers and conventional servers. For conventional servers, idle power is calculated as a fraction of *maximum* power that the servers draw during idle periods, while for AI servers, idle power is an assumed fraction of the server's *rated* power. As shown in Figure 3.5, we assume that conventional servers idle at 51% of their maximum power in 2014, dropping to 36% in 2023 and 27% in 2028. This assumption matches the values from the previous report through 2020, then continues the 2014-2020 linear trend through 2028. These values were compared with data found in the databases of both SPEC and SEED. The model assumption is above the general trend found in the SPEC power database, but roughly in line with SEED. As noted above, servers in the SPEC database are understood to be more efficient than the general market, so this is in line with those expectations. However, it is notable that the SPEC trend is relatively constant, if not increasing, with idle power fractions at 20-25% in recent years. This could imply a functional lower bound for idle power, relative to maximum power, that will remain constant into the future. Our current model assumption essentially states that the general server market will near this lower bound by 2028. However, this may underestimate idle power draw. For AI servers, we assume idle power equal to 20% of the server's rated power over the entire study period, based on measurement data provided by Brookhaven National Laboratory (Latif et al. 2024) of an 8-GPU NVIDIA H100 node, which showed an idle power draw of approximately 18% of the manufacturer-rated maximum.

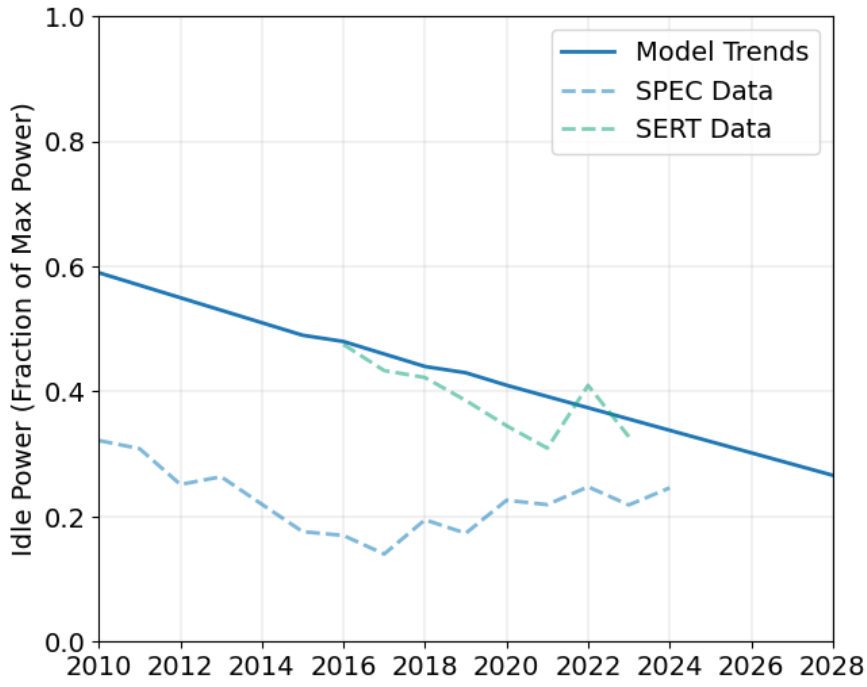

Figure 3.5. Idle power for conventional servers, as a percentage of maximum operating power.

Server Operational Time (Utilization)

Average server operational time for single, dual, and multiple processor servers varies by space type. Following trends in the 2016 report, utilization for conventional servers in all space types increases slightly through 2028. Servers in internal and small data centers average 11% utilization in 2014, rising linearly to 20% in 2027. Colocation data centers average 21% utilization in 2014, rising to 35% in 2027. Hyperscale data centers average 45% in 2014, rising to 50% in 2027. AI accelerated and non-accelerated servers doing training are assumed to have a constant 80% operational time throughout the whole period, while the same servers doing inferencing have a constant 40% operational time (see Figure 3.6). As with the operational power, we vary the operational time of training AI servers between 75% and 85%, and inference AI servers between 37.5% and 42.5%, from 2024 to 2028, to reflect possible differences in the future operation of these servers.

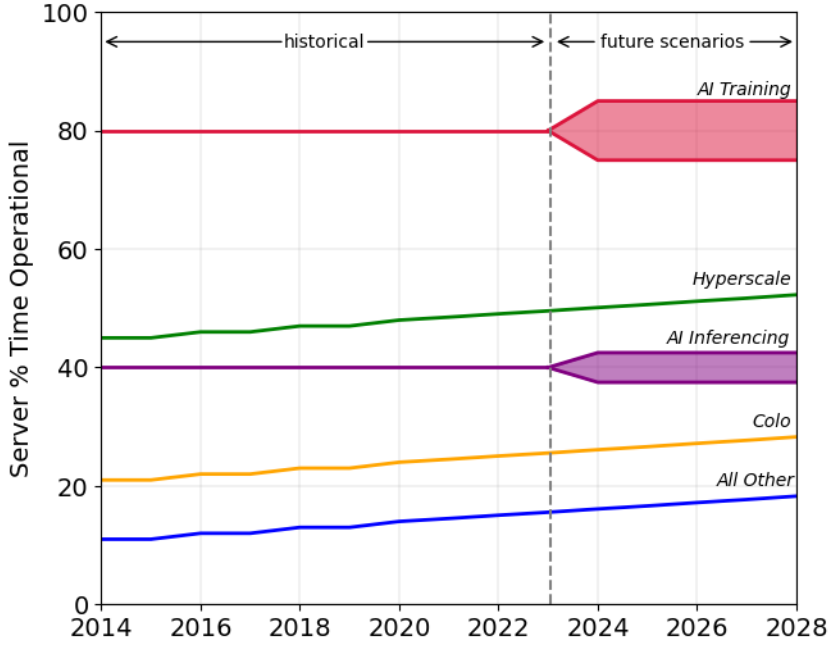

Figure 3.6. Operational time of servers given data center type.

Resulting Annual Average Power

Resulting average wattage depends on both server type and space type (for operational time). Therefore, a wide range of wattages is present in the model. As shown in Figure 3.7, servers with 8 GPUs exhibit the steepest increase, surpassing an annual average power of 5 kW by 2026, while 4-GPU and 2-GPU configurations rise more moderately, peaking above 2 kW and 1 kW, respectively. In contrast, non-accelerated AI servers and traditional processor-based servers experience relatively modest growth, with single and dual processor servers remaining the least energy-intensive, below 0.5 kW and 0.8 kW, respectively, by 2026.

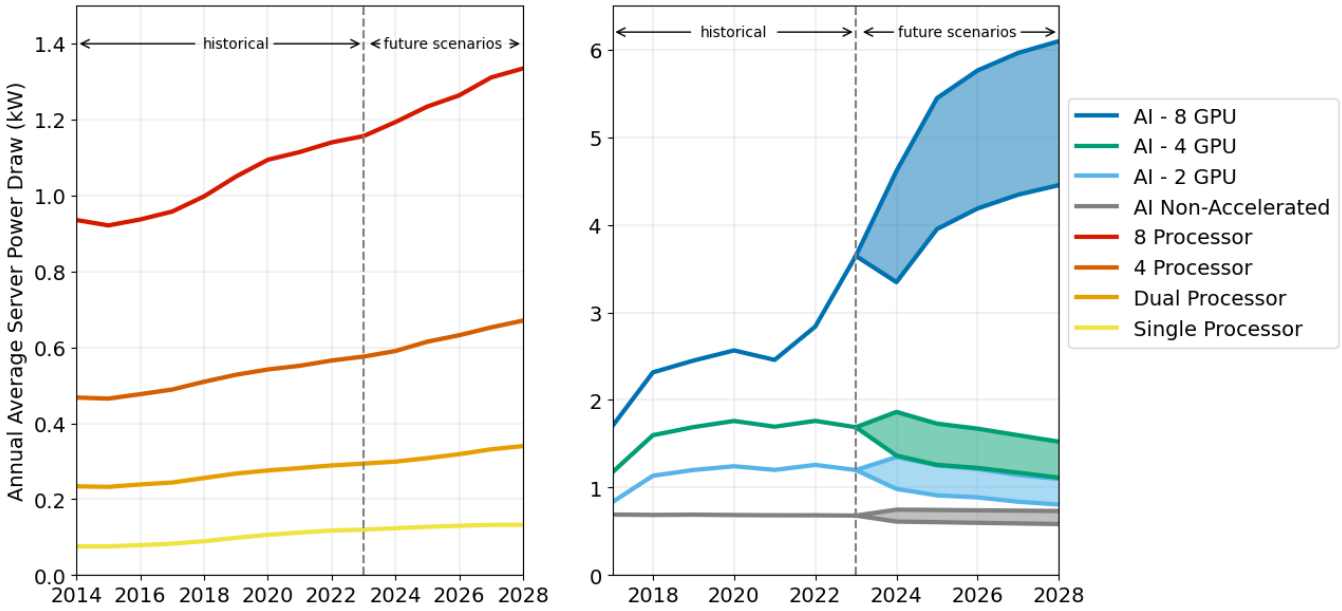

Figure 3.7. Aggregate average power draw of various server types across each analysis year.

Server Population

Total Server Shipments

Estimates for server installed base are based on IDC's "Worldwide Quarterly Server Tracker," which contains annual data for historical (2003–2023) and forecasted (2024–2028) server shipments (IDC 2024a). Shipment data are described by numerous characteristics, but the primary one used in this analysis is socket capability of shipments, representing the number of CPUs each server can be equipped with.

The number of servers shipped in the United States was relatively consistent from the mid-2000s through 2016, ranging from 2.8 to 3.4 million servers per year. After 2016, the number of shipped servers grew steadily, surpassing 6.5 million in 2022. Forecasts predict the number of shipped servers to grow to over 7.7 million in 2028, an 18% increase over six years. Much of the recent and forecasted growth is in 1-socket servers; in 2018, 1-socket servers only represented 7% of the shipments, with 89% of servers being in the "2+" socket category. In 2028, 1-socket servers are expected to be around 30% of shipments, with 2+ socket servers representing about 69%.

AI Accelerated Server Shipments

The AI accelerated server installed base is estimated using IDC's 2024 Q2 Data Center Semiconductor Consumption Report (IDC 2024b), which contains annual data for historical and forecasted CPU, GPU, and network switch shipments. GPU shipments from this 2024 report are categorized by GPU brand and model. IDC's 2023 Processors AI Tracker (IDC 2023a) was also used to estimate the accelerated server installed base. The 2023 report also provides estimated GPU shipments for the years 2017 to 2027, with each year broken out by AI activity

– either training, inferencing, or both. The ratio of inferencing and training GPUs from 2017 to 2027 is extrapolated linearly to develop a ratio for 2028, then applied to the “Data Center Semiconductor” shipment numbers. The “Training and Inferencing” category is split equally between training and inferencing. Additionally, estimates of the GPU shipment and the proportion of servers with 2, 4, or 8 GPUs that were shipped globally from 2019 to 2027 were obtained from Omdia Research (Omdia 2024).

The estimates from IDC (IDC 2023a; IDC 2024b) for the number of GPUs shipped to the United States for use in data centers is relatively flat between 2017 and 2019, with about 0.5 million units or less shipped annually. Shipments begin to rapidly grow in 2021 and continue growing through 2023. IDC’s newer (IDC 2024b) shipment forecast projects significantly more GPUs than their 2023 estimates. Omdia’s forecast for global shipment of GPUs indicate a U.S. GPU growth rate in between the two IDC estimates. Other GPU shipment forecasts reviewed (NSW 2023; TDC 2024) indicate a U.S. GPU shipment growth closer to the older IDC report (IDC 2023a), though these other forecasts were also published in a relatively older timeframe than the new IDC report (IDC 2024b). IDC’s GPU shipments are based on continued rapid growth in the sales and manufacturing of GPUs, with the newer, higher, forecasts influenced by the increased AI activity in the second half of 2024. As such, this report uses the higher and lower IDC forecasts to bound a range of possible GPU shipments that make up the accelerated server installed base of the energy use model for 2024 to 2028, with the lower bound assuming that the increased AI activity observed in the second half of 2024 does not continue and GPU shipments revert to the prior expected growth rate.

The number of accelerated servers shipped in each year are determined by using (1) the total GPU shipments range from IDC (2023a; 2024b) and (2) the distribution of 2, 4, and 8 GPU servers shipped in each year estimated by Omdia Research (2024). The distribution is applied to all GPUs except for the most advanced, such as the NVIDIA B100 or H100 classes, which are assumed to all be shipped in 8-GPU configurations. These servers are assumed to be a subset of the total 2+ socket server shipments described previously.

The allocation of shipped servers for training or inferencing is based on the number of GPUs shipped in each category provided by IDC (2023a). Servers with 8-GPUs are preferentially allocated to training, then inferencing, followed by 4 and 2 GPU servers. Once the allocation of training servers is filled, the remaining are allocated to inferencing.

AI Non-accelerated Server Shipments

We also consider servers that are configured for AI workloads but do not have GPUs or other accelerators (only two CPUs). The Omdia AI server shipment estimates (2024) also include estimates for the number of these non-accelerated servers shipped each year. From that data, we calculate the ratio of non-accelerated to accelerated servers in each year and use that to estimate the shipments in our dataset. All non-accelerated AI servers are assumed to be in the inferencing category.

AI servers are assumed to be a subset of the total servers tracked by IDC. Therefore, future scenarios contain the same total installed base of servers, but with a varying number of those

servers containing additional GPUs for AI applications.

Installed Base Calculation and Results

The installed base is calculated by assuming an average lifetime for servers each year, then summing the server shipments for the corresponding number of years prior, as shown in Equation 1. For this study, the lifetime assumption for 2000–2019 is 4.4 years, increasing to 5 years in 2020, and to 5.7 years by 2023, following trends of hyperscale data centers and trends provided by Omdia (2024) and IDC (2023b), as shown in Figure 3.8. For AI accelerated and nonaccelerated servers, the same lifetime assumptions are used. The entire calendar year's worth of shipments is considered when calculating the installed base, and therefore the resulting values effectively represent the installed base that is present at the end of each calendar year. We factor this into our calculation of total electricity consumption, as discussed in the corresponding results section.

The total server installed base in 2014 was 14 million and was entirely made up of conventional servers. By the end of 2020, the total installed base reached 21 million, with AI servers accounting for 1.6 million servers, while conventional servers grew to nearly 20 million. By 2028, AI servers make up between 8 and 12 million of the total installed base, which grows to almost 37 million, depending on the number of GPU shipments from 2024 to 2028, as shown in Figure 3.9.

$$IB_y = \sum_{y-l}^{y} S_i$$

Where:

$$IB_y = Installed\ Base\ in\ year\ y$$
$$S_i = Server\ shipments\ in\ year\ i$$

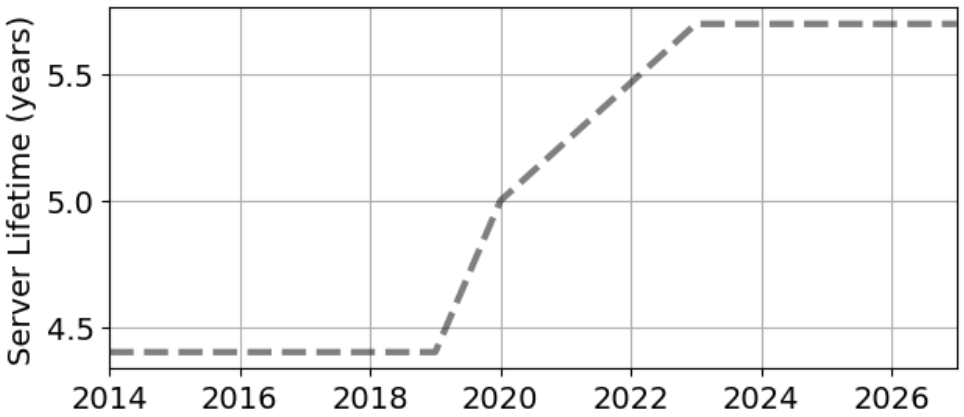

Figure 3.8. Assumed average age of servers installed in each year of our analysis.

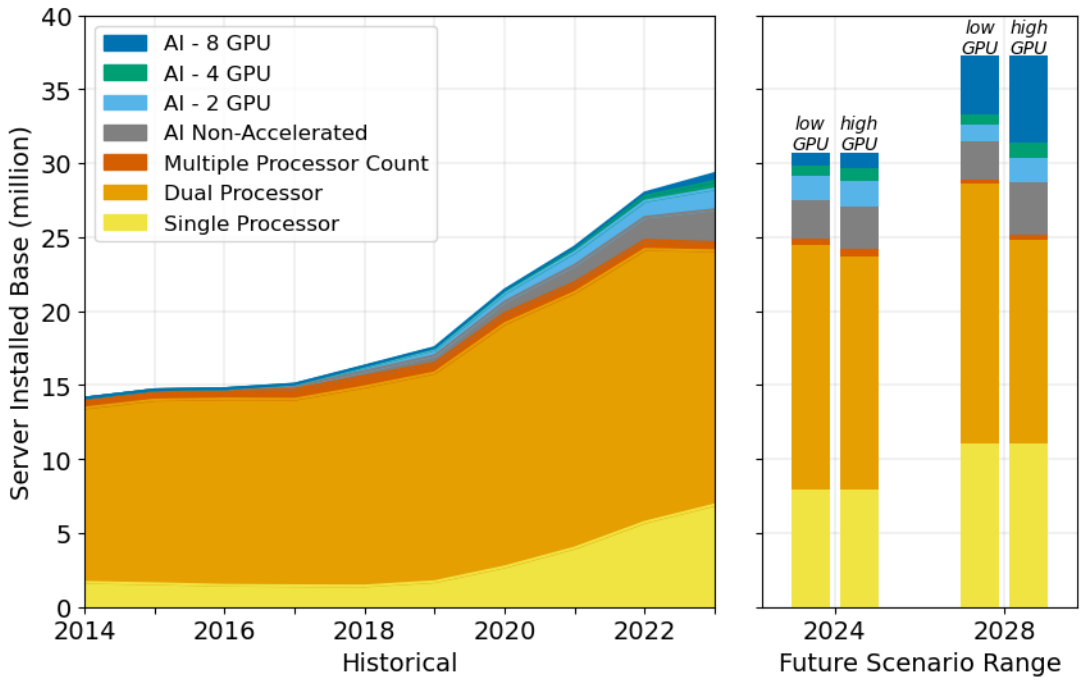

Figure 3.9. Total server installed base for 2014–2028 with higher bound shipments (left). Adjusted installed base with lower bound GPU shipments (right).

Storage and Network Types and Power Draw

Data center storage equipment is captured using shipment data from IDC's storage equipment tracker. Shipments are tracked in terms of total terabytes (TB) shipped for various storage systems and media types. The two media types that IDC categorizes shipment data by are (1) hard disk drive (HDD) and (2) flash storage, which includes solid state drives (SSDs). These TB shipments are converted to number of drives in order to be paired with power consumption estimates that are typically reported on a per-drive basis. Figure 3.10 shows the assumption used for this conversion; data for 2010–2020 is based on feedback collected from industry during the report review period; and for 2020 and beyond, we assume a 20% density increase annually.

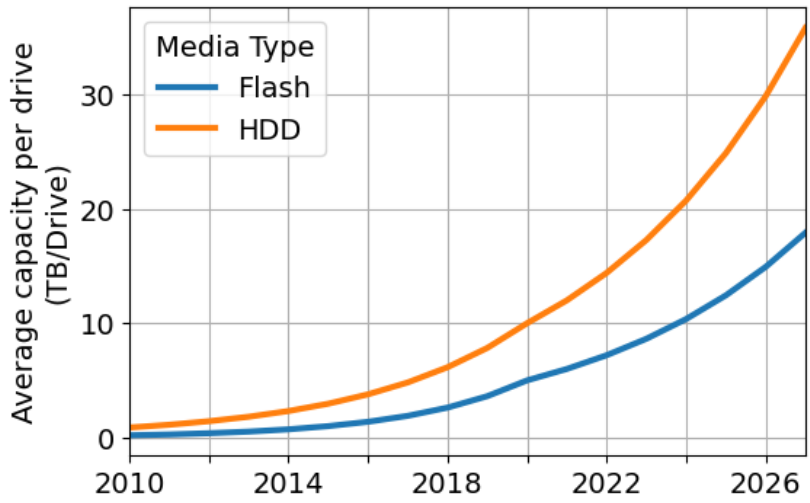

Figure 3.10. Assumed average drive capacity (TB) of new storage devices shipped in each year.

We model the energy use of these systems separately, as the way they consume electricity is functionally different. Hard disk drives consume energy anytime the disk is spinning, while flash drives primarily consume electricity when they are actively inputting or outputting data. The electricity demand of all storage is dependent on the read/write frequency and patterns, which is not feasible to define across the industry as a whole. Therefore, we rely on estimated averages and general rules of thumb for estimating the power draw of this equipment.

The wattage for HDD is estimated by using the historical trend reported in the 2016 report, which was based on datapoints for 2006 (14 W/disk) and 2015 (8.6 W/disk). For 2020 and beyond, we use a recent market research report that estimates 7 W/drive in 2020 and 6.4 W/drive in 2025 (Monroe and Johns 2024). We model the years between these datapoints as exponential curves, then extend the estimates from 2025 to 2028 using the 2020–2025 compound annual growth rate (–1.6%).

The flash storage wattage estimates are less straightforward to produce. There has been a recent transition from SSDs using traditional SATA server attachments to higher-performance NVMe configurations. While NVMe storage drives are considered to be more power efficient, they are operating at very high levels of performance, and therefore they ultimately tend to consume more electricity per drive. Similar to HDDs, our starting estimates are built on the analysis done for the prior report, which was based on a 2015 ASHRAE report and industry feedback. For 2020–2025, we leverage the findings from the same market research report (Monroe and Johns 2024), which notes the transition to NVMe-configured flash drives that are estimated to use 11 W per drive. The resulting wattage estimates for storage devices shipped in each year are shown in Figure 3.11.

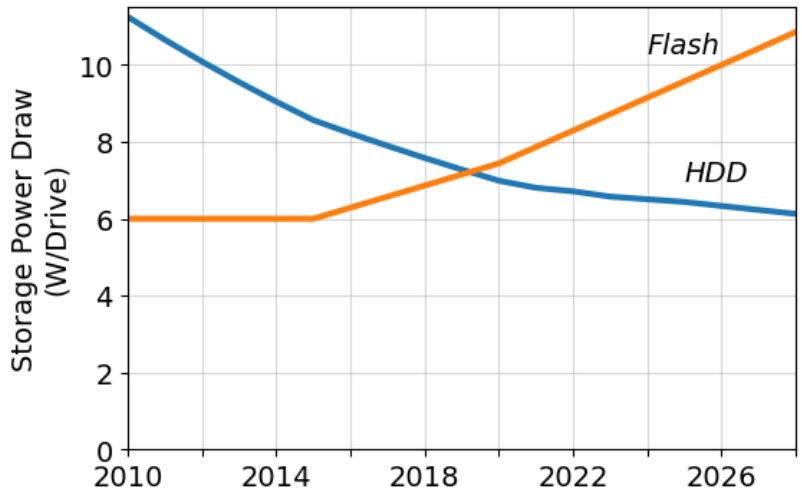

Figure 3.11. Average wattage of storage drives shipped in each year.

Network equipment is captured in two categories: ethernet switches and InfiniBand switches for AI clusters. Shipment data for ethernet switches is obtained from IDC's Network Equipment Tracker in units of number of ports. These shipments are specified for ports of various speeds. For the InfiniBand switches, we obtained data from IDC regarding AI equipment, which included the number of switch units shipped in each year. Note that other internal network hardware for AI, such as NV links, are considered part the AI server system and represented within the accelerated server category.

Average power draw per ethernet port follows the estimates used in the previous report through 2020, then is held constant through 2028, as shown in Figure 3.12. For port speeds not present in the previous report (100 Gb, 200/400 Gb, and 25/50 Gb speeds), wattage per power is assumed to scale linearly with speed. InfiniBand switch units are assumed to operate at an average of 700 W, based on the rated wattage values for 64-port units.

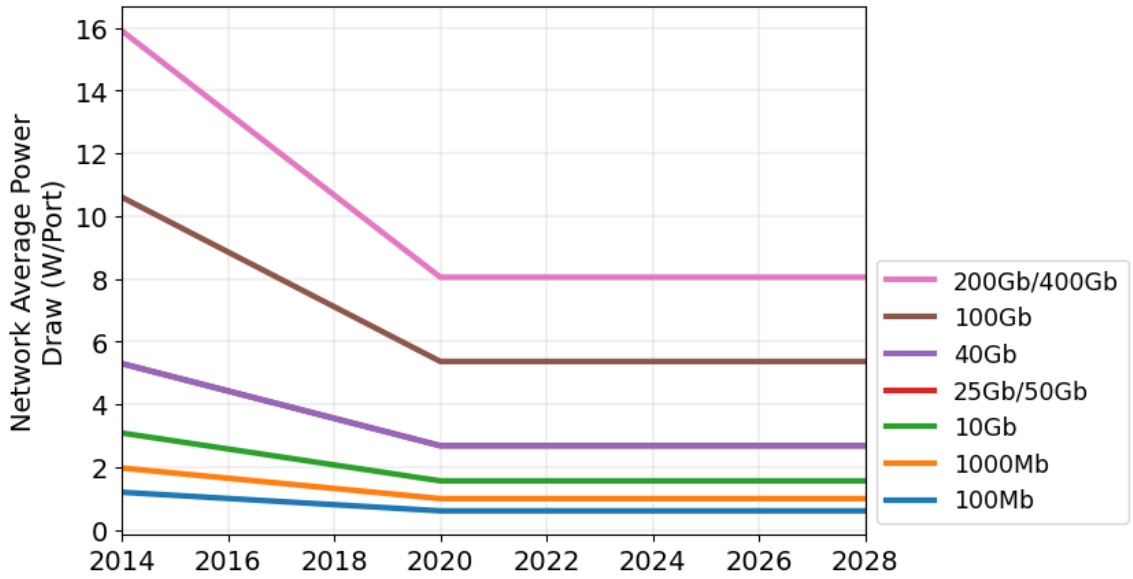

Figure 3.12. Average wattage per port for ethernet ports.

Storage and Network Population

From 2014 to 2020, HDD accounts for most storage equipment, with Flash storage contributing a relatively small but steadily increasing proportion. By 2023, flash storage grows to account for 25% of the total, then continues to grow to 41% by 2028. The total installed base across both technologies reaches nearly 340 million drives by the end of 2028, as shown in Figure 3.13.

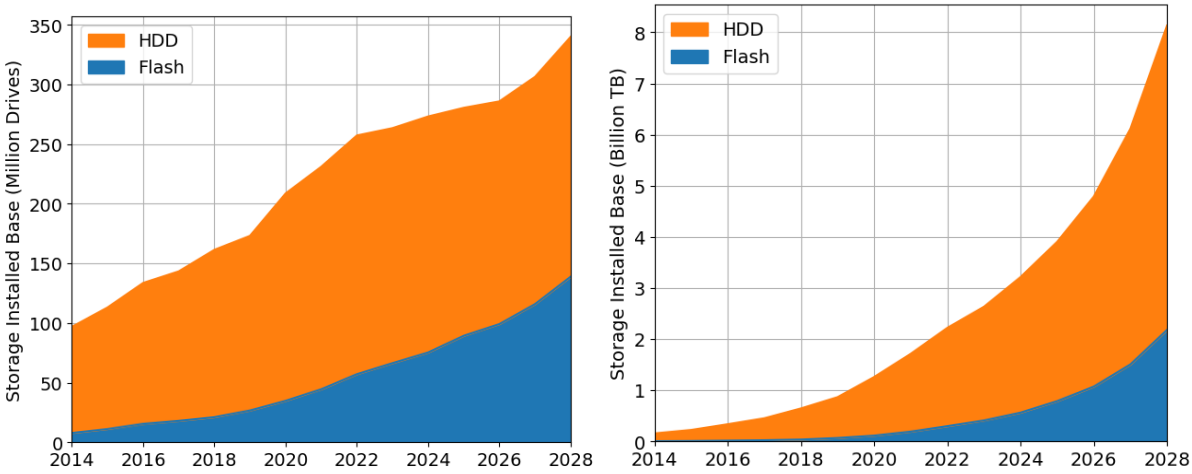

Figure 3.13. Installed base of storage devices in drive units (left) and TB capacity (right).

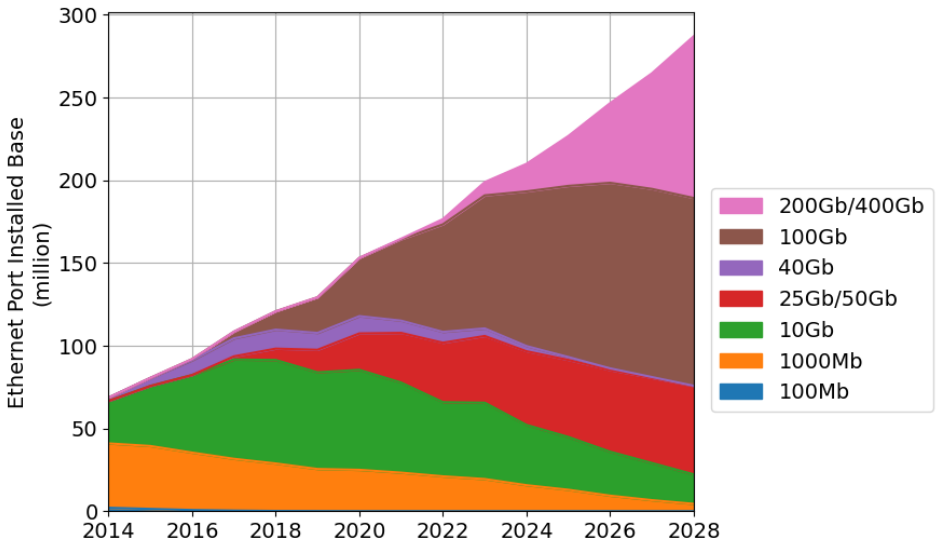

Figure 3.14. Installed base for data center ethernet switch ports by port speed.

Figure 3.14 shows the installed base of ethernet ports broken out by speed in the end of each year. Higher speed ports (> 50GB) begin to dominate the installed base around 2023, accounting for 64% of the total. Higher speeds continue to grow through 2028, with 200/400Gb reaching 34% and 100GB reaching 40% of the total. InfiniBand switch units grow rapidly, beginning in 2020 with under 2000 units and reaching 1.8 million units in 2028.

4. Data Center Infrastructure

Data Center Classifications

Although this study utilizes an IT equipment-based bottom-up model, it is still important to understand the types of data center facilities that IT equipment is being installed in, as different space types can have different operational characteristics as well as different cooling systems, which impact total electricity demand. In the 2016 report, our space types were defined by size and ownership/business (internal vs. service provider) categories. In this study, the space types are defined to align with new data available from IDC regarding the number, square footage, rack count, and other metrics of built data centers over time (IDC 2023b). These space types are described in Table 4.1. While these space types are not explicitly defined by size, for the most part they can be considered as either small, with an average square footage less than 150 (Telco Edge, Commercial Edge, SMB, and Enterprise Branch), midsize, with an average square footage of 2700 (Internal) and 6900 (Comms SPs), or large-scale, with average square footages of 11,000 for the colocation space types and 30,000 for hyperscale facilities (average square footage per module, not per entire facility/campus).

Table 4.1. Data Center Space Types Considered in This Study

Space Type	Description
Telco Edge	Deployment of small closets/rooms to micro data centers and network infrastructure by communications companies as points of presence throughout their network
Commercial Edge	Network closets, server rooms, and micro-data centers deployed to support modern digital, infrastructure, and software delivery services to edge locations for commercial (focused on customer and business operations) and industrial (focused on supply chain and channel operations)
Small and Medium Businesses (SMB)	SMB deployments in their own internal facilities
Enterprise Branch	Classic remote and branch office (ROBO) deployments for large enterprises in their own internal facilities (network closets, server rooms)
Internal	Data centers run by enterprises, internally, for their own use
Communications Service Providers (Comms SPs)	Data centers run by telecommunications/cable companies to support internal services required to enable provision of communications technology services to their customers
Colocation – Sm/Med Scale	Data centers built by local colocation companies typically providing retail leasing at smaller scale
Colocation – Large Scale	Data centers built by major colocation companies providing wholesale and retail colocation leasing, typically deploying large and mega datacenters
Hyperscale	Data centers built by companies that deploy internet services and platforms at massive scale

Data centers are not uniformly spread across the United States. These data centers house computing equipment that operates continuously to support on-demand network requests, ranging from small setups in closets to massive warehouses with thousands of servers. Internal data centers are typically integrated into larger buildings and managed by businesses with their own IT systems. In contrast, multitenant data centers, also known as colocation centers, provide space for companies to host their hardware offsite, offering essential services such as power, cooling, security, and networking. Concurrently, hyperscale data centers, which are large-scale facilities operated by major technology companies, are experiencing rapid growth, with Amazon, Microsoft, and Google collectively owning more than half of them (Synergy 2024).

While internal data centers are scattered across the United States, distinct clusters emerge for colocation and hyperscale data center locations. These data centers strategically position themselves close to their clients and cloud services users to ensure high availability and low response times. Factors such as proximity to population centers, electricity cost, network infrastructures, and local utility prices influence their location choices (Goiri et al. 2011). Information availability on data center location and size varies depending on the type and owner. We identified likely locations of in-house small and midsize data centers following the

methodology provided in Ganeshalingam et al. (2017) reports, and we updated the method with latest available data. Detailed information on colocation and hyperscale data centers is derived from commercial compilations that get support and input from data center service providers. A comprehensive geospatial dataset of over 3,000 data centers was developed through direct engagement with data center operators, analysis of open-source data center inventories, and extensive manual web searches.

The 451 Research Datacenter KnowledgeBase, managed by S&P Global Market Intelligence, (S&P Global 2024) offers comprehensive insights into data center locations, services, and utilization, covering both colocation and wholesale facilities. This dataset was integrated into our inventory to enhance the depth and accuracy of our spatial distribution analysis, enabling a comprehensive assessment of energy demand distribution by data center types across the U.S. According to the latest estimates, Virginia hosts the highest electricity demand associated with data centers in the United States, serving as the primary hub for both colocation and hyperscale data centers, followed by California and Texas.

Distribution of Servers Across Data Center Types

Total number of servers in each data center type is calculated based on the distribution shown in Figure 4.1 which is from an IDC “build” dataset that includes number of racks in each space type, plus an estimate of how many servers are typically on each rack in various data center types. In the early 2010s, internal data centers dominated the industry, with hyperscale and colocation providers housing less than 15% of the servers. In the 2016 report, we estimated that in 2014, 24% of servers were present in hyperscale data centers, and that by 2020, this number would rise to 40%. The current data estimates a slower shift to hyperscale facilities (8% in 2014, 25% in 2020), but a more aggressive overall shift when considering colocation and hyperscale facilities together (20% in 2014, 57% in 2020). With the substantial build out of large-scale facilities for AI and other purposes, we now estimate that 74% of servers were present in these space types in 2023, and this proportion will rise to 85% by 2028.

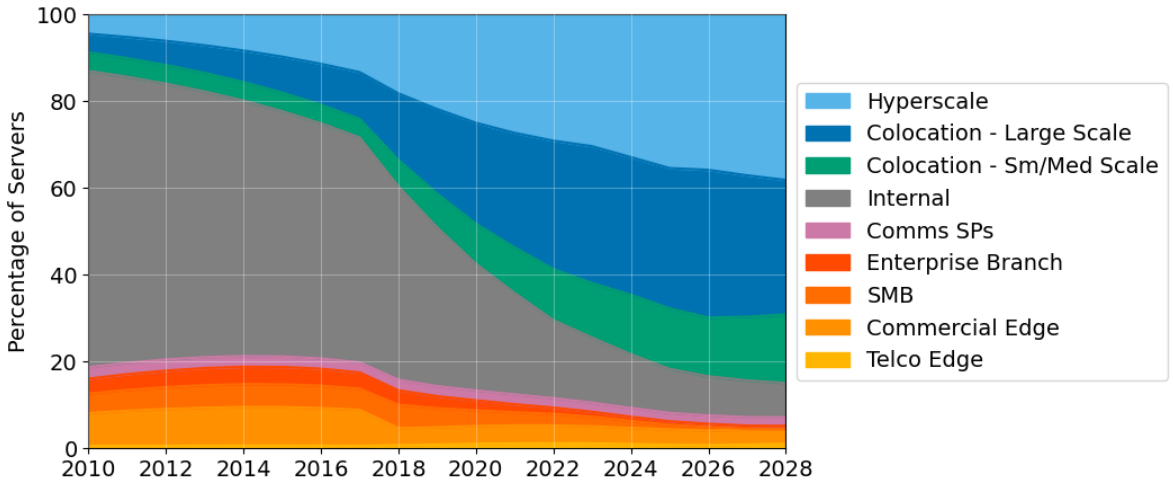

Figure 4.1. Distribution of servers by data center type.

We use the distribution in Figure 4.1 to assign IT equipment in our model into each space type. First, we calculate the total number of servers in each space type by multiplying the total installed base by the distribution. All AI accelerated servers are allocated evenly to the Hyperscale and Colocation-Large Scale categories. These servers are then broken out separately into an “AI” category to capture the unique cooling system configurations used for AI servers (a mix of liquid and air cooling). The total load calculated for AI servers is then distributed evenly between Hyperscale and Colocation-Large Scale. AI nonaccelerated servers go 80% into Hyperscale and 20% into Colocation-Large Scale. Then, multiple processor count servers go into Hyperscale, Colocation, and Internal space types proportional to how many servers are left in each category. Finally, single and dual processor servers are assigned to space types proportionate to how many spaces remain.

Distribution of Cooling Systems Across Data Center Space Types

The distribution of cooling systems across the United States is determined by combining market data with insights from industry experts. Specifically, we acquired market data from the Dell’Oro Group, which details annual manufacturing revenue segmented by primary heat rejection methods (such as chilled water, direct evaporative, indirect evaporative, and direct expansion) in North America. These market insights were then integrated with system costs (in dollars per megawatt) to estimate the distribution of major cooling system categories for each year.

The market data offers an overview of the distribution of major cooling system categories, while insights from experts allow for a more detailed breakdown into specific systems, as outlined in this report. To achieve this, we collected data and insights from industry experts and formulated an optimization problem to estimate the nationwide distribution of cooling systems defined in this study. This optimization problem aims to align the estimated distribution of cooling systems with the major cooling system categories identified in market data, while adhering to constraints established by industry expertise. The result is a comprehensive breakdown of cooling systems, categorized by data center space type across the United States for each year (see Figure 4.2 for cooling systems distribution in 2023).

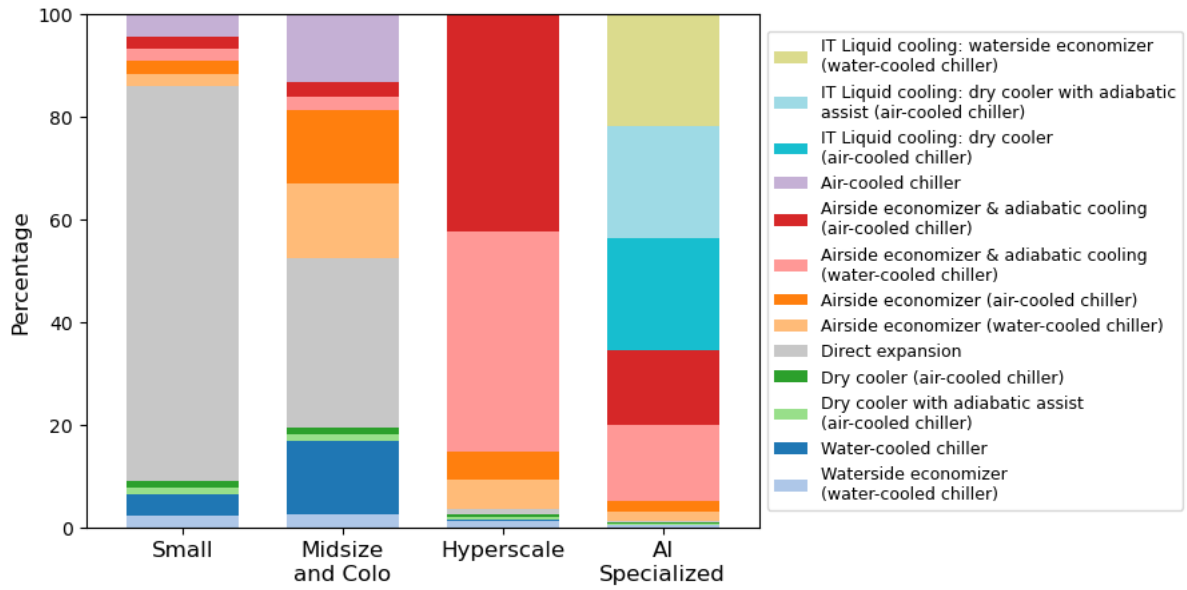

Figure 4.2. Data center cooling systems distribution by space category in 2023.

Data Center Infrastructure Electricity and Water Modeling

Method Overview

Two key metrics are used when describing the resource intensity of data center facility infrastructure. Power Usage Effectiveness (PUE) is defined as the total electricity demand of the data center divided by the electricity demand of the IT equipment. Water Usage Effectiveness is similarly defined as the total water consumption of the data center divided by the electricity demand of the IT equipment. In this section, we discuss the on-site (or "direct") water consumption, sometimes referred to as "WUE (site)" primarily associated with cooling infrastructure, as opposed to the water consumption from the electricity generation ("WUE (source)"). PUE is technically dimensionless (kWh/kWh), while WUE is reported in terms of liters per kWh.

The PUE and WUE metrics of data centers are influenced by various factors, including cooling systems, operational practices, and climatic conditions. For this report, these metrics are simulated using established thermodynamics-based models (Lei et al. 2023; Lei and Masanet 2022). Simulation results are then paired with assumptions for the locations of data centers across the United States, and the cooling systems deployed across different space types, in order to develop estimates for overall PUE and WUE averages; this modeling framework is summarized in Figure 4.3. The inputs and outputs of the thermodynamic simulation model are described in the blue box on the left of Figure 4.3. First, operational characteristics are determined for a total of 18 simulation cases, which represent a combination of data center space type and cooling system type (described further below). This model considers the cooling system at the facility as well as other infrastructure equipment including UPS, power transformation and distribution, fans, and pumps. For each case, 50 simulation scenarios are developed drawing from underlying distributions for each parameter in the model. Each

scenario is then run through the simulation model using data from each weather station in the United States. This results in a dataset of PUE and WUE (site) results for over 1 million simulations.

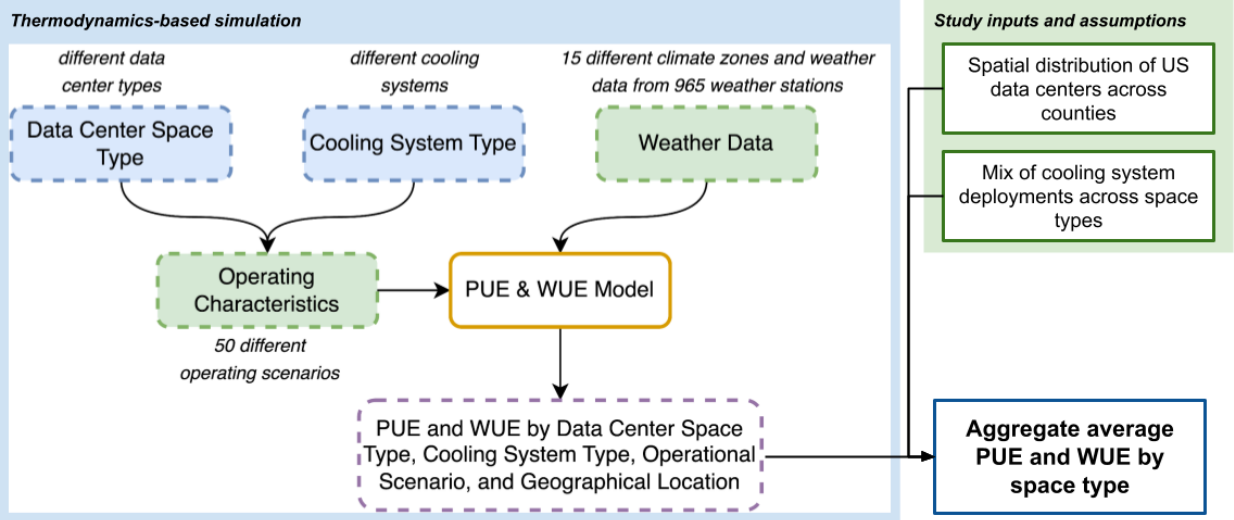

Figure 4.3. Flow chart of methodology for modeling PUE and site WUE across data center types.

Simulation Modeling and Cooling Systems Modeled

Nine cooling systems commonly implemented in the United States were considered, comprising various combinations of refrigeration units (including direct expansion, air-cooled chiller, and water-cooled chiller), economizer use (including airside and waterside economizers), dry/adiabatic cooling, and liquid cooling options, as summarized in Table 4.2 below.

Table 4.2. Major Cooling Systems Considered in this Study

Cooling System Type	Notes
Direct expansion system	Direct expansion systems, typically called computer room air conditioners (CRACs), are commonly employed in small to midsize data centers because of their simplicity and cost-effectiveness. In these systems, refrigerant circulates directly through indoor coils to cool the data center air.
Air-cooled chiller	Air-cooled chillers are widely used across data centers of varying sizes. These systems employ air-cooled condensers to remove heat from the system and are commonly paired with computer room air handler units to maintain ideal IT operating conditions. They are the preferred option where the first cost is a major factor, in situations where minimal on-site water consumption is crucial, or where space limitations prevent the installation of cooling towers.
Water-cooled chiller	Water-cooled chillers are widely used in data centers, owing to their high efficiency and capacity to manage substantial cooling requirements. These systems use water-cooled condensers to extract heat from the system, subsequently

	releasing it into the environment via cooling towers. They are typically integrated with computer room air handler units to ensure optimal IT operating conditions. However, the water evaporation process in cooling towers has raised concerns regarding data center water consumption and availability at the local level.
Airside economizer (air- or water-cooled chiller)	Airside economizer systems leverage outdoor air to cool the internal space of a data center during favorable weather conditions. This approach effectively reduces the data center's cooling energy consumption and operational costs. Additionally, an air-cooled or water-cooled chiller system can serve as the supplementary cooling when the airside economizer alone cannot meet the cooling demands.
Waterside economizer (water-cooled chiller)	Waterside economizer systems minimize energy consumption and operational costs by using cool water drawn from natural resources (such as lakes, rivers, or the sea) or produced by cooling towers when the outdoor air is cool and dry, thereby reducing or eliminating reliance on mechanical refrigeration. In instances where the waterside economizer is insufficient, a water-cooled chiller provides supplementary cooling. Like with water-cooled chillers, local water consumption remains an issue.
Dry cooler with or without adiabatic assist (air- or water-cooled chiller)	Dry coolers reject heat to the ambient air and enable “free” cooling during favorable weather conditions, with or without adiabatic assistance. When the outdoor dry bulb temperature is low, the dry coolers efficiently reject heat using ambient air alone. With adiabatic assistance, spraying or circulating water through pads upstream of the heat exchanger coils enhances cooling, especially when the dry bulb temperature is high and the wet bulb temperature is low (typically in dry seasons). This system conserves water compared to evaporative cooling towers. An air- or water-cooled chiller system provides additional cooling when needed.
Airside economizer & adiabatic cooling (air- or water-cooled chiller)	Like the airside economizer (air- or water-cooled chiller), this configuration seeks to minimize or eliminate mechanical refrigeration by leveraging the adiabatic process, wherein water evaporates directly into the supply air to provide cooling. This approach is highly energy-efficient and cost-effective, and in certain climate zones, it can entirely replace the need for supplementary cooling throughout the year. Additionally, potential use of an air- or water-cooled chiller system can provide supplementary cooling when necessary (e.g., during heat waves or periods of increased cooling demands when the airside economizer and adiabatic cooling together cannot meet the cooling requirements).
IT liquid cooling: dry cooler with or without adiabatic assist (air-cooled chiller)	Dry coolers with or without adiabatic assist, as described above, can be used to minimize water consumption and mechanical refrigeration while maintaining high energy efficiency (“free,” compressor-less cooling). The higher

	operating temperature of liquid cooling systems facilitates better water and energy efficiency/performance (less chiller run hours and less adiabatic assist). Dry coolers can effectively meet data center cooling needs for much of the year, particularly in regions with favorable climates. This provides an energy-efficient and water-friendly cooling solution for data center infrastructure. In instances where dry coolers cannot fully meet the cooling requirements, an air- or water-cooled chiller system is deployed for supplementary cooling. For purposes of our simulation, an air-cooled chiller was assumed.
IT liquid cooling: waterside economizer (water-cooled chiller)	Liquid IT cooling is an emerging technology for cooling dense IT equipment (e.g., AI). While IT liquid cooling can use conventional chiller plants, an advantage of liquid cooling is the ability to elevate the cooling temperature and take greater advantage of “free” cooling. Therefore, the base case is a waterside economizer. A waterside economizer system decreases or eliminates dependence on mechanical refrigeration and is well suited for liquid cooling (e.g., rear door heat exchanger, direct-to-chip, and immersion). Liquid-cooled IT systems can often be operated at higher water/refrigerant temperatures than air-cooled IT systems, and waterside economizers can effectively fulfill data center cooling requirements for much of the year, especially in regions with favorable climates. When necessary, an air- or water-cooled chiller system is deployed for supplementary cooling. For purposes of our simulation, a water-cooled chiller was assumed. While highly energy-efficient, this system consumes substantial amounts of water, like all evaporative cooling systems.

Note: (1) parentheses denote a supplementary cooling system that may not actually be deployed in favorable climate zones. For example, in the scenario of an airside economizer (air- or water-cooled chiller), the air- or water-cooled chiller system would only be used when the airside economizer alone cannot meet the data center's cooling needs; (2) systems whose names do not begin with 'liquid cooling' represent air-cooled IT systems.

Various data center operating characteristics that influence PUE and WUE values were considered in the simulations conducted for this report. These characteristics encompass equipment efficiencies (such as UPS, power transformation and distribution, fans, and pumps) as well as indoor environment set points within the data center (such as dry bulb temperature, relative humidity, and facility water temperature), which vary across different data center categories defined in this report. Generally, smaller categories of data centers, such as commercial edge, enterprise branch, small- to medium-size business (SMB), and telco edge, operate with lower UPS and airflow efficiencies and have narrower allowable ranges for temperature and relative humidity. In contrast, hyperscale and AI data centers tend to operate with higher UPS and airflow efficiencies, as well as wider allowable temperature and relative humidity ranges, leading to a significant portion of free cooling throughout the year. Data centers falling between these two categories, such as comms service providers (SPs), internal,

and colocation, typically have UPS and airflow efficiencies, as well as allowable temperature and humidity ranges, that lie somewhere in between. In this report, uncertainty ranges of the best and worst operating characteristics, drawn from several relevant studies (Lei et al. 2023; Lei and Masanet 2022, 2020), were employed for PUE and WUE simulations of each data center type (see Table 4.3 for assumptions regarding the major determinants of PUE and WUE). These simulation results were subsequently reviewed by industry experts and meticulously adjusted based on industry-reported PUE and WUE values until they aligned with expected ranges.

Table 4.3. Model Assumptions Regarding the Major Determinates of PUE and WUE by Data Center Space Type/AI

Space Type	UPS Efficiencies	ASHRAE Thermal Envelope (ASHRAE 2021)	ASHRAE Liquid Cooling Class (ASHRAE 2014)
• **Commercial Edge** • **Enterprise Branch** • **SMB** • **Telco Edge**	77–85%	Recommended	N/A
• **Comms SPs** • **Internal** • **Colocation - Sm/Med Scale** • **Colocation - Large Scale**	80–94%	A1	N/A
• **Hyperscale** • **AI (IT Air Cooling)**	90–99%	A2	N/A
• **AI (IT Liquid Cooling)**	90–99%	N/A	W45

To accurately capture variations in PUE and WUE values across different climate zones and account for micro-level geographical differences in climate, typical meteorological year (TMY) climate data were collected from different weather stations situated across the United States, comprising hourly measurements of dry bulb temperature, relative humidity, and atmospheric pressures throughout the year. In total, climate data from 965 weather stations were collected, representing evenly distributed geolocations across the U.S.

Using these location specific TMY climate data, we conducted a large-scale simulation to evaluate annual average PUE and WUE across a broad spectrum of data center space types and cooling systems (refer to Figure 4.4 for a simplified flowchart illustrating the simulation process). Specifically, for each data center space type and cooling system type considered, we randomly sampled 50 operational scenarios from the uncertainty ranges of best and worst operating characteristics, where each scenario represents real-world data center operational practices. These simulations provide valuable insights into annual average PUE and WUE values for diverse data center settings across the U.S., accounting for various space types, cooling system types, operational scenarios, and climate conditions.

PUE and WUE Results

Figure 4.4 and Figure 4.5 depict the uncertainty ranges of annual average PUE and WUE values for the data center space types and cooling systems examined in this study. The lower limits represent data centers with best practice efficiency values in favorable climates, while the upper limits correspond to poor efficiency values in hot, humid climates.

Figure 4.4 reveals a striking variation in PUE values across different types of data center spaces, reflecting the diverse efficiency practices implemented within each category. PUE values vary according to cooling system types, albeit not as significantly as the variance among different types of spaces. Utilization of economizers, adiabatic cooling, or dry coolers can contribute to lower PUE values, highlighting the impact of different cooling methodologies on overall energy efficiency.

Note that simulated PUEs assume systems are commissioned and operate as designed. This is rarely the case, and generally system performance does not meet design expectations. For example, it is not uncommon to find multiple computer room air conditioning units in a data center “fighting” with each other—some humidifying while others are dehumidifying. Therefore, the actual PUEs (and WUEs) will likely not be as good as estimated, however, since the uncertainty ranges are primarily drawn from studies regarding data centers in the earlier years of our historical range of 2014-2023 (Lei et al. 2023; Lei and Masanet 2022, 2020), and generally data center PUE has improved during that period (Uptime 2024), the median of the uncertainty values was assumed to be representative for data centers through 2023. For future years, 2024–2028, the PUE and WUE values for the data center space types were varied by a range of +/- 10% to reflect possible differences in the future type and operation and cooling systems.

As illustrated in Figure 4.4, WUE values display variability across different data center space types, reflecting distinct efficiency practices. However, a significant contrast emerges among various cooling system types. Data centers employing water-cooled chiller systems without economizers exhibit the highest WUE, largely attributed to substantial cooling tower water usage.

This trend extends to data centers using waterside economizers (water-cooled chillers), for both IT air-cooled facilities and IT liquid-cooled facilities. Waterside economizers play a pivotal role in reducing WUE values by eliminating or reducing heat from compressors. Moreover, in IT liquid-cooled data centers, WUE values can be further reduced through improved heat transfer and elevated coolant/facility water temperature setpoints, enhancing the utilization of waterside economizers throughout the year.

Despite these optimizations, the indispensable role of evaporative cooling in dissipating internal heat from IT devices remains evident, therefore contributing to significant water consumption. To mitigate water consumption, data centers can employ airside economizers, as demonstrated by facilities utilizing either an airside economizer (water-cooled chiller) or airside economizer with adiabatic cooling (water-cooled chiller). In these scenarios, the implementation of airside

economizers allows for the shutdown of chilled water systems during favorable weather conditions, resulting in substantial water conservation. Notably, the application of airside economizers with adiabatic cooling (water-cooled chiller) is prevalent among hyperscale data centers. Their optimized operational practices enable extensive use of airside economizers to support data center cooling, with sporadic adiabatic cooling resulting in minimal water consumption.

Furthermore, data centers using dry coolers with adiabatic assist exhibit the highest water consumption among the remaining scenarios, where water consumption primarily occurs during the adiabatic pre-cooling process when wet mode operations are activated. Lastly, the remaining cases display minimal WUE values, primarily influenced by occasional humidification requirements.

The above discussion does not imply low site WUEs are necessarily good. In many cases, there are tradeoffs between low PUEs and low site WUEs. For example, water-cooled chillers and other evaporation-based cooling systems are generally more energy efficient than an air-cooled chiller or other waterless systems. While air-cooled chillers use no water, they use more energy. There are two WUE metrics: site and source. Site WUE only measures water at the facility level, while source WUE accounts for the water required to generate the electricity that is used by the facility. Including both site and source WUE reflects the true water cost of data centers, but its calculation is complex and highly dependent on the source of electricity.

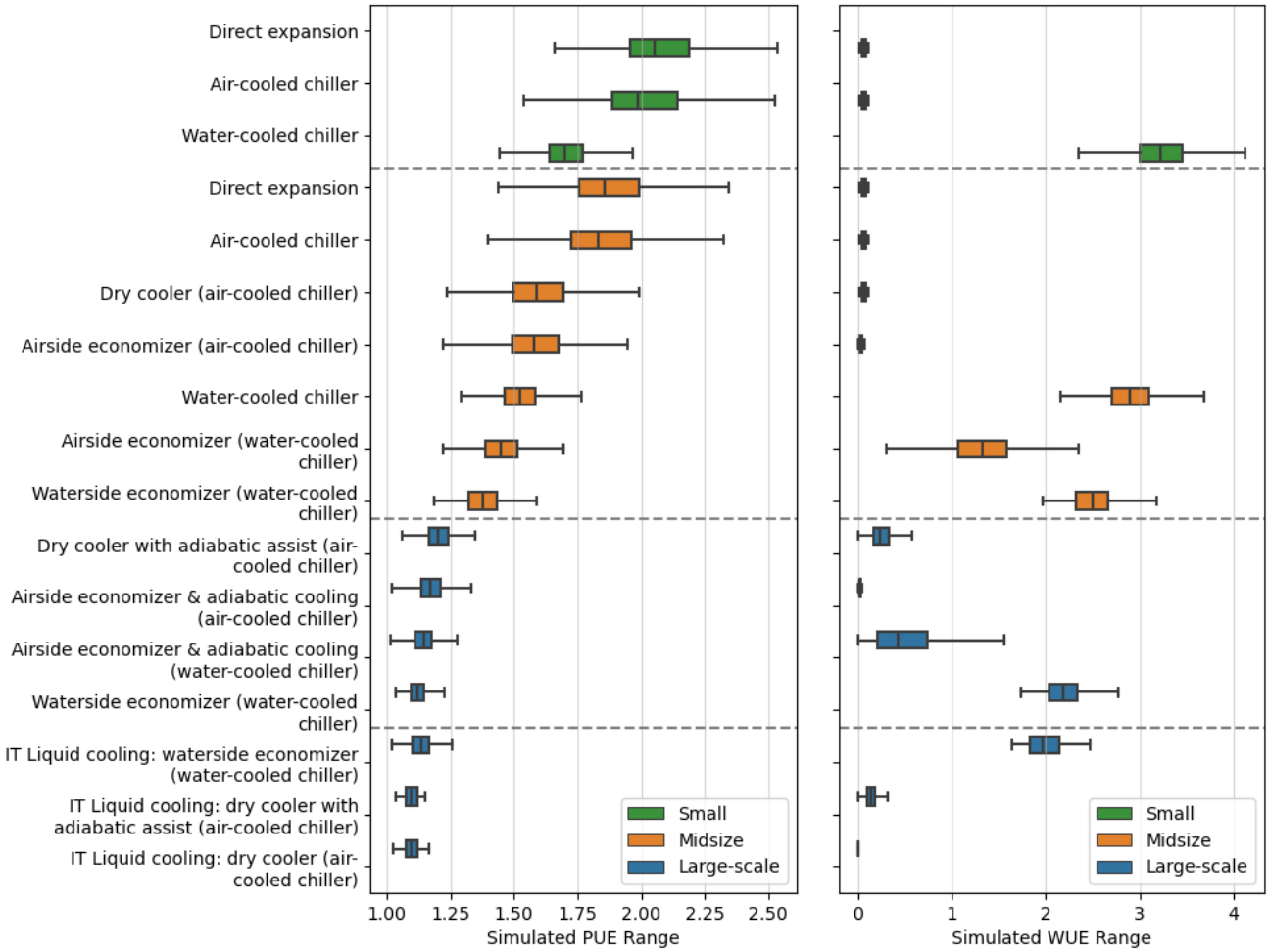

Figure 4.4. Simulated PUE and WUE (site) ranges by data center cooling system and space type.

Aggregate PUE and WUE for each data center space type is calculated by combining (1) the simulation results presented in Figure 4.4 (2) the distribution of cooling systems, discussed above and shown for a sample year in Figure 4.2 and (3) the assumed locational distribution of different data center space types, discussed above. This leads to the aggregate space type PUE and WUE values shown in Figure 4.5. The ranges shown in the figure represent the possible range of the aggregate metric, considering the 10th and 90th percentiles of the simulation results described above; the ranges do *not* represent the full spectrum of individual facility PUEs within the space type category. For example, while colocation facilities as a whole are not assumed to typically deploy the lowest-PUE cooling systems (i.e., those with adiabatic cooling), such systems on certainty in some colocation facilities. The PUE of a single colocation facility might therefore fall well below the range of the aggregate metric shown here.

As discussed above, significant uncertainty exists regarding the “true” PUE of existing data centers. The simulation modeling here assumes facilities are operated as designed, and makes assumptions about temperature setpoints, outdoor weather conditions, and other characteristics that might differ from reality. Notably, more data is needed to appropriately model the “airside economizer & adiabatic cooling (air-cooled chiller)” system, and the water

usage associated with it. The current simulations are set up such that the adiabatic cooling system is not used most of the year, with most of the cooling being supplied by the airside economizer. This optimal operation might not be reflective of the true practices with these systems, and therefore the WUE of this system (shown in Figure 4.4) may be low. Some hyperscale facilities report WUE values for similar systems of 0.1-0.3 L/kWh, which is much higher than the values simulated here, though the specifics of those systems are not known. For context, if this cooling system has a median WUE of 0.2 L/kWh instead of the values modeled here, the aggregate median WUE for the hyperscale category would increase from 0.32 to 0.40, which is still within the range of uncertainty shown in Figure 4.5.

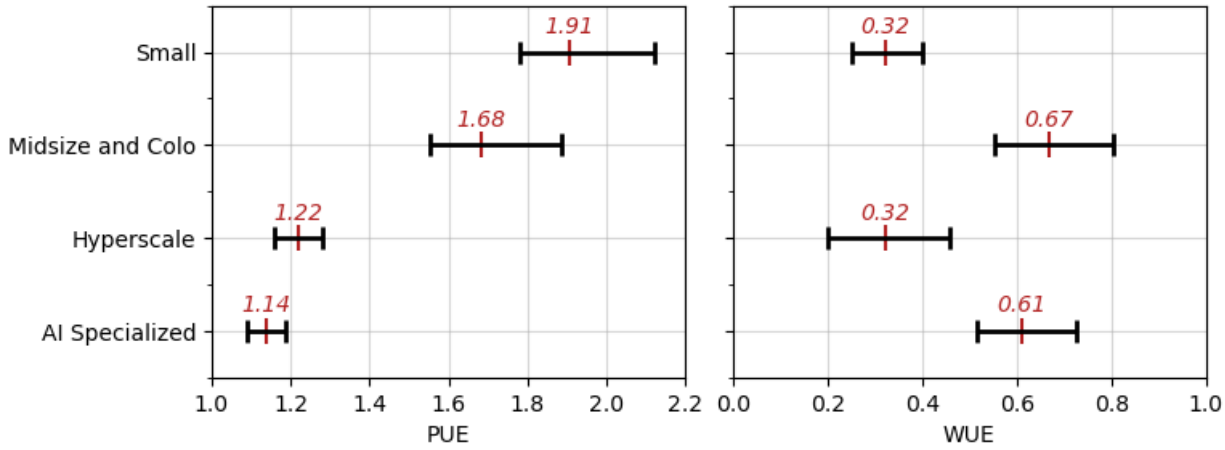

Figure 4.5. Aggregate PUE and WUE across space type categories considering the facility locations and mix of cooling systems present in 2023.

The resulting annual average PUE falls from 1.6 in 2014 to 1.4 in 2023, as shown in Figure 4.6. This decline is primarily due to the shift towards larger data centers (hyperscale, colocation) that have a lower PUE. By 2023, the average PUE across hyperscale and colocation data centers is under 1.4, with around 75% of servers installed in those data centers. This trend continues, and by 2028, the average PUE falls to between 1.15 and 1.35, driven again by the shift into more energy efficient hyperscale and colocation facilities, combined with the increase in liquid-cooled AI servers.

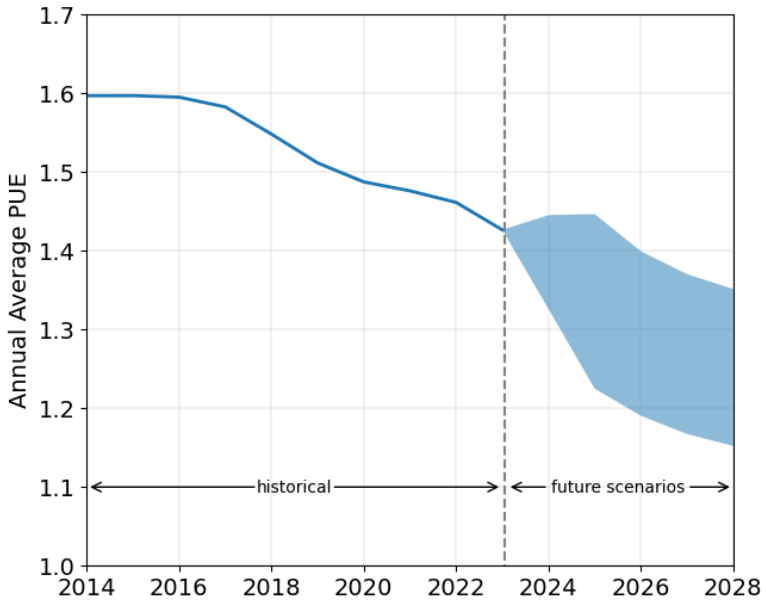

Figure 4.6. Annual average PUE across all U.S. data centers.

The shift toward hyperscale and colocation data centers results in an increase in the overall average WUE, which stays just over 0.36 L/kWh through 2023, as shown in Figure 4.7. After 2023, the average WUE rises slightly, reaching between 0.45 and 0.48 L/kWh, reflecting increasing WUEs in the hyperscale and colocation data centers, along with the increased water consumption of liquid-cooled systems.

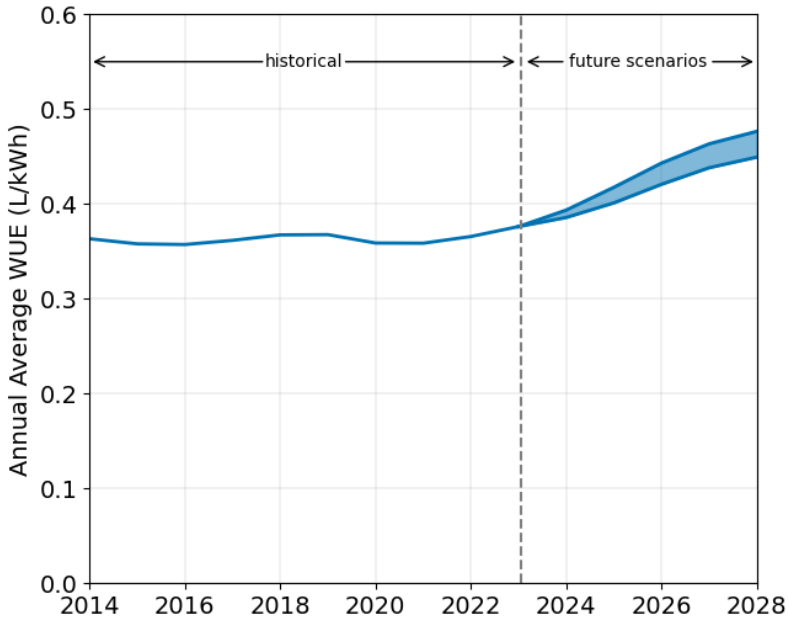

Figure 4.7. Annual average site WUE across all U.S. data centers.

5. Total Data Center Electricity/Water/Carbon Estimates

Server Electricity Use

The total annual server energy use from 2014 to 2023 is presented in Figure 5.1, along with a future scenario range of server energy use through 2028. Server energy usage grew from about 30 terawatt-hours (TWh) in 2014 to nearly 100 TWh in 2023, more than tripling during that period. A large portion of this increase came from GPU-accelerated AI servers, which grew in energy usage from less than 2 TWh in 2017 to more than 40 TWh in 2023. Conventional servers, primarily dual processor servers, increased significantly during the same period as well, doubling from about 30 TWh to nearly 60 TWh.

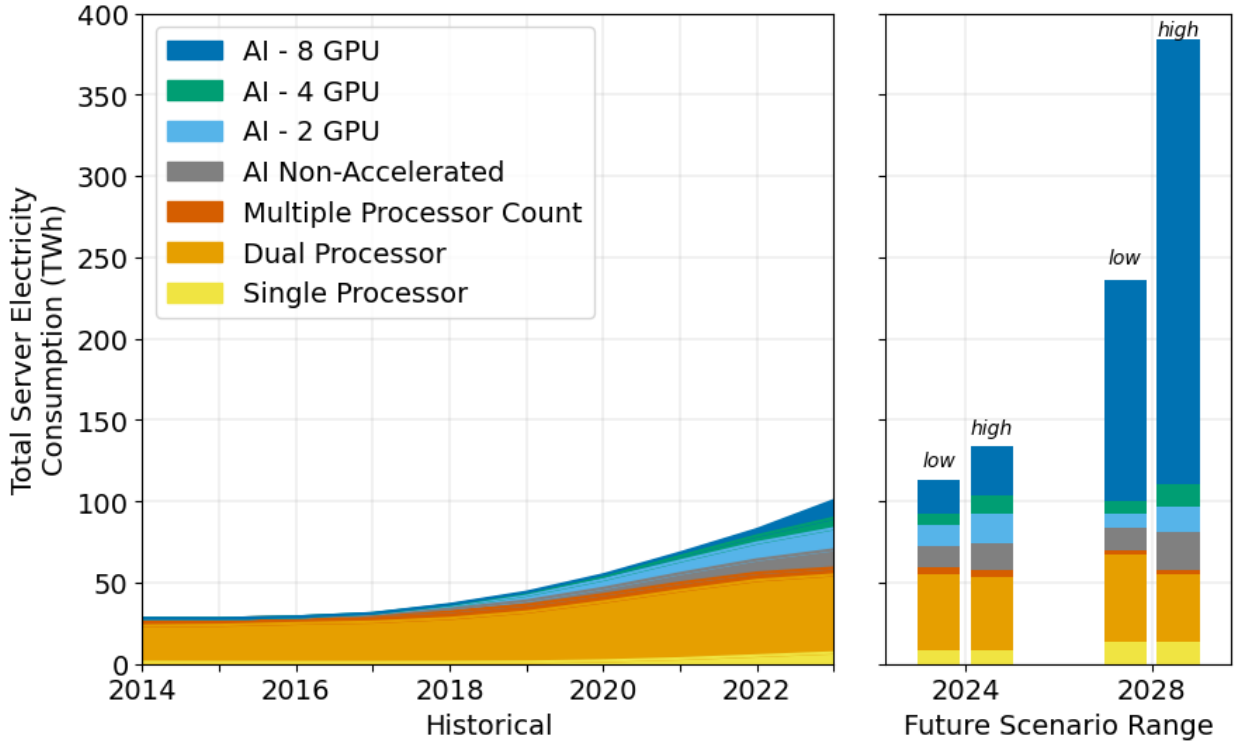

Figure 5.1. Server annual electricity usage by type.

After 2023, server energy use is presented as a range to reflect various scenarios of future equipment shipments and operational practices. Specifically, the count of future GPU shipments varies within the higher and lower bounds previously described in the AI Accelerated Server Shipments section. Second, the average operational power of AI servers varies between 60% and 80% of the rated power as noted in the Server Operational Wattage section. Finally, the average operational time of AI servers varies between 75% to 85% of the year as noted in the Server Operational Time section. Together the variations of these inputs provide a range of operation energy, with the low and high end representing about 240 and 380 TWh in 2028, respectively, as shown in Figure 5.1.

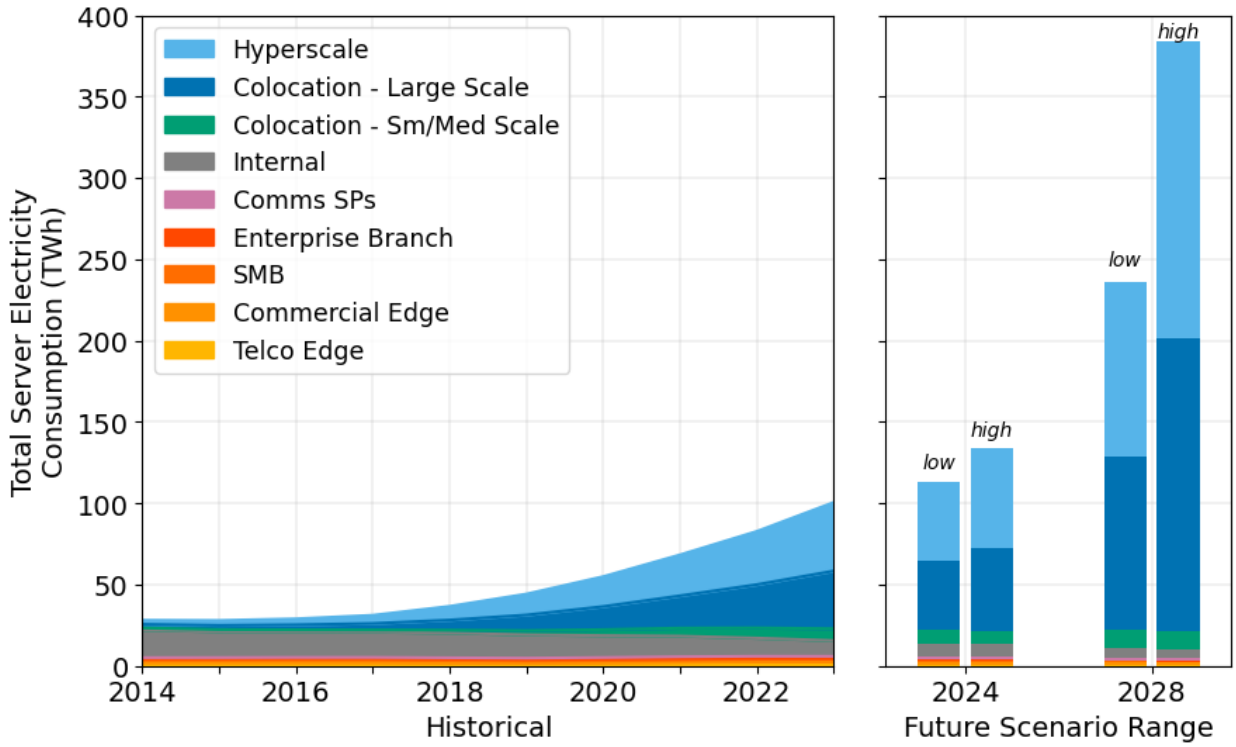

Figure 5.2. Server annual electricity use by space type.

Figure 5.2 presents total annual server energy use allocated by data center space type. In 2014, over 60% of server energy consumption was in internal data centers. By 2023, this fell to nearly 10%, with hyperscale and colocation data centers accounting for almost 80%.

After 2023, internal data centers' share of server energy continued to fall, reaching below 2% by 2028. Hyperscale and colocation data centers continue to grow in proportion, and by 2028 it is expected that hyperscale and colocation will account for over 90% of server energy consumption, primarily driven by AI workloads.

Most AI servers are allocated to inferencing throughout the entire period, and these servers make up nearly 60% of the AI server energy usage in 2023. By 2028, training server energy consumption surpasses inferencing, as more of the higher TDP GPUs are allocated towards training, consuming between 50% and 53% of the total AI server energy.

Storage and Network Electricity Use

Storage equipment electricity use grows steadily after 2014, nearly quadrupling by 2028, as shown in Figure 5.3. HDD units accounted for 94% of the total electricity in 2014, with flash making up just 6% of the 7 TWh total. By 2023, flash units had grown to 25% of the 16 TWh total. This growth continues and, by 2028, flash units make up 50% of the 22 TWh total. HDD electricity usage peaked in 2023 at 12.3 TWh, then falls slightly, reaching 11 TWh in 2028.

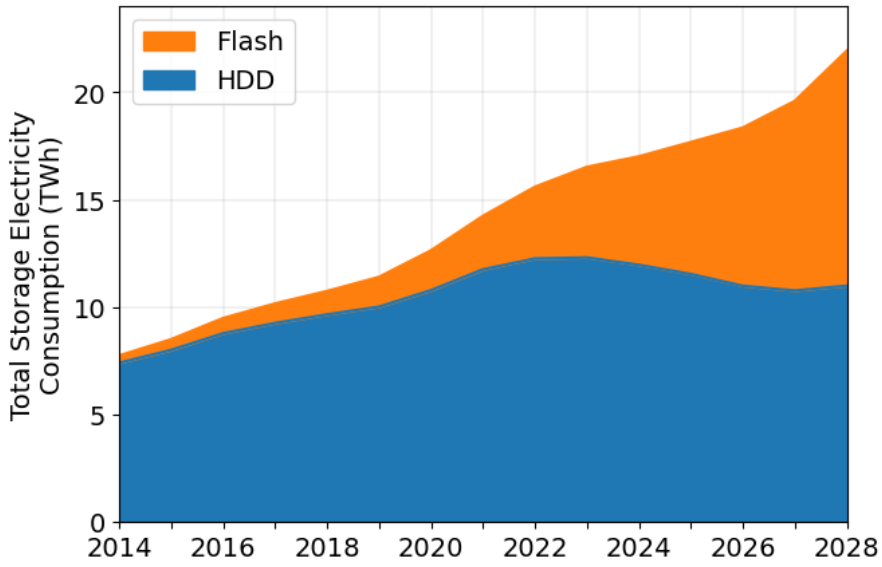

Figure 5.3. Storage equipment annual electricity use by type.

Network electricity also sees rapid growth through 2028, ultimately reaching 23 TWh, as shown in Figure 5.4. This growth is largely driven by the introduction of InfiniBand switch units, which account for 45% of the total in 2028, growing from just under 10% in 2023. Note that other internal network hardware for AI, such as NV links, are considered part the AI server system and represented within the accelerated server category. 200/400Gb ports also grow rapidly, from 6% in 2023 to 26% by 2028. Port speeds less than 50Gb see a decline in total energy usage. In 2023, these speeds accounted for 15% of total energy usage, but in 2028 they fall to under 2%.

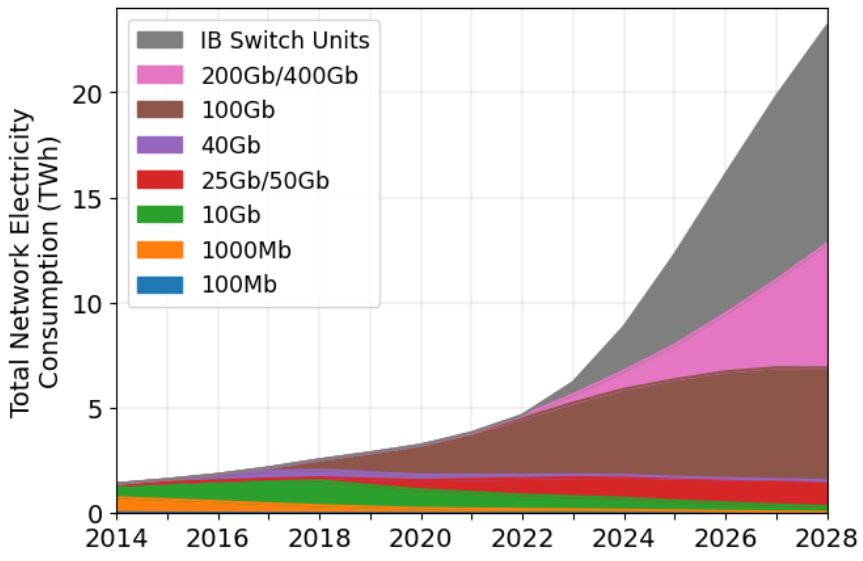

Figure 5.4. Network electricity use by port speed, with InfiniBand switches.

Total Electricity Use

Figure 5.5 presents total annual data center energy use from 2014 to 2023, along with a future scenario range of total data center energy use in 2024 and 2028. Data center energy use remained fairly stable between 2014–2016 at about 60 TWh. Energy use began to increase as the amount of accelerated AI servers in the server stock began to become significant in 2017, and by 2018 data centers consumed about 76 TWh, representing 1.9% of total U.S. electricity consumption. U.S. data center energy use continued to grow at an increasing rate, reaching 176 TWh by 2023, representing 4.4% of total U.S. electricity consumption.

After 2023, total data center energy use is presented as a range to reflect various scenarios of future equipment shipments and operational practices, as well as variations in cooling energy use. The equipment variations are based on the range of GPU shipments, average operational power and operational time of GPU-accelerated servers, as previously outlined for the future range of server electricity use. The cooling energy use variations are based on scenarios in cooling system selection type and efficiency of those cooling systems, as previously outlined in the infrastructure section of this report. Together the scenario variations provide a range of total data center energy, with the low and high end representing about 325 and 580 TWh in 2028, as shown in Figure 5.5, representing 6.7% to 12.0% of total U.S. electricity consumption.

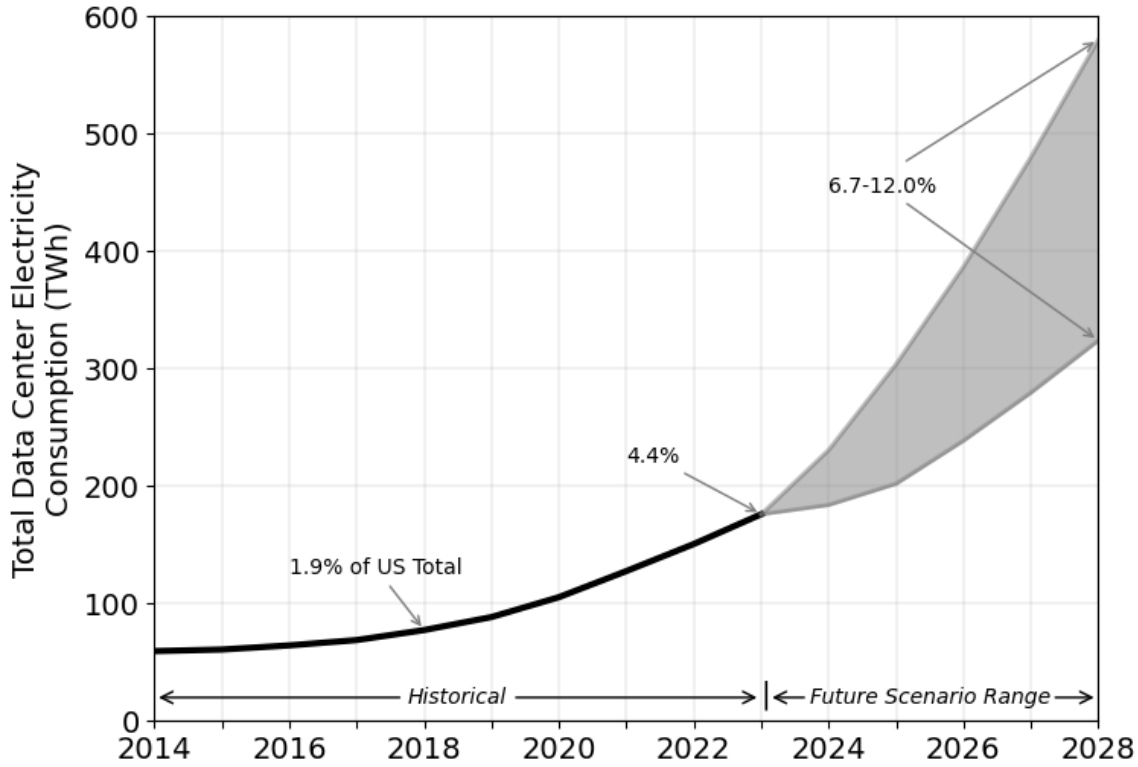

Figure 5.5. Total data center electricity use from 2014 through 2028.

Figure 5.6 presents the total historical and future ranges of U.S. data center energy use allocated by data center equipment, showing that total energy use growth between 2014 and

2023 is driven by both a rapid proliferation of AI servers and well as continued growth in conventional server energy demand. Storage electricity continues to increase, but at a rate slower than server growth, causing the storage proportion of total data center energy to begin to slightly decrease as AI servers begin to impact the total server stock. Networking electricity use remains flat around 3% from 2014 to 2022, then begins to grow in 2023 with the introduction of InfiniBand switch units. Infrastructure energy accounts for 40% of total electricity in 2014, then falls to 30% in 2023 as the national average PUE improves, as previously shown in Figure 4.7. The falling PUE is driven by two main factors, PUE improvements across all data center types and the increase in proportion of servers installed in facilities with lower PUE (hyperscale, colocation), as shown in Figure 5.7. Additionally, Figure 5.6 shows that the total range of energy use growth for 2024 and 2028 is highly dependent on the quantity and operation of AI servers.

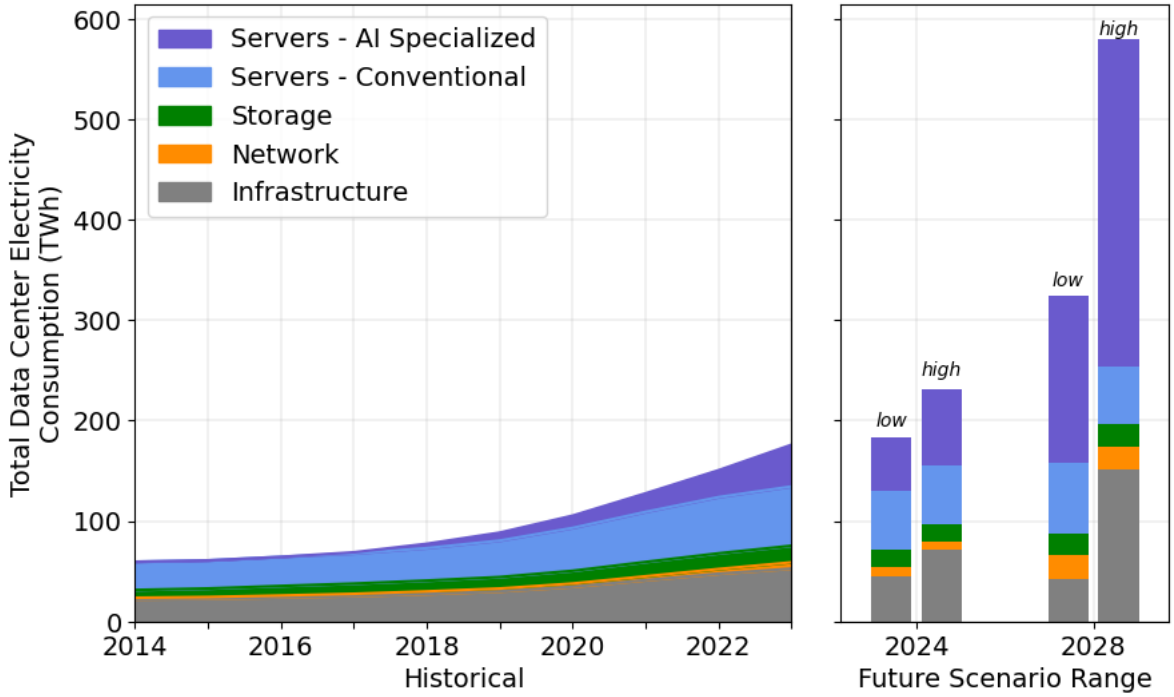

Figure 5.6. Total data center electricity use from 2014 through 2028 by equipment type.

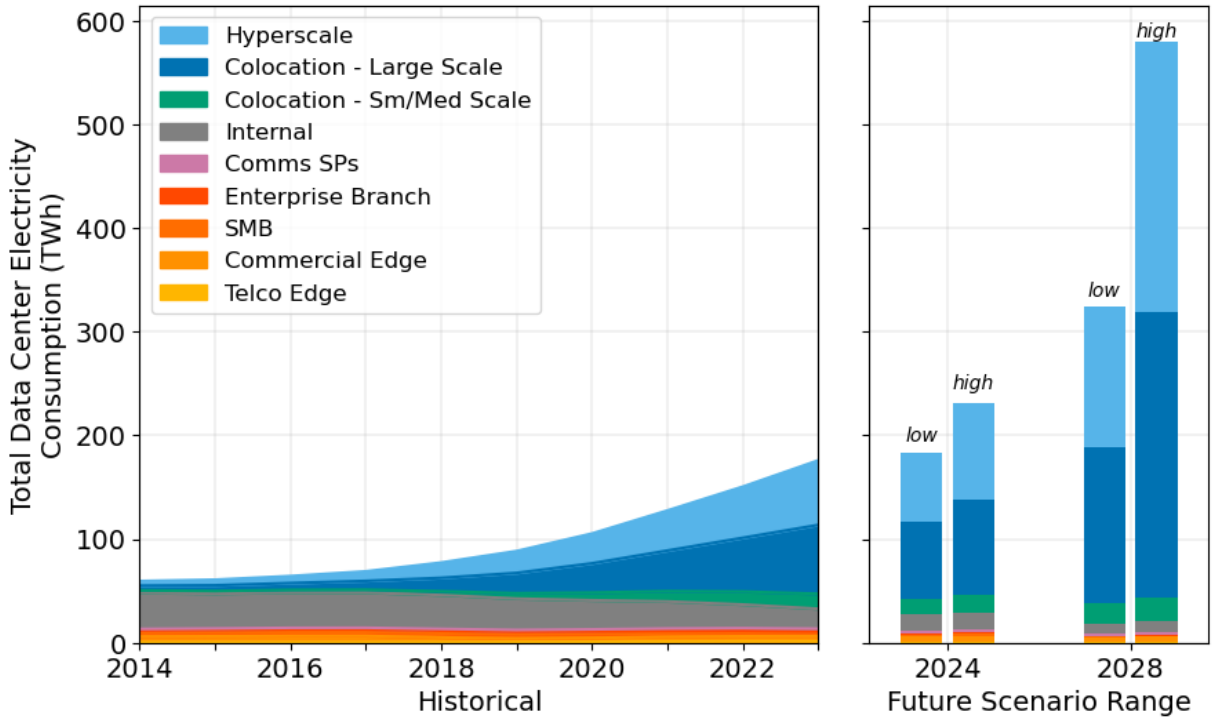

Figure 5.7. Total data center electricity use from 2014 through 2028 by space type.

Comparison to Previous Report

The prior study conducted by Shehabi et al. (2016) covered the 2000–2020 time period. For 2015–2020, values were projected scenarios based on expected equipment shipment trends and several operational and efficiency scenarios. Substantial differences exist between the values presented in that report and what we find today. Even looking at the historical base year of that study, 2014, we have slightly different estimates for total electricity consumption. This difference is driven by a few key factors. First, updated shipment data showed a slight decrease (a few percent) in units sent, as compared to data we received at the time. Additionally, our definition of space types changed slightly, and we obtained much more granular analyst estimates for the floor space and number of racks in various types of data centers. Ultimately, this led us to estimate that more servers were still present in internal and small data centers, which run servers at lower utilization levels, than we previously thought; this lowered the total estimated power consumption of servers. Finally, we altered the categorization of servers to be based on processor count rather than price point (i.e., volume, midrange, and high-end categories in the prior report). In doing so, we revisited our power assumption for servers that previously appeared in our high-end category and now largely exist in our multiple processor count category (in the subcategories of 8 or 16+ processors). For these servers, we previously extrapolated the wattage trend over a very long time period using an annual percentage growth rate; this led to very high wattage estimates that are not in line with any servers we have seen produced and shipped since then. While these servers are a very small portion of the total server installed base, assuming these high wattages increased our results meaningfully over the new estimates.

About one-third of the difference between the 2014 values in the two studies is due to the differences in server electricity consumption described above. This difference is compounded by PUE, since any change in IT electricity also changes the electricity consumed. Further, the current study has a lower aggregate PUE across the industry as compared to the 2016 study; this is both because we now assume fewer servers had shifted to hyperscale data centers, as mentioned above, and because our current PUE modeling assumes systems are operated as designed, leading to more efficient values.

The “Current Trends” scenario in the 2016 report displayed a future where data center electricity use remained constant through 2020. Additional efficiency scenarios showed the potential for electricity use of the industry to decrease throughout this time period. The scenarios in the 2016 report did not capture the rise of AI, which has brought a fundamental change in the industry and the demand for computing services. Therefore, the current study estimates historical electricity use for 2018–2020 that is higher than any of the 2016 report scenario results. A comparison of the 2016 report and this current analysis is presented in Figure 5.8.

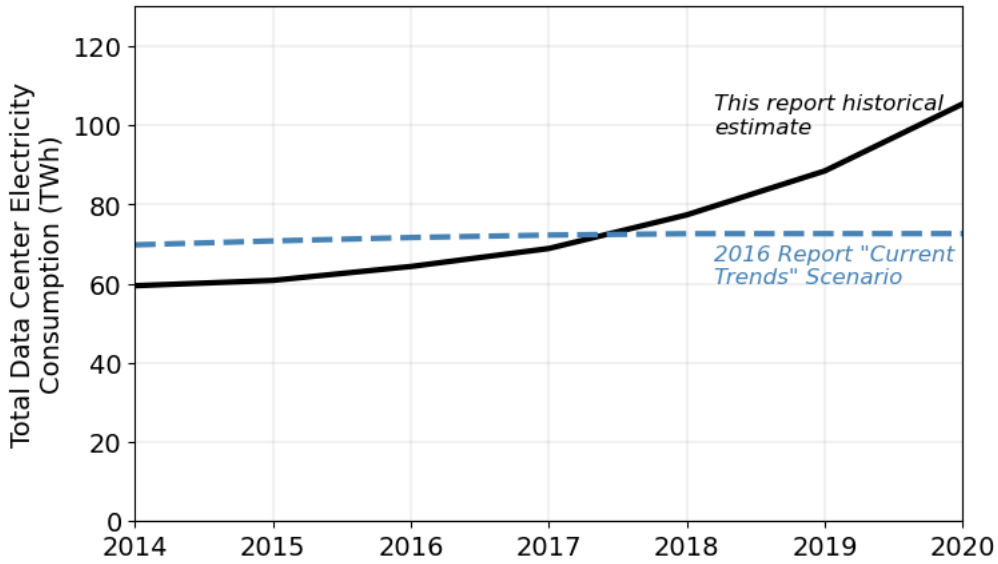

Figure 5.8. Total electricity use for 2014–2020 as estimated in this report, compared to the “Current Trends” scenario from the 2016 report.

Water and Emission Impacts

Direct Water Consumption

Figure 5.9 shows the growth in direct water usage in data centers. In 2014, data centers consumed 21.2 billion liters of water, with 64% in internal data centers. By 2023, hyperscale and colocation account for 84% of the 66-billion-liter total, while internal data centers fell to just 12%, driven by water efficiency improvements. These trends are expected to continue through 2028, with internal data centers falling to just 2% of the total. Hyperscale data centers in 2028

are expected to consume between 60 and 124 billion liters.

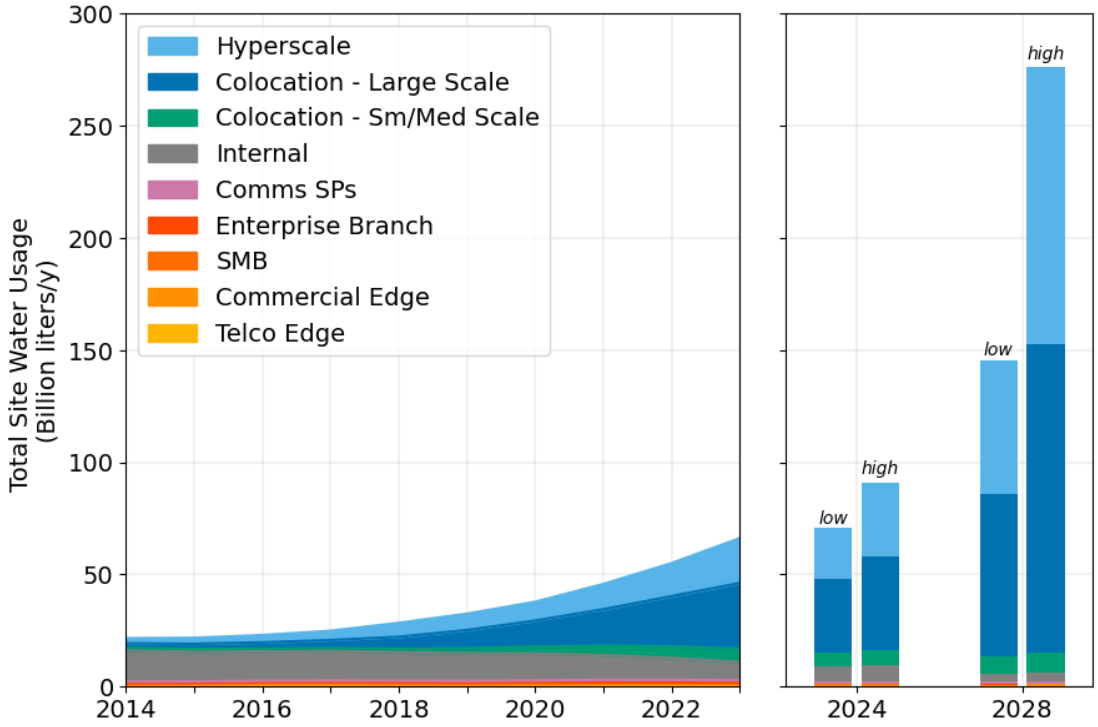

Figure 5.9. Direct water consumption by data center type.

Indirect Water Consumption and Emissions from Electricity Use

Indirect water use and GHG emissions associated with electricity use represent impacts occurring at the power generation source. The U.S. has over 12,000 utility-scale power plants using fossil fuels, nuclear, and renewables, each with unique water and emissions footprints (EIA 2022). Water usage during power generation varies based on the type of energy and the plant's efficiency. Water consumption refers to the amount of withdrawn water that is permanently removed from the immediate water cycle due to evaporation or other irreversible processes. Thermoelectric plants require significant cooling, while hydroelectric reservoirs lose water through open surface evaporation, leading to water consumption that impacts local resources. GHG emissions are primarily attributed to combustion from fossil-fuel-based (coal, natural gas, and petroleum) electricity generators, which account for more than 99% of emissions associated with electricity generation (EIA 2022). The water consumption and GHG emissions embedded in electricity use depend on the fuel type, technology, and the location of generation.

Balancing authorities manage the electrical grid, ensuring that electricity demand and supply balance within a specific portion of it. They oversee generation and coordinate electricity transfers with neighboring areas. Balancing authorities represent the most detailed level of the electricity grid, managing real-time electricity supply and demand through internal generation and external transfers. The water and emissions associated with electricity used by data

centers and other end users depends on the power plants supplying their electricity, influenced by the fuel mix and efficiency managed by the balancing authorities. The U.S. Energy Information Administration (EIA) gathers and disseminates detailed data on U.S. power plants, thereby enhancing our understanding of the U.S. electricity generation portfolio and its environmental impact. We used detailed electricity interchange data between balancing authorities from the EIA hourly electric grid monitor (EIA 930 2024) and combined it with power plant-level electricity generation (EIA 923 2024), water consumption (EIA 2024), and GHG data (EPA 2024) to estimate the environmental impact associated with a unit of supplied electricity for each balancing authority. The detailed methodology, intensity factors, and related scripts can be found in Siddik et al. (2024).

The water and emissions associated with electricity use can be quantified using water consumption intensity, which measures the volume of water consumed per unit of electricity used, and GHG emission intensity, which measures the mass of GHG per unit of electricity used. Each county is assigned a balancing authority based on its geographic location, linking the environmental impact of electricity use to the end users. Figure 5.10 illustrates the spatial variation of the annual average water consumption intensity and GHG emission intensity factors across U.S. counties, derived from the balancing authorities governing those areas. This visualization reveals significant, yet uneven, variability across different regions of the country.

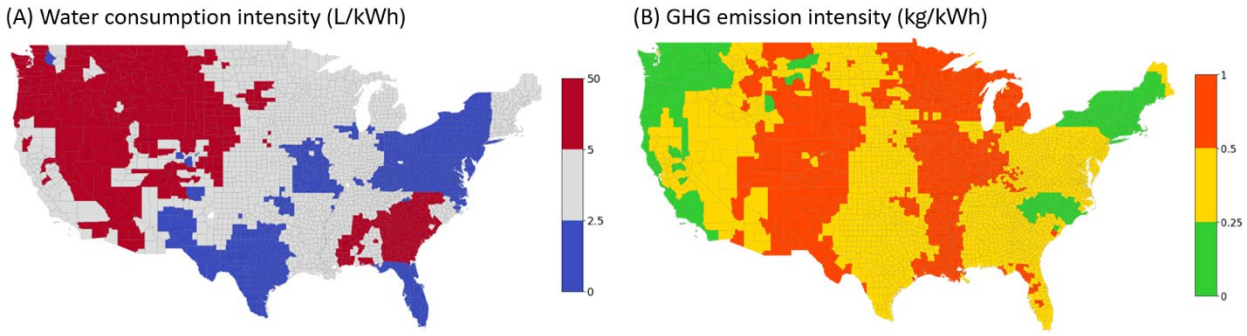

Figure 5.10. Water consumption and GHG emission intensity factors of electricity use by county.

As noted earlier, U.S. data centers consumed approximately 176 TWh in 2023. The total indirect water footprint of U.S. data centers is nearly 800 billion liters, attributed to water consumed indirectly through electricity use, based on the regional electricity grid mix for U.S. data center locations. Concurrently, total GHG emissions for that same electricity grid mix would be 61 billion kilograms of CO_2 equivalent. In 2023, energy consumption by a data center translates to national average of 4.52 L/kWh of indirect water consumption, along with 0.34 kg/kWh emissions. In comparison, the average water intensity factor for electricity use in the U.S. overall is 4.35 L/kWh, while the emission factor is 0.35 kg/kWh of CO_2 equivalent.

It is important to note that the methodology used here to calculate indirect water and emission impacts does not incorporate any power purchase agreements between individual data center facilities and their electricity providers or on-site “behind the meter” generation, which could

significantly affect water consumption and emissions estimates, depending on the electricity source. Nevertheless, due to the unavailability of facility-level data, we are constrained to assume the same electricity grid mix as that provided by the local balancing authority for all data centers within its jurisdiction.

With the projected growth of data centers' energy use in the coming years, indirect water consumption and emissions are also expected to increase; however, future estimates of water consumption and emissions from electricity generation should consider potential future changes in the electricity mix. Decarbonization of the power sector is a critical requirement to achieving the U.S. 2050 net-zero GHG emissions goal (Grubert 2020), which may accelerate the retiring of fossil fuel-fired power plants by 2035 and transitioning to newer generation technologies like renewable energy and new firm clean power, such as scalable nuclear generation. Such decarbonization efforts will inevitably impact the future indirect water consumption and GHG emissions associated with data center electricity consumption.

6. Total Cryptocurrency Electricity Use

Introduction

Cryptocurrency mining represents a specialized form of computational infrastructure that differs substantially from traditional data centers. At its core, mining involves repeatedly generating cryptographic hashes—unique fixed-length codes derived from transaction data—until one meets specific criteria set by the network. The rate at which these hashes can be generated, measured in hashes per second, determines a miner's probability of earning rewards. While typical data centers process diverse workloads with varying computational demands, cryptocurrency mining facilities are single-purpose installations dedicated solely to this hash generation process through specialized hardware. These application-specific integrated circuits (ASICs) operate continuously at maximum capacity, with their combined hashrate determining their share of network rewards. Miners use these chips to validate network transactions, receiving newly minted cryptocurrency as compensation when they successfully generate a qualifying hash.

This analysis adopts a top-down methodology rather than the bottom-up approach employed elsewhere in this report, necessitated by two fundamental constraints. First, cryptocurrency mining operates on entirely different IT hardware than conventional data centers. As a result, our primary IT equipment shipment data—which forms the foundation of our bottom-up analyses for traditional data centers—does not capture the specialized ASICs used in mining operations. Second, the cryptocurrency mining industry's limited transparency makes comprehensive facility-level data collection impractical.

To address these constraints, we estimate U.S. energy consumption by analyzing the global Bitcoin network's total hashrate and hardware efficiency characteristics, then determine the U.S. share based on geographic distribution data. This methodology enables us to develop robust estimates despite data limitations, providing a continuous historical view of energy consumption patterns that can be validated against available reference points.

Methodology

This analysis estimates the historical energy consumption of Bitcoin mining activity in the U.S. by combining publicly available data on global network hashrate, hardware efficiency, and the estimated U.S. share of the global hashrate. Hardware efficiency estimates are obtained from the Cambridge Bitcoin Electricity Consumption Index (CBECI) web portal,[1] which provides lower bound, best-guess, and upper bound estimates of mining hardware efficiency in joules per terahash (J/TH). All CBECI parameters applied in this analysis are sourced from their $0.05/kWh cost scenario.

The CBECI hardware efficiency estimates are based on a comprehensive analysis of over 100 distinct Bitcoin ASIC models launched since 2013. To better reflect real-world market conditions, the CBECI methodology limits hardware manufacturers to focus on the three major producers (Bitmain, MicroBT, and Canaan), which are estimated to have a combined market share exceeding 85%. This filter excludes “exotic” devices with minimal sales impact and is not applied to hardware released before July 2014. Additionally, a five-year maximum economic lifetime is introduced for hardware to avoid overstating power demand by including nominally profitable but likely obsolete older hardware. The CBECI analysis also incorporates expert input to adjust manufacturer efficiency specifications to better

[1] https://ccaf.io/cbnsi/cbeci

reflect real-world operating conditions and variation.

The location of Bitcoin mining is another area of uncertainty. Historically, miners have sought inexpensive electricity and a permissive regulatory environment. In 2021, the Chinese government imposed a ban on crypto-mining. In order to estimate the energy footprint of U.S. crypto mining, it is necessary to estimate the share of global mining occurring in the United States. Geographic hashrate distribution data is sourced from the CBECI mining map, which provides monthly estimates of each country's share of the global hashrate. The CBECI mining map tracks Bitcoin's geographic hashrate distribution by collecting and aggregating IP address data from participating mining pools, which connect mining facility operators to pool servers, providing a sample that has historically represented 32–38% of total Bitcoin hashrate since the map's launch in September 2019. In this analysis, the U.S. share of global hashrate is assumed to be the mean of the monthly shares prior to May 2021 (5.98%) for months where the CBECI estimate is unavailable before that date. For missing months after May 2021, the mean of post-China-ban shares is used (34.82%). These pre- and post-ban U.S. hashrates share parameters that can be adjusted as needed. Lack of transparency in mining location remains a significant source of uncertainty in estimating cryptocurrency carbon emissions (de Vries et al. 2022).
Based on this geographic share and global hashrate, we estimate the monthly hashrate in the United States. The monthly U.S. hashrate is then converted to an estimated monthly information technology (IT) energy consumption in terawatt-hours (TWh) using the CBECI hardware efficiency values. To account for the total network energy consumption, upper and lower bound estimates are calculated based on assumed power usage effectiveness (PUE) ratios of mining facilities. These estimates are obtained by multiplying the IT hardware energy consumption by PUE ratios of 1.1 and 1.2. These PUE assumptions align with analysis from Siddik, Amaya, and Marston (2023), who found typical PUE values for mining operations range from 1.05 to 1.20. For lower bounding scenarios, hardware is assumed to be only the most efficient models, operating with the lowest PUE. For upper bounding scenarios, the CBECI profitability threshold and upper bound PUE are used.

The CBECI best-guess estimate assumes that miners use a weighted basket of profitable hardware, with the prevalence of each model depending on its deployment date. The profitability threshold is determined by the assumed electricity price. Hardware is assigned a weight between 0 and 1 based on the time elapsed since its estimated deployment, with newer devices receiving higher weights. A two-month lag is assumed between hardware release and deployment. This approach aligns with Lei, Masanet, and Koomey (2021), who emphasize the importance of using time-period appropriate technology data given how rapidly mining hardware evolves. The weighted average efficiency of the hardware basket is then used to calculate the network power demand and electricity consumption, assuming a PUE of 1.10 for all facilities. These estimates were updated (Messina 2023) in response to a novel method of hardware composition estimation developed by Helmy et al. (2023).

The U.S. Energy Information Administration (EIA) recently conducted a comprehensive assessment of cryptocurrency mining's electricity consumption, employing both top-down and bottom-up approaches (Morey, McGrath, and Minato 2024). Their top-down analysis utilized CBECI data to estimate U.S. mining's share of global activity, while their bottom-up approach identified 137 mining facilities across 21 states, with detailed power capacity data available for 101 of these sites. By assuming an 80% utilization rate for their documented 10,275 MW of mining capacity, the EIA estimated annual electricity consumption of approximately 70 TWh for 2023. The bottom-up estimate from the EIA is shown alongside our estimates of U.S. annual mining energy use in the following plot, providing an independent

point of calibration for our methodology.

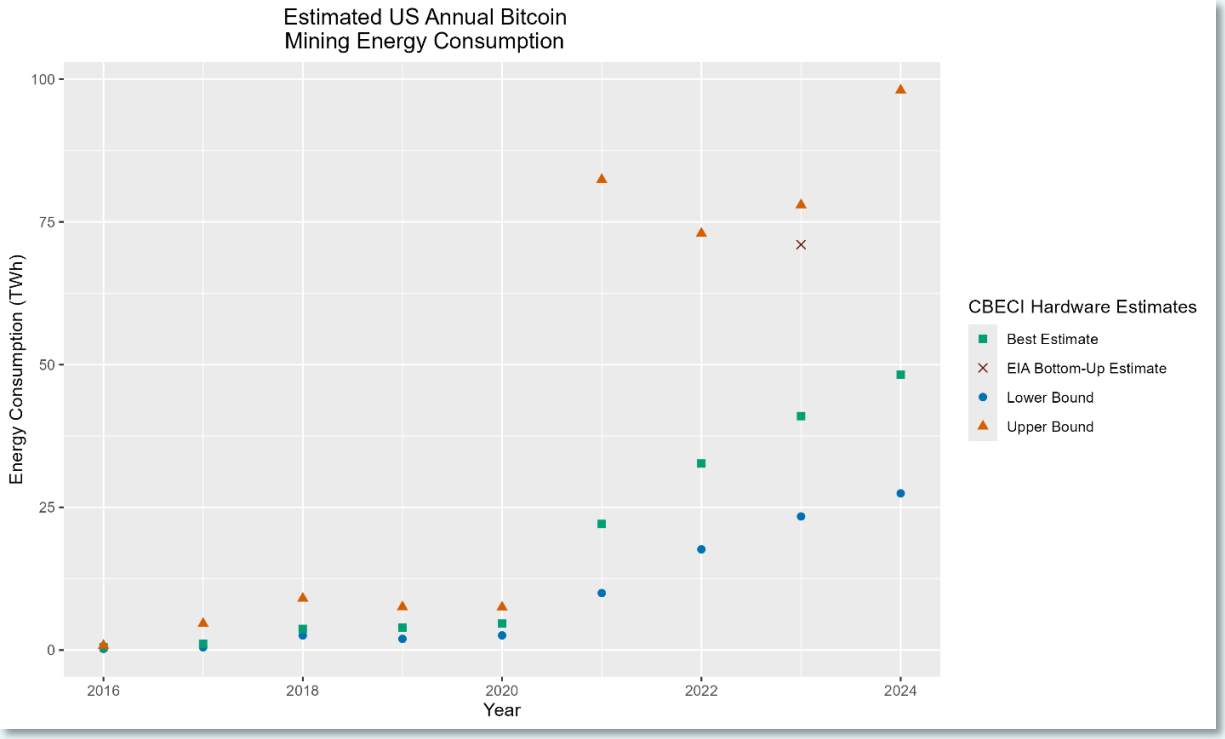

Figure 6.1. Annual energy consumption estimates for U.S. Bitcoin mining from 2016 to 2024.
The graph presents three CBECI-based estimates (best estimate, lower bound, and upper bound) showing the growth in energy usage over time. The EIA's 2023 bottom-up estimate of 70 TWh (marked with an X) falls between CBECI's best estimate and upper bound projections, providing independent validation of the estimation methodology.

While our approach aims to more realistically represent the hardware mix and its evolution over time compared to a simple equally weighted average, it has some limitations. The weighting scheme is based on assumed average hardware lifetimes and depreciation schedules rather than direct data on the actual hardware in use. The two-month deployment lag and 1.10 PUE are also generalizations that may not capture the full diversity of miner behavior and facility efficiency. Finally, the CBECI methodology relies solely on public data and does not incorporate direct input from miners on their installed hardware base, though it does use expert judgment to adjust device efficiency assumptions.

Our analysis solely considers Bitcoin mining related energy use for several reasons. First, Bitcoin accounts for the vast majority of proof-of-work-based cryptocurrency mining activity. Second, cryptocurrencies based on alternative consensus mechanisms like proof-of-stake use dramatically less energy (OSTP 2022). Based on current market dynamics and the technological underpinnings of these digital assets, our assessment is that Bitcoin accounts for the overwhelming majority of cryptocurrency-related energy use in the United States (McDonald 2022).

Focusing on Bitcoin allows for a more accurate and targeted analysis of the largest contributor to mining energy consumption. However, this methodology could be extended to other proof-of-work cryptocurrencies if they gain significant adoption and there is sufficient data on their network hashrates, hardware efficiency, and

geographic distribution of mining activity becomes available.

While this methodology provides a data-driven approach to estimate bitcoin mining energy consumption under a range of plausible assumptions, it could be further improved by incorporating direct data from mining industry participants. Granular information from Bitcoin miners on their specific hardware types, efficiencies, facility PUE ratios, and capacity utilization would enable more precise estimates.

Such industry data could include:

1. Detailed inventories of ASIC models used, their rated efficiencies, and deployment volumes over time
2. Measured PUE ratios and environmental operating conditions (e.g., ambient temperature, cooling setup) of mining facilities
3. Capacity utilization rates and hashrate contribution of different facilities and hardware types
4. Retirement and replacement rates of older hardware models
5. Energy procurement and consumption data from utility bills or smart meter readings.

Incorporating this type of direct, verifiable data from mining operations would greatly improve the accuracy and granularity of energy consumption estimates. It would enable more realistic modeling of the evolution of the mining hardware mix, efficiency gains from new ASICs and facility upgrades, and geographic shifts in mining activity. Engaging mining industry participants to voluntarily share anonymized, aggregate data would be a valuable extension of this analysis.

To project future energy consumption, we developed linear regression models linking Bitcoin price to U.S. mining energy consumption across the CBECI hardware efficiency scenarios. The models demonstrate strong statistical relationships between price and energy consumption, with R-squared values of 0.8251 for the lower bound estimate and 0.9011 for the upper bound estimate. These high correlations, each with a high level of statistical significance ($p>.0001$), are consistent with theoretical predictions (Helmy et al. 2023; OSTP 2022; Messina 2023), as mining profitability—and thus energy consumption—should closely track Bitcoin price. Time series for Bitcoin price, and our lower bound, best guess, and upper bound estimates are shown below in Figure 6.2.

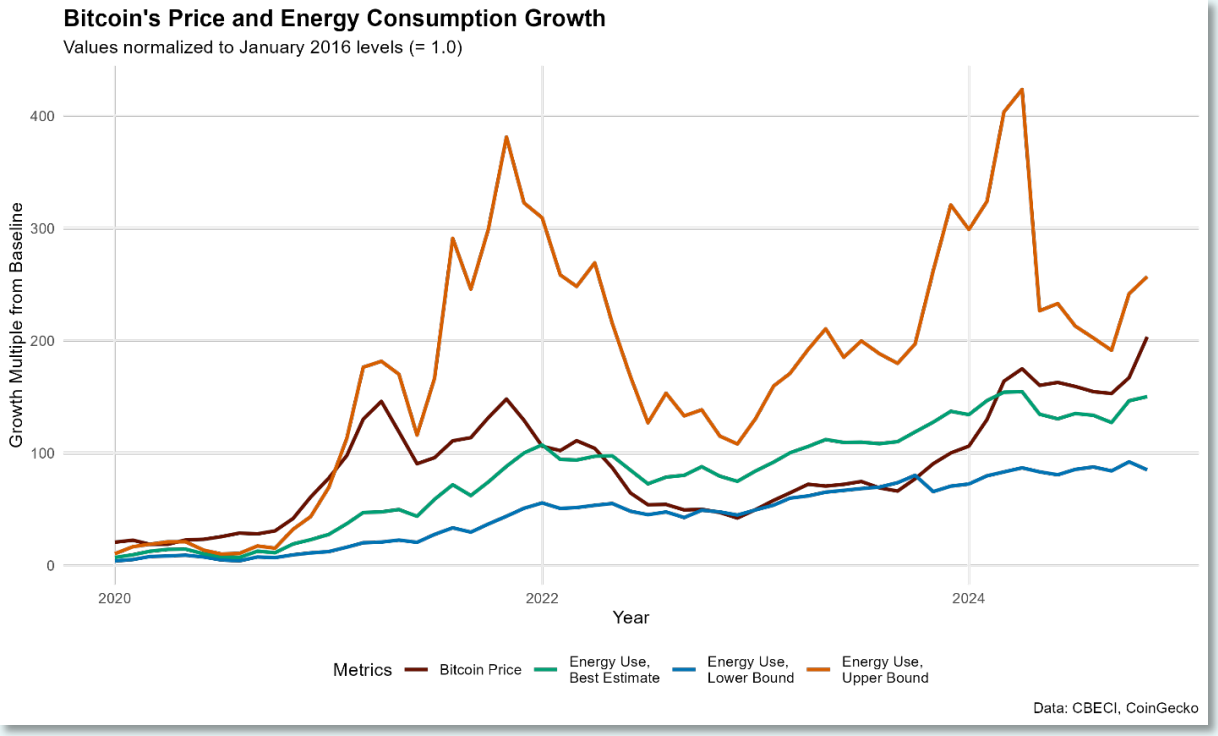

Figure 6.2. Relationship between Bitcoin's price and estimated energy consumption from 2020 to 2024, normalized to January 2016 price and best estimate energy use.
The graph shows three energy consumption scenarios (lower bound, best estimate, and upper bound) plotted against Bitcoin price movements. The upper bound estimate demonstrates the highest volatility, closely tracking price fluctuations, while the lower bound estimate shows more gradual growth. All metrics indicate substantial growth from baseline, with energy consumption estimates ranging from roughly 90x to 250x of their 2016 levels by 2024. Data sourced from the Cambridge Bitcoin Electricity Consumption Index (CBECI) and CoinGecko.

Using our best-guess hardware efficiency scenario, the model shows that price variations explain approximately 86% of the observed changes in energy consumption ($R^2 = 0.86$). The model coefficient indicates that for every $1,000 increase in Bitcoin price, U.S. mining energy consumption increases by approximately 0.058 TWh per month. While direct measurement of mining energy consumption would be preferable, the strong theoretical foundation and high statistical significance of the price-consumption relationship make this approach the most reliable option given currently available data.

To construct future scenarios, we analyzed historical Bitcoin price movements over rolling four-year periods to understand typical growth patterns. Based on this analysis, we modeled two scenarios: a conservative case where Bitcoin price doubles by the end of 2028, and an aggressive case where price increases five-fold over the same period. While actual Bitcoin prices exhibit significant short-term volatility, we model price growth as a smooth exponential increase to focus on long-term trends rather than short-term fluctuations. These price trajectories were then input into our regression model to estimate corresponding energy consumption under the CBECI's lower bound, best-guess, and upper bound hardware efficiency assumptions.

This approach was informed by Papp et al. (2023), who established a clear relationship between Bitcoin price movements and carbon emissions, finding a long-run price elasticity of

0.33–0.40 and a larger short-run elasticity of 0.69–-0.71. Rather than assuming a carbon intensity, we instead derived a relationship between modeled energy use and price, implicitly imputing hardware efficiency improvements, which allowed for more robust estimates (Koomey and Masanet 2021). These methods allow us to bound future energy consumption estimates based on historically observed price relationships while acknowledging the inherent uncertainty in both price movements and the price-energy use relationship. Plots of these estimates for both the moderate and high growth scenarios are shown below.

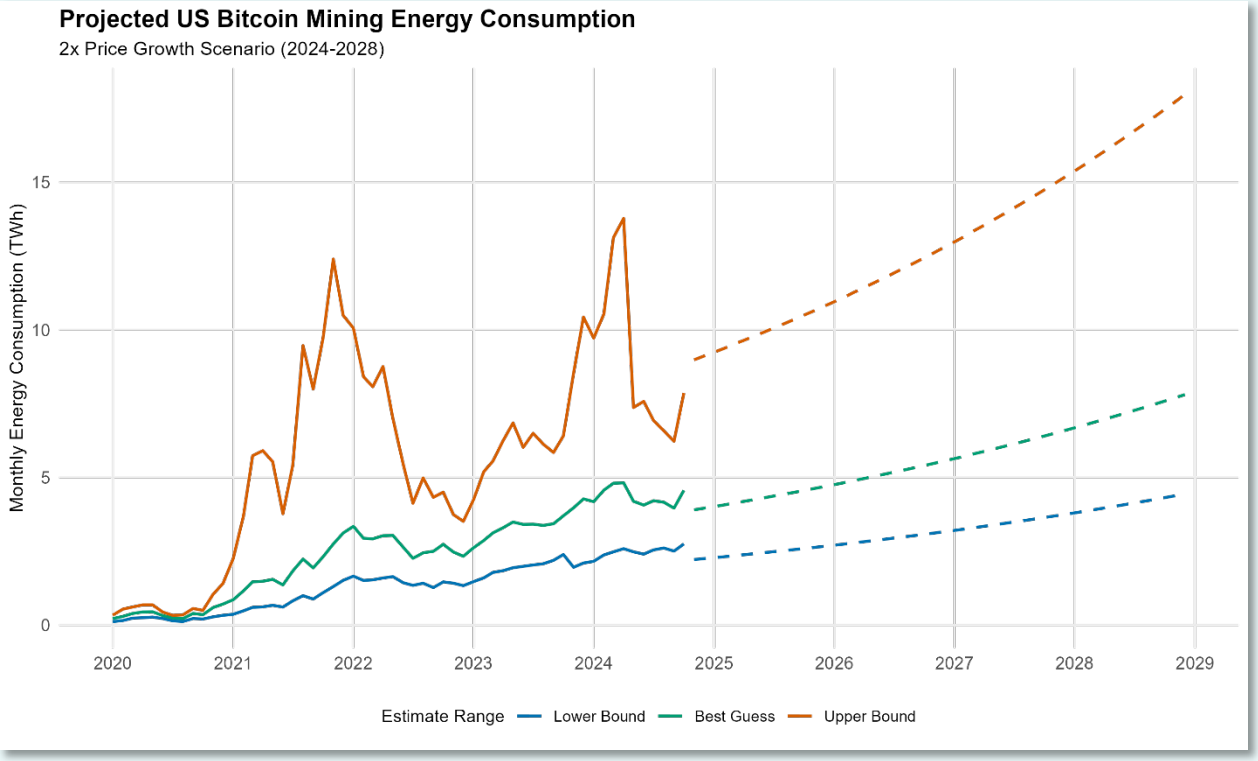

Figure 6.3. Projected U.S. Bitcoin mining energy consumption under a moderate price growth scenario (2024–2028).
Historical data (solid lines) shows actual energy consumption estimates from 2017–2024, while projected values (dotted lines) assume Bitcoin price increases five-fold by 2028. The three trajectories represent different hardware efficiency scenarios: lower bound (most efficient hardware, optimal PUE), median (mixed hardware efficiency, average PUE), and upper bound (profitability threshold hardware, higher PUE).

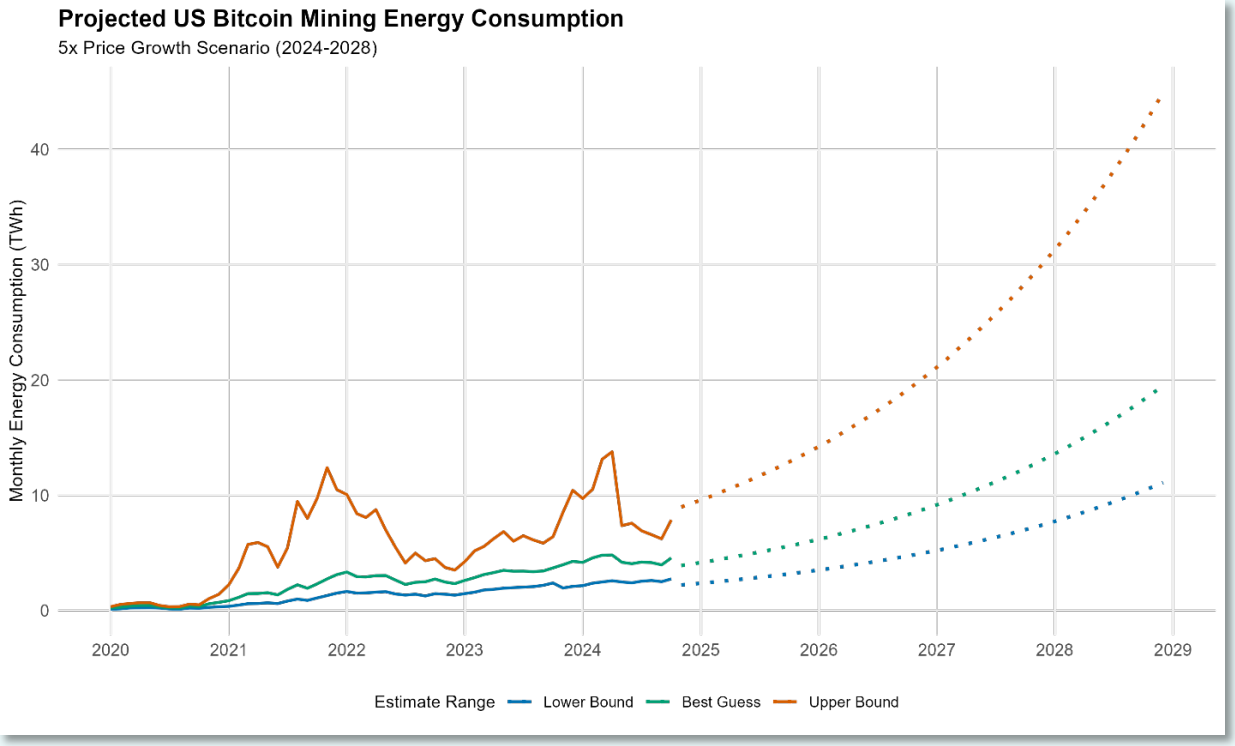

Figure 6.4. Projected U.S. Bitcoin mining energy consumption under an aggressive price growth scenario (2024–2028).
Historical data (solid lines) shows actual energy consumption estimates from 2017–2024, while projected values (dotted lines) assume Bitcoin price increases five-fold by 2028. The three trajectories represent different hardware efficiency scenarios: lower bound (most efficient hardware, optimal PUE), median (mixed hardware efficiency, average PUE), and upper bound (profitability threshold hardware, higher PUE).

As an input into our overall model of data center energy use, we selected the CBECI best-guess based estimate. Without more detailed data on the underlying hardware composition, we view this approach as the most robust estimate of mining hardware efficiency. That the International Energy Agency's bottom-up estimate for 2023 was much closer to the upper bound suggests that this may, in fact, be a conservative estimate hardware composition (International Energy Agency 2024). Future data collection efforts to better characterize the actual mining hardware in operation would help reduce this uncertainty.

The insights from this work highlight the urgent need for enhanced monitoring and reporting frameworks in the cryptocurrency mining sector. While our methodology provides a reliable estimation approach, the industry's opacity continues to hamper precise forecasting and planning. As digital assets become increasingly mainstream, policymakers and utilities must develop more sophisticated tools for tracking and managing mining-related energy demand to ensure grid stability and meet decarbonization goals.

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7. Conclusions, Limitations, and Future Work

The 2024 updates to the Berkeley Lab data center energy use model described in this report support previous analyses showing near-constant U.S. data center energy use in the early to mid-2010s, despite substantial growth in data center services. The efficiency strategies that allowed the industry to avoid increased energy needs during this period included improved cooling and power delivery efficiency, increased server utilization rates, increased computational efficiencies, and reduced server idle power, much of which were enabled by a shift toward larger, cloud-based, hyperscale data centers. This report shows that the emergence of accelerated servers became a significant enough portion of the data center server stock to begin increasing total data center energy use again by 2017, driving a new trend that led to an approximate tripling of energy use from 2014 to 2023. Future energy demand scenarios indicate further growth based on a range of possible equipment shipments and operational practices of accelerated computing to support Artificial Intelligence (AI) services.

These insights are based on a “bottom-up” energy use model that requires inputs and assumptions developed from limited publicly available data, proprietary market analyst data, and review by industry representatives and stakeholders. The lack of direct energy data available in a sector with rapidly evolving technologies limits the analysis in this report, especially when trying to understand and estimate future energy demand scenarios. Some key limitations and opportunities for future research to address them are outlined below.

Benchmarking Initiatives

The Berkeley Lab data center energy use model is based on representative equipment, equipment configurations, and operational practices that may change over time and can increase the underlying uncertainty in the modeling results. Providing an empirically sound characterization of U.S. data center energy and water use and identifying opportunities for data center optimization require ongoing data collection and reporting on facility size, energy and water consumption, power source, cooling system types, backup power system information, and installed IT equipment characteristics, along with other available characteristics. This information can be used to provide broader insights into industry trends, estimates of energy/water/carbon impact, improved or new efficiency metrics, and updates on efficiency strategies. This information can also facilitate greater data and knowledge sharing, which can improve data center modeling by the broader energy analysis community. Approaches include the following:

More frequent data center energy use reports. This 2024 Data Center Energy Use Report is the third such report released over nearly 20 years. Providing reports on an annual or biannual basis would allow energy modelers to more frequently update inputs and assumptions, continuously improve its modeling structure and capabilities, and work with stakeholders to validate those inputs, ultimately providing increased accurately and flexibility to match changes in the data center sector. In short, the sector and its energy demands are quickly evolving, and a tighter feedback loop is needed to support timely market insights and forecasts so

policymakers and market actors can anticipate impacts and make balanced, informed decisions.

Energy/resource data repository. The lack of primary performance and utilization data indicates that much greater transparency is needed around data centers. Very few companies report actual data center electricity use and virtually none report it in context of IT characteristics such as compute capacities, average system configurations, and workload types. These details are often considered proprietary, but novel data sharing arrangements could address these concerns by developing a repository for companies to provide energy use data that would be anonymized and aggregated for public release through coordination with entities that collect and anonymize data for other industries.

Metric development. Comparing and benchmarking the efficiency of data centers is hampered by the lack of sufficient metrics. PUE only measures the efficiency of the infrastructure supporting a data center and indicates nothing about the efficiency of the IT equipment itself. Other metrics, such as ITUE, are meant to capture IT equipment efficiency but have seen little uptake and may need expansion to accommodate accelerated hardware. Computation efficiency alone provides little insight into energy efficiency opportunities without understanding how those computations are applied to different workloads. While the need for new metrics is a known challenge, data center operators, standards organizations, and researchers should continue to work together to develop a set of energy and water performance metrics specific to different workloads or service segments to enable more accurate comparisons, benchmark setting, and targets.

Data center equipment testbed. Direct IT equipment measurements by working with universities, national labs, as well as industry partners would allow for the collection of operational characteristics based on physical attributes (e.g., server cores, DRAM, network ports, storage, etc.) rather than relying on overall power averages from the data vendors. Measured data could then be linked to feed simulation models of energy that could be applied to a wider combination of physical characteristics and provide a stronger relationship between rated power and operational power, idle power, and power variation at different utilization levels.

Utility/ISO Collaborations

In this report, the data center carbon and water impacts associated with different electricity sources are based on regional electricity sources of the utility grid. While U.S. data centers are increasingly engaging in onsite electricity generation, power purchase agreements, and trade in various carbon credits, the lack of transparency around the details of these activities for all U.S. data center operators prevents including in the overall analysis. Along with limiting the scope of this report, this lack of transparency highlights that data center growth is occurring with little consideration for how best to integrate these emergent loads with the expansion of electricity generation/transmission or for broader community development. Research and technical support at the intersection between utilities/ISOs and data center owners/operators could guide where and how data centers are sited, how renewable contracts are developed, and coordinate

efforts at improving efficiency and load flexibility. Approaches include the following:

Balancing risk and cost allocation needs through smart contracts. Acceleration of data center deployments is likely to require substantial investment in new or expanded power infrastructure. The magnitude of that investment and how much is on the customer vs. grid side of the meter is highly uncertain. If investments are made on the grid side but the expected load fails to show up, ratepayers could be unduly burdened by cost recovery. Some utilities are requesting regulators to approve rate structures that transfer all this risk to data centers, with the potential consequence of slowing down deployment. Research from energy economists, data center modelers, grid modelers, as well as others is needed to identify key risks for existing customers, data centers, and utilities, explore existing contractual arrangements, and propose novel methods for risk-sharing and cost recovery

Demand bidding as a coordination mechanism. Wholesale markets have developed methods to incentivize long term deployment of supply side resources for adequacy. Research could explore “demand bidding” mechanisms where large loads would bid their future demand needs, becoming part of a demand-side interconnection queue.

Support co-investment in new firm clean power. The data center industry has shown interest and leadership in implementing real-time renewable energy and zero carbon power, including battery storage resources. Future research efforts should include working with utilities and data center companies to develop strategies that can quantify the potential costs and benefits of investing in large-scale, customer-driven renewable energy projects and new firm clean power, including scalable nuclear generation.

Quantifying the elasticity of cloud and AI services. Anecdotal evidence suggests recent increases in the cost of cloud services, including fees for services such as virtualization, are causing some customers to rethink their cloud migration plans and even consider repatriating workloads to legacy data centers. The power demands for AI and cloud services are tied to the cost and perceived value of those services, but this relationship is not well understood. Research is needed to understand the price sensitivity of these services as a barometer for the magnitude and timing of related power demands.

Technology Development

In previous reports, the Berkeley Lab data center energy use model has been used to generate various efficiency scenarios for traditional IT equipment and data center infrastructure. In the current report, the use of accelerated IT equipment for AI applications is at a nascent stage where industry practices are still developing, and a broader array of efficiency strategies need to be identified. At the same time, advanced cooling technologies and strategies are being developed and deployed to provide much higher cooling capacities compared to the past. Since the emergence of accelerated IT equipment for AI applications is driving future energy growth, the future energy use in this report is presented as a range based on possible changes in operational practices and the rate of growth in the installed base for accelerated servers, as well as the cooling technologies that may be deployed for heat removal. This lack of AI-specific

efficiency scenarios in the current report highlights that AI is changing data center requirements in ways that call for new research and development initiatives to unlock the next generation of efficiency measures. These strategies could include efficient software algorithms, application specific chips, new cooling system designs, and network configurations. Approaches include the following:

Demand flexibility capability studies. Research is needed to identify opportunities for data centers to exercise load flexibility to limit their impacts on the grid and lower their carbon footprint. Various data center computing workloads could be identified and parameterized by their service requirements, and IT equipment utilization levels could be better understood. Data center energy models must be expanded to include the spatial and temporal resolution needed to assess load flexibility. Additionally, the costs and benefits of load flexibility to data center operators should be understood to identify incentive structures for realizing flexibility potential.

Monitoring protocol and validation of the data center tools. Collection of detailed performance and operational data from well-instrumented data centers could include advanced metering infrastructure at the hardware and rack levels and support the expansion and validation of building energy and system modeling software to include the physics and dynamics of emerging technologies, such as advanced liquid cooling designs and new computing hardware.

Efficient software and algorithms. Future efficiency scenarios should include broad classes of energy efficient algorithms (Patterson et al. 2022; Leiserson et al. 2020), including communication avoiding algorithms, reduced precision and mixed-precision algorithms, and randomized algorithms such as Hardamard matrix methods.

Emerging technologies. Innovation occurs constantly in the IT sector but can be hard to capture in future scenarios without credible data on the technical, energy, and economic performance of emerging technologies. Moving forward, advances in processor designs, new materials, system integration approaches, and other data center aspects could provide substantial efficiency benefits. Data standards and collection initiatives that can help provide public datasets of key characteristics necessary for confident modeling (e.g., adoption readiness levels, technology characteristics, energy requirements, and costs) would help energy modelers consider emerging technologies in future scenarios.

Beyond 2028

While significant energy efficiency improvements in data center design and operation have occurred over the past decade, the expansion of data center services into areas that require new types of hardware, such as AI and cryptocurrency, has ended the era of generally flat data center energy use. Most notably the recent rapid growth in accelerated servers has caused current total data center energy demand to more than double between 2017 and 2023, and continued growth in the use of accelerated servers for AI services could cause further substantial increases by the end of this decade. This surge in energy demand highlights the need for future research to understand this rapidly changing industry and identify new efficiency strategies to minimize the environmental impacts of this growing and increasingly significant

portion of our overall economy.

Furthermore, when looking beyond 2028, the current surge in data center electricity demand should be put in the context of the much larger electricity demand expected over the next few decades from a combination of electric vehicle adoption, onshoring of manufacturing, hydrogen utilization, and the electrification of industry and buildings. Research initiatives are needed not just to identify strategies to meet data centers' future energy needs but also to help stakeholders use this relatively near-term electricity demand for data centers as an opportunity to develop the leadership and a foundation for an economy-wide electricity infrastructure expansion.

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This article is part of:
Battery storage reshaping US energy

Research

Battery energy storage systems: The foundations of a resilient energy future in the US

18 March 2025 2:00 RaboResearch

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Energy Transition Specialist

Battery Energy Storage Systems (BESS) are transforming US energy markets. Projected to exceed 170GW by 2030, BESS can enhance grid flexibility, support renewable energy, and improve resilience. Revenue stacking is key to financial viability. As policies and technology evolve, BESS will play a growing role in grid modernization and decarbonization.

Summary

Battery energy storage systems (BESS) are transforming the US energy landscape by addressing the intermittency of renewable energy sources like solar and wind, enhancing grid resilience, and enabling deeper renewable energy integration.

BESS capacity in the US has surged 1,016% from 2020 to 2024, with projections of over 170 gigawatt (GW) installed capacity by 2030, driven by declining costs and increasing demand for grid flexibility.

At the transmission level, BESS can play a role in stabilizing the grid and supporting renewables integration, while at the distribution level, it can enhance grid resilience and optimize local energy flow.

The financial viability of BESS depends on diversified revenue streams, including energy arbitrage , ancillary services, and capacity payments. Successful projects leveraging revenue stacking strategies to maximize long-term value.

Issues such as degradation, grid integration delays, and safety risks are being addressed through innovations in predictive maintenance, advanced safety protocols, and regulatory reforms such as Federal Energy Regulatory Commission (FERC) Order No. 2023.

While BESS is a key enabler of the energy transition, it is not a stand-alone solution. Its role must be considered alongside other grid-balancing mechanisms, such as demand response, flexible generation, and grid modernization efforts.

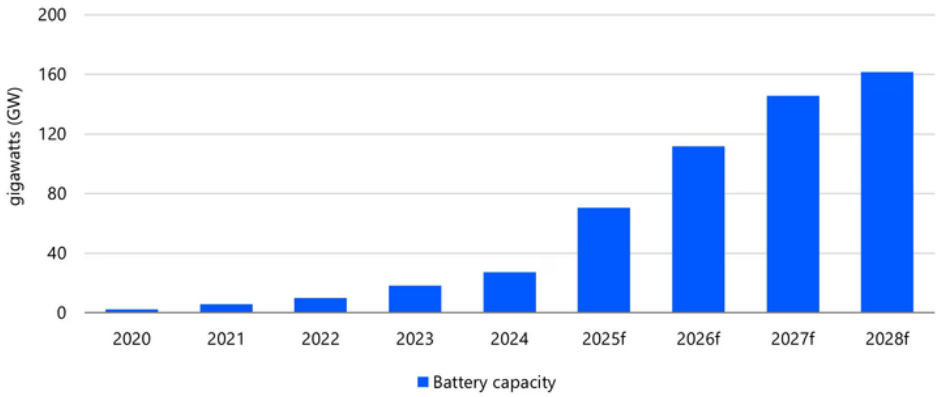
Unprecedented US battery storage growth

BESS have become an important tool in supporting the energy transition by enhancing grid flexibility and enabling the storage of intermittent renewable energy sources such as solar and wind. While not a stand-alone solution, BESS can play a significant role in addressing the variability of renewable energy generation, providing grid operators with more options to balance supply and demand.

As policies, incentives, and technological advancements converge, BESS deployment in the US has accelerated rapidly. Between 2020 and 2024, installed capacity grew more than tenfold, from 2.4GW to 27GW, representing a 1,016% over four years (see figure 1). According to projections from S&P Capital IQ, installed capacity is expected to exceed 170GW by 2030, marking another 525% increase from 2024 levels. This surge is driven by declining battery costs, the growing need for grid flexibility, and the increasing integration of renewables. In Europe, we see similar trends albeit at much lower growth rates than in the US.

BESS offer the flexibility to store surplus energy during periods of overgeneration and discharge it during peak demand, helping to alleviate grid stress. However, the impact depends heavily on market dynamics, system design, and operational strategies, underscoring the importance of critical planning and deployment.

Figure 1: Historical and projected battery capacity in the US, 2020-2030



Note: Future capacity is based on actual planned and under-construction projects and does not include projections of unreported new developments or retirements. Source: S&P Capital IQ, RaboResearch 2025

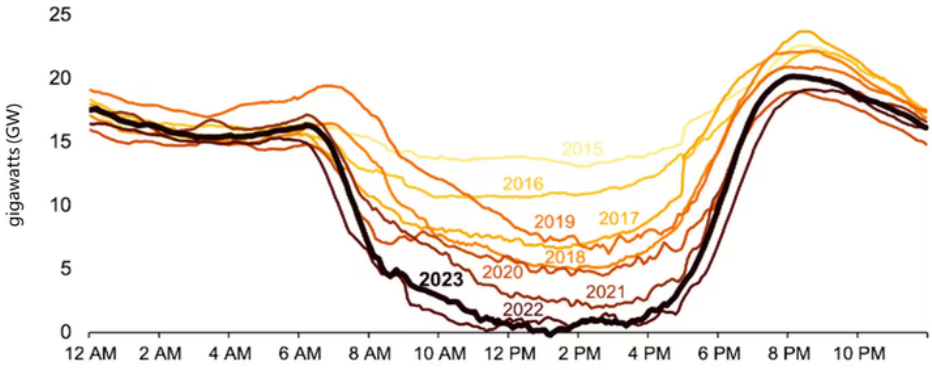
What is a battery energy storage system?

BESS store electricity in chemical form, making it available when needed, independent of when it was generated. This decoupling of generation and consumption enhances grid reliability and introduces operational flexibility, which is particularly valuable for integrating variable renewable energy sources.

BESS can act as a buffer for the grid, by absorbing excess energy during periods of surplus generation and discharging it when demand peaks or renewable output declines. In California, for example, the "duck curve" illustrates the mismatch between midday solar overgeneration and the steep evening ramp in electricity demand. In the California Independent System Operator (CAISO) market, BESS can help manage this challenge by storing surplus solar energy during the day and discharging it during evening peaks, contributing to grid stability.

However, it is essential to recognize that BESS is not the only tool available to address such challenges. Other solutions, including demand response programs, flexible gas generation, and grid upgrades, also play crucial roles.

Figure 2: CAISO lowest net load each spring, 2015-2023

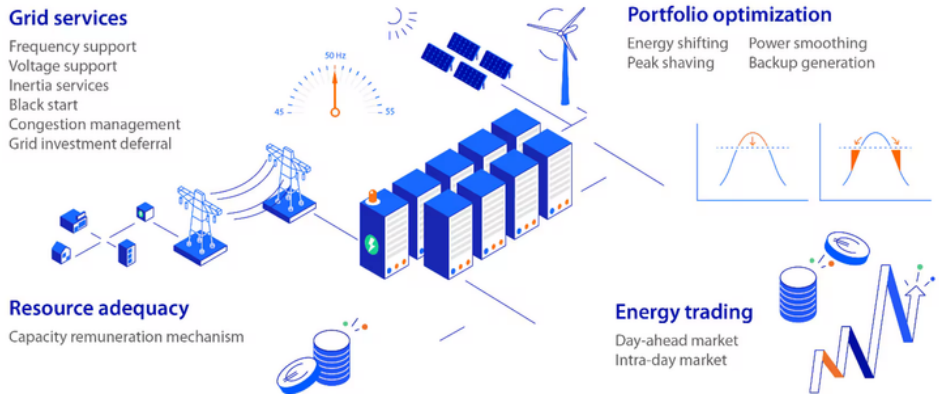


Source: Energy Information Administration (EIA), CAISO

BESS enhances power grid resilience and renewable integration

BESS can support the grid at both transmission and distribution levels, offering flexibility, reliability, and efficiency (see figure 3). The specific role of BESS at each level depends on system design, market conditions, and regulatory frameworks.

Figure 3: Role of BESS



Source: RaboResearch 2025

Transmission level applications

At the transmission level, BESS can help manage large-scale grid dynamics by responding rapidly to fluctuations in supply and demand. Short-duration BESS (typically one-hour systems) can provide ancillary services such as frequency regulation and spinning reserves. These fast-responding services help maintain grid stability, particularly as renewable penetration increases.

Longer-duration BESS (up to four-hour systems) can support bulk energy storage applications, including peak shaving, energy arbitrage, and Resource Adequacy (RA) requirements. In markets like CAISO, BESS can help alleviate the steep evening demand ramp by discharging stored solar energy, reducing reliance on fossil fuel peaking plants. However, BESS duration varies by

market. CAISO's resource adequacy framework drives four-hour deployments, while the Electric Reliability Council of Texas (ERCOT) sees more one- to two-hour systems optimized for price volatility and ancillary services. The Pennsylvania-New Jersey-Maryland Interconnection (PJM) historically favored one-hour batteries for frequency regulation, although evolving market rules are shifting this dynamic. Unlike Europe, where one-hour BESS are more common for ancillary services, US deployments vary based on market structure and revenue opportunities.

Additionally, BESS can help address transmission congestion by storing surplus energy in high-generation regions and releasing it when demand spikes or when lines are less congested. When properly deployed, BESS could defer costly grid infrastructure upgrades by providing an alternative means of managing grid stress.

Distribution-level applications

At the distribution level, BESS can optimize local energy flows, enhance grid resilience, and support the integration of distributed energy resources (DERs), such as rooftop solar energy systems. Short-duration systems can help stabilize voltage and frequency, while longer-duration systems provide backup power during outages and emergencies.

For example, in areas prone to extreme weather events, strategically placed BESS can provide critical power to essential facilities like hospitals and emergency shelters. In regions where a significant portion of the electricity supply comes from renewable energy sources, BESS can reduce curtailment by storing excess solar or wind energy during overgeneration periods and discharging it during peak demand.

BESS also supports the integration of DERs by smoothing intermittent generation and enabling more consistent power delivery. By reducing the need for curtailment and enhancing grid flexibility, BESS can help maximize the value of distributed renewables while strengthening local grid reliability.

Revenue pathways for BESS

BESS unlock diverse revenue streams in energy markets, but their real value lies in how operators stack revenues across multiple markets, balancing short-term gains with long-term asset performance. These revenue opportunities are highly dependent on location. Wholesale electricity market structures, state policies, and regional grid needs vary significantly across the US, much like the differences observed in EU energy markets. Successful revenue stacking hinges on selecting the right combination of market opportunities – energy arbitrage, ancillary services, and resource adequacy – while managing operational risks that can erode value.

Energy arbitrage is often the first market BESS enter, capitalizing on the spread between low and high wholesale electricity prices. In markets like CAISO and ERCOT, where price volatility creates frequent opportunities, BESS can charge during low-price periods and discharge when prices peak. However, arbitrage carries risks: Frequent cycling accelerates battery degradation, increasing maintenance costs and shortening system lifespan. The growing number of storage assets also reduces volatility over time, leading to thinner arbitrage margins – a dynamic known as price cannibalization. This trend has been a significant driver for changes in earnings in the UK, for example.

To counter these risks, many operators prioritize ancillary services, which offer steadier, more predictable returns. BESS's rapid response makes it ideal for services like frequency regulation, spinning reserves, and voltage control. Ancillary services typically involve shorter, less frequent cycles, preserving battery health and extending operational life – making them a core pillar in many revenue stacking strategies.

Resource adequacy adds another layer of value by providing capacity payments in exchange for guaranteeing BESS availability during periods of peak demand. This long-term revenue stream is highly attractive for securing financing but comes with strict performance obligations. Underperformance – often due to

degradation or poor operational planning – can result in derating, reducing a system's qualifying capacity and slashing its revenue potential.

Revenue stacking not only maximizes income potential but also spreads operational risks across different market services. Developers and operators leverage this approach to navigate fluctuating energy markets, balance technical constraints, and strengthen project bankability. It's a strategic method that aligns short-term market participation with long-term asset value, ensuring that BESS remain both financially viable and operationally resilient.

BESS operators also leverage additional market mechanisms – including congestion management, black start capabilities, and reactive power support – to diversify revenue streams and enhance grid stability. These often underutilized services offer strategic pathways for BESS to capture new value streams while supporting broader grid resilience efforts.

In an increasingly competitive market, successful revenue stacking is the differentiator. Operators who skilfully combine market participation with smart operational strategies maximize returns while safeguarding long-term asset value. It's not just about tapping into multiple markets – it's about balancing them for sustained profitability.

BESS: Components, challenges, and innovation

The performance, longevity, and financial viability of BESS hinges on a combination of technological design, operational strategies, and market dynamics. Understanding these elements is essential, particularly when evaluating BESS projects for long-term financing, where risks often intensify in the later stages of a project's lifecycle.

Core technological components

The long-term success of BESS is not simply about having the best

battery cells or the smartest control systems – it's about how these components integrate to support stable operations and long-term financial outcomes. Every technological element, from battery chemistry to thermal management, feeds into a system where performance, risk, and profitability are interconnected.

At the heart of BESS are the battery cells, the primary energy storage units, whose chemistry – whether lithium iron phosphate (LFP) or nickel manganese cobalt (NMC) – determines energy density, safety, and degradation rates. Yet, even the most advanced cells depend on the Battery Management System (BMS) to function optimally. The BMS continuously monitors cell performance, balancing safety and efficiency, and works hand-in-hand with the Power Conversion System (PCS) and inverters to regulate energy flow between the battery and the grid. This triad – battery cells, BMS, and PCS – forms the backbone of system reliability.

However, reliability isn't static. The Energy Management System (EMS) adds a dynamic layer, using real-time data to optimize when and how the BESS charges and discharges based on market signals and grid conditions. Its decisions directly impact degradation rates and revenue generation, balancing technical health with financial returns.

These technological elements don't operate in silos. A poorly calibrated EMS can overburden thermal systems, leading to accelerated degradation, while inefficiencies in the PCS can undermine energy conversion, reducing revenue potential. This interconnectedness is critical for investors and lenders, who analyze how well these systems align when evaluating long-term project risks and refinancing potential.

Operational considerations

Translating the capabilities of technological components into financial success hinges on operational strategies that optimize performance while managing long-term risks. Operational decisions – from charge cycles to timing of adding new battery cells or modules (augmentation) – shapes both system health and

revenue streams.

Degradation is a core challenge in BESS operations. While inevitable, its pace is influenced by how the system is run. Maintaining an optimal state of charge (SoC) and maximizing round-trip efficiency (RTE) can slow degradation, but aggressive market strategies – such as frequent cycling for short-term revenue gains – can accelerate wear. This creates a strategic tension: Balancing daily market participation with the need to preserve long-term asset value.

As degradation progresses, even with optimized SoC and RTE, systems could underperform against their original design specifications. This is where augmentation strategy becomes essential. Augmentation restores lost capacity and ensures the system continues to meet contractual obligations. The timing and scale of augmentation are critical; augmenting too early inflates costs unnecessarily, while delaying it risks breaching performance guarantees. Moreover, augmentation planning must account for component compatibility, ensuring that new battery cells or modules work seamlessly with existing inverters and the BMS, to avoid costly retrofits.

Thermal conditions further complicate this complex interplay. Effective thermal management is crucial for maintaining battery health, as excessive heat accelerates degradation and increases safety risks like thermal runaway. Inconsistent temperature control can compromise both SoC management and RTE, amplifying degradation rates and reducing system efficiency. Effective thermal systems, therefore, serve as a protective layer, stabilizing performance and safeguarding against unplanned downtime.

The financial implications of these technical dynamics are significant. Investors and lenders scrutinize degradation curves, augmentation strategies, and efficiency metrics when assessing refinancing prospects, particularly in the later stages of a project's lifecycle when technology risks increase. A system that has managed its SoC, RTE, and augmentation effectively will not only maintain stronger revenue streams but also command more

favorable refinancing terms.

Predictive maintenance ties this entire strategy together. Leveraging real-time data analytics, predictive maintenance identifies early warning signs of system stress, enabling operators to intervene before minor issues escalate into costly failures. This proactive approach enhances reliability, reduces downtime, and ultimately supports stable cash flows – an essential factor in maintaining investor confidence.

Innovations and outlook

BESS technologies are evolving rapidly, reshaping market strategies and investment landscapes. Innovations in battery chemistries, management systems, and grid integration are unlocking new opportunities but also introducing new complexities for operators and financiers.

One of the most transformative developments lies in advanced battery chemistries. While LFP and NMC dominate utility-scale deployments, emerging chemistries such as solid-state batteries and sodium-ion promise higher energy densities, longer lifespans, and improved safety profiles. Although still in the early stages of commercialization, these technologies could further reduce degradation rates and lower augmentation needs, improving long-term project economics. Recent strategies from major Chinese manufacturers, like CATL and BYD, signal accelerated progress in solid-state battery commercialization, with CATL aiming for small-scale production by 2027 and BYD targeting integration into mainstream electric vehicles by 2030.

Artificial Intelligence (AI) and machine learning are revolutionizing BESS operations. AI-driven EMS enable real-time market participation strategies, accurate load forecasting, and optimized dispatch decisions. These platforms dynamically balance degradation management with revenue maximization, providing operators with tools to navigate volatile energy markets while maintaining system health.

The push for grid modernization has also catalyzed regulatory reforms that accelerate BESS deployment. FERC Order 2023, for

example, streamlines interconnection processes, reducing delays and clearing bottlenecks in project pipelines. Hybrid renewable projects such as solar-plus-storage or wind-plus-storage are gaining traction. These projects allow developers to optimize capacity factors, reduce curtailment risks, and improve project bankability.

Safety innovations remain central to BESS evolution. High-profile incidents have led to stricter safety standards and advances in fire suppression, thermal management, and real-time hazard detection. These improvements not only mitigate operational risks but also influence financing – projects with strong safety protocols are more likely to secure insurance and investor backing.

Looking ahead, the BESS market will become increasingly complex as it integrates more deeply with grid operations and market dynamics. Success will hinge on aligning technological advancements with operational strategies and long-term financial planning.

Resilient energy future

Batteries are redefining the way electricity is generated, stored, and distributed, playing a central role in the energy transition. From stabilizing grids during peak demand to enabling greater renewable integration, BESS have evolved from a novel concept to a strategic asset. The technological reliability, grid integration complexities, and operational demands highlight the intricate balance required to unlock their full potential. Despite these hurdles, innovation across the sector continues to push boundaries. Each new project, policy reform, and technological breakthrough is considered a step closer to a more resilient and decarbonized energy future.

This article serves as the foundation for understanding the fundamental role of battery storage in the energy transition. In the next piece in this series, we will explore the current state and future trends of BESS in US electricity markets, diving into market dynamics, innovative technologies, and the evolving policy landscape shaping this critical sector.

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Why performance, not volume, now defines California's saturated battery

This article is part of: Battery storage reshaping US energy

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REVIEW

Impacts of grid-scale battery systems on power system operation, case of Baltic region

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Abstract

Grid stability can be affected by the large-scale utilisation of renewable energy sources because there are fluctuations in generation and load. These issues can be effectively addressed by grid-scale battery energy storage systems (BESS), which can respond quickly and provide high energy density. Different roles of grid-scale BESS in power systems are addressed, following optimal operation approaches classification. Furthermore, integrating BESSs into distribution grids is discussed to manage challenges from distributed generation. BESSs aid in voltage control, enhance frequency regulation, and offer black-start services. Aggregating distributed BESSs can provide ancillary services and improve grid economics. For consumers, BESSs optimise energy costs, enhance reliability, and support self-consumption from renewables. Novel BESS services include congestion relief, system adequacy, and power quality enhancement. Moreover, the ancillary services provided in different European countries through BESS are analysed. Finally, a case study was conducted among three Baltic DSOs to analyse the required amendments to Grid Codes and Electricity Market Acts for the integration of grid scale BESS.

KEYWORDS

energy storage, power distribution control

1 | ROLES OF GRID-SCALE BESS IN POWER SYSTEMS

Grid-scale BESS can be utilised for many different purposes in electricity systems. At its core, BESS provides means to store electrical energy for later usage; large grid-scale storage can have a substantial impact on grid performance. This energy could be used to improve the grid reliability and power quality by providing ancillary services such as frequency regulation. Additionally, BESS can provide virtual inertia, which will become especially relevant in future largely RES-dominated grids. The stored energy can be used even out the daily power curve by reducing the peak power. Furthermore, it can enable renewable integration in current grids and postpone grid reinforcement that will inevitably be needed. In this section these roles have been studied further.

1.1 | Grid reliability and power quality impact

1.1.1 | Ancillary service provision

Ancillary services are supportive services that enable the transmission of electrical power from generation to consumption by ensuring that the grid parameters are kept in safe viable ranges. The term ancillary service can refer to a variety of different services but from the perspective of grid-scale BESS what are interesting and what are currently widely being researched are the frequency regulation, voltage regulation, and black start services.

The ancillary service market designs and product descriptions vary from country to country as illustrated by the ancillary services procurement and electricity balancing market

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design survey [1] conducted by the European Network of Transmission System Operators for Electricity (ENSTO-E). These discrepancies could stem from the historic development of ancillary service markets or the generation mix of these nations. However, the EU has moved towards harmonising the ancillary service markets with the energy balancing guideline regulation [2], which entails that at one point all of the EU member states should start to provide three balancing reserve products: namely the automatic Frequency Restoration Reserve (aFRR), manual Frequency Restoration Reserve (mFRR), that is, secondary and tertiary reserves respectively, and Replacement Reserve (RR). The provision of the primary reserve, that is, the Frequency Containment Reserve (FCR), has not been made mandatory; despite that many nations across Europe are voluntarily implementing it. An illustration of different frequency reserve products is given in Figure 1.

The purpose of the primary control reserve, that is, FCR service is to be the first response to the sudden occurrence of imbalance. Assets that provide FCR activate automatically within 30 s in the entire synchronous are. The activation signal for FCR does not come from the TSO, rather it is based on the continuous measurements of the grid frequency. Adjustments to the production and consumption of FCR providing assets are done proportionally to the grid frequency deviation from the norm. If the frequency deviation persists then the aFRR is subsequently activated [3].

The secondary reserve, that is, the aFRR service will begin to replace the FCR gradually 30 s after the imbalance occurs and reaches the full activation within 5 min. If the grid imbalance persists after 12.5 min of occurring then the mFRR service, that is, the tertiary reserve, starts gradually activating reaching the full activation at the 15-min mark and has a minimum delivery period of 5 min [3].

The last source of reserves, that is, the replacement reserve (RR) uses generators with longer start-up time to either complement the previous reserves or to release them back into their state of readiness. The RR has to reach full activation within 30 min of the disturbance and has a minimum delivery period of 15 min [3]. An alternative could be to instead use large grid-scale BESS. Battery storage can be a good alternative due to its fast reaction speed, and environmental friendliness when used in combination with RES.

From the experience of the operation of Zurich 1 MW BESS that is used for FCR, peak shaving, and islanded operation; the main challenge for the provision of FCR is the management of the state of the charge (SOC) shifting, which is complicated by the internal losses of the battery and the activation signals that are generally not zero-mean [4]. The relation between the required energy capacity with respect to power capacity was found to be around 220 kWh per MW for FCR provision [5]. The effectiveness of BESS to provide ancillary services is investigated within the PRESTO (Primary REgulation of STOrage) research project [6], in particular by managing the storage SOC with variable droop control.

The profitability of grid-scale battery systems for purposes of Primary Containment Reserve (PCR), peak-shaving (PS), and Enhanced Frequency Response (EFR) was analysed in Ref. [7]. It was found that EFR purpose has the highest profitability of the three; however, combining EFR and PS applications improves the profitability even further.

Grid-scale BESS usage for FCR in a low inertia grid using grid-forming and grid-following methods was investigated in Ref. [8]. It was found that large-scale BESS can significantly improve system frequency containment, especially in the grid-forming converter control mode. Future smart grids will also inevitably encompass smaller distributed battery systems. The authors of Ref. [9] combined smaller BESS, RES, and flexible loads to create one large virtual energy storage system (VESS) for the purpose of voltage regulation. An overview of ancillary service provision with different types of ESS including BESS is given in Ref. [10], where it was found that the overall deployment cost of microgrids is reduced with the utilisation of ESS for ancillary services.

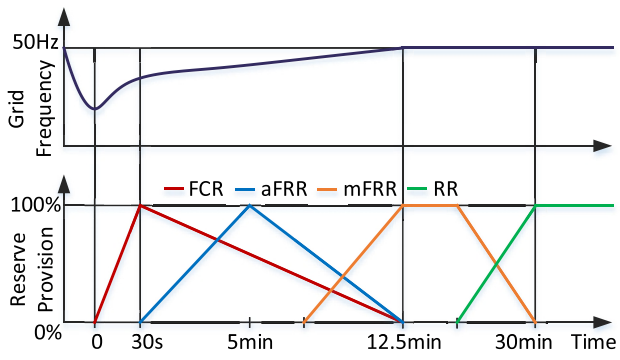

FIGURE 1 Illustration of frequency reserve product activations based on ENTSO-E grid codes.

1.1.2 | Virtual inertia emulation

With the increasing RES penetration, the conventional synchronous generation is starting to be phased out. The future grids will undoubtedly have more converter interfaced generation which will result in the reduction of grid inertia. The grid needs to have an adequate level of inertia to maintain a stable grid voltage and frequency. With a low level of inertia, the imbalance between the generation and consumption will start to negatively affect the grid parameters much sooner than in the case with higher levels of inertia. Ensuring an acceptable balance will be even more difficult on a smaller microgrid scale. One novel technique to increase the grid inertia would be to perform virtual inertia emulation with large grid-scale BESS.

Virtual inertia emulation works by imitating the inertial response of traditional synchronous generators (SG). The implementation of virtual inertia is based on the swing equation of SG that is incorporated into the inverter control so that the typical inertia less inverter could emulate the inertial characteristics of SG. It is considered "virtual" since the inertia is emulated without the utilisation of any rotating mass [11].

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In general, the implementation models of virtual inertia emulation can be divided into three main categories [12].

- *Synchronous generator model* is based on operating inverters as synchronverters, that is, as inverters with similar dynamics to SG [13]. This is achieved by detailed modelling of electrical and mechanical parts of SG. Integration of this model into solar and wind production is explored in Ref. [14] and for a battery system in Ref. [15].
- *Swing equation*-based is based on operating inverters with only the swing equation of SG rather than modelling the entire electrical and mechanical parts. This method works by measuring the grid frequency and the active power output of the inverter. One well-known method for this is the Ise Lab's topology [16].
- *Frequency-power response* is based on the idea of emulating the ability of SG to respond to frequency changes. This approach is considered as one of the simplest methods of providing virtual inertia since it does not involve a detailed SG model. One well-known method in this category is the virtual synchronous generator (VSG) [17]. The main shortcoming of this method is that if the converter has to operate as a grid forming unit in islanded mode then it can't provide virtual inertia at the same time.

The impact of different levels of minimum inertia constraints with two decarbonisation scenarios was investigated in Ref. [18]. The authors concluded that setting minimum inertia levels may be useful during the transition phase to higher RES penetration levels, however, if not replaced in a timely manner they might end up impeding emission goals. Virtual inertia was used to suppress voltage fluctuations using a BESS in a DC microgrid with a large share of renewables in Ref. [19]. Optimal BESS sizing for virtual inertia emulation in islanded microgrid operation scenario was performed in Ref. [20]. The authors of Ref. [21] concluded that the problems of inertia and frequency stability of power systems with large-scale renewable generation could be addressed with wind turbine emulated inertia, integration of energy storage systems, and involving smart controllable appliances of prosumers.

1.1.3 | Peak power reduction

Peak power reduction, that is, peak-shaving entails a power reduction from the grid during morning and evening peak periods of consumption. During this period the power is supplied by a large energy storage system such as a BESS. The energy stored in the BESS is consumed during off-peak periods when the consumption is lower; at night time or during the daytime when the PV production is highest. With increasing renewable production, it will be crucial to have an adequate level of storage to shift the overproduced energy to mornings and evenings.

Compared to frequency regulation, which is a short-term power-intensive application, peak shaving is a more long-term energy-intensive application. Usually, the peak shaving process needs to be performed for the duration of 1–10 h [22], highlighting the need for large grid-scale energy storage. The main objective of reducing peak power is to alleviate the issues surrounding grid over-loading, reduce the ramp rate during peak consumption, and postpone the need for grid infrastructure reinforcement [23].

An overview of existing peak shaving implementation strategies and challenges based on energy storage systems (ESS), electric vehicles (EV), and demand-side management (DSM) has been given in Ref. [24]. It was found that challenges surrounding EVs are their availability, aggregated control, and lack of large-scale deployment. The challenges with EVs are regarding the customer willingness, presence of proper ICT infrastructure and the overall complexity of the system. Nevertheless, implementing peak shaving using BESS faces challenges of scheduling the optimum operation, optimal sizing, and high capital and maintenance costs.

A decision-tree-based peak shaving algorithm has been developed in Ref. [25] to mitigate peak demand complications in an islanded microgrid with a grid-scale BESS resulting in cost-savings from economic arbitrage, postponed system upgrades, reduced fuel consumption, losses, and carbon emissions. The authors expanded this research for a PV-BESS hybrid system in Ref. [26].

Currently, peak shaving using battery storage might be too expensive of an option, especially in places that are suitable for other large-scale storage systems such as pumped hydro or compressed air storage. However, BESS could be considered as an option in locations that lack the specific geographical features needed for those storage types [27, 28].

1.2 | Renewable energy integration

The ever-increasing renewable penetration has introduced challenges from the power system side that mainly stem from the intermittency and the variability of RES. These challenges have led to a growing need for grid-scale storage. The following BESS applications can further facilitate the integration of renewable energy [29]:

RES energy shifting addresses the intermittency of RES. This is because the most prominent renewable sources such as wind and PV are intermediate by nature and thus might produce at times when not needed or vice-versa. RES energy shifting entails incorporating BESS into the existing power system to store the surplus renewable energy. This can be especially relevant in PV-dominated grids that have high production peak during the daytime which might result in an overproduction that would otherwise be curtailed as illustrated in Figure 2.

RES variability smoothing tackles the variability of RES. Traditionally, renewable energy sources are considered non-dispatchable, meaning that their power output cannot be controlled by the operators dynamically. Although modern control rooms dispatch wind, this is more just limiting their output rather than balancing dispatch. Solar and wind power plants produce energy when the sun shines or when the wind

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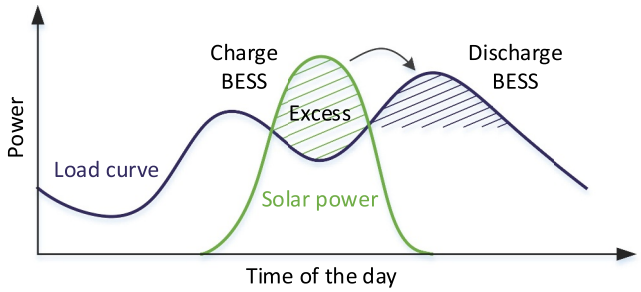

FIGURE 2 Daily excess RES energy shifting.

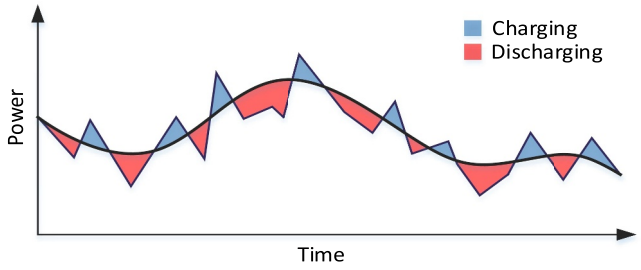

FIGURE 3 Short-term RES variabilitsy smoothing.

blows, but neither of those is guaranteed to be constant. Due to the stochastic nature of renewable sources, there is a need for short-term power smoothing that reduces the sharp ramping changes as shown in Figure 3. The sharp ramping rates are especially troublesome in the case when RES has a large contribution to the generation mix. Power smoothing requires far less energy storage than load shifting [29]; however, since it is a continuous process that is accompanied by frequent charging and discharging it results in faster degradation of BESS. A literature review of control strategies for wind power output smoothing with BESS has been given in Ref. [30]. A bibliometric review of articles related to renewable energy integration with BESS has been given in Ref. [31].

1.3 | Environmental impact

The applications of grid-scale BESS can have a positive effect on the environment. As discussed beforehand, grid-scale BESS can facilitate the integration of more renewable energy into the generation mix which would increase consumption of more environmentally friendly sustainable energy, while at the same time, the traditional generation would be phased out. The authors of Ref. [32] investigated the potential of grid-scale battery systems to replace combined cycle gas turbine (CCGT) plants in responding to variable peak demand in the UK. It was found in the future projection of 2035 that in the UK around 5.5 TWh of battery storage would be needed to replace the energy that would otherwise come from CCGT plants.

Utilising grid-scale BESS for the purpose of grid reliability and power quality can also have a positive impact on the environment by replacing the traditional fast-reacting peaking plants that are usually based on fossil fuels. An example of this would be the work of the authors of Ref. [33], who replaced diesel generators in a university campus microgrid with an unreliable grid power supply with a PV-BESS hybrid system that reduced peak-hour energy purchases from the grid significantly by phasing out diesel generators almost entirely. The authors also concluded that the transition to a PV-BESS hybrid system yielded substantial annual savings and calculated the payback period to be around 6 years.

Nevertheless, when dealing with large grid-scale battery systems the environmental impact of their production, transportation, and recycling needs to be accounted for. Other grid-scale storage types such as pumped hydro and compressed gas storage have comparably trivial environmental and health impacts [34] since they don't require the mining, refining, and recycling of potentially hazardous elements. A review of life cycle assessment (LCA) studies was conducted in Ref. [35] which found that producing 1 Wh of storage capacity is across all battery chemistries on average associated with a cumulative energy demand of 328 Wh and greenhouse gas emissions of 110 gCO_2eq. The potential end-of-life options for batteries could include reuse or repurposing for a "second life", recycling to recover materials, and disposal [36]. Presently less than 3% of lithium-ion batteries are recycled [37], however in the near future the increased demand coupled with restricted access to virgin materials is hoped to increase the recycling rate.

2 | OPTIMAL GRID-SCALE BESS OPERATION APPROACHES

The charging and discharging behaviour of BESS can be implemented with different approaches. Independent of the BESS size, small, medium or grid-sized, three basic operation approach categories need to be considered to determine the optimal method. The first category is conventional operation approaches that is based on traditional control methods, like droop control [36]. The second category is based on heuristic operation methods [37, 38]. These methods do not claim to be perfect, optimal or even rational. Instead, they try to present a practical and satisfactory solution for complex systems, like techno-economic optimisations [39]. The third category is meta heuristic approaches. Which is based on general applicable optimisation algorithms that might be tailored to the problem that needs to be solved, like particle swarm optimisation [40]. These three categories are discussed in more detail in the following subchapters.

2.1 | Conventional

Conventional operation approaches for grid-scale BESS are presented in several publications. These methods are often focused on basic control strategies to provide ancillary services. The comparison of different presented operation approaches is shown in Table 1.

The comparison shows that all the provided publications aim to provide ancillary services, especially primary reserve,

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TABLE 1 Comparison of conventional operation approaches.

Publication	Method	Power/Capacity	Position LV, MV, HV	Cell technology	RES integration	DR integration	Geo location	Services
[36]	Droop control	–	MV	–	+	–	Milan, Italy	Ancillary (primary reserve)
[41]	Droop control	5 MW, 5 MWh	–	Li-ion	–	–	Germany	Ancillary (primary reserve)
[42]	Droop control	16 MWh	–	–	–	–	Baja California Sur, Mexico	Ancillary (primary reserve)
[43]	Droop control	200 MW, 100 MWh	–	–	–	–	United Kingdom	Ancillary (primary & secondary reserve)
[44]	Droop control	10 MW	–	Li-ion	–	–	Northern Ireland	Ancillary (primary reserve)
[45]	Model predictive control	20 MW, 80 MWh	–	–	+	+	–	Ancillary (primary reserve); operation cost reduction (real time price)
[46]	Droop control	225 MW, 175 MWh	HV	Lithium-Titanate-Oxide	–	–	Europe	Ancillary (primary reserve, restoration)

Note: + = considered/integrated; – = not mentioned/integrated.

with the conventional operation approaches for grid-scale BESS. Since this is directly related to frequency control, nearly all proposed methods are based on droop control approaches. As expected for grid-scale BESS, the power and capacity considered are in the MW/MWh range. Unfortunately, it is often not mentioned, on which voltage level the BESS is connected, but the two mentioned levels are medium- and high voltage levels. The popular battery cell technology is lithium-ion based. Eight of the 9 publications use simulations, whereas only 1 publication presents an experimental setup for research. Due to the droop control implemented in most of the publications, renewable energy sources and demand response are not directly integrated into most of the conventional battery operation approaches.

Apart from this scientific literature which is based mostly on simulations as the comparison shows, there are multiple TSOs and DSOs that started implementing large battery storage into their grids. Of course, based on the TSOs and DSOs main interests, these systems are controlled by conventional algorithms, like droop control, to provide ancillary services to the grid and improve the power quality this way. Examples for those implementations worldwide would be in USA [47], United Kingdom [48], Australia [49], Denmark [50], or Germany [51, 52].

2.2 | Heuristic

The most popular operation approaches for grid-scale BESS are heuristic methods. There is a wide range of publications that present different heuristic approaches to build a coordination framework not only for battery storage but often in combination with larger renewable generation sites. A comparison of different presented heuristic operation methods is shown in Table 2.

In heuristic operation approaches for grid-scale BESS, there are often multiple objectives that are considered. These include not just ancillary services but also economic, environmental and local power quality focused goals. For these goals, there are different approaches presented in every publication. These reach from energy market based control decisions to combinations with conventional approaches and prediction based models. Unfortunately, for some of these articles the grid scale BESS start at medium capacities, like 20 kWh, but most of them consider the MWh-range as expected. Like with the conventional methods, the preferred battery cell type is lithium-ion based. Due to the multi-objective orientation of these operation strategies, there is a direct integration of renewable energy sources and/or demand response into most of these control methods. Like the conventional methods, these operation strategies are simulation based as well.

2.3 | Meta heuristic

There are many publications that present different meta heuristic operation approaches for BESS, such as particle swarm optimisation [40] or discrete-time-gradient optimisations [59]. However, most of these publications present operation approaches in the framework of small or medium microgrids. In the context of grid-scale BESS the number of available

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TABLE 2 Comparison of heuristic operation approaches.

Publication	Method	Power/Capacity	Position LV, MV, HV	Cell technology	RES integration	DR integration	Geo-location	Services
[53]	Setpoint adjustment, over fulfilment, use of deadband, use of gradient	5 MW, 5 MWh	MV	Lead acid, Li-ion (LMO, LFP)	–	–	Germany	Ancillary (primary reserve)
[54]	Real time- (TSO/DSO frequency signal based), predictive (feed-in-tariff based) control	20 kWh	LV	Li-ion	+	+	–	Ancillary (primary& secondary reserve); increased self-consumption; operation cost reduction (demand response)
[39]	TSO/DSO frequency signal based, intraday energy market (15 min based), peak shaving (monthly & daily model)	1 MW–5 MW, 1 MWh–30 MWh	–	Li-ion	–	–	Germany	Ancillary (primary reserve& secondary reserve); peak shaving; black start
[55]	Decision-based control algorithm with optimisation	5 MW, 5 MWh; upscaling to > 50 GWh	–	Lithium-manganese	+	–	United Kingdom	Ancillary (secondary & tertiary reserve)
[56]	Techno-economic model based algorithm	>1 GWh	–	Li-ion	+	–	United Kingdom	Ancillary (secondary & tertiary reserve)
[57]	Multi-objective optimisation, energy market based (day-ahead),	<200 kW, <200 kWh	MV, LV	Li-ion	+	–	–	Economic optimization; peak shaving; increased self-consumption;
[58]	Corrective voltage control	>300 MW	-	–	+	–	–	Local reactive power control; local voltage control; local power/voltage control

Note: + = considered/integrated; – = not mentioned/integrated.

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publications is reduced to a few relevant ones. A comparison of the presented approaches is shown in Table 3.

As mentioned before, the number of meta heuristic operation approaches for grid-scale BESS is more limited than the other approaches. The presented methods implement a general optimisation technique in the control strategy, namely particle swarm-, discrete-time-gradient- and generic optimisation algorithms. However, the capacity considerations for those methods seem to be set between medium and grid-scale level. This is also shown in the presented voltage level connection. Many publications show smaller sized BESS of less than 100 kW with meta-heuristic operation approaches. This indicates a higher popularity of these methods on microgrid-scale to primarily achieve an optimised operation for a private investor or customer rather than the DSO or TSO. As with the two previously discussed methods, lithium-ion cell technology is preferred as well as simulations instead of experimental setups. All methods integrate only renewable energy production and do not consider demand response methods. The focus of these publications is, as expected for medium scale BESS, on microgrid services, like increased self-consumption and operation cost reduction. Ancillary services are not considered at all.

In summary, the three different operation approach categories are oriented at specific goals. While conventional approaches are focussing on ancillary service provision, heuristic and meta heuristic approaches are tailored to provide maximum cost reductions with multiple objectives. Based on that, it can be concluded that heuristic and meta heuristic grid-scale BESS control is most suitable for private investors, as their goal is cost saving and quick return-of-investment. For TSOs and DSOs, conventional control methods are the best fit, as their primary goals are grid stabilisation, reliability, and power supply security. This is confirmed by the examples of practical implementations of TSOs and DSOs with grid-scale BESS which are all based on conventional operation methods.

3 | PARTICIPATION OF GRID-SCALE BESS GRID SERVICES TO OVERCOME POWER QUALITY ISSUES

All electrical devices require the voltage level to remain within a certain magnitude and parameters. The required voltage levels and parameters are determined with European Standard EN 50160 [68]. The standard defines, describes, and specifies the voltage regarding its frequency, magnitude, waveform, and symmetry of the line voltages and is addressed as power quality in the professional literature. Voltage related power quality events (power surges, sags, transients, momentary interruptions, etc) are usually caused by external events that is, weather (high winds, lightning), starting and stopping heavy equipment (motors driving mechanical processes, utility switching), circuit overloading or system failures (short circuits, fault clearings, wrong dimensioning of system). If previously most of the power quality issues could be omitted to consumers and power electronics driven non-linear loads [69–72], then in the past years, growing concerns regarding the electricity consumption and production's impact on the environment have introduced a new set of sources for power quality issues – low carbon technology. The European Green Deal [73], The 2030 Climate and Energy Framework [74], and the 2050 long-term strategy [75], have the aim of the EU to become climate-neutral by 2050. To accomplish this, governments are creating different incentives for energy end-users and producers to invest in low carbon technologies, that is, photovoltaics (PV), wind energy (WE), electric vehicles (EV), battery energy storage systems (BESS), and similar. As the load demand keeps growing and the integration of stochastic

TABLE 3 Comparison of meta heuristic operation approaches.

Publication	Method	Power/Capacity	Position LV, MV, HV	Cell technology	RES integration	DR integration	Geo location	Services
[40]	Particle swarm optimised fuzzy control	110 kW	LV	Li-ion	+	–	–	Increased self-consumption
[59]	Multi-timescale and discrete-time-gradient optimisation	>100 MW	–	–	+	–	–	Operation cost reduction (day-ahead & 15 min); balance RES & load
[60]	Genetic algorithm	200 kWh–700 kWh	MV	Li-ion	+	–	–	Operation cost reduction (day-ahead)
[61–67]	Genetic algorithm, artificial bee colony, grey wolf, particle swarm, wild horse;	<100 kW	(LV)	–	+	+/–	–	Increased self-consumption, operation cost reduction

Note: + = considered/integrated; – = not mentioned/integrated.

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generation increases, new challenges arise in the power system operations.

3.1 | Power quality issues caused by stochastic loads and generation

Although renewable electricity generation from weather-influenced sources introduces uncertainties on the generation side, the load side can introduce similar uncertainties due to market price-driven demand-side management actions. Coinciding stochastic events on both the generation and consumption can lead to voltage and frequency events as described in Refs. [76, 77]. Another issue that might arise in power systems with high penetration of renewable generation is the increased need for ancillary services to mitigate the possible stochastic generation down curtailment and the corresponding loss of energy, as discussed in Refs. [78, 79].

3.1.1 | Stochastic loads

Authors in Ref. [80] prove with numerical simulations that the stochastic nature of the load can suddenly make the system lose its voltage stability. According to Ref. [81], residential loads are subjected to variations that are biased with the household's inhabitant's lifestyle. The latter can help classify household loads according to its inhabitant's lifestyles and level out specific stochastic characteristics, but eventually, a certain amount of unpredictable variability remains. Furthermore, with the increasing share of renewable electricity generation assets and deregulated operation of the energy markets, novel services (i.e., demand-side management) introduce yet another level of variability to the load that is hard to forecast to a certain magnitude. Economics-based shifting of loads can accumulate unwanted power quality parameters to limited periods where otherwise evenly distributed power quality phenomenon is magnified to an unaccepted level, putting additional strain on the distribution network. Most electricity consumers with integrated renewable energy sources are connected to the low-voltage distribution system. This system already includes a high number of single-phase loads, and together with the distributed generators (DG), they could cause unwanted effects in distribution networks, as discussed in Ref. [82].

The majority of residential electricity consumers are single-phase loads and together with uneven loading of the phases causes an existing voltage to unbalance phenomenon in the distribution grid. Single-phase PV-s, residential battery energy storages, and home electric vehicle charging stations could further increase the voltage unbalance in the network. According to scientific literature [82, 83], voltage unbalance causes issues with induction motors as it raises the temperature, increases losses, and lowers their efficiencies. Additionally, the voltage unbalance is often accompanied by negative sequence voltage that causes negative sequence current, which does not do any useful work and contributes to energy losses and decreased transmission capacity in the distribution lines. From the perspective of the load, the most important factors are the load power variation speed and its magnitude, as described in Ref. [76]. Such variations, for example, could be introduced by plug-in electric vehicles [84, 85], as every different car plugged in for charging could introduce different load profiles depending on the manufacturer, battery capacity, charging technology, the initial state of charge, ambient temperature, etc.

According to numerous tests carried out on 68 different EV models in Refs. [86, 87] the charging capacity amongst different EVs can remain between 27 and 205 kW (average 92 kW), whilst the duration remains between 18 and 51 min (average 32). It should be noted that the charging experiments were carried out in public fast-charging facilities, meaning that such large variability in duration and capacity is stochastic and could occur in the system any time of the day. Although the energy consumption remains relatively stable (47 kWh on average), the load variation speed and magnitude can change significantly. According to the International Energy Agency's report [88], the global electric vehicle market has doubled roughly every 2 years. With the rapid changes imposed by stochastic charging activities, such a trend inevitably increases the difficulty of keeping an acceptable voltage profile in the distribution systems [89]. Fast-changing loads with high magnitudes could cause over- and under voltage events since the dedicated system elements (i.e., transformer on-line tap changers or reactive power support devices) have an unavoidable delay in adjusting to the new system state. The growing number of electric vehicles and home chargers contribute to the voltage drop and the total harmonic distortion (THD) that could exceed the set boundaries by standards in the low voltage distribution networks as discussed in Refs. [82, 90]. Additional THD sources are power-electronic devices that are widely used in home appliances for example, TV sets, personal computers, compact fluorescent lamps, LED lamps, and similar. The concurring harmonics increase losses (similarly to the negative current components) and deteriorate equipment life span due to additional heat dissipation [91]. The large increasing share of power-electronic driven electric vehicle home chargers and time shifting of loads could eventually lead to a situation where the THD of the low voltage distribution network exceeds the safe and recommended operational values. A study [91] showed that when electric vehicle penetration reaches 70% (with three-phase rectifier chargers), the fifth order harmonic level in the distribution network is doubled. Another study [92] indicated that low voltage distribution networks could have issues with transformer capacities and low voltage line thermal ratings when the electric vehicle penetration in the grid reaches 40%.

With the paradigm shift currently occurring in the power industry, it is essential to develop the energy demand and supply domain and manage and develop the control and hardware of the physical system. Without the integrated approach, considerable challenges hinder reaching the climate

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neutrality target. In future distribution grids, the following five aspects need to be addressed regarding the impact of stochastic loads on power quality:

1. The capacity of transmission/distribution equipment
2. Harmonic distortion
3. Voltage unbalance
4. Overvoltage
5. Undervoltage

3.1.2 | Stochastic generation

Mainly two factors pose challenges for grid integration of renewable systems: the variability and the decentralisation of energy generation. For example, the variability of solar power occurs in two stages: the first stage is variability over day and night, the second stage is due to solar irradiation fluctuations caused by intermittency of clouds. Similar variability can be omitted also to wind power as described in Refs. [76, 92, 93]. The reliability of the electrical grid is endangered by the high penetration of such volatile energy sources, causing problems in balancing supply and demand, voltage instability and power quality [94]. Decentralised energy generation mitigates problems in transmission grids, for example, reduced line losses, but can induce new problems in distribution grids, such as overvoltages, and requires new operation strategies [95]. Another aspect to consider is that traditionally the low voltage distribution grids have been unidirectional regarding power flows – usually towards the loads. As the distribution networks were initially designed to serve loads, the high penetration of local renewable energy production can lead to network congestions as coinciding generation peaks tend to occur irrespective of the residents' lifestyles.

Authors in Ref. [89] discuss that the stochastic nature of weather dependant renewable energy sources pose challenges for the currently used voltage management devices, that is, online load tap changing (OLTC) transformers, voltage regulators (VR), or shunt capacitors and reactors. While the weather impacted generation can have sudden changes in power output in a matter of seconds, then the voltage regulating devices tend to have longer reaction times due to their mechanical switching nature. From one side, this causes excessive wear and tear on the voltage regulating devices resulting in a shorter lifespan but, in worst cases, can lead to generation curtailment or even switch off due to network protection algorithms. In addition to sudden voltage changes, the high penetration of distributed energy resources can also impact the power quality on several levels [83]. Rapid voltage changes might lead to varying light intensity, also perceived by the human eye, known as flicker. Single-phased PV-s can lead to and contribute to unallowed voltage unbalance. According to Ref. [82], a high number of single-phase low carbon technologies (PVs and electric vehicles) can increase the voltage unbalance in single nodes and the entire low voltage network. The stochastic nature of the PV-s output can increase the voltage unbalance fact in the distribution system during specific periods of the day if compared to a system without PV-s installed.

Since small-scale renewable energy sources are coupled to the grid through power electronic devices, they tend to impact the harmonic distortion in distribution systems. With the large-scale integration of low carbon technology to our low voltage distribution grids, it is becoming more challenging to satisfy the required level of power quality [96]. In future distribution grids, the following five aspects need to be addressed regarding the impact of stochastic generation on power quality:

1. The capacity of transmission/distribution equipment
2. Harmonic distortion
3. Flicker
4. Voltage unbalance
5. Overvoltage

3.2 | Battery energy storage systems for power system services

BESS-s are an important enabler for the integration of stochastic and renewable generation installations not only on grid level, but also near prosumers. BESS-s increase flexibility in balancing supply and demand but can also increase safety, reliability, and quality of distribution grids by performing ancillary services for frequency stability, voltage stability and availability of energy and power reserves for balancing. As European Union is parallelly promoting the transition of the traditional generation-centric ancillary services energy market towards a market with an increased role also for prosumers [97], participating in ancillary services provision could make the investment in BESS-s economically more feasible [78] and at the same also enhance the possibility and performance of demand-side response.

BESS-s have the possibility to provide a variety of ancillary services. More generic ancillary services today mainly focus on voltage regulation [98–100] or frequency regulation [101–109]. The following table (Table 4) adopted from Ref. [110] and modified according to ENTSO-E and European Union terminology summarises the traditional ancillary services that could be delivered with battery energy storages to different target groups. The target group includes three main fields of activities: system operators (also including transmission system operators, distribution system operators and any other operational forms, that could be present), utility companies (mainly owners of assets, including generation, storage, lines, etc.), and electricity consumers (residential, industrial, commercial, etc.).

3.2.1 | BESS services for the TSOs and DSOs

Authors of Refs. [98, 99, 107] discussed advanced methods in voltage control strategies to meet the challenges that arise due to the large amount of distributed generation penetration into the distribution grids. The idea of using BESS for voltage

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TABLE 4 Battery enabled traditional ancillary services, their definitions, target groups and coverage in scientific literature.

Service name	Definition	Target group	Papers
Load-frequency control and regulation reserves	Mechanism used to restore the balance between load and generation within a control area to maintain the power frequency in the desired range to avoid grid instabilities.	System operators	[79, 101–109]
(Spinning) energy reserves	Generating capacity that is either online (spinning) and instantaneously available or available in the matter of minutes (usually <15 min) and can provide output in response to contingency events (e.g., generation or interconnection trip).	System operators	[78, 101–109]
Voltage support and regulation	Mechanism that ensures the voltage level in the power system is kept within acceptable operations range and to avoid system wide incidents that is, voltage collapse, or inefficient operation conditions.	System operators	[98–100]
Black start capability	In the event of total system failure that causes grid outage, the ability to bring a regional part of the grid back online without external grid connection.	System operators, utility companies, electricity consumers	[111–114]
Energy cost optimisation	Also known as energy arbitrage or storing power purchased at off-peak times and selling it on-peak	Utility companies, electricity consumers	[78, 79, 94, 97, 115–120]
Increased distributed generation self-consumption	Minimising the export of stochastic and distributed renewable generation produced electricity from a region during low consumption periods and utilising it during high consumption periods.	Electricity consumers	[100, 115–120]

regulation lies in the controlled charging and discharging of the BESS according to the operation of distributed generation and the corresponding voltage level fluctuations in the distribution system. Additionally, the authors of Ref. [100] bring out that the integration of BESS into the voltage control strategy in distribution systems could increase the life expectancy of on-load tap changers and step voltage regulators that otherwise would suffer from the increased workload and shorter lifespan due to the additional work cycles caused by the distributed generation.

Authors of Refs. [101, 104, 108] discuss the challenges posing in utilising batteries for frequency regulation. A special control system could also overcome the issues associated with more frequent usage of BESS for frequency regulation that increase the operating costs or decrease the battery lifetime. The authors of Refs. [102, 103] on the other hand discuss and validate the possibility to use distributed BESS-s to provide FCR (or primary reserves, as usually referred to in specialised literature) in Germany. The importance of the pilot project lies in the fact it successfully demonstrated the possibility of a distributed storage capacity successfully providing services that were previously provided by large conventional power plants. Authors of Ref. [105] discuss about the suitable dimensioning of the BESS unit for FCR provision in wind dominated power systems, Brogan *et al* in Ref. [106] analyse the minimum requirements for BESS to participate in frequency control activities and during a high and low rate of change of frequency events. The author of Ref. [109] brings in yet another aspect that BESSs could be suitable for that is, distributed control of BESS to prevent under-frequency load shedding. All the previously mentioned papers bring out the challenges of large-scale renewable energy penetration and the lack of ancillary services from a conventional generation that is being actively phased out due to the changing energy policy and increasing share of renewables.

Additionally, BESS-s combined with weather impacted generation could provide a viable alternative for black start ancillary services that are currently provided with conventional generation units. Authors in Ref. [111] discuss the possibility to combine wind power plants with energy storage systems to provide black-start power. If traditionally the black-start power is provided with thermal, nuclear, or hydropower, then the instability of the output of the wind power plant is one reason that these assets are seldom used as a black-start power resource. The paper proposes a method of energy storage configuration to enable this possibility with wind power plants. Similarly, to wind power plants also PV-s is neglected when discussing black-start capability. Authors in Ref. [112] discuss the challenges to combine BESS-s with PV installations to provide black-start capability. The key challenge is caused by the random output of the PV installation and high variability of power and energy during black-start events that could lead to either over-charging or over-discharging of the BESS. With suitable control and optimisation algorithms, these issues can be overcome and could provide a valuable alternative source of black-start capacity. Authors of Refs. [113, 114] discuss about the possibility to use the BESS to provide black-start capability for the distribution system with either a single unit or with a multi-energy storage power system. Generally, all authors come to the same conclusion that BESS-s are a universal asset that can extend the black-start capability of a variety of technologies. More than that, in order to enhance power system resilience, battery energy storage systems (BESS) play an integral role in addressing power system events and outages. In these scenarios, BESS operation involves rapid response to imbalances in supply and demand, frequency deviations, and voltage

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fluctuations. To maintain grid stability during sudden load changes or power outages, BESS can quickly inject or absorb power. Backup power from BESS can ensure essential services are maintained during longer outages. Having fast response capabilities and flexibility, BESS can mitigate the impact of power system disturbances, ensure uninterrupted power supply, and contribute to overall grid resilience.

In addition, the versatility of BESS cab be further increased through the aggregation of distributed battery assets. This way even the distributed BESS-s could be used to provide similar services as large-scale bulk energy storage units, as discussed in Ref. [121]. The aggregation of distributed BESS assets in distribution grids are suitable for providing ancillary services meanwhile also increasing their economic performance. With the increasing share of stochastic renewable energy production, the planning and maintaining the main grid becomes ever more challenging and with higher operational cost. BESS, both on distributed and centralised levels, could be one possible solution to help transform the energy sector to a more decentralised and less carbon-intensive without compromising the security of supply or making it too expensive to hinder its further development. BESSs could be the versatile link to speed up this process, due to it possibility to cope with many of the existing issues starting from localised problems (voltage quality, congestion relief, etc.) to a more centralised alternative to traditional generating capacity provided services (frequency, control, voltage control, asset adequacy, etc.).

3.2.2 | BESS services for consumers

BESS are mainly marketed for their energy cost optimisation through retail energy time shift, peak shaving, and increased self-consumption from distributed generation through behind-the-metre solutions as discussed in Refs. [79, 100, 115–120, 122]. Also, the power reliability can be increased through BESS usage in weak grid locations to cope with voltage sag ride though and provide back-up power and even island solutions [123]. Although these services are mainly targeted at residential customers, then as discussed before, with coordinated control these BESS units could be used also for ancillary service providers, and thus increase the added value created by BESS units for both their owners and the society. Otherwise, the market prices are not favourable to make the BESS economically viable for all residential customers as discussed in Refs. [115, 117, 120]. Other aspects that hinder the benefits from increased self-consumption are location-based limitations to distributed renewable generation as discussed in Refs. [116, 119], making it even clearer that BESS systems should combine different services provision (e.g., ancillary services) to make them economically viable. The increasing demand for electricity and substituting traditional generation with stochastic technology also increases the strain on the physical network. Novel solutions are needed to cope with both operational and planning challenges of the power system. Both, the consumer and power and utility companies, can benefit from it though increased socioeconomic welfare.

3.2.3 | Novel services with BESS

Novel ancillary services from BESS-s include congestion relief [124–128], transmission/distribution system adequacy related services [127, 129–131], and power quality-related issues [98, 132–138]. Authors of Ref. [124] describe a case study where the battery located at a congestion point can provide backup energy storage during a contingency event to relieve thermal overload, thereby allowing the transmission limit to be increased. Although not specified, authors of Ref. [125] discuss the distribution system level optimisation of different assets (including energy storage) to avoid congestion during intraday operation. Authors of Ref. [126] propose to include the energy storages as service within a sharing economy concept to relieve transmission congestions by utilising the idle capacity on the open market for a fee, while in Refs. [127, 131] the authors propose a similar solution but instead with the energy storage capability of electric vehicles. Also, the possibility to utilise energy storage to defer upgrade of the existing electric grid infrastructure is introduced in Refs. [127, 129–131]. The latter one could lead to reduced cost for utility ratepayers and prolong the usage of existing infrastructure while maximising its utilisation factor.

Power quality issues due to stochastic generation and load are becoming increasingly important, as discussed in the Sections 1.1.1 and 1.1.2. The mentioned power quality issues (voltage unbalance, voltage variations, harmonic distortion, and flicker) can be successfully managed with BESS-s as discussed in Refs. [123, 139, 140]. Especially important power quality issues are the transient voltage variations and harmonic distortion of the network voltage due to the frequent starting and stopping of distributed generation as discussed in Refs. [98, 132]. Authors in Refs. [133, 135] bring out that a variety of power quality issues in microgrids (i.e., element failures, voltage swells and sags with short transients and high frequencies) are ideal to be met by energy storages with high ramping capability. Authors in Ref. [134] introduce a hybrid energy storage system that includes in addition to a battery also superconducting magnetic energy storage to compensate long and short-term voltage fluctuations to extend the lifetime of the battery. Authors in Refs. [136, 137] give a comprehensive overview about research regarding energy storage capabilities and summarise that an energy storage system can cope with most of the possible power quality-related issues. Ref. [138] summarised that voltage quality improvements are complementary otherwise to the load shifting application performed by the energy storage system.

The following table (Table 5) adopted from Ref. [110] and modified according to ENTSO-E and European Union terminology summarises the novel ancillary services that could be delivered with battery energy storages to different target groups.

3.3 | Application of grid scale BESS in different countries

In the 2020 ENTSO-E carried out a survey on ancillary services procurement and electricity balancing market design

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TABLE 5 Battery enabled additional ancillary services in the future, their definitions, target groups, and coverage in scientific literature.

Service name	Definition	Target group	Papers
Resource and reserves Adequacies	Incrementally defer or postpone investments in peak load capacities on inertia reserves by utilising (battery) energy storage assets.	System operators, utility companies	[101–109]
Distribution/Transmission system adequacy	Incrementally defer or postpone investments in grid to meet peak load capacities by utilising (battery) energy storage assets.	System operators	[127, 129–131]
Transmission/Distribution congestion relief	Utilisation of (battery) energy storages to minimise the congestion on transmission/distribution lines during congestion hours	System operators	[100, 124–128]
Power quality services	Power quality maintenance and backup power for electricity consumers.	Electricity consumers	[98, 132–139].

amongst TSOs [141]. 47 countries (53 TSOs) were involved in the survey, and 30 (33 TSOs) of them provided answers. The TSOs were asked to answer questions of five topics: imbalance settlement, ancillary services, demand-side response, voltage control and black start. From the survey, we see that ancillary services are provided mainly via five assets: generators, demand-side response, pump storage, distributed generation, and batteries. The following table (Table 6) summarises the analysis regarding ancillary services and possibilities to provide it with BESS assets.

It should be noted that countries who stated that "All possible options" are accepted for different frequency regulation services were considered to accept services also from BESS units. Italy also stated in the survey that one significant/important change that is being implemented regarding the ancillary services is to involve low-consumption resources such as batteries coupled with PV in the ancillary services provision.

Regarding voltage control all the answered TSOs (100% from the ancillary services group) and additionally Luxembourg considers voltage control as an ancillary service. Only three TSOs (Finland, Germany, and Slovakia) consider storages as voltage control service providers. Since the survey does not specify the types of storages it consider, the authors assume that it also includes BESS. Other parts of the survey did not cover storages as assets for services.

Although ancillary services are a vital part of services that could be provided with BESS-s the future outlook forecasts that by 2030 the global grid-related annual deployment of energy storages will be focusing on capacity management, energy shifting, transmission and distribution management, and PV-s combined with storage applications in various sectors [142].

4 | CASE STUDY: BALTIC REGION DSOS

Increased integration of BESSs into distribution systems requires amendments to Grid Codes and Electricity Market Acts (EMA) to ensure their safe and fair operation. To identify possible issues and improvements into existing regulations, a case study was conducted among three Baltic DSOs: Elektrilevi OÜ of Estonia, AS Sadales tīkls of Latvia and Ignitis Group of Lithuania. The study was conducted during autumn 2021 and winter of 2021/2022.

The study was carried out in the form of an interview with Elektrilevi OÜ and in the form of e-mail exchange with AS Sadales tīkls and Ignitis Group. The interviewees of Elektrilevi OÜ were the Head of Market Relations and the Head of Technology. The method of the interview was semi-structured, where the discussed topics were known to the interviewees beforehand, and the interview results were followed up with internal discussions and manifested in a structured and reviewed interview protocol document. The interview was carried out in the national language to avoid miscommunication regarding legal and technical terms. The e-mail survey was composed of eight questions, some of which were complemented by one to three follow-up questions (a total of 20 individual questions). The communication with AS Sadales tīkls was relayed through Riga Technical University, who also provided relevant translations of their responses. The communication with Ignitis Group was conducted with their Head of Innovation and carried out in English.

The study focused mainly on two aspects regarding behind the metre energy storage systems: regulatory and technical. A summary of the DSO responses is provided in Table 7. All Baltic DSOs stated that they are not allowed to own or operate ESSs, which will change when the current EMA amendment draft enters into force. The EMA draft amendment states that grid operators can own, develop, manage, and operate ESSs when they are considered as fully integrated grid components, or they are required to enable efficient, reliable, and safe operation of the grid and not used for buying or selling electricity. The aim is to clearly separate grid operations form other processes involving ESSs, which is a similar approach as used for distributed generation. The described approach emphasises the involvement of private capital, rather than relying on strategic National investments for the large-scale integration of ESSs into the power grid.

All DSOs stated that they are currently unable to procure ancillary grid services. The reasons for this are limitations in regulations and the lack of service providers. However, the Lithuanian DSO has indicated that they are currently working towards a set of flexibility procurement rules, while the Estonian DSO has suggested that they support an exception to the grid tariff structure, where such ESS that are used to provide ancillary grid services are excluded from (some) tariffs. Matters become complicated when the purpose of the ESSs is not fixed to either energy management or network services, for example, mixed generation, load and storage assets

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TABLE 6 List of countries who accept ancillary services (mainly frequency related) amongst other assets also from batteries.

	Frequency containment reserve		Frequency restoration reserve (automatic)		Frequency restoration reserve (manual)		Replacement reserve	
	Capacity	**Energy**	**Capacity**	**Energy**	**Capacity**	**Energy**	**Capacity**	**Energy**
All possible options	Belgium, France, Germany, Netherlands, Switzerland	France	Belgium, France, Germany, Netherlands, Switzerland, Slovenia	Belgium, France, Germany, Netherlands, Switzerland, Slovenia	Belgium, France, Germany, Netherlands, Switzerland, Slovenia	Belgium, Estonia, France, Germany, Italy, Netherlands, Switzerland, Slovenia	France, Switzerland	France, Italy. Switzerland
Generators + batteries	Austria, Czech Republic, Hungary	–	–	–	–	–	–	–
Generators + demand-side response + batteries	Denmark, Sweden, Finland	Sweden	Czech Republic	Czech Republic	–	–	–	–
Generators + demand-side response + pump storage + batteries	Ireland, Northern-Ireland	Ireland, Northern-Ireland	–	–	Czech Republic, Ireland, Northern-Ireland	Czech Republic, Ireland, Northern-Ireland	Ireland, Northern-Ireland	Czech Republic, Ireland, Northern-Ireland
Generators + batteries + distributed generation	–	–	Hungary	Hungary	Hungary	Hungary	–	–

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TABLE 7 Summary of survey results carried out among Baltic DSOs.

Category	Estonia	Latvia	Lithuania
DSOs and ESS ownership	The EMA amendment draft states that grid operators can own, develop, manage, and operate ESSs when they are considered as fully integrated grid components, or necessary to enable efficient, reliable, and safe operation of the grid and not used for buying or selling electricity	Existing legislation prohibits DSO to operate and maintain EES for their own needs. A draft EMA amendment provides DSOs the possibility to own and operate ESS with permission of the regulating body.	Current legislation prohibits DSOs to own, develop, or operate energy storage facilities. There is an exception, which allows for DSOs to own ESSs in cases where they can be considered as an integrated grid component.
Grid connection requirements for ESSs	When a storage unit is behind a single inverter, the technical specifications are solved through manufacturer requirements. Most technical aspects regarding ESS integration to the grid are derived from the requirements identified for generators.	Current connection regulations of the Public Utilities Commission (PUC) do not separate or stipulate the connection process of EESs from producers and consumers. It is considered that since EESs are inverter-based generation units, the connection requirements must be similar to (micro)generation units. Therefore, the EES connection process depends on generation capacity.	ESSs are treated as generators and their functionality and protection requirements are same as for PV systems. The connection of ESSs is handled case-by-case. The technical connection conditions should include capacity (consumption and generation), while relevant technical characteristics of should meet generator grid code requirements (e.g., frequency and voltage protection, ramp rates, remote control, reactive power support etc.)
Grid tariffs for stored energy	Although network charges do not apply for produced energy, there is a separate statement in the draft EMA amendment regarding stored energy: no network charge is applied when returning stored energy to the network. This clause is aligned with the current situation, where distribution fees do not apply for generated electricity.	No special distribution tariff for ESS charging and discharging cycles and no actual plans to create such tariffs. The Latvian DSO supports the opinion that customers who offer the DSO services through ESSs must be proportionally remunerated for their services.	No special grid tariffs for providing energy to the grid from ESSs.
Perspective and planned changes in grid tariffs	The Estonian DSO suggests transitioning from mostly energy-based network charges to more capacity-based network charges, resulting in a larger revenue base from grid availability.	The Latvian DSO states that it is exploring a new tariff structure. Due to the reduction in distributed electricity (due to increased distributed generation), it is likely that the new tariff structure will have the fixed (capacity) component with a higher weight than the variable (electricity) component.	The Lithuanian DSO indicates that there is an ongoing study aiming to provide regulatory guidelines, including recommendations for grid tariffs, for the regulating body.

installed behind the metre. Additionally, there is a consensus of vision among Baltic DSOs, where they see a transition from mostly energy-based network charges to more capacity-based network charges, resulting in a larger revenue base from grid availability.

In terms of technical aspects, the integration process of ESSs into the power grid is currently analogous to electricity producers. Most technical aspects regarding ESS integration to the grid are derived from the requirements identified for generators. Although it is a resource efficient approach, it is recommended to state separate technical procedures and requirements for the integration of ESSs into the larger grid to account for the full extent of their flexibility. Additionally, the Estonian DSO recognises that it is possible that there are less sophisticated solutions currently connected to the grid that the DSO is unaware of and that for the differentiation of ESSs, they propose four options, which are based on:

a) capacity – similar to classifying (distributed) generators;
b) purpose – identify the use of the ESS, for example, strictly for influencing behind-the metre assets, energy trading, provision of network services, etc.;
c) control – which control functions are required from the perspective of the grid and the device;
d) dimensioning of protection equipment – what is the size of the necessary relay protection equipment required by the ESS.

5 | CONCLUSION

With the rapid development of technology, union policies with incentives, and a corresponding decrease of low carbon technology prices, more consumers connect PVs, BESSs, and EVs to the low voltage distribution grids. With the required infrastructure for public EV charging and demand-side management activities, the challenges for the system operators increase. The stochastic nature of the weather-impacted generation and new stochastic loads (e.g., EV charging)

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introduces challenges in voltage control and power quality assurance. The distribution grid needs to cope with bidirectional power flows and possibly amplified issues related to poor power quality caused by the scheduling of stochastic (and possibly non-linear) loads. Although PV systems can help mitigate some voltage magnitude and unbalance issues, the untimely scheduling of non-linear loads can cancel those effects. Grid stability can be affected by the large-scale utilisation of renewable energy sources because there are fluctuations in generation and load. These issues can be effectively addressed by grid-scale battery energy storage systems (BESS), which can respond quickly and provide high energy density which were thoroughly discussed in this paper.

Despite the fact that Battery Energy Storage Systems (BESS) offer effective solutions for managing power quality issues in the grid, their operation can also introduce harmonics. This incident occurs as a result of BESS' connection to the grid through inverters using Pulse Width Modulation (PWM). While BESS can reduce voltage fluctuations and improve power factor, PWM-based inverters can inadvertently generate harmonics, which can negatively affect grid power quality. Therefore, harmonic mitigation strategies must be carefully considered to minimise adverse effects when integrating BESS.

A case study was carries out in to analyse impacts of grid scale BESS on the Baltic DSOs and possible requirements to change their grid code. To summarise the survey case study results, the following conclusions can be drawn.

- Baltic DSOs will have the possibility to own and operate ESSs in case they can be considered as fully integrated grid components.
- Currently, there are no dedicated requirements for connecting ESSs to the grid and requirements for generators are commonly applied.
- Currently, there is no standard procedure for connecting ESSs to the grid and they are handled case-by-case, but procedures similar to connecting PV inverters to the grid are envisaged by the DSOs for the future.
- No special tariff or exemption is neither applied nor planned by the Baltic DSOs for stored energy.
- All DSOs have shown interest in using ESSs for grid services and the procurement of such services from respective service providers. As grid services are not supported by current legislation, the specific application of such mechanisms remains to be determined.
- It is deemed likely that current grid tariffs in the Baltic States are subject to change, mainly to adjust to the decrease in distributed energy and increase in distributed generation.

AUTHOR CONTRIBUTIONS

Freddy Plaum: Data curation; investigation. **Tobias Haring**: Formal analysis; investigation. **Imre Drovtar**: Investigation; methodology. **Tarmo Korotko**: Formal analysis; funding acquisition. **Argo Rosin**: Data curation; investigation.

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The authors declare no conflicts of interest.

DATA AVAILABILITY STATEMENT

No sensitive data used.

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What are Battery Energy Storage Systems (BESS)?

By Cummins Inc., Global Power Technology Leader

Aug 01, 2024

The electricity grid is the largest machine humanity has ever made. It operates on a supply-side model – the grid operates on a supply/demand model that attempts to balance supply with end load to maintain stability. When there isn't enough, the frequency and/or voltage drops or the supply **browns** or **blacks out.** These are bad moments that the grid works **hard** to avoid.

The electricity grid consists of a massive array of parts including:

- Generators using hydro, thermal, nuclear, gas, oil, coal, solar, wind, tidal, and other power sources.
- Step-up transformers to raise generated voltages to transmission line voltages.
- Long transmission lines.
- Step-down transformers (substations) to bring voltages down to local transmission levels.
- Street transformers to deliver consumer-level voltages (240V, 110V, and 400V three phase).

What it does **not** traditionally have is any means to STORE electricity to match demand surges. This means that in a grid not equipped with BESS, any excess power generated must be dissipated in the grid. Generators must be kept spinning, ready to be connected the moment demand surges beyond the already connected supply – the "spinning reserve." In a well-managed grid, the spinning reserve can be 15–30% of capacity to be ready for surges in demand. Battery energy storage systems are tools that

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address the supply/demand gap, storing excess power to deliver it when it is needed.

This article will discuss BESS, the different types, how lithium batteries work, and its applications.

The BESS Principle

Battery energy storage systems (BESS) are becoming pivotal in the revolution happening in how we stabilize the grid, integrate renewables, and generally store and utilize electrical energy. BESS operates by storing electrical energy in rechargeable reserves, which can later be discharged to power local or grid-scale demand. Perhaps most importantly, these battery-held reserves are ready to switch into grid supply quickly, as demand or frequency/voltage instability trigger them automatically.

Cummins Inc.'s main target with BESS is behind-the-meter support and integration into in-front-of-the-meter grid operational support. This is relevant to both off-grid and on-grid applications, or local integration of renewables at a site, or power backup for unreliable grid connections.

While these storage systems require investment, they offer some enormous advantages that can represent overwhelming benefits. Chief among these is the speed of response. The battery reserves can usually be switched to grid-synchronized AC at astonishing speed – typically within a few cycles

of the AC frequency (50–60 cycles per second or Hz). The highest price of electricity supplied to the

grid is a fast-response supply, so the commercial value of the stored power can be 10 to 100 times the normal price.

The right battery technology offers long-term stable reserves – typical lithium-based battery technologies can hold high power levels for years, if necessary. Flow batteries can hold the power almost indefinitely.

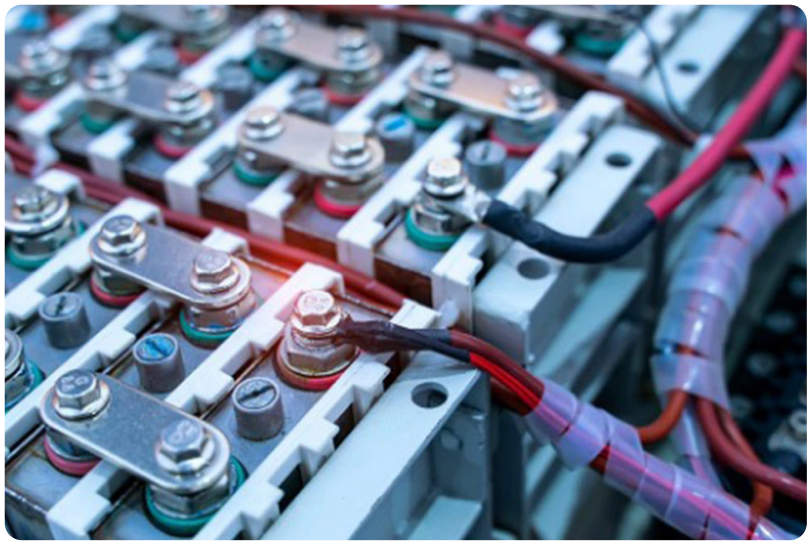

Figure 1: Battery technology

How does BESS work?

The energy storage begins at the charger system. This takes the “excess” AC grid or DC solar power and conditions it to recharge the cells. This can be a fast charge or a slow charge, depending on the setup and the current available.

BESS systems can enhance local microgrid efficiency markedly, by time-shifting lower cost power and by smoothly integrating variable sources like solar, wind, etc, for close to full utilization of their output by time-shifting and buffering.

At the battery cell, most commonly one of the lithium types, energy is stored as electrochemical potential, which is supplied as DC potential difference – as opposed to the AC (alternating current) that the grid requires. The individual cells are the building blocks of battery packs, interconnected into packaged cell clusters called *packs* to build capacity, reliability, and enduring performance. Cells can be cylindrical, prismatic, or pouch construction.

Cylindrical types can allow better cooling circulation but offer lower packing density. Prismatic types stack close and optimize density. Pouch types can be used to conform to more irregular cavities and lacking the rigid enclosure tend to be lighter.

The battery packs are integrated into modules, which are supervised automatically for charge/discharge management, condition monitoring, and cooling. These modules balance performance, safety, and reliability at a granular and automated level, operating as an intermediary between individual cells and the high-level storage system control.

Multiple modules are aggregated and controlled within a containerized power storage solution. Typically termed energy storage units (ESUs) or battery energy storage systems (BESS), these house all necessary components, including:

Power electronics: Manage the flow of energy

in and out of the system, ensuring seamless integration with the electrical grid or standalone applications. This involves the use of inverters and power conversion modules to turn AC into DC to charge the battery AND phase- coupled inverters to return the DC-stored electrochemical potential to the grid as AC. Phase coupling ensures the AC is in-phase with the cycles of the grid connection, to deliver optimal power efficiency.

Thermal management systems: Regulate temperature to optimize battery performance and longevity.

Safety mechanisms: Mitigate risks such as overheating or overcharging and handle the rare emergencies that result from system faults.

It's worth noting that battery charging is NOT free. Typically, the recharge process is around 70–75% efficient. This means for 100 units of excess power available from the grid, the battery stack will uptake 70–75% to be returned as usable power later. The rest is lost as heat.

A steady flow of advances in battery chemistry and fundamental technology is combined with system design and control algorithm innovations. This is done to boost the efficiency, reliability, and budget challenges of BESS, shaping the future of the electricity grid, worldwide.

What are the

different types of BESS?

Operational and commercially available BESS setups come in various types, each with unique characteristics that are better suited to particular applications, environments, or operational differences. Although many technological details in the control and battery management systems (BMS) are different, at their core, BESS are classified by the nature of the cell/battery systems they employ. The different types of BESS are listed below:

Lithium-based systems: These encompass lithium-ion cobalt oxide ($LiCoO_2$); lithium-ion nickel cobalt aluminum oxide (NCA); lithium-ion nickel manganese cobalt oxide (NMC); lithium-ion iron phosphate ($LiFePO_4$); lithium titanate (LTO); and solid-state lithium-ion. Together these are the most common class of BESS due to their high energy density, long deep-cycle life, and relatively low maintenance requirements. They are versatile across all of the operational modes that BESS encounters.

Flow batteries: Store energy in liquid electrolytes contained in external tanks. They benefit from scalability and long cycle life, making them optimal for large-scale permanently installed energy storage applications. Vanadium redox flow batteries (VRFBs), for example, offer very long duration storage and flexibility in power output.

Lead-acid batteries: Have been used for energy storage for over 150 years and are appreciated for their low-cost robustness. Although they offer considerably lower energy density and shorter cycle life compared to more current technologies, they remain relevant for certain applications, such as backup UPS (uninterruptible power supply) power systems and smaller (typically domestic) off-grid installations.

Sodium-sulfur batteries: Operate at high temperatures and use molten sodium and sulfur as power storage media. They can have high energy density and are well adapted to large- scale applications, such as grid stabilization and renewable/junk-power integration.

Supercapacitors (or ultracapacitors): Store energy as electrostatic charge and offer the highest possible charge and discharge ability. Although they (currently) have lower energy density than batteries, they excel in applications requiring frequent cycling, such as short- term ballast for smoothing out brief power fluctuations in microgrids.

Pros and cons of battery types

BESS systems can use a variety of battery types with relative advantages and disadvantages that are worth considering. For example, Lithium Iron

Phosphate (LFP) batteries offer longer term deep cycle durability than Lithium polymer (LiPo) and they are resistant to dendrite growth so they pose no fire risk. Their day-one capacity is a little lower than LiPo, but after a few hundred cycles they'll hold up better in capacity.

Nickel-Manganese-Cobalt (NMC) batteries, on the other hand, have a shorter deep cycle life expectancy than LFPs but they offer increased power density and considerably better cold weather performance, particularly in charging, which can reduce operating overheads.

It's for these reasons that NMC and LFP batteries are increasingly prevalent in BESS applications.

How lithium batteries work

Lithium batteries function through electrochemical reactions involving lithium ions moving between the battery's positive (anode) and negative (cathode) electrodes, with material motion blocked by a separator that allows ion transport in the electrolyte. Lithium batteries typically contain a cathode (the +ve) formed from a lithium compound such as $LiCoO_2$, NCA, NMC, $LiFePO_4$ and LTO. These remain typical in the newer, solid-state embodiments.

An anode (the -ve) is usually made of carbon (graphite or graphene). Coatings applied to the electrodes aid as barriers to the formation of dendrites, metallic threads that form on the surface of the electrodes and can pierce the separator and

cause short circuits. These coatings include polymers or ceramics, depending on the manufacturer.

Between the electrodes there is typically:

Electrolytes: There are three classes of electrolytes used in lithium battery technology including:

- *Liquid electrolyte:* A lithium salt dissolved in an organic solvent, often containing flame-retardant additives. The lithium salt is the ionic conductor that transfers charge; the organic solvent delivers high ionic motility and the additives optimize the stability, conductivity, and safety of the electrolyte.
- *Polymer-based gel electrolytes:* They deliver high ionic conductivity but a much- reduced chance of leakage. The polymer matrix acts as a gelling agent and, by design, they don't pose a barrier to ionic motility within the solvent. The lithium salt acts in the same way, but gel-type cells offer improved battery safety and cycle life.
- *Solid-state electrolytes:* New alternatives to liquid electrolytes that improve safety and stability, acting as a barrier against dendrite formation and improving the thermal and chemical stability of the battery. This facilitates higher charge and discharge rates without increased risk.

Separators: Porous membrane structures that force a physical gap between the anode and cathode, while allowing lithium ions to pass through during charge and discharge. Separators are generally constructed from high-porosity polyethylene (PE), often containing a polypropylene (PP) element to improve robustness.

During charging, lithium ions are electrically "pushed" from the positive electrode to the negative electrode through the electrolyte and become adsorbed onto/into the anode carbon. Electrons flow from anode to cathode in the outer circuit during charging. The charge current pushes electrons from anode to cathode. During discharge, these ions move back to the positive electrode, releasing electrical energy, and

The voltage and capacity of lithium batteries vary with the electrode/electrolyte chemistry and internal design, with voltages ranging from 3.6 V to 3.7 V per cell. Capacity relates to the amount of electrolyte and the size and construction of the electrodes. The discharge rate depends on *many* details and the internal safety systems in the cell and the battery. These prevent overcharging, over- discharging, and thermal runaway.

Systems within a

BESS

A battery energy storage system (BESS) is typically composed of the following:

Cell raw materials and construction

Lithium-ion batteries are made in three basic forms – rigid cylindrical, rigid prismatic (square or rectangular section), and nonrigid pouch cells. The raw materials for all of these typically include:

Ionic lithium salts: Allows motility of charge within the cell

Organic solvents: Act as charge carriers to allow current to flow between the electrodes. This can be liquid, gel, or solid depending on the battery technology.

Cobalt: Used in cathodes for stability

Nickel, manganese and aluminum in cathodes: Used to reduce cobalt use

Graphite: These are present in typical anode structures, but this is evolving towards silicon for higher capacity and robustness

Binders (typically polyvinylidene fluoride (PVDF), polyvinyl alcohol (PVA), carboxymethyl cellulose (CMC) or styrene-butadiene rubber (SBR)): Integrates and toughens the electrode materials

Porous separators of PE and PP: Isolate the electrodes and allow ion movement

Case materials – steel, aluminum, or polymer tubes (for cylindrical and prismatic cells), and heat-sealed polymer films for pouch cells: The cell casing seals in the electrolyte and ensures electrical and physical isolation of the chemistry. In a few cases in which thermal isolation is paramount, ceramic cases can be used – and in aerospace applications lightweight composites such as carbon fiber are used.

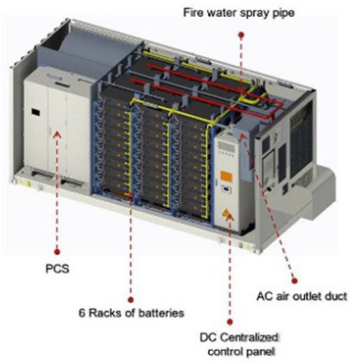

Figure 2: Main components of a containerized BESS

Other components

A functioning BESS container system or installation also consists of the following:

BESS controller: This system oversight runs power allocation, manages charging, and has operational oversight and safety control.

Structural frameworks and enclosures: Used for housing and retaining battery modules.

Battery management systems: Monitor and control battery performance, ensuring safety and efficiency.

HVAC cooling systems: regulate temperature within the container, preventing overheating during high charge or discharge periods to enable optimal operation.

Grid synchronized inverters: Convert DC power from batteries into frequency- synchronized AC power for grid connection or other applications.

AC to DC converters (rectifiers): Deliver grid AC as battery-friendly DC voltage for charging.

Transformers: Serve to raise or lower voltage levels to match grid or local system requirements.

Cooling systems: Many elements of a BESS setup require temperature control for good function.

UPS: The BESS system can operate as a high capacity uninterruptible power supply (UPS).

Fire suppression systems: Detect and extinguish fires to safeguard the installation.

BESS applications

BESS installations fit a wide variety of applications

across various sectors including:

Grid stabilization and frequency regulation result from fast response to sudden changes in demand or supply on the local (or wider) grid. This allows BESS installations to contribute to the stabilization of frequency and voltage by soaking up excess energy during periods of reduced demand (or oversupply) and releasing stored power during elevated demand.

Renewable energy integration requires the buffering of supply at its peak and the smoothed availability of power that results. BESS installations store the otherwise useless oversupply that is typical of solar and wind power. Smoothing out the destructive fluctuations in renewable energy removes the "junk power" effects of oversupply and disruption. This allows greater penetration of renewable energy into the grid that does not rely on thermal resources to compensate for brief (or longer) collapses in supply.

Peak shaving and load management are key BESS services that can reduce electricity costs by storing energy during off-peak hours when prices are low and discharging it during peak hours when prices are high. This peak shaving helps to alleviate strain on the grid during periods of high demand and reduces the need for expensive peaking power plants. In distributed microgrids, this implies less fuel (diesel) will be required, and generator stress and maintenance costs will be lowered.

Microgrid support is similar to peak shaving, in

that a BESS can provide backup power, load balancing, and grid support services. This enhances the reliability and resilience of microgrids, ensuring uninterrupted power supply and optimizing the use of renewable and thermal energy resources.

EV charging infrastructure is greatly enhanced by BESS, supporting the deployment of EVs by providing more responsive fast-charging capabilities and managing peak demand. The integration of large numbers of EVs into the grid without overloading existing infrastructure is the greatest challenge that electricity networks face, and BESS is critical in managing peak demand safely.

BESS can provide uninterruptible power for critical industrial and commercial facilities, ensuring seamless operations during grid outages or blackouts and reducing electricity costs through agile demand response.

BESS can be installed in homes, making the behind-the-meter more effective/lower cost by storing excess energy from solar panels or during high-supply, low-demand hours, available for later use.

BESS can provide reliable power in remote or off-grid locations where access to the electrical grid is limited or unavailable. They are used in applications such as telecommunications, remote monitoring, and rural electrification projects.

Why BESS is crucial for on-demand energy storage systems?

BESS plays an increasingly crucial role in self-healing, anti-fragile electricity grids. They help integrate renewable energy sources, improving energy efficiency and enhancing voltage/frequency reliability and overall system resilience.

Careful application of BESS removes the operational limit that otherwise applies to electricity grids in accommodating intermittent (solar, wind, tidal, wave) power sources that are otherwise considered junk power when oversupply happens. The spinning reserve requirement limits most grids to 15–25% intermittent sources. Whenever BESS acts as a buffer, however, this spinning reserve can be the BESS system, with no wasted energy. This versatile scalability makes BESS indispensable in the transition towards a more sustainable and resilient energy future.

Interested in more from Cummins? You might also like:

- In-Depth exploration of Cummins Microgrid testing lab, the Power Integration Center (PIC)
- Components of microgrids

- What is a microgrid and how microgrids work
- Benefits of microgrids, and why do businesses need them?

Author Profiles

Cummins Inc., Global Power Technology Leader

Cummins Inc., a global power solutions leader, comprises five business segments – Components, Engine, Distribution, Power Systems, and Accelera b...

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From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Friday, August 22, 2025 12:17:20 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 10:40 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 10:08

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Lloyd Pollard

Email
Lloyd.pollard@icloud.com

Address
13695 NW Skyline Blvd
Portlannd, Oregon. 97231

Your Comments
I oppose development of the proposed Battery Energy Storage System in the AF-5 District. On its face, the AF-5 District does not permit such a system to be installed, let alone under a Type II procedure.

According to the County's code, the AF-5 zone is intended to retain an area's rural character and conserve the natural resources while providing for rural residential use in areas so designated by the Comprehensive Plan.

The purpose of this agricultural and forestry district is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character

and economic viability of agricultural and forest lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the farm and forest area. Residents of rural residential tracts shall recognize that they will be subject to normal and accepted farming and forestry practices.

The AF-5 Zone purports to permit "Public Utility - (except commercial facilities for the purpose of generating power for public use by sale) - Section 430-105.3 through 430-105.7" through a Type II procedure. Section 348-3.6. According to Section 430-105.3, A public utility service facility includes buildings, structures, and equipment within a fenced or otherwise enclosed area for the purpose of switching, regulating or controlling public utility services.

A battery facility that *discharges* power from the batteries does not fit within any of the purportedly allowable acts of "switching, regulating or controlling" public utility services. In contrast (and in fact), such a facility is a functional equivalent to a prohibited commercial facility for the purpose of generating power. See, Battery energy storage systems: The foundations of a resilient energy future in the US; Impacts of grid-scale battery systems on power system operation, case of Baltic region; and What are Battery Energy
Storage Systems (BESS)?.

Even assuming, for the sake of argument, that some grid-level electrical facilities include capacitors or similar components for "switching, regulating or controlling" transmission and delivery of electricity, which I do not concede whatsoever, such capacitors or similar similar components would absorb, store and discharge many many orders of magnitude less energy than a proposed battery system because they serve different purposes.

Further, on information and belief, the proposed battery system is not intended for public utility services despite being connected to the same electrical grid as the public. Rather, the proposed battery system would compensate for electrical demand placed on the local grid by about one dozen data centers generally to the south of the proposed development. See, e.g., Berkley Lab Data Center Energy Report.

A facility intended to provide that compensation can and should be located in a zone appropriate for the intended use, e.g., an industrial zone. It is clear that Black Rock and out-of-state Applicant found a good bargain on land and proposes a new "loop hole" in the zoning code to capitalize on that land-price bargain by avoiding compliance with the letter and the spirit of Oregon law, which requires that they develop much more

expensive industrial land.

Grid-scale battery systems as proposed are newly being commercialized and were not considered when state and county legislators and governments developed the state law, land use goals and county code underlying and defining permitted uses of the property at-issue in this application. Applicant and its sponsors should not be permitted to avoid state legislative scrutiny or to install a novel facility previously uncontemplated by state and local governments by bootstrapping sound bites from the county code

I also submit that Section 348-3.4 in invalid and unenforceable vague, and that any interpretation of any section of the County's code that would purport to permit the development proposed in this application runs afoul of state law.

Attach Documents

- lbnl-2024-united-states-data-center-energy-usage-report_1.pdf (3.84 MB)
- cummins.pdf (4.76 MB)
- iet-smart-grid---2024---ahmadiahangar---impacts-of-gride28090scale-battery-systems-on-power-system-operation-case-of-baltic.pdf (3.98 MB)

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MS. LORITA SWENSON
23150 NW BADERTSCHER RD.
HILLSBORO, OR 97124

Zip: _____

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

John & Linda Isaacson

Formal Argument Letter (for filing with Washington County before Aug. 21)

MS. LORITA SWENSON
23150 NW BADERTSCHER RD.
HILLSBORO, OR 97124

email/phone

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
✉ maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

John & Lorita Johnson

Names-

MS. LORITA SWENSON
23150 NW BADERTSCHER RD.
HILLSBORO, OR 97124

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

email/phone

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Name

Address

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] please stop the plan for the 10-acre battery plant in rural Washington county
Date: Tuesday, August 19, 2025 9:57:11 PM

From: lotr is cool <madmax9703@gmail.com>
Sent: Tuesday, August 19, 2025 7:24 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] please stop the plan for the 10-acre battery plant in rural Washington county

To Whom It May Concern,

I live in Hillsboro, and I don't want a potentially dangerous battery plant near me. They are trying to be shady and slip it under the radar because they know it is wrong. Earlier this year, there was a lithium battery failure in Hillsboro, and I don't want another one. If this one does fail, it is going to be disastrous to the local farms. Industrial zones are for this kind of thing, just build it there.

Please don't let this be built

Thank you for your time

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] NO on Jupiter Battery Facility
Date: Thursday, August 21, 2025 10:29:39 AM

-----Original Message-----
From: Louise Watkins <weeziewatkins1@gmail.com>
Sent: Thursday, August 21, 2025 10:14 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] NO on Jupiter Battery Facility

Greetings,

As a resident of the Rock Creek neighborhood, I am shocked that WaCo would potentially approve this project at this location.
I am strongly opposed, and will do everything I can to rally neighborhood interests to stop this from going forward. It is not suited for this location.

For obvious reasons, AF-5 rural/farming zoning doesn't permit industrial scale battery plants. This area with orchards and truck farms is used by people all over the Portland metro area and Washington County. It will impact those businesses negatively.

At our home we can hear the parking lot cleaning equipment at Fred Meyer Sunset on Imbrie Parkway at night when it's quiet. It's 1.1 miles away from our home with structures in between to block the sound. The proposed Jupiter Power facility with huge cooling fans that run 24/7 on dozens of buildings is only 1.1 miles from the Rock Creek neigborhood, filled with upscale homes. Listening to the rumble of cooling fans at night instead of crickets and raindrops will be disruptive. Neurologists have serious concerns about noise pollution on humans. An impact study should be required prior to approval. This project will impact the desirability of our neighborhood and decrease the value of our homes.

This variance process creates tremendous ill feeling toward County government and frustration at the legal maneuvers which inhibit public comment—abiding by the letter but NOT the intent of our laws and the regulations which protect us.

The risk of fire, toxic gas leaks is high. There is inadequate response time for an accident, should one occur. It would be an environmental disaster with huge health consequences for community residents.

This project should be sited in an industrial zone—not adjacent to homes, public schools, in farmland and recreational areas.

The fact that Jupiter Power is backed by global asset manager BlackRock—famous for building showers during the Iraq war that electrocuted U.S. soldiers—notorious for skirting regulations and having profit be their sole mission, does not bode well.

Obviously this is project is great for Big Tech. It will seriously disadvantage Rock Creek homeowners, Washington County farmers, and all those who use this area for recreation.

Sincerely,

Louise & Michael M. Watkins
4655 NW Malhuer Avenue
Portland, OR 97229

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Comment on Jupiter Battery Facility proposal Type II Review
Date: Wednesday, August 20, 2025 11:55:11 AM

From: Lucy A. <lsamador95@gmail.com>
Sent: Wednesday, August 20, 2025 11:42 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Comment on Jupiter Battery Facility proposal Type II Review

Hello Maitreyee Sinha (Senior Planner)
My name is Lucinda Amador, and I request you to vote against the proposed 10-acre Jupiter Battery Facility in Washington County, OR.

1. POOR PLANNING: AF-5 rural/farm zoning does not permit industrial scale battery plants
2. SAFETY RISKS: Facilities like these are fire hazards and there are lack of adequate emergency response resources for this proposed location to prevent or reduce damage . These facilities release toxic chemicals in the air and nearby soil where our food is grown. These forever chemicals will shorten our life spans and outlive us all.
3. NOISE: The fans used to cool the facility will be numerous and incompatible with the quiet rural community
4. INADEQUATE JOB SUPPLIER: Building this facility and other similar industrial scale plants will never supply enough jobs with living wages for people in the surrounding community. Revenue from Washington County will leave the area and increase poverty in Oregon if this facility is built.

AI facilities and battery plants to support them eliminate the quantity of well paying and adequate jobs throughout many industries leading to the destruction of our communities and culture.
Do not support the destruction of our communities and abilities to live and work here in Oregon. Do not support the value of AI over real people.

Thank you for reading these concerns of many unlisted,
Sincerely
Lucy Amador

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Your Name: LUN HANG
Address: 21001 NW OLd Pass RD
City: Hillsboro State: OR Zip: 97124

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchtone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Fire water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release hazardous fumes and

chemicals into the air, according to Alsym Energy. The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

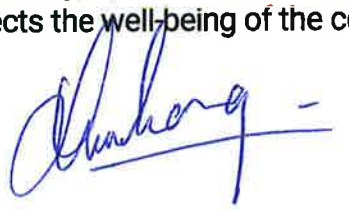
- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Developing Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Developing Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,



Lyn Jacobs and Juvencio Argueta
7960 NW Dick Road
Hillsboro, OR 97124

Received
Aug 19 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 14, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

We operate La Finquita del Buho, an organic farm less than one mile from this proposed Energy Storage system. We rely on well water for our family and our farm operation. We grow food for over 400 people. Well water contamination is a real threat and would be devastating to us and our neighbors. A fire would potentially wipe us off the map. We are deeply concerned and urge you to halt the progress of this proposal.

In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.

- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Lyn Jacobs and Juvencio Argueta
La Finquita del Buho, CSA

From: Melissa De Lyser
Sent: Friday, August 22, 2025 10:54 AM
To: lynjuve@msn.com
Cc: Board of County Commissioners; Stephen Roberts; Erin Wardell; Carol Johnson
Subject: RE: Strong opposition to proposed Battery Energy Storage System Facility and zoning change to accommodate this facility
Attachments: Land Development Process Fact Sheet - April 20.pdf

Hello Lynn:

Thank you for your email. I am the Communications Manager for the Washington County Department of Land Use & Transportation, and I have been asked to respond to your email on behalf of the Board of Commissioners.

We appreciate you taking the time to share your concerns regarding the land use application submitted for a proposed Battery Energy Storage System (BESS). This application is subject to a Type II development review process, which does not require a public hearing. (See attached The Land Development Process: Types I, II and III.)

Please visit our Frequently Discussed Development Applications webpage to review the application and supporting documents. Both Tualatin Valley Fire & Rescue and the Washington County Sheriff's Office have submitted Statements of Service Availability, acknowledging that they can provide necessary services for the proposed project. You can also review the Project Acoustic Report to learn about possible noise impacts.

The application includes both the development of the BESS and a request for a Property Line Adjustment. No rezoning has been requested; rezoning for this proposed development is not required. Both parcels associated with the proposed development are in the Agriculture & Forest District, 5-acre minimum lot size.

While your email has been shared with the Washington County Board of Commissioners, please know that the Board does not have a role in reviewing development applications.

Thank you again for your email.

Best,

Melissa De Lyser

Melissa De Lyser
PUBLIC AFFAIRS AND COMMUNICATIONS MANAGER

Washington County Land Use & Transportation
Office of the Director · Communications
155 N First Ave., MS 16, Ste. 350
Hillsboro, OR 97124
503-846-4963 · cell: 971-713-9658
www.washingtoncountyor.gov · wc-roads.com
melissa_de_lyser@washingtoncountyor.gov

From: Lyn Jacobs
Date: Aug. 21, 2025, 6:24am
Subject: [EXTERNAL] Strong opposition to proposed Battery Energy Storage System Facility and zoning change to accommodate this facility
To: bcc@washingtoncountyor.gov

Esteemed Commissioners;

We are writing to express our Strong Opposition to the proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.
Casefile/Project # L2500161-SU/D/PLA at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5.

It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

We operate La Finquita del Buho, an organic farm less than one mile from this proposed Energy Storage system. We rely on well water for our family and our farm operation. We grow food for over 400 people. Well water contamination is a real threat and would be devastating to us and our neighbors. A fire would potentially wipe us off the map. We are deeply concerned and urge you to halt the progress of this proposal.

In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Multiple recent incidents at BESS installation in California highlight the potential risks of BESS in populated areas. One of these incidents was a fire (the 2nd) at a BESS in Moss Landing, California that burned for several days and led to evacuations, air quality concerns, and concerns about impacts to nearby wetlands. As a result of these incidents at BESS facilities, the California Public Utility Commission passed new standards (General Order 167) on March 13, 2025 to improve BESS safety and emergency response plans.

- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

Additionally they are asking for rezoning of AF-5 land. The AF-5 District is intended to retain an area's rural character and conserve the natural resources while providing for rural residential use in areas so designated by the Comprehensive Plan.
The purpose of this agricultural and forestry district is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forest lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the farm and forest area. Residents of rural residential tracts shall recognize that they will be subject to normal and accepted farming and forestry practices."
The aforementioned project is a private energy storage facility not a public utility making the rezoning illegal.
In Summary: The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental

integrity of the community and stop the proposed zoning change to accommodate the BESS project Casefile/Project # L2500161-SU/D/PLA. We know this will come to you to review and we urge you to stop the project before it gets that far and relocate the storage facility to a more appropriate industrial location.

Sincerely;

Lyn Jacobs and Juvencio Argueta
La Finquita del Buho, CSA
7960 NW Dick Road
Hillsboro, OR 97124

Received
AUG 25 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Lynn Baker
17930 SW Jay St.
Aloha, OR 97003

8/19/2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

We are members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. Our farmers rely on well water for their farm operation. They grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more

appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Lynn Baker
503-708-9066
cedarowfarm@gmail.com

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] NO! BATTERY STORAGE!
Date: Tuesday, August 19, 2025 12:21:58 PM

From: Maggie Main <maggie.main@yahoo.com>
Sent: Monday, August 18, 2025 8:59 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] NO! BATTERY STORAGE!

What horrid idea! A huge concern not addresed is its location to a day care facility. There is also an Arco gas station nearby
The responsible parties are located in Austin Texas
The land is NOT zoned for this level of industrial use. Its zone for AF-5 rural/farm and does not permit industrial scale battery plants.
This completely changes the character of the area, the residential areas, the agriculteral fields nearby, the commercial areas, and the home values of the Rock Creek neighborhood.
This idea is dangerous. Washington County Planners, we expected better from you! Why are residents first hearing about this idea and why is the opportunity to provide input such a short time frame?

Enough is enough. NO. NO. NO. You have reponsibility to stop this monster. We dont want it so shut it down!
Sincerely
Margaret E Main
Washington County resident of Rock Creek and property tax payer.

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From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:31:09 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 1:16 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 13:16

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Mallory Hiefield

Email
mhiefield@gmail.com

Address
16680 NW Argyle Way
Portland, Oregon. 97229

Your Comments
We do not want a battery center here. It is does not benefit the local people. There are out of state investors who will have control of power sources and prices. We (the local citizens) will be the ones paying for it, both enviornmentaly and financially.

From: Louisa Bruce
To: Louisa Bruce
Subject: FW: [EXTERNAL] Re: Opposition to Proposed Battery Energy Storage Facility
Date: Friday, August 22, 2025 11:59:15 AM

From: Marianne Mauldin <mariannemauldin@gmail.com>
Sent: Wednesday, August 20, 2025 11:44 AM
To: Catherine Bax <cbax1948@gmail.com>
Cc: LUT Planning <lutplan@washingtoncountyor.gov>
Subject: [EXTERNAL] Re: Opposition to Proposed Battery Energy Storage Facility

Did you send an email or snail mail?

On Wed, Aug 20, 2025 at 11:13 AM Catherine Bax <cbax1948@gmail.com> wrote:

> Catherine Bax
> 2007 NE Mason St, Portland, OR 97211
>
> August 20, 2025
>
> Maitreyee Sinha, Senior Planner
> Washington County Department of Land Use and Transportation
> Planning and Development Services
> Development Review/Current Planning
> 155 N 1st Ave #350-13,
> Hillsboro, Oregon 97124
>
> Casefile/Project # L2500161-SU/D/PLA
>
> Subject: SlOpposition to Proposed Battery Energy Storage
> System (BESS) Facility and zoning change to accommodate this facility.
>
> Dear Matrieyee Sinha,
>
> I'd like to add my voice in opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is

currently zoned AF-5.
This proposed site is adjacent to or close to the Bendemeer Neighborhood and residential areas of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, large and small.
I understand that battery storage facilities are necessary as we continue to create sustainable energy solutions. But it seems reckless and short sighted to build facilities that could contaminate the ground water so close to heavily populated and farmed communities.

I am a member of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. The farm relays on well water to grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.

The proposed location for this battery storage facility so close to farms and residential areas doesn't seem like a well thought out or necessary step forward.

Please reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.
Sincerely,
Catherine Bax

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] proposed battery facility site
Date:	Tuesday, August 19, 2025 9:56:30 PM

From: Marilyn Joyce <tsitra.m@gmail.com>
Sent: Tuesday, August 19, 2025 5:17 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] proposed battery facility site

Hello Ms. Sinha,

I am writing to you about the proposed 10-acre battery energy storage system (BESS) on NW West Union Road and NW Old Pass Road. I am opposed to the specific site proposal for reasons I cover below.

I have lived in the area for close to forty years My children attended West Union Elementary, Evergreen Middle School, and Glencoe High School The community has been a part of the fabric of our lives Rich in diversity, outdoor experiences, farm U-pick spots, and open spaces, it still manages to blend city elements with country elements without losing any of its character This is something we have held with great value. Even though through the years there have been many changes, some for the better and others not so, this area still maintains a unique and special place to call home.

The proposed storage system does not bring anything to the area that would help maintain the special qualities that have made this place so unique The storage system in that particular spot poses a significant risk to the lives of homeowners and small businesses, as highlighted in the information I read: it operates 24/7, causes constant noise pollution, potentially decreases property value, and potentially poses a fire risk. Also, it ignores the AF 5 designation. There is no community benefit through those stated facts.

These are challenging times The process chosen has not been transparent, which fuels distrust and friction Using a little-used or known loophole in the Utility Facility Exception rule is another backdoor technique In the end, having a county hearing officer make the decision is also completely leaving the voters out of the decision-making process I bring these items up because WE THE PEOPLE need proper input and to be part of something this major through a ballot! That said, I stand firm in the fact that this is an inappropriate site for this project.

This 10-acre project can be relocated to be part of an industrial park, away from homes,

and land that still reflects the uniqueness of our area. That would provide a win-win for all concerned.

Thank you,
Marilyn Joyce
16835 NW Germantown Rd.

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] I oppose the Jupiter Power 10-acre battery plant being proposed in rural Washington County
Date:	Tuesday, August 19, 2025 12:18:11 PM

From: Mark Leberg <markfleberg@gmail.com>
Sent: Monday, August 18, 2025 7:45 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] I oppose the Jupiter Power 10-acre battery plant being proposed in rural Washington County

To Whom It May Concern,

As a Washington County resident, I am opposed to the 10-acre industrial battery plant being proposed in rural Hillsboro.

First of all, the site is currently zoned AF-5, Agricultural and Forest with 5-acre minimum lots. An industrial-scale battery plant is NOT an agricultural or forest endeavor.

Second, I understand the application is being processed under the "utility facility" use exception. I do not understand how an industrial-scale battery plant can be considered a utility facility.

Third, while lithium battery failures are rare, when they do occur, they produce toxic plumes of hydrogen fluoride and other gases. And, in fact, Hillsboro has already experienced a lithium battery fire this year – one that the local fire department was unable to extinguish!

Finally, the 45-60 dBA noise pollution from the cooling fans and inverters that run 24 hours a day 7 days a week is unacceptable in a residential area. That's what industrial parks are for.

Please do not allow this project to move forward.

Thank you for considering my concerns,

Mark Leberg

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From: Kellie Crowdis
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Monday, August 18, 2025 4:19:46 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Sunday, August 17, 2025 10:16 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Sun, 08/17/2025 - 10:16

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Martha Sleeper

Email
martha.sleeper@gmail.com

Address
7405 SW Lee Rd
Gaston, Oregon. 97119

Your Comments
I am writing in opposition to the proposed Jupiter Battery Facility project. As a rural land owner, I have to abide by the county rules relating to land use policies on my property. I am furious that the county would side-step these land use policies to allow non-agricultural use in an AF-5 rural/farming zoned area!! This BESS project is an industrial use, and needs to be located in the areas specifically zoned industrial, not rural/farming! Not only would it remove 10 acres of land from potential farm use--the production of agricultural goods, i.e. food, but it will also negatively impact the quality of life of the surrounding farms with the noise from cooling fans running 24/7/365, and also the potential safety risk to the surrounding community in the event of a fire, which would likely release toxic gases and which will require specialized fire suppression measures--

all paid for by my tax dollars, not Jupiter's. I am also incensed that this whole project appears to have been kept under the radar, so to speak, as there has not been, nor will there be a public hearing regarding this project! Neighbors have been kept in the dark since public notices have gone out to relatively few of the potentially impacted properties. Also, this should have been put to voters, and not decided by a County Hearings Officer--especially since there have been NO PUBLIC HEARINGS related to this project! Add to this lack of transparency on the part of Washington County Planning is the fact that this project will not directly benefit the people of Washington County or the City of Hillsboro, or of the State of Oregon: the profits from the sale of electricity will go to out-of-state investors. The batteries will be made in China. Even the stored electricity will be unavailable to the project neighbors, as it will be sent to the data centers that are located in the land zoned for industry!

As a resident and active voter in Washington County, I demand that this project not be allowed to move forward! Jupiter needs to find a property in an area zoned Industrial Use, and the County needs to follow their own land use policies and not allow non-agricultural use projects in AF-5 zoned land. I have to follow the land use policies on my land, and so should they.

Very Sincerely,

Martha Sleeper7405 SW Lee Rd. Gaston, OR 97119 503-985-6855

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter Battery Facility Proposal for Hillsboro
Date: Tuesday, August 19, 2025 12:27:22 PM

From: Martha Sleeper <martha.sleeper@gmail.com>
Sent: Sunday, August 17, 2025 10:08 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter Battery Facility Proposal for Hillsboro

Good morning.
I am writing in opposition to the proposed Jupiter Battery Facility project.
As a rural land owner, I have to abide by the county rules relating to land use policies on my property. I am furious that the county would side-step these land use policies to allow non-agricultural use in an AF-5 rural/farming zoned area!! This BESS project is an industrial use, and needs to be located in the areas specifically zoned industrial, not rural/farming! Not only would it remove 10 acres of land from potential farm use--the production of agricultural goods, i.e. food, but it will also negatively impact the quality of life of the surrounding farms with the noise from cooling fans running 24/7/365, and also the potential safety risk to the surrounding community in the event of a fire, which would likely release toxic gases and which will require specialized fire suppression measures--all paid for by my tax dollars, not Jupiter's.
I am also incensed that this whole project appears to have been kept under the radar, so to speak, as there has not been, nor will there be a public hearing regarding this project! Neighbors have been kept in the dark since public notices have gone out to relatively few of the potentially impacted properties. Also, this should have been put to voters, and not decided by a County Hearings Officer--especially since there have been NO PUBLIC HEARINGS related to this project! Add to this lack of transparency on the part of Washington County Planning is the fact that this project will not directly benefit the people of Washington County or the City of Hillsboro, or of the State of Oregon: the profits from the sale of electricity will go to out-of-state investors. The batteries will be made in China. Even the stored electricity will be unavailable to the project neighbors, as it will be sent to the data centers that are located in the land zoned for industry!

As a resident and active voter in Washington County, I demand that this project not be allowed to move forward! Jupiter needs to find a property in an area zoned Industrial Use, and the County needs to follow their own land use policies and not allow non-agricultural use projects in AF-5 zoned land. I have to follow the land use policies on my land, and so should they.

Very Sincerely,

Martha Sleeper
7405 SW Lee Rd.
Gaston, OR 97119
503-985-6855

--
Martha Sleeper

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] 10 acre battery facility comment submission - Case # L2500161
Date:	Wednesday, August 20, 2025 8:34:49 PM

From: Matthew Hiefield <matthiefield@mac.com>
Sent: Wednesday, August 20, 2025 7:59 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] 10 acre battery facility comment submission - Case # L2500161

To Maitreyee Sinha and the Washington County Planning Department

From: Matt Hiefield, Concerned Citizen

Re: Battery Facility Land Use Comment Submission

Case # L2500161

Dear Washington County Planning Staff,

I am writing to express my unequivocal opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility being proposed by Jupiter Power LLC at the corner of NW West Union Road and NW Old Pass Road. This project is entirely incompatible with the rural, residential, and agricultural character of this area, and I strongly urge the County to reject it.

Safety Concerns: Lithium-ion battery facilities, while innovative, carry significant risks. Thermal runaway events, though rare, can produce toxic gases such as hydrogen fluoride, posing a direct threat to nearby families, children, and pets. Emergency response to such incidents is highly specialized and not readily available in rural neighborhoods. The prospect of a 24/7 industrial facility producing potential fire hazards directly adjacent to homes is unacceptable.

Noise and Quality of Life: The operation of dozens of cooling fans and inverters continuously will generate 45–60 dBA at the property line, a level that will irreversibly disrupt the peaceful, rural lifestyle that residents currently enjoy. This is not a minor inconvenience—it fundamentally alters the character of this community.

Zoning and Land Use Violations: The proposed site is currently zoned AF-5 (Agriculture and Forest, 5-acre minimum lots), intended for farming and rural housing. A massive industrial energy storage facility is clearly not a “farm use” and cannot be considered compatible with the surrounding residential and agricultural parcels. AF-5 zoning exists to protect the safety, aesthetic, and environmental integrity of rural neighborhoods. Allowing this facility sets a dangerous precedent that undermines long-standing zoning protections.

Economic and Local Considerations: This project is being driven by out-of-state money—backed by global investor BlackRock—with no tangible benefit to the local community. The batteries themselves are largely manufactured overseas, and the installation is being handled by out-of-state contractors. The only beneficiaries are distant investors seeking profit from electricity arbitrage. Residents of Washington County are left to bear the risks, impacts, and potential depreciation of property values while receiving no meaningful economic return. Oregon citizens' quality of life should not be jeopardized to enrich out-of-state interests.

Process Concerns: The County's handling of this application has been opaque. Public notice has been minimal, and neighbors only recently became aware of this Type II review through word of mouth. The lack of transparency denies residents the opportunity for meaningful participation in decisions that directly affect their safety, property, and environment.

In summary, this facility represents a serious safety hazard, an incompatible industrial intrusion into rural zoning, a threat to property values, and an unnecessary imposition driven entirely by out-of-state profit motives. It should not be allowed to proceed. I strongly urge the Washington County Planning Department to reject the application and protect the residents and rural character of Hillsboro.

Please reject outside monetary and political pressures and make fact based decisions for the benefit of the citizens of Washington County, Oregon.

Sincerely,

Matt Hiefield

16680 N.W. Argyle Way

Portland, Oregon

97229

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Public comment [OPPOSITION] - 10-acre Jupiter Battery Facility
Date:	Tuesday, August 19, 2025 2:52:59 PM

From: Max J-S <maxjs503@gmail.com>
Sent: Tuesday, August 19, 2025 2:36 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Public comment [OPPOSITION] - 10-acre Jupiter Battery Facility

Max Jacobs-Swerbilov
2828 NE 69th Ave, Portland, OR 97213

8/19/2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

We are members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. Our farmers rely on well water for their farm operation. They grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of

residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Max Jacobs-Swerbilov

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From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Tuesday, August 19, 2025 8:10:48 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 7:47 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 19:47

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Mayra Alejandra Bustos

Email
mayra.bustos21@gmail.com

Address
3054 SE Bridgeside Way
Hillsboro, Oregon. 97123

Your Comments
Mayra Bustos
3054 SE Bridgeside Way
Hillsboro OR 97123

8/18/25

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services

Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

We are members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. Our farmers rely on well water for their farm operation. They grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Mayra Bustos

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Proposed Battery Storage Facility
Date:	Tuesday, August 19, 2025 12:14:56 PM
Attachments:	08-19 Letter re Battery Energy Sorage.docx

Maitreyee Sinha | Senior Planner
503-846-3835 maitreyee_sinha@washingtouncountyor.gov

The counter lobby is open Monday, Tuesday, Wednesday, and Thursday 8AM to 4PM.
CLOSED FRIDAYS.
Staff are working in office and remotely and are best reached by email.

Please submit planning-related questions to LUTDEV@co.washington.or.us.

From: Meeky Blizzard <meeky.blizzard@gmail.com>
Sent: Tuesday, August 19, 2025 11:33 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Proposed Battery Storage Facility

Dear Ms. Sinha,

Attached is a letter regarding my concerns about the proposed Battery Storage Facility at NW West Union Road. Please accept this letter as my official comment on the record.

Thank you.

Meeky Blizzard
16815 SW Pleasant Valley Rd
Beaverton OR 97007

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August 19, 2025

TO: Maitreyee Sinha
Washington County Dept of Land Use and Planning

I am writing to express my strong opposition to the County's designation of the proposed Jupiter/Blackberry Grove Battery Energy Storage Facility at NW West Union Road as a Type II application.

Facilities of this nature should require a Type III process, complete with adequate public notice and required public hearings so that neighbors, affected property owners, and County residents have the opportunity to comment on the proposal's impact on the community and protected agricultural lands and businesses. A Type III application should also require the applicant to demonstrate how its proposed facility is compatible with the current AF-5 Zoning and is responsive to community concerns about safety, noise, and impacts on nearby residents and agricultural businesses.

Please reclassify this proposal as a Type III application so that the public has the opportunity to comment on the compatibility of this proposal with the County's adopted land uses.

Thank you for your consideration.

Sincerely,

Meeky Blizzard
16815 SW Pleasant Valley Road
Beaverton OR 97007

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter Battery Plant in Hillsboro
Date: Thursday, August 21, 2025 2:06:13 PM

From: Meghan Bell <meghanebell@gmail.com>
Sent: Thursday, August 21, 2025 2:05 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter Battery Plant in Hillsboro

To Whom it May Concern:

I am writing today in opposition to the proposed lithium battery plant in Hillsboro. This facility is not Agricultural or Forest, for which the zone it is proposed on is allotted. This will tax already overloaded local infrastructure to its limit and cause prices to rise yet more for consumers, the members of the community. Lastly, and most crucially, this lithium battery plant would pose an environmental and safety risk. Lithium batteries, especially large ones, are a fire risk and require specialty firefighting response as they do not respond to typical measures. In an area where wildfires are already a concern, this is an unnecessary risk to our environment and the surrounding communities.

Please consider denying the Jupiter Battery facility from building in Hillsboro. This would be a detriment to our community and, with the company based in Texas and using out of state distributors, would be a net negative for economy, environment, and safety.

Thank you and have a good day,

Meghan Bell
Paraeducator II
Mountainside High School
4925 SW Jamieson Rd, #31 Beaverton, OR 97005

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From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:20:49 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Sunday, August 17, 2025 12:58 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Sun, 08/17/2025 - 12:57

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Mei-hui Wang

Email
wangmeihui66@gmail.com

Address
21727 NW West Union Rd
Hillsboro, Oregon. 97124

Your Comments
Hi Ms Maitreyee Sinha and Washington County land use review board,
Jupiter Power is a new company; Based on the information at its company website, all its completed projects are in rural Texas locations with no residents around them, and the oldest project is established in 2023. I do not believe that they have established enough safety records to start a project at the proposed location surrounded by local residents at all sides. Jupiter Power should look for a PEG substation located in a industrial zone. Lithium battery technology at this large scale carries a very high risk and requires a longer term safety evaluation before it can be considered to be placed near residential community. Therefore, I strongly oppose this project and sincerely urge the review board to reject this application.

Regards,
Mei-hui Wang

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] casefile / project # L2500161-SU/D/PLA
Date: Tuesday, August 19, 2025 12:22:34 PM
Importance: High

From: Mei-hui Wang <MeiHuiWang_2025@outlook.com>
Sent: Sunday, August 17, 2025 1:17 PM
To: LUT Director <LUTDIR@washingtoncountyor.gov>
Subject: [EXTERNAL] casefile / project # L2500161-SU/D/PLA
Importance: High

Hi,
I have submitted the comments below at your projects-comment location but am not sure if it has been received by you. So I am emailing the same comment to make sure that your department receive this input.

Hi Ms Maitreyee Sinha and Washington County land use review board,
Jupiter Power is a new company; Based on the information at its company website, all its completed projects are in rural Texas locations with no residents around them, and the oldest project is established in 2023. I do not believe that they have established enough safety records to start a project at the proposed location surrounded by local residents at all sides. Jupiter Power should look for a PEG substation located in an industrial zone. Lithium battery technology at this large scale carries a very high risk and requires a longer term safety evaluation before it can be considered to be placed near residential community. Therefore, I strongly oppose this project and sincerely urge the review board to reject this application.

Regards,
Mei-hui Wang

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Formal Argument Letter (for filing with Washington County before Aug. 21)

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Your Name: Tsuan-Chung Chang, Mei-Hui Wang
Address: 21727 NW West Union Rd.
City: Hillsboro State: OR Zip: 97124

email/phone tsuanchungchang@gmail.com, wangmeihui66@gmail.com
971-460-9690, 503-466-9068

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
✉ maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Names-

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Your Name: Tsuan-Chung Chang, Mei-Hui Wang
Address: 21727 NW West Union Rd
City: Hillsboro State: OR Zip: 97124

email/phone tsuanchungchang@gmail.com, wangmeihui66@gmail.com
971-460-9690, 503-466-9018

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
✉ maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Name Mirtki Way

Address 21727 NW West Union Rd.
Hillsboro, OR 97124

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Friday, August 22, 2025 12:20:44 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 1:27 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 13:13

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Mei-hui Wang

Email
wangmeihui66@gmail.com

Address
21727 NW West Union Rd
Hillsboro, Oregon. 97124

Your Comments
Please see the attached file for the important safety concerns and zoning conflicts.
In addition, Please clarify
(1) Is this project still waiting for TVFR permit for site work, The TVFR document attached on line is for "LAND USE" only. There seems to be no strategy on how to address battery fire at this scale except evacuation and turn out?
(2) Is there is additional counter-measurement for earthquake? What to do if battery physical housing broke due to earth impact, and toxic electrolyte leaks to environments?
(3) Noise reports section 3.1 has "Substation transformers" = 100 dBA, but it has not been included in the impact evaluation at the later part of report (i.e. table 4 and figure 2&3), why?

Attach Documents

- wang--written-testimony-regarding-jupiter-battery-storage-facility.docx (31.38 KB)

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Wednesday, August 20, 2025 9:00:42 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Tuesday, August 19, 2025 4:42 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Tue, 08/19/2025 - 16:41

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Mel & Wendy Mortensen

Email
wlmpdx@icloud.com

Address
17845 NW Solberger Rd.
North Plains, Oregon. 97133

Your Comments
Subject: Opposition to Proposed Battery Energy Storage System Facility and Zone Change.

Washington County planning documents refer to this applicant as a Public Utility. This is inaccurate. This is a private for profit company that sells energy to private and public utilities so more accurately is an industrial vendor. Because of noise, appearance, purpose, discharges into atmosphere, and potential fire and accidents, this use belongs in industrial zones, not AF-5.

We raise timber in the area and view this use as incompatible both with AF-5 zones and

all Washington County agricultural and forest zones. Please classify this use into the appropriate industrial category.

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Please stop the sprawl!
Date:	Tuesday, August 19, 2025 12:16:19 PM

From: Melanie Myers <melmyersismyname@gmail.com>
Sent: Tuesday, August 19, 2025 8:18 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Please stop the sprawl!

Dear Washington County Planning,

After raising my son in Washington County for the past 20 years, I moved to a 7 acre farm in Helvetia/Hillsboro. I was surprised to learn the many rules and regulations surrounding EFU land, and was happy to see there were protections to keep our valuable and diminishing farmland safe. Only to watch data center after data center rip out farms, learn of proposed large solar fields near my country home, and now a battery storage facility proposal on this land? Surely there are better places for these industrial activities than Hillsboro, Oregon. How about Texas?

I am writing to STRONGLY and VEHEMENTLY oppose the proposed 10-acre Jupiter/Black-berry Grove Battery Energy Storage Facility planned for the AF-5 zone at NW West Union Road.

This project should not be processed as a Type II decision.

The County's own rules require facilities like this to go through a Type III review with a public hearing, so that affected neighbors can testify and decision-makers can properly consider compatibility with surrounding homes and farmland.

This is not a small utility. It is an industrial-scale battery plant with noise, safety, and land-use impacts far beyond what AF-5 zoning was intended to allow.

Processing it as a Type II wrongly denies the community a public hearing.

1. Reclassify this project as a Type III and schedule a public hearing.

2. Require the applicant to demonstrate full compatibility with AF-5 zoning and nearby residents.

3. Reject the application if it cannot meet these standards.

Please accept this letter as my official comment on the record.

Thank you,

Melanie Myers
Meadowlawn Farm
melmyersismyname@gmail.com
mobile: +1 503 720 3738

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Your Name: Melissa & Chad Naganuma
Address: 7490 NW 212th Pl
City: Hillsboro State: OR Zip: 97124

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.

- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.

- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Friday, August 22, 2025 12:23:16 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 4:00 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 15:59

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Melissa Naganuma

Email
melissa.naganuma@gmail.com

Address
7490 NW 212th Pl
Hillsboro, Oregon. 97124

Your Comments
See attached document.

Attach Documents

- naganuma-written-testimony-regarding-jupiter-battery-storage-facility.pdf (282.94 KB)

Written Testimony Regarding Jupiter Battery Storage Facility

Casefile: L2500161- SU/D/PLA
To: Maitreyee Sinha, Senior Planner
📧 maitreyee_sinha@washingtoncountyor.gov

Submission Instructions

Maitreyee Sinha, Senior Planner
📧 maitreyee_sinha@washingtoncountyor.gov
RE: Casefile L2500161- SU/D/PLA

Introduction

I respectfully submit this testimony in opposition to the proposed Jupiter Battery Storage facility on farmland zoned AF-5. This proposal is being improperly characterized as a “Public Utility” to justify siting in agricultural zoning. In reality, it is a private, for-profit industrial energy storage project operated by BlackRock/Jupiter Power.

This facility is not compatible with the surrounding land uses, which are family homes, farms, and natural spaces. It introduces an industrial use into a residential and agricultural setting without adequate protection or justification.

---

1. AF-5 Zoning and Public Utility Mischaracterization

Washington County’s AF-5 zone is intended to protect agricultural and rural residential uses. Allowing a utility-scale lithium battery installation on this land contradicts both the spirit and the letter of AF-5 protections.

The applicant’s attempt to classify this facility as a “Public Utility” is misleading. A public utility typically provides essential services (water, electricity distribution, sewer) directly to the public under state regulatory oversight. This facility does not provide power directly to local residents.

It is a wholesale merchant operation, buying power at low-cost times and reselling at peak times for profit.

That is **industrial commerce**, not a utility service.

---

2. Incompatibility with Surrounding Homes and Community Safety

The proposed project site is surrounded by residences and farmland. Families live directly adjacent to this location, with no buffer of industrial zoning.

Lithium-ion battery energy storage systems (BESS) are **high-hazard installations**. Documented risks include:

- **Thermal runaway fires** that burn for days.
- **Toxic off-gassing** of hydrogen fluoride and other chemicals.
- **Explosion risk** from cascading cell failures.

These hazards make the project incompatible with residential settings. Unlike a typical structure fire, lithium BESS fires **cannot be extinguished with water or foam**; they must burn out while releasing toxic smoke.

Local fire departments in Washington County **are not equipped to suppress or contain** a full-scale BESS fire of this magnitude. At best, they can cordon off the site and wait for it to burn out.

---

3. Documented BESS Fire Incidents in the U.S.

Contrary to industry assurances, BESS fires have already occurred across the U.S., with serious outcomes:

- **McMicken BESS Fire – Surprise, Arizona (2019):**
  Explosion injured **four firefighters**. The facility was offline for years and prompted national safety reviews. APS (Arizona Public Service) ultimately faced lawsuits and paid **millions in damages and settlements** tied to the fire's impacts and injuries.

- **Moss Landing Energy Storage Facility – California (2021 & 2022):**
  Two separate thermal runaway incidents caused massive smoke releases and shut

down hundreds of megawatts of storage.

- **Victaulic Facility – New York (2023):**
  A 5 MW BESS fire burned uncontrolled, prompting evacuations.

- **Bridgewater, South Australia (2023, international but relevant):**
  Tesla Megapack fire took three days to extinguish, releasing toxic gases despite top-tier fire suppression systems.

Each of these cases shows that **even state-of-the-art BESS facilities** experience catastrophic failures. Outcomes have included explosions, toxic smoke plumes, firefighter injuries, community evacuations, and significant legal liability for the operators.

---

4. More Suitable Locations Exist

Washington County and the City of Hillsboro already have **extensive industrial-zoned land** near:

- The Intel Ronler Acres campus,
- Hillsboro Technology Park Drive,
- The Evergreen and Helvetia Road industrial corridors.
- Hillsboro owns hundreds of acres of land along Meek Road and Sewell Road, and major substations are already available.

These areas have:

- Wide industrial buffers,
- Proximity to substations,
- Emergency response resources,
- No immediate residential exposure.

There is no public policy justification for siting this dangerous facility in an AF-5 zone when suitable industrial land is abundant.

5. Accountability for Damages

Given the devastation to property, farmland, and community health documented in past BESS fires, I request that if Washington County considers approval of this project, a **clear and binding condition** must be imposed:

BlackRock/Jupiter Power must be financially liable for all damages caused to surrounding property owners, farmland, and public resources in the event of a fire, explosion, or toxic release.

This condition must include full compensation for destroyed homes, crops, livestock, and long-term land contamination.

The Arizona McMicken case demonstrates the scale of liability when such facilities fail: APS faced lawsuits, lengthy investigations, and multimillion-dollar payouts after its BESS explosion. Washington County must ensure that no such costs are ever shifted onto local residents or taxpayers.

Conclusion and Plea for Proper Process

The Jupiter Battery Storage project:

- Misuses the “Public Utility” definition,
- Violates the intent of AF-5 zoning,
- Endangers surrounding families and farmland,
- Exposes Hillsboro to risks demonstrated in real-world BESS fires,
- And could be located in safer, industrially zoned areas nearby.

Finally, I urge Washington County to recognize that there has been **substantial public outcry** regarding this proposal. It is wholly inappropriate for a decision of this magnitude, with life-safety, environmental, and land use consequences, to be resolved under a **Type II administrative process** behind closed doors.

This project must be elevated to a **Type III Public Hearing**, where the people most affected can be heard, where transparency can be assured, and where the County can demonstrate equitable engagement with its residents.

Respectfully submitted,

Chad and Melissa Naganuma
7490 NW 212th Pl
Hillsboro, OR 97124

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Pending Casefile L2500161
Date: Tuesday, August 19, 2025 2:24:47 PM

From: Michael Fox <mikefox175@gmail.com>
Sent: Tuesday, August 19, 2025 2:22 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Pending Casefile L2500161

I write as a Washington County resident and taxpayer to object in the most strenuous possible terms to the proposed industrial facility being located on West Union Road in a clearly non-industrial area. There are adequate spaces within Hillsboro's urban growth boundary that are already home to similar industrial facilities, and such installations should not be permitted to encroach on land zoned for other purposes. Please think of the generations to come, and Washington County's heritage!

Michael Alan Fox
175 NE 7th Ave
Hillsboro OR 97124
(503) 640-6365
mikefox175@gmail.com

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Not a good idea
Date: Thursday, August 21, 2025 4:32:31 PM

-----Original Message-----
From: Michael Speight <mssp8phd@icloud.com>
Sent: Thursday, August 21, 2025 4:03 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Not a good idea

I spent 33 years in high-tech, Silicon Valley, as a CIO, etc. This project will also consume a lot of water. It will create health issues for those who live near the transmission lines or the facility. It is unlikely to be a major employer, as AI will likely take over monitoring the systems. There is a Coi farm near there, as well as a dairy, and a school, which could all be affected negatively.

I am against this location for the project.

Michael Speight, PhD

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Your Name: MICHAEL TRUE
Address: 775 WEST MAIN ST.
City: HILLSBORO State: OR Zip: 97123

Received
AUG 25 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
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The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely, michael true

Your Name: _____
Address: _____
City: _____ State: _____ Zip: _____

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

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Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Against this zoning
Date:	Tuesday, August 19, 2025 9:56:49 PM
Attachments:	Letter for County and BESS.pdf Final Copy.pdf

From: Michelle Seeberger <michelleseeberger@hotmail.com>
Sent: Tuesday, August 19, 2025 5:19 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Against this zoning

Sent from my iPhone

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery Storage Facility
Date: Thursday, August 21, 2025 12:15:35 PM

-----Original Message-----
From: Mikaela Steenkolk <mikaelasteenkolk@gmail.com>
Sent: Thursday, August 21, 2025 11:59 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery Storage Facility

To Whom It May Concern,

I oppose the proposed 10-acre Jupiter/Blackberry Grove Battery Storage Facility near West Union Road.

Safety: Large-scale lithium batteries carry fire, explosion, and toxic risks. This is not appropriate next to rural homes and farms.

Not a Utility: This project does not qualify as a “Utility Facility Necessary for Public Service.” It is a private, for-profit venture trading energy on wholesale markets — not serving local residents.

No Local Benefit: Neighbors will absorb the risks without receiving any direct services or cost savings.

Better Land Use: If zoning changes are considered, the land would be better used for affordable housing, which truly meets a community need.

For these reasons, I ask the County to deny this application and reconsider land use priorities that benefit residents directly.

Respectfully,
Mikaela

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter Power LLC
Date: Wednesday, August 20, 2025 9:44:51 AM

From: Mike and/or Trisha Copeland <copeland_m_t@hotmail.com>
Sent: Wednesday, August 20, 2025 7:08 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter Power LLC

Hi Ms Sinha,

I am writing in opposition of the proposed battery center for several reasons.

The proposed site for this is zoned for farming, not industrial. We live in a beautiful county and farmland contributes to that beauty. Once land is destroyed, whether it has never been touched or is farmland, it can never be recovered, kind of like brain cells. Once they are gone, they are gone for good.

I am concerned about the safety of the toxic gasses that will be released and if our rural first responders will be able to respond to emergencies. I also am concerned about the health problems that can arise in the local population, especially since timely access to medical care is so bad.

The noise this center can release exceeds local noise standards.

Would you like to live next door to one of these plants? I would not. I would not want to be next to all the noise pollution, light pollution, air pollution, and the eye sore of this building. I understand businesses need to be in Washington County for the jobs, local economy, etc, but allowing there have to be better places in the county for this.

Trisha Copeland
copeland_m_t@hotmail.com

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From: LUT Development
To: Maitreyee Sinha
Cc: Louisa Bruce
Subject: FW: [EXTERNAL] Solar Panel Farm Proposed Surrounding 32831 SW Firdale Road
Date: Friday, August 22, 2025 1:10:42 PM

-----Original Message-----
From: Mike <mike.enderby@comcast.net>
Sent: Wednesday, August 20, 2025 1:51 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Cc: Carole Enderby <cenderby@comcast.net>
Subject: [EXTERNAL] Solar Panel Farm Proposed Surrounding 32831 SW Firdale Road

I live at 32831 SW Firdale Rd, in unincorporated Cornelius. My wife spoke the land owner of the exiting farm that surrounds my house on three sides (west, north and east) who indicated they are leasing their farm land to a company that will be installing an industrial solar panel farm, supposedly for a proposed data storage facility in Hillsboro. I'm am EXTREMELY concerned about the visual impact of a large, non-agricultural use surrounding my property from the standpoint of the physical imposition of such structures and glare if the panels are tilted towards my house. I am a retired Senior Planner from the City Planning Department in San Jose. I would like to know about the public outreach and hearing process for any such proposal. I'm not sure if an application has been formally filed yet. Would you please respond to the email, or better yet, call me at 408-504-2865.
Thank you,
Mike Enderby

Sent from my iPad

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Juniper Power battery proposal
Date: Tuesday, August 19, 2025 12:36:13 PM

-----Original Message-----
From: Mike Hurley <hurley@teleport.com>
Sent: Tuesday, August 19, 2025 12:16 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Cc: vhurley@teleport.com
Subject: [EXTERNAL] Juniper Power battery proposal

Dear Ms. Sinha,

As a citizen in the Helvetia community I respectfully but strongly urge you to consider starting the application process over as a type III review process. There are numerous problems with this type II process being implemented not the least of which is lack of transparency.

Also, it is questionable how a privately owned battery farm quallifies as a Utility Facility Necessary for Public Service. The proposed facility is not necessary for public service but rather to make money for Juniper. Purchase power when it is cheap and sell at a profit!

Further I think it is a total misuse of AF5 farmland and does not qualify for the exception.

Let's be open with full disclousure and not have a situation where the county is back-dooring the system.

Thank you,

Mike Hurley
Helvetia

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] West Union BESS
Date: Thursday, August 21, 2025 4:32:19 PM

From: Mike Smith <michael.garrick.smith@gmail.com>
Sent: Thursday, August 21, 2025 4:02 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] West Union BESS

Mike Smith
20849 NW Old Pass Rd, Hillsboro, OR 97124
Michael.garrick.smith@gmail.com
503-828-1722

Date: August 21st 2025

To:
Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13
Hillsboro, OR 97124

Re: Casefile/Project # L2500161-SU/D/PLA
Subject: Opposition to Proposed Battery Energy Storage System (BESS) Facility at 21393 NW West Union Road

---

Dear Ms. Sinha,

I am writing as a resident of the Bendemeer neighborhood, which lies immediately adjacent to the proposed Battery Energy Storage System (BESS) facility. While I recognize the importance of renewable energy integration and grid reliability, I strongly oppose siting this project in its current location due to the risks it poses to neighborhood health, groundwater resources, fire safety, and property values.

1. Zoning and Land Use Concerns

The property in question is zoned AF-5 (Agriculture and Forest, 5-acre minimum). Under Washington County code, “Major Facilities of a Public Utility” are only permitted through a conditional use review when they can demonstrate compatibility with surrounding uses and adequate protection of public health, safety, and welfare. A utility-scale BESS facility surrounded by half-acre to two-acre residential lots does not meet the intent of AF-5 and will fundamentally alter the character of this small rural community.

2. Groundwater Contamination Risks

All homes in Bendemeer depend on private wells for drinking water. Fires at lithium-ion facilities generate hazardous runoff containing fluoride, chloride, and heavy metals (nickel, cobalt, manganese, lithium). Unless engineered secondary containment and impermeable liners are installed, firefighting water can infiltrate soils and aquifers. Given our exclusive reliance on groundwater, any contamination could be catastrophic.

Requested condition if approved: Require a fully lined firewater/runoff containment system sized to worst-case firefighting volumes, with no discharge permitted until tested and hauled off-site as hazardous waste.

3. Fire and Thermal Runaway Hazards

Though rare, thermal runaway events at lithium-ion BESS facilities (e.g., APS McMicken, Vistra Moss Landing) have demonstrated the dangers of deflagration, toxic gas release, and long-duration fires. At 800–1,000 feet from my property line, my home is not in the direct hazard radius, but toxic plumes and contaminated runoff remain legitimate risks.

Requested condition if approved: Require that all equipment be listed to UL 9540 and fully tested to UL 9540A standards, with NFPA 855 and IFC Chapter 12 compliance verified by the fire marshal. Remove all combustible vegetation inside the perimeter berm.

4. Noise, Light, and Quality of Life Impacts

BESS facilities require 24/7 HVAC cooling and inverters that generate continuous noise. While the existing berm will provide some shielding, the County should not assume this is sufficient without proof.

Requested condition if approved: Require a stamped acoustical study with modeled day/night dBA levels at property lines, enforceable property-line limits, and post-construction verification. Lighting should be fully shielded and directed inward to preserve neighborhood character.

5. Property Values and Community Perception

Research on BESS property values is limited, but perception of industrial-scale energy facilities in residential areas is typically negative. The uncertainty around fire and groundwater risks will deter buyers, reducing property values for long-standing residents who invested in this rural community with the expectation of AF-5 protections.

6. Emergency Response Capacity

Lithium-ion battery fires are uniquely difficult to manage. It is unclear whether our local fire district has the specialized training, water supply, and equipment to address a worst-case event.

Requested condition if approved: Require the applicant to provide annual training, updated pre-incident response plans, and financial support for any specialized equipment needed by the local fire authority.

Conclusion
For the reasons above, I respectfully urge Washington County to reject this application and require the applicant to pursue a more appropriate industrial location farther from residential neighborhoods and groundwater-dependent communities. If the County nevertheless considers approval, I strongly request enforceable conditions addressing firewater containment, UL/NFPA certification, berm vegetation management, noise and lighting controls, emergency training, and decommissioning financial assurance.

The Bendemeer neighborhood is a small, tight-knit community surrounded by farmland, and this project poses unacceptable risks in its current siting. Please prioritize the long-term health, safety, and welfare of residents when making your decision.

Thank you for your time and consideration.

Sincerely,
Mike Smith

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Comment on 10-Acre Battery Facility in Rural Hillsboro next to homes
Date: Tuesday, August 19, 2025 12:22:43 PM

From: Missy Martin <ohmissmissy@yahoo.com>
Sent: Monday, August 18, 2025 7:46 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>; Missy Martin <ohmissmissy@yahoo.com>
Subject: [EXTERNAL] Comment on 10-Acre Battery Facility in Rural Hillsboro next to homes

- Here's my comment on 10-Acre Facility in Rural HIllsboro: Should be in industrial Zone! AND:

  Zoning Conflict: AF-5 rural/farm zoning does not permit industrial-scale battery plants.
- **Safety Risks:** Fire, toxic gas release, and inadequate rural emergency response.
- **Noise & Incompatibility:** 24/7 fan and inverter noise exceeds rural character standards.
- **Better Siting:** This project belongs in Hillsboro's industrial zones, not next to rural homes.

  Melissa Martin

  19890 NW Paulina Dr in Rock Creek, just off West Union & Cornelius Pass

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Your Name: Missy Sterling
Address: 7360 NW 212th Place
City: Hillsboro State: OR Zip: 97124

RECEIVED
AUG 18 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Regarding 10-acre Jupiter Battery Facility
Date: Tuesday, August 19, 2025 12:20:14 PM

From: Monica Burns <monicaburns83@yahoo.com>
Sent: Monday, August 18, 2025 4:00 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Regarding 10-acre Jupiter Battery Facility

Dear Maitreyee Sinha, Senior Planner,

I am appalled to hear that a 10-acre Jupiter Battery Facility is being considered in the Hillsboro area, my community, without a public hearing being held or a public vote! I am very concerned to hear that land that zoned as AF-5 rural/farmland is even being considered for this. We have plenty of land that is zoned for industrial use and it is zoned that way for a reason.

It is not fair to the residents of the area to be unfairly burdened with potential hazards such as fires and toxic gas release. The rural emergency response teams are not equipped to adequately handle that! And how horrible to have to deal with 24/7 fan and inverter noise that exceed rural standards. People choose to live in rurally zoned areas because they desire peace and quiet! This project does not appear to benefit our community in any way (rather line the pockets of a few, mostly out of state investors) and belongs in Hillsboro's industrial zones, not next to rural homes. Imagine if it was your home that this facility was built next to! This would cause your home value to decrease as well as your quality of life.

I respectfully urge you to reconsider and shift this project to one of our industrial zones.

Sincerely,

Monica Burns
Concerned Hillsboro Resident

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From: LUT Development
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Wednesday, August 20, 2025 9:02:12 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Tuesday, August 19, 2025 8:15 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Tue, 08/19/2025 - 20:15

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Morgan Garside

Email
morganegarside@gmail.com

Address
14705 Northwest Oakhills Drive
Beaverton, Oregon. 97006

Your Comments
Gross use of land and it will destroy property values. Incorrect zoning for this project.

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Opposition Letter Proposed Industrial Battery Site Hillsboro
Date:	Tuesday, August 19, 2025 2:24:40 PM
Attachments:	image.png Opposition Battery Site.pdf

From: Nan Kuhn <nan@thetrustedregroup.com>
Sent: Tuesday, August 19, 2025 2:14 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposition Letter Proposed Industrial Battery Site Hillsboro

Thanks for your consideration. Please confirm receipt!

SRES, ABR, Licensed Real Estate Broker, OR
Premiere Property Group, LLC
Five Star Professional Award Recipient
971.217.0004 | www.thetrustedREgroup.com
@NanKuhnRE | Google | LinkedIn

Click here to sign up for your complimentary HomeBot!
Click here to sign up for your complimentary HouseHappy!

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DigiSign Verified - 92f4aaa0-b556-4636-922d-8e0c1aa846bc

Nanuet M Kuhn
14195 NW Falconridge Ln
Portland, OR
97229

8/19/2025

Attn: Maitreyee Sinha, Sr Planner

Washington County Land Use & Transportation
155 N First Avenue, Suite 350
Hillsboro, OR 97124

Re: Opposition to Proposed Jupiter Power Battery Energy Storage Facility

Dear Maitreyee Sinha,

I am writing to express my strong opposition to the proposed Jupiter Power Battery Energy Storage System (BESS) facility on farmland in rural Hillsboro. While I support the responsible pursuit of clean energy solutions, this project raises serious concerns about safety, land use compatibility, and long-term community impacts that outweigh any purported benefits.

1. Safety and Emergency Risks
Lithium-ion battery facilities have a well-documented risk of catastrophic failure, known as "thermal runaway." Even with modern controls, fires at BESS facilities have occurred across the country and often burn for days, releasing toxic gases such as hydrogen fluoride. These events require highly specialized firefighting measures that local resources may not be equipped to handle. Placing such an industrial risk in the middle of a residential and agricultural area is irresponsible and creates unnecessary danger for nearby families.

2. Noise and Quality of Life Impacts
Although proponents downplay noise, the cooling fans and inverters used at these facilities are not silent. Continuous mechanical hum at 45–60 dBA is comparable to a busy street or loud air conditioner, and when multiplied by dozens of units, creates a persistent disturbance that undermines the rural tranquility that drew families here in the first place.

3. Land Use Incompatibility
The site in question is zoned AF-5, designated for agriculture and rural homes. Allowing an industrial-scale utility facility here violates the intent of that zoning and sets a precedent for further industrial creep into farmland. This is not a substation sited on existing utility property—it is a private, profit-driven development imposed directly on rural residents. Our farmland should be preserved for farming, not converted to industrial storage yards.

DigiSign Verified - 92f4aaa0-b556-4636-922d-8e0c1aa846bc

4. Property Values and Community Harm
Homeowners reasonably fear the devaluation of their properties if forced to live beside an industrial battery farm. Unlike renewable energy projects sited in appropriate industrial zones, this facility would be directly adjacent to homes, gardens, and small farms. The stigma and visual impact alone are likely to depress property values, penalizing families who invested in this community. As a licensed Oregon state real estate agent this concerns me greatly -- homeowners depend upon growing equity for wealth building and retirement savings. This is sure to be a "deal killer" for future buyers!

5. Lack of Transparency and Oversight
Many neighbors learned of this project only by chance. The "Type II" review process—handled administratively by a Hearings Officer rather than a public vote—limits true community participation in a decision with long-term consequences. This lack of transparency erodes public trust and denies residents the full voice they deserve.

6. Better Alternatives Exist
Portland General Electric has already developed a 75 MW battery storage facility in Hillsboro on proper utility land, along with additional regional projects totaling nearly 2 GWh of storage. This proves that battery storage can be built responsibly—on industrial property, near substations, and away from homes and farmland. There is no need to site another facility directly in a rural neighborhood.

Conclusion
Washington County must prioritize the safety, property rights, and rural character of its residents. While renewable energy infrastructure is important, it must be placed in locations that are compatible with surrounding land uses. The proposed Jupiter Power BESS facility fails that test. I strongly urge you to reject this application.

Thank you for your consideration,

Nanuet Kuhn

Nanuet M Kuhn

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Strong Opposition to Proposed 10-Acre Battery Facility Near Homes in Rural Hillsboro
Date:	Wednesday, August 20, 2025 11:55:18 AM

From: Nathan Capehart <kaizer0002@gmail.com>
Sent: Wednesday, August 20, 2025 11:44 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Strong Opposition to Proposed 10-Acre Battery Facility Near Homes in Rural Hillsboro

Dear Maitreyee Sinha,

I hope this message finds you well. I'm writing to express my deep concern regarding the proposed plan to construct a 10-acre lithium battery storage facility in rural Hillsboro, located adjacent to residential properties.

1. Significant Fire & Health Risks

Lithium-ion battery storage systems carry a well-documented risk of catastrophic fire and toxic emissions. Notable incidents—such as the Moss Landing plant in California—have resulted in multi-day infernos, large-scale evacuations, and widespread release of hazardous compounds like hydrogen fluoride and heavy metals. Soil and air pollution followed, with some areas reporting elevated toxic metal levels up to 1,000 times normal.

2. Toxic Exposure & Long-Term Environmental Impact

These fires release dangerous airborne pollutants and metal residues that can drift into surrounding soil and water. Exposure risks include respiratory illness, neurological effects, skin and eye irritation, and even chronic diseases. Beyond immediate risks, residual contamination poses ongoing threats to agricultural land, wildlife, and public health.

3. Regulatory Gaps & Insufficient Oversight

Regulatory frameworks are lagging behind industry expansion. Many battery storage facilities are approved through standard industrial permitting processes that do not consider their unique fire, chemical, and environmental risks. In places like Oklahoma, where similar facilities have been proposed, there are no mandatory setback regulations requiring safe distances between such installations and homes.

4. Precedents Demonstrate Risks & Public Backlash

Communities nationwide—from rural California ranchers to Oklahoma farmers—have actively protested similar developments due to health, safety, environmental, and property value concerns.

5. Strain on Local Emergency Services

Battery fires are notoriously difficult to extinguish and require specialized response protocols. Rural fire departments often lack resources, training, and equipment to respond effectively, putting both firefighters and residents at grave risk.

What I Urge You to Support

1. **Immediate Suspension of the Proposal**
   Halt any advancement of the project until comprehensive environmental impact assessments (EIAs), health risk evaluations, and independent safety audits are completed.
2. **Establishment of Setback and Safety Standards**
   Require margin distances from residences, schools, and other population centers, similar to setbacks for chemical facilities.
3. **Mandatory Public Oversight & Community Input**
   Require meaningful public hearings, allowing neighbors to voice their concerns and receive transparent responses. As seen in Acton, California, failure to include hearings fueled local outrage and litigation
4. **Independent Emergency Preparedness Review**
   Ensure the emergency response plans—including training, equipment, staffing, and coordination—are reviewed by unbiased experts, not solely prepared or funded by the proposing company.
5. **Rural Community Safety First**
   Any future policymaking must prioritize the safety and rights of rural residents over rapid industrial development or corporate convenience.

I trust you will consider these concerns seriously and prioritize public safety and environmental integrity. The impacts of this project extend beyond property lines—they affect the health, well-being, and peace of mind of entire communities.

Thank you for your attention to this critical issue.

Sincerely,

Nathaniel Capehart

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] 10 acre battery project???
Date:	Tuesday, August 19, 2025 12:21:36 PM

From: Nathaniel Richard <richnathaan@gmail.com>
Sent: Monday, August 18, 2025 10:10 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] 10 acre battery project???

Hello, I'm a resident of Hillsboro and I heard this is where we could send written concerns about the Jupiter Energy 10 acre battery project. It's one thing to build large, loud industrial buildings that could be toxic and dangerous were an accident to occur, especially with Lithium Ion batteries. But that's why we have an area in Hillsboro for industrial buildings. Why does Jupiter energy get to ignore our zoning laws and plop this thing down wherever they want? I love more industry and work and money coming to Hillsboro but I also think that this is just disrespectful to the folks living there, for many reasons. I've been to power plants, and they're LOUD. I've also seen fires involving lithium ion batteries, and they're extremely dangerous for anyone nearby and hard to deal with. I've also seen countless grass fires start in that area during peak wildfire season, so if a fire starts during summer, and embers spread, you could be looking at some serious damage, especially if said fire decided to hop the road and burn down that entire neighborhood. I've also seen 10 acres before. That's 10 football fields, which is absolutely massive. This is going to be loud, massive, dangerous and unsightly for the residents in the area, and that's just when the project is done, not even to mention what the construction of such a facility will be like. All of these things just make this such a ridiculous and dangerous place to put facility of this nature, and I think many fellow residents will agree with me. Hopefully they have all had a chance to send protest this decision. I think that if this matter was actually being voted on by the public, it would have 0 chances of being build, and so I urge you to speak for the residents of Hillsboro and do whatever you can to get this thing moved somewhere else.

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From: LUT Development
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Friday, August 22, 2025 12:22:02 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 3:19 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 15:18

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Nichole Boom

Email
snikboo@comcast.net

Address
5261 NW Wickiup
Portland, Oregon. 97229

Your Comments
I have serious concerns about the safety of this projects placement. With access to emergency services coming from Cornelius Pass, potentially being severely delayed during rush hour. The traffic is routinely backed up from well past this property to highway 26 and more at times. I am happy to have the batteries in use in our area but it should be more easily accessible at all times.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery Energy Storage Systems Have No Place in Rural Hillsboro
Date: Tuesday, August 19, 2025 12:26:47 PM

From: Olga Yasinskaya <olga.yasinskaya@pcc.edu>
Sent: Sunday, August 17, 2025 2:18 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery Energy Storage Systems Have No Place in Rural Hillsboro

Hi Ms. Sinha,

I hope this message finds you well. I'm writing to express serious concern about the proposed Battery Energy Storage System (BESS) facility at the corner of NW West Union Road and NW Old Pass Road, land that is zoned for agriculture, not industrial infrastructure.

I find it troubling that corporations like BlackRock are being allowed to exploit rural Oregon, while assuming none of the risks that local residents will be forced to live with. These lithium battery facilities carry a well documented risk of fire and toxic gas release, which pose a serious threat to the community as it could devastate nearby farmland.

There has been no clear articulation of benefits to Oregonians, it seems as if there are only benefits to investors. Rural land was never intended for this kind of industrial development, and it's unacceptable that companies can bend zoning laws to plant massive, disruptive facilities in areas meant for homes and agriculture. The constant noise alone undermines the peace of the region and threatens local property values.

If Hillsboro allows this, where does it stop? How many more of these facilities will be shoved into rural communities under the radar? There is no shortage of properly zoned industrial land in this state. If this project must proceed, it should be placed where it belongs, not in the middle of farmland, not in people's backyards, and not in violation of the intent behind zoning laws.

Sincerely,

Olga Yasinskaya

Olga Yasinskaya
She/Her
P: 971-270-6107
E: olga.yasinskaya@pcc.edu

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From: Louisa Bruce
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery Storage Facility Casefile L2500161-SU/D/PLA
Date: Wednesday, August 20, 2025 9:06:14 AM

From: pcwolter@comcast.net <pcwolter@comcast.net>
Sent: Tuesday, August 19, 2025 11:53 AM
To: LUT Planning Commission <lutplanningcommission@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery Storage Facility Casefile L2500161-SU/D/PLA

Dear Commissioners,

I am writing in opposition to the classification of the above casefile as a Type II application. In my view, the staff's interpretation of allowable uses in the AF5 zone re utilities stretches the definition of public good so as to make it unrecognizable. While others have pointed out the statutory deficiencies, I ask you to give equal weight to the public's right to a full hearing, and rights therein, by reclassifying the case as Type III. Then the public good will truly be served.

Please enter my testimony into the public record.

Thank you,

Patricia Wolter
9555 NW 316th Place
Hillsboro, OR 97124

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] LFP storage facility off of West Union
Date: Thursday, August 21, 2025 12:34:20 PM

From: Paul Griffin <phoenix3200mo@gmail.com>
Sent: Thursday, August 21, 2025 12:17 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] LFP storage facility off of West Union

Hi Maitree,

I recently learned of a proposed battery storage system off West Union adjacent to residential houses. I echo many of the other responses you have likely received about this proposed land use.

LFP batteries are inherently dangerous. It should be readily apparent based on the spacing between battery banks, cooling needs, etc. With these kinds of batteries, the question is not *if* they will catch fire, but *when* they will catch fire. See for example several known cases of Tesla vehicles, repair shops, or other facilities. And the proximity of these battery systems to any nearby firehouse is nigh useless - the best known practice for dealing with lithium fires is to "wait it out".

The power draw from these batteries wouldn't even be adjacent - the biggest power draw is server farms to its southwest, which are *not* in line with the transmission lines that lie near the proposed location.

I would regard a battery storage facility more to a chemical storage plant, not a power distribution unit. So the better question is - does AF-5 allow for a commercial chemical storage facility in this location?

Paul

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From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Friday, August 22, 2025 12:21:29 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 3:10 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 15:09

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Phil Van Dyke and Irene Masters

Email
imasters7@yahoo.com

Address
21627 NW West Union Rd
Hillsboro, Oregon. 97124

Your Comments
We strongly oppose the siting of the Jupiter Battery Storage facility in AF-5 zoning. This project poses fire, health, and safety risks to nearby homes and farms and should not be treated as a “Public Utility.” Given the significant public concern and the impacts on surrounding families, this application should not be decided as a Type II administrative matter. I respectfully request that Washington County elevate this proposal to a Type III Public Hearing so that all stakeholders have the chance to participate openly, transparently, and on the public record."

Formal Argument Letter (for filing with Washington County before Aug. 21)

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Your Name: Irene Masters & Phil VanDyke
Address: 17208 NW Ivybridge
City: Portland State: OR Zip: 97229

email/phone
503-939-7396
971-228-9815
PHJL11775@msn.com
IMASTERS7@yahoo.com

property address
21627 NW West Union Rd.
Hillsboro, OR 97124

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. Its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Names- Phillip L. VanDyke

Your Name: Phil VanDyke & Irene Masters
Address: 21622 NW West Union Rd. Hillsboro, OR 97124
City: Hillsboro State: OR Zip: 97124

email/phone 503-939-7396
971-228-9815

Received
AUG 20 20[illegible]
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
✉ maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Name Phillip L. VanDyke

Address 21627 NW West Union Rd.
Hillsboro, OR 97124

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Industrial Battery Storage Facility Comment
Date:	Tuesday, August 19, 2025 12:20:36 PM

From: Priscilla Bradley <priscillabradley70@gmail.com>
Sent: Monday, August 18, 2025 2:55 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Industrial Battery Storage Facility Comment

I object to the 10-Acre Industrial Battery Storage Facility that is being proposed to be located at NW West Union Rd and NW Old Pass RD, maitrayeeWashington County, Oregon.

It would present a Zoning Conflict. The location's AF-5 (Agriculture and Forest on 5-acre Minimum Lots) does not permit industrial-scale battery storage. This project is not a farm or forest.

It would be a Fire and Toxic Gas Risk. Lithium batteries have been know to catch fire, producing toxic plumes of hydrogen fluoride and other gases. It should require specialized firefighting response and evacuation of downwind residences.

It would create Noise Pollution. Typical facilities produce 45-60 dBA from continuously running cooling fans and inverters.

It should be located in an industrial zone, not near rural homes and farms.

It would not reduce power rates for local residences. Owner, Jupiter Power, backed by BlackRock, would be buying power when it is abundant, and then selling it for profit when power prices peak.

Thank you,
Priscilla Bradley, Washington County Oregon resident

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Stop the Jupiter Battery Facility
Date: Tuesday, August 19, 2025 12:26:31 PM

From: Rachael Garrison <rleegarrison@gmail.com>
Sent: Sunday, August 17, 2025 4:05 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Stop the Jupiter Battery Facility

I am a Washington County resident and am appalled at the greed behind the decision to allow the battery farm to move forward without receiving appropriate input from the community. Elected officials and government employees need to work FOR us and not for themselves only.

The site is zoned for rural or farmland, NOT for industrial or “utility” use like you’re trying to get away with.

Those living next to this facility are potentially at risk, including fire and toxic gas release. There is also inadequate emergency response which puts them further at risk.

This area is desirable and it’s important for homeowners to feel secure in their homes, both for safety and as an investment. Having a noisy facility like this will make day to day life more unpleasant and is likely to decrease home values.

Find a zone in Hillsboro that’s already zoned for industrial use and go there!! There is no need to place this right next to homes.

Do the right thing and put a stop to this project.

Rachael Garrison

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From: Kellie Crowdis
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Monday, August 18, 2025 4:27:59 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 9:05 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 09:05

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Rachel Savini

Email
rai.savini11@gmail.com

Address
20350 SW Kirkwood St
Apt 201
Beaverton , Oregon. 97006

Your Comments
No thank you!

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Total disagreement with proposed Battery Plant on West Union
Date: Thursday, August 21, 2025 8:04:53 AM

From: ralph.e.brooks@gmail.com <ralph.e.brooks@gmail.com>
Sent: Thursday, August 21, 2025 7:51 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Cc: 'Ann Ruttan' <annruttan@hotmail.com>
Subject: [EXTERNAL] Total disagreement with proposed Battery Plant on West Union

Attn: Maiteyee Sinha
Senior Planner
Washington County Department of Land Use & Transportation

How can Washington country land use think that placing a battery storage plant in Farm Land is acceptable?
I have so many issues with this proposal I struggle with where to even begin!
If the Hillsboro Herland had not publish the story, the local community would not even have been aware of this proposal

- No public hearing? It appears Washington Country wants to quietly sneak approval of this construction in a residential and farming community with little to no public awareness
- This decision has all the appearance of being driving by hidden back-room decision driven by money being given by the investors to the local officials. This is NOT in the publics best interest!
- And one of the worst offenses is the proposal is a ZONING CONFLCIT. The areas proposed is currently AF-5 rural/farm which would not permit industrial-scale battery plants.
- It would be located next to farms and homes, putting all of them are high risk in case of fire and toxic gas release. Not to mention the inadequate rural emergency response.
- If approved this site would also generate excessive noise from the fans and inverters used, far in excess of that acceptable in a rural community. How would you like this next to your house!
- There is NO local value or benefit from this proposal. No significant family wage jobs created, and no local benefit to the community economy. Just Wall Street-driven speculators looking to make huge profits by buying power during the cheapest periods and selling it back at peak prices.

This proposal is right up there with Washington County and the city of Hillsboro decision to support mega datacenters in this area. The local community will continue to see higher power and water rates, loss of valuable farm land and NO value to the local community.

I strongly disagree with this decision and shame on you for the process being used to seek its

approval with little to no public visibility and feedback.

Ralph Brooks
Neighbor and Forest Park (South) Firewise Leadership

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery farm on West Union and Old Pass rd
Date: Tuesday, August 19, 2025 12:21:22 PM

From: jbjenks@comcast.net <jbjenks@comcast.net>
Sent: Monday, August 18, 2025 10:40 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery farm on West Union and Old Pass rd

I object to the county placing an industrial site on a farm land designation area especially when there is an industrial zone nearby. Please do not allow this to happen. It will infringe on homes and small farm property. We need you to be more responsible to Washington County taxpayers who voted for you to make decisions that have our welfare in mind.
Thank you,
Rebecca Jenkins
4680 NW Malhuer
Portland, Or.

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From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:18:28 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 1:21 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 01:21

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Rebecca Lahti

Email
rebecca.lahti@gmail.com

Address
21770 SW Blaine St
Aloha, Oregon. 97003

Your Comments
Jupiter Power does not belong so close to the agricultural hub of our county. This location poses a zoning conflict & safety risk due to the rural location. Washington County's failure to hold public hearings reflects the lack of transparency that is common hallmark of companies such as Blackrock Acquisition.

Blackrock Acquisition is also a major stockholder in Vistra, who is famous for the Moss Landing Fire in California this year. Moss Landing not only had reoccurring safety incidents, it failed to implement adequate fire safety measures. Heavy metal dust is found miles away from the location.

Is an acquisition company going to ensure the long term safety of their facilities and our farms? Or the company leasing the data center that uses so much of it? Last year, OregonLive.com reported that PGE anticipated "the data centers in Hillsboro will consume 2.2 million megawatt-hours of electricity, nearly as much as all homes in Washington County combined." Data centers & BESS go hand & hand. As should the planning for the safest, most efficient placement of both.

Long-term planning that involves community input is necessary as more data centers require more of our energy. As community members work to reduce energy consumption & environmental damage, it is important to hold businesses accountable as well.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery Facility in Rural Hillsboro
Date: Wednesday, August 20, 2025 2:40:20 PM

-----Original Message-----
From: Regina Layton <diygina@icloud.com>
Sent: Wednesday, August 20, 2025 2:36 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery Facility in Rural Hillsboro

To whom it may concern,

I am writing to object to the proposed battery facility in rural Hillsboro which is not in the public's best interest. Zoning laws exist for a reason, and the proposed facility would violate the present zoning of the proposed site. I'm also concerned about the environmental and safety risks. Such a facility would be better suited to an industrial area. It is also my understanding that this would not benefit the people of Washington County. In a time where the federal government has abandoned commitments to the people, it is more vital than ever that our local governments serve our best interests. Please reject this proposal.

Thank you,
Regina Layton
Hillsboro, Oregon

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Strong opposition to BESS
Date:	Tuesday, August 19, 2025 3:44:39 PM

From: Renee Rutz <reneeru@gmail.com>
Sent: Tuesday, August 19, 2025 3:44 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Strong opposition to BESS

M. Renee Rutz
9825 NW Maring Dr.
Portland, OR 97229
(unincorporated Washington County)

August 19, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

Please accept my strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

I am a member of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. Our farmers rely on well water for their farm operation. They grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.

The proposed location for this battery storage facility near a residential area raises serious

questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

No jobs or income to the area are worth the threat to vital farmland and the people who live there. We can combat the climate polycrisis other ways and protecting the water table is one of them. 50 years from now let's ask our kids which they appreciate more: a livable, farmable space with uncontaminated water or a bunch of batteries? Let's find a better site for this project.

M. Renee Rutz

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Your Name: Tsuan-Chung Chang
Address: 21727 NW West Union Rd.
City: Hillsboro State: OR Zip: 97124

Received
AUG 19 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Your Name: Robert and Beverley Kindley
Address: 20837 NW Old Pass Road
City: Hillsboro State: OR Zip: 97124

RECEIVED
AUG 20 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

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The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Fire water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release hazardous fumes and

chemicals into the air, according to Alsym Energy. The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
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Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Benjamin D. Kimbley
Robert Kimbley

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Jupiter Power LLC 10-acre Battery Energy Storage System project concerns
Date:	Thursday, August 21, 2025 3:03:51 PM

From: Robert Heussner <rwheussner@gmail.com>
Sent: Thursday, August 21, 2025 3:01 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter Power LLC 10-acre Battery Energy Storage System project concerns

Dear Sir,

I read the article in the Hillsboro Herald about the Jupiter Power LLC 10-acre Battery Energy Storage System planned for farmland-zoned property at the corner of NW West Union Road and NW Old Pass Road. I am a homeowner in this area and share the concerns listed for this project, namely:

- **Zoning Conflict:** AF-5 rural/farm zoning does not permit industrial-scale battery plants.
- **Safety Risks:** Fire, toxic gas release, and inadequate rural emergency response.
- **Noise & Incompatibility:** 24/7 fan and inverter noise exceeds rural character standards.
- **Better Siting:** This project belongs in Hillsboro's industrial zones, not next to rural homes.

Please consider my and others input on this matter and seek to reject the proposal based on community concerns.

Regards,
Rob and Wendy Heussner
19380 NW Melrose Drive
Portland, OR 97229
5038471151

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Formal Argument Letter (for filing with Washington County before Aug. 21)

Robert Kindley
20837 NW Old Pass Rd.
Hillsboro, OR 97124

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

email/phone robertkindley@gmail.com
503-645-5131

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Names- Robert Kindley

Addresses

20837 N W old Pass Road
Hillsboro, Oregon 97124

Signatures

Robert Kindler

Robert Kindley
20837 NW Old Pass Rd.
Hillsboro, OR 97124

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

email/phone robertkindley@gmail.com
503-645-5231

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
✉ maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

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  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

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- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Name Robert Kindley

Address 20837 NW OLD PASS Rd
Hillsboro, ORE 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Proposed Battery Energy Storage System (BESS) Facility

Dear Maitreyee Sinha,

I’m writing to express my opposition to the proposed Battery Energy Storage System (BESS) facility proposed for 21393 NW West Union Road, Hillsboro, Oregon 97124.

My opposition for BESS at this location is based on over 20 years working in the renewables industry—developing, building and operating utility scale energy projects. I retired at the end of 2024 as Vice President of Development for a multi-national Independent Power Producer (IPP), with the last several years actively developing BESS and PV projects. I support and endorse BESS installations when they are properly sited, constructed, and operated to minimize harm to people and the environment.

Based on the project location adjacent to residences and other businesses, this project is not properly sited and presents unacceptable risks to its neighbors.

Multiple recent incidents at BESS installation in California highlight the potential risks of BESS in populated areas. One of these incidents was a fire (the 2nd) at a BESS in Moss Landing, California that burned for several days and led to evacuations, air quality concerns, and concerns about impacts to nearby wetlands. As a result of these incidents at BESS facilities, the California Public Utility Commission passed new standards (General Order 167) on March 13, 2025 to improve BESS safety and emergency response plans.

I’m a members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed BESS that we rely on for fresh, locally grown food. Please prioritize the health and safety of residents and the long-term environmental health of the community by rejecting this project application and explore alternative locations that are more suitable for an industrial facility.

Robert Zdebski
9825 NW Maring Drive

Portland, OR
robertzdebski@gmail.com

Attach Documents

- letter-in-opposition-to-bess_rzdebski.pdf (33.76 KB)

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery Energy Storage System (BESS) "Utility Facility" use exception
Date: Thursday, August 21, 2025 1:36:06 PM

From: Ron W. Smith <ronwsmith2002@gmail.com>
Sent: Thursday, August 21, 2025 1:12 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery Energy Storage System (BESS) "Utility Facility" use exception

Dear Ms Sinha,
We live at 6092 NW Landing Dr in the Borgota neighborhood on Landing Drive at the corner of West Union and Cornellius Pass. This is about a half-mile from the proposed lithium-ion battery plant. We are very concerned about the proximity of this location. But it's not just what it could do to our living conditions, it's what it could mean to our neighbors too.

The proposed site is adjacent to the Rock Creek neighborhood with 1800 homes according to the HOA. It is also very close to the North Ridge Apartments with a high concentration of housing units. Another key point to consider is that it is about a half-mile from Liberty High School. Even though this area may appear as an industrial area, it really is not. People live here and go to school here.

Another concern is the fact that a major natural gas pipeline that runs along West Union, down NE Mauzey Ct and next to the Hillsboro School District Transportation yard. This is extremely close to the proposed site. If there were an earthquake or a major fire at the battery facility, evacuation plans would have to account for the pipeline to ensure people were going away from danger and not toward it. The proposed location for the lithium-ion battery facility is adding more risk on top of the risk already here.

There are several news and internet articles posted about the safety about building and maintaining these lithium-ion battery plants. The dangers include fire and explosion risks, toxic gas and runoff, and potential environmental contamination. These risks stem from the inherent characteristics of lithium-ion batteries and their potential to undergo thermal runaway. A quick investigation indicates Oregon has regulations and laws in place to address many of these concerns however it doesn't appear to the level as other states that have already experienced battery plant fires.

One final concern is the potential increase in ambient noise level from the proposed battery plant. This neighborhood already suffers from ambient background noise from traffic on US26 and Cornellius Pass. The battery plant cooling fans, inverters and transformers are known to add another

layer to the ambient noise. This will just decrease the quality of life for the people living here and lower the home values.

The article that requested people to provide comments didn't provide the exact location for the proposed battery plant and implies the proposal is at the corner of West Union and Old Pass Road which is zoned AF-5 (Agriculture and Forest, 5-acre minimum lots). Since West Union is the urban growth boundary, I speculate this is not correct and the proposal is actually on the south side of West Union, west of the newly upgraded substation. This open property is zoned SID I-P (Special Industrial District, Industrial Park). This zoning may allow for something like the lithium-ion battery plant. However, given the safety and noise level concerns, this proposed lithium-ion battery plant should be moved to a heavy industrial site further away from neighborhoods.

I hope you will consider these points in the approval process and recommend the proposed lithium-ion battery plant be located in an area approved for heavy industrial facilities which can accommodate the increased noise level and provide the proper safeguards and emergency response if and when needed. A location further away from neighborhoods and schools.

Sincerely,
Ron & Debbie Smith

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From: LUT Development
To: Louisa Bruce
Subject: FW: [EXTERNAL] Public comment re: Jupiter Battery Facility
Date: Wednesday, August 20, 2025 9:01:51 AM

From: Rowan Gibson <rowan.gibson96@gmail.com>
Sent: Tuesday, August 19, 2025 6:52 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>; LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: [EXTERNAL] Public comment re: Jupiter Battery Facility

Hello,

I am a concerned Oregon resident writing to express my frustrations and worries surrounding the proposed 10-acre Jupiter Battery Facility, currently under a Type II review. The casefile number is L2500161.

There are many issues with this proposal that make it incredibly concerning to me that there will be no public hearing, nor was there an official notice to residents by the County. The risks of battery storage facilities like this- supporting the energy needs of a nearby AI data center also built without a public hearing- cannot be understated. My primary concern is with the safety risks to nearby humans and animals due to fire, toxic gas release and other harmful emissions. Solely in Virginia's Data Center Alley, "backup gas-powered generators are causing an estimated 14,000 cases of asthma symptoms" (source).

This risk is costly, as well: the "public health cost from these emissions is between $220 million and $300 million per year, even if the generators are operating at just 10% of the allowable pollution level. If they were operating at the maximum level allowed by state authorities, the total health cost could surge to between $2 billion and $3 billion annually."
I also think it is important to note that with inadequate rural emergency response, public health risks from this potential process would be exacerbated even further. There are also noise incompatibility issues; 24/7 fan and inverter noise exceeds rural character standards and can disrupt human and animal neighbors of the facility.

In addition to the problems I've already mentioned, there is a zoning conflict with this project: AF-5 rural/farm zoning does not permit industrial-scale battery plants. If this project is to be approved by the County, it should be relocated to Hillsboro's industrial

zones, not next to rural homes directly affecting the residents there.

As an Oregon resident with immunocompromised loved ones, I am especially worried about the risks of harmful air and gas emissions that can cause asthma symptoms (and even asthma-related deaths) as well as exacerbate existing lung conditions. Additionally, as a person concerned for my local environment, I fear for the ecosystems of Washington County that would be impacted by this amount of pollution into our rural areas.

I urge you to please consider denying this proposal, or at the very least relocating the project to Hillsboro's industrial zones. Your rural Oregon neighbors will thank you. And again, I find it extremely concerning how neither this project nor the AI data center itself built without a public hearing. Oregonian communities deserve better; we deserve to know what's going on in our neighborhoods that will directly impact ourselves, our families, our pets, and our ecosystems.

Thank you for your time and consideration.

Sincerely,
Rowan Gibson

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] WA co Battery Facility comment
Date:	Thursday, August 21, 2025 9:22:44 AM

From: Roy S <roynheidi@msn.com>
Sent: Thursday, August 21, 2025 9:22 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] WA co Battery Facility comment

I'm a concerned resident in the rural area west of Cornelius Pass Road. I am rewriting to request the re-siting of the proposed battery storage facility in WA county. The project should be relocated to an industrial zone instead of siting it in AF-5 zoning. AF-5 rural/farm zoning does not permit industrial-scale battery plants. In addition, noise pollution from inverters and fans will exceed rural character standards. Rural residents in the area will face higher safety risks from potential fires and chemical leakage in the event of battery malfunctions/failures. Zoning designations should not be overlooked when siting what is clearly an industrial project.

Please consider resiting this to a location better suited to the project, in an industrial zone, on land that is zoned for such uses. Thank you.

Heidi Siegel

Get Outlook for iOS

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] 10 acre battery farm in rural Washington County
Date:	Thursday, August 21, 2025 9:01:09 AM

From: Ruth Dallas <ruthdallas20@gmail.com>
Sent: Thursday, August 21, 2025 9:00 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] 10 acre battery farm in rural Washington County

Dear Washington County,

I read recently about the proposed battery farm to be sited in property that is zoned for agriculture near West Union Road. This “farm” will sit close to housing and farms. My first objection is that this is a zoning violation. Had a private person attempted to build something non-agricultural at that site they would be denied that use so how is it that our county can break its own rules? Is it really a utility I don’t think it is.

My second concern is noise. Little attention is paid to people in our county suffering from noise pollution but health experts tell us noise especially at night is a significant health risk. It can disturb sleep, and it impairs cognitive performance. Furthermore, evidence from epidemiologic studies demonstrates that environmental noise is associated with an increased incidence of arterial hypertension, myocardial infarction, and stroke. Both observational and experimental studies indicate that in particular night-time noise can cause disruptions of sleep structure, vegetative arousals (e.g. increases of blood pressure and heart rate) and increases in stress hormone levels and oxidative stress, which in turn may result in endothelial dysfunction and arterial hypertension.

It appears this facility will benefit Blackrock Investment firm and offer no benefit to our local economy. I suppose this facility was improved by the county because of the tax revenues it will produce but I believe the people of Hillsboro should know how much revenue will be produced and if that revenue is a reasonable benefit considering the downside effects on our rural communities.

Sincerely,

Ruth Dallas

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From: LUT Development
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Wednesday, August 20, 2025 9:02:37 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Tuesday, August 19, 2025 8:18 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Tue, 08/19/2025 - 20:17

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Ryan Garside

Email
garsideryanj@gmail.com

Address
4804 Northwest Bethany Boulevard St I-2, #241
Portland, Oregon. 97229

Your Comments
I am against the placement of this near schools and growing residential

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Casefile L2500161
Date: Tuesday, August 19, 2025 12:35:06 PM

From: Sabrina Eveland <sabrinaeveland@gmail.com>
Sent: Saturday, August 16, 2025 11:35 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Casefile L2500161

Hello Maitreyee,
My name is Sabrina Eveland and I live at 19810 NW Metolius Dr Portland Or 97229. I'm writing to you because I OPPOSE the battery farm planned in Helvetia. We need to save our rural land. The battery farm is a danger to human health and a giant eyesore that the community does not want. We want to enjoy our local farms and rural areas without big corporations encroaching on our community.
Thank you.

Sabrina Eveland
NASM Certified Personal Trainer
Yoga Teacher & Boxing Coach

Instagram: @rivetfitness

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Battery Facility on Farmland in Hillsboro- Comment
Date:	Tuesday, August 19, 2025 12:25:58 PM
Attachments:	publickey - samojohns@proton.me - 0x559554A8.asc signature.asc

From: Sam Johnson <samojohns@proton.me>
Sent: Sunday, August 17, 2025 6:00 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery Facility on Farmland in Hillsboro- Comment

Hello Maitreyee Sinha,

My name is Sam Johnson, I grew up in Hillsboro and I just recently learned of the proposal by Jupiter Power to build battery containers for lithium ion batteries near residential areas, on farm land. I am deeply frustrated that the county has been trying to quietly let this proposal pass through without warning the residents of Hillsboro about the consequences of building this facility. I am also very concerned about this proposal and how corporations continue to push the boundaries of the rights of citizens.

By passing this proposal, Washington County officials are knowingly putting residents at risk of possible toxic gas, fire, and noise pollution up to 45–60 dBA. This is farmland by zoning and farmland because the residents make it so. Corporations do not care about the residents of our cities. The county officials are supposed to care, and are supposed to be the last line of defense for the public.

By giving this corporation (funded by BlackRock) the ability to build here, they will take every opportunity to take advantage of their legal limits, the residents, and our safety. Time and time again we see counties bend their knees to corporations at the expense of their constituents, and then we see the corporations cause environmental damage, destroy neighboring homes, taking advantage of every single inch you give them.

Why does Jupiter Power need to build here? Right there on farm land, so close to residential areas? If it's only a battery storage facility (for lithium ion batteries) why does it need to be so close to homes? Why does it need to be built on land zoned for farming or rural housing? What happens when Hillsboro needs more farmland?

What will the county do when there are complaints from residents about the gasses, the noise, or other hazards from this facility? There was no "we warned you". You are trying to deceive the people of Hillsboro for an economic bonus. The acceptance of corporations into our literal neighborhoods is what the techno-feudalists, like Peter Thiel and Larry Fink, precisely want- and Washington County city planners are doing their bidding.

Do not give Jupiter Power or any corporation to build on designated farmland or residential land. The people of Hillsboro do not stand for this. You are trying to do this under the cover of darkness because you know that the residents would not approve of this proposal.

Do the right thing- do not pass this permit.

Hillsboro Local,
Sam Johnson (he/him)

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery Facility Opposition
Date: Wednesday, August 20, 2025 9:43:31 AM

From: Sarah Efron <sarah.efron03@gmail.com>
Sent: Wednesday, August 20, 2025 9:27 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery Facility Opposition

Sarah Efron
615 NW Torrey View Lane
Portland, OR 97229
August 20, 2025

Casefile/Project # L2500161-SU/D/PLA

Dear Matrieyee Sinha,
The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.
We are members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. Our farmers rely on well water for their farm operation. They grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.
The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.
The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more

appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,
Sarah Efron

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] re 10 acre jupiter battery facility public comment
Date: Tuesday, August 19, 2025 12:34:48 PM

From: Sarah Farahat <farahat12@gmail.com>
Sent: Saturday, August 16, 2025 10:25 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] re 10 acre jupiter battery facility public comment

Hi I'm concerned about the approval of a 10 acre battery facility and would like you to revoke the permit. Thank you.

--
Best,
Sarah Farahat

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Opposition to battery storage facility on West Union.
Date: Tuesday, August 19, 2025 12:25:33 PM

From: Sarah Richmond <sarahrichmond03@gmail.com>
Sent: Sunday, August 17, 2025 8:11 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposition to battery storage facility on West Union.

Dear Maitreyee Sinha,

I hope this message finds you well. I am writing to express my strong opposition to the proposed construction of a battery storage facility near residential areas on West Union.

It is my belief that such a facility would be more appropriately situated in brownfield sites or areas with existing industrial infrastructure. The current proposed location appears to be in violation of AF-5 rural/farm zoning regulations, which do not permit industrial-scale battery plants.

Upon researching the environmental risks associated with battery storage facilities, I discovered several concerns, including potential hazards during operation and end-of-life disposal. These risks encompass fire and explosion hazards, toxic gas emissions, and the possibility of groundwater contamination.

Given these significant concerns, I urge you to reconsider the location of this facility and seek an alternative site that is removed from residential neighborhoods.

Thank you for your attention to this matter.

Sincerely,

Sarah

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] We oppose 20 acre Battery Energy Storage System location
Date:	Tuesday, August 19, 2025 12:25:41 PM

From: Scott <scott.vanraden11@gmail.com>
Sent: Sunday, August 17, 2025 7:50 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Cc: Patti Lynne Van Raden <patti.vanraden@gmail.com>
Subject: [EXTERNAL] We oppose 20 acre Battery Energy Storage System location

To whom it may concern.

We own the property at 21122 NW Old Pass Road, across the street from the proposed rezoning and development of the battery facility. While we are pro-development this battery facility has potentially very negative environmental impacts and for all those who live and work near it.

Our renters have real concerns about having their family live beside such a facility and how these changes affect their quality of life. They may move elsewhere, leaving us to find others to rent our property. I expect future tenants to have concerns as well. This will surely reduce our rental income.

This facility needs to be placed on industrial land that is zoned for that purpose. Placing it on rural agricultural land outside the established Urban Growth Boundary does not serve the public interest and has the potential to do true harm to the people you serve and protect. The noise alone is reason to locate it elsewhere.

The property for this battery storage facility is currently outside the UGB and zoned AF-5, as is our property. How is it possible to expand the UGB and rezone this property without review?

We are not in favor of seeing our property value decrease or seeing an industrial facility in a rural property with neighbors on all sides being negatively affected.

Please vote against locating this facility in the proposed location.

Scott & Patti Van Raden
15840 NW Windhill Drive
Banks, OR 97106
503-351-4561

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Re: We oppose 20 acre Battery Energy Storage System location
Date: Tuesday, August 19, 2025 12:21:50 PM

From: Deb Tappendorf <d.tappendorf@gmail.com>
Sent: Monday, August 18, 2025 9:01 AM
To: Scott <scott.vanraden11@gmail.com>
Cc: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>; Patti Lynne Van Raden <patti.vanraden@gmail.com>
Subject: [EXTERNAL] Re: We oppose 20 acre Battery Energy Storage System location

Thank you

On Sun, Aug 17, 2025 at 7:49 PM Scott <scott.vanraden11@gmail.com> wrote:

> **To whom it may concern.**
>
> **We own the property at 21122 NW Old Pass Road, across the street from the proposed rezoning and development of the battery facility. While we are pro-development this battery facility has potentially very negative environmental impacts and for all those who live and work near it.**
>
> **Our renters have real concerns about having their family live beside such a facility and how these changes affect their quality of life. They may move elsewhere, leaving us to find others to rent our property. I expect future tenants to have concerns as well. This will surely reduce our rental income.**
>
> **This facility needs to be placed on industrial land that is zoned for that purpose. Placing it on rural agricultural land outside the established Urban Growth Boundary does not serve the public interest and has the potential to do true harm to the people you serve and protect. The noise alone is reason to locate it elsewhere.**
>
> **The property for this battery storage facility is currently outside the UGB and zoned AF-5, as is our property. How is it possible to expand the UGB and rezone this property without review?**
>
> **We are not in favor of seeing our property value decrease or seeing an industrial facility in a rural property with neighbors on all sides being negatively affected.**
>
> **Please vote against locating this facility in the proposed location.**
>
> **Scott & Patti Van Raden**

15840 NW Windhill Drive
Banks, OR 97106
503-351-4561

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Formal Argument Letter (for filing with Washington County before Aug. 21

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Your Name: Sean Ma
Address: 21773 NW West Union Rd
City: Hillsboro State: OR Zip: 97124
email/phone seanma3306@gmail.com / 503-914-9485

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Names-

Your Name: Sean Ma
Address: 21773 NW West Union Rd
City: Hillsboro State: OR Zip: 97124
email/phone seanma3306@gmail.com 503-[illegible]

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Name [signature]

Address 21773 NW West Union Rd
Hillsboro OR 97124

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter Power is not a Public Utility does not qualify to build battery plant in farm land
Date: Tuesday, August 19, 2025 12:27:04 PM

From: shari@hembroff.net <shari@hembroff.net>
Sent: Sunday, August 17, 2025 10:54 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter Power is not a Public Utility does not qualify to build battery plant in farm land

To become a public energy utility in Oregon, a non-profit entity (like a cooperative) or a publicly-owned utility (such as a municipality) needs to obtain authorization to operate within a specific service territory from the Oregon Public Utility Commission (PUC). This typically involves demonstrating financial and technical feasibility, and a commitment to providing reliable service to customers.

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] I oppose the battery facility on West Union
Date: Tuesday, August 19, 2025 12:35:15 PM

From: shari@hembroff.net <shari@hembroff.net>
Sent: Saturday, August 16, 2025 6:50 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] I oppose the battery facility on West Union

I oppose the battery facility proposed for siting on West Union Road. Oregon used to be a leader in environmental regulation and caution. Let's keep our leadership in this effort.

Have you done your homework? Lithium battery storage facilities, while essential for energy storage, pose several dangers including fire and explosion risks, toxic gas and runoff, and potential environmental contamination. These risks stem from the inherent characteristics of lithium-ion batteries and their potential to undergo thermal runaway.

You do know that the Moss Landing battery facility in California had a fire that caused pollutants from the plant to contaminate land and water nearby and sicken people living there?

Do we really need to build a battery facility on agricultural and farmland? Why place this next to rural homes? If we must, there is plenty of industrial land available to site this project. It's noisy, ugly, a safety risk for fire and chemical concerns, not an appropriate rural project,

By the way, why do we even have zoning regulations and land use laws if they are to be abused or ignored with no public hearings and sneaky exceptions/reviews?

Shari MacDonald

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Proposed battery facility
Date: Tuesday, August 19, 2025 12:18:20 PM

From: Sharon <sharonzell@yahoo.com>
Sent: Monday, August 18, 2025 7:39 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Proposed battery facility

- **To whom it may concern:**

  I am a local resident who lives within 5 miles of this proposed project. I strongly oppose it.

  First, it is zoned for rural/farm purposes. In fact, small farms that feed many local neighbors will be negatively impacted by this project.

  There are safety risks that are significant—possible fires or toxic gas releases. Additionally, the current rural emergency response is not adequate to handle an emergency at this type of site, making a possible emergency catastrophic for neighbors.

  This type of project belongs in the industrial zones, which are abundant in Hillsboro—not next to rural homes and farms. Excessive noise is another reason to keep this project in an industrial area, not near families and farms.

  I urge you to block this ill-suited project from being built in our community.

  Thank you,

  Sharon Zell

  503-853-6275

Sent from my iPhone

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Written comment re: battery facility
Date: Wednesday, August 20, 2025 11:39:57 AM

From: Shaunna Trautmann <smholcomb170@gmail.com>
Sent: Wednesday, August 20, 2025 11:03 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Written comment re: battery facility

Greetings, Washington County Commissioners:

I wanted to share my concerns about the proposed battery facility near West Union Road, and was saddened to hear that this is not being discussed in a public forum.

The proposed site is not zoned for this type of use, and should not be. It is near farmland and residential homes, and the risks from this facility are too high for that area. There is significant risk of noise pollution from constantly running fans and inverters to cool the batteries. This type of use is quite industrial, and should be relocated to an industrially zoned area, if this type of build is actually necessary. My current understanding of the zoning is that there is an exception for utilities, but as this is storage I don't believe that meets that requirement to qualify for the exception. I am sure there is currently zoned land elsewhere that is a better fit.

Secondarily, I am concerned about the impacts to our local energy grid and energy costs. Already, residential customers are carrying the burden of electrical and water costs for many of the recent industrial additions, and I have no reason to believe this would be any different.

I urge you all to reconsider (or reject) this proposal. At a minimum, this should not be built in the current location due to zoning.
Sincerely,
Shaunna Trautmann

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Re: Jupiter Power LLC/Black Rock BESS Oregon land takeover proposal
Date: Thursday, August 21, 2025 12:15:56 PM

-----Original Message-----
From: Sheri Hiefield <shiefield@me.com>
Sent: Thursday, August 21, 2025 12:13 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Re: Jupiter Power LLC/Black Rock BESS Oregon land takeover proposal

PS: I would hope that David Doughman (the decision maker in this case) does not have any law business contacts with the entities applying for this land use change and assault to our environment. How is it guaranteed that there is no conflict of interest here? I would hope there is no Quid pro Quo involved.
Sent from my iPad

> On Aug 20, 2025, at 7:27 PM, Sheri Hiefield <shiefield@me.com> wrote:
>
> Case file L2500161
> Sent from my iPad
>
>> On Aug 20, 2025, at 7:14 PM, Sheri Hiefield <shiefield@me.com> wrote:
>>
>> What on earth is Washington County thinking!? This is a ridiculous land use proposal and seems to mostly benefit the Wall Street energy investors (Black Rock)….I do not know why any citizen/board member or county hearing officer or anyone like that would approve this move, unless there was something in it for them personally? Makes no sense. As the International Court of Justice just stated that there is a legal and customary obligation of states under international law and climate treaties to ensure the planet survives the catastrophic impacts of climate change!
>> Oregon should be proud to lead the way in saying no to these
>> profiting energy companies that are looking to use our land, water, and air to line their pockets. Our children and grandchildren are depending on us to leave them a climate that they can live in and enjoy….WaCo citizens have been feeling ripped off by our water and energy bills as it is. There is no good reason to allow this to happen here. Why can't they do it in Texas? To bend over and change the zoning laws for something that is a nuisance to the community would be unconscionable. I would want the decision makers in this to think about how they would like this facility to go in next door to their own personal home. They could listen to the soft hum of the cooling fans on a beautiful cool fall evening (all night long!). They can see their house value drop because no one now would want to live next to it. They can see their home insurance go up as the insurance company realizes their house it more at rustic for fire. And possibly our precious water (especially in the summer) will start to become more scarce and expensive for us simply to live (not making a profit from our water use) This is beyond frustrating that any of us needs to take the time to point out that this is a terrible idea. Maybe, the slick lawyers are presenting some skewed data, but I implore you to think about who this is good for.
>>
>> Sheri Hiefield -Washington
>> County Resident
>>
>> Sent from my iPad

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From: LUT Development
To: Louisa Bruce
Subject: FW: [EXTERNAL] Re: How does someone become the County Hearing Officer?
Date: Friday, August 22, 2025 12:19:30 PM

-----Original Message-----
From: Sheri Hiefield <shiefield@me.com>
Sent: Thursday, August 21, 2025 12:09 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: [EXTERNAL] Re: How does someone become the County Hearing Officer?

PS: I would hope that the law firm that David Doughman has connections with, has never consulted with or been involved with this new proposed Texas Based Energy BESS with Jupiter Power LLC? How do the citizens make sure that there is no conflict of interest or Quid Pro Quo?
Sent from my iPad

> On Aug 20, 2025, at 7:55 PM, Sheri Hiefield <shiefield@me.com> wrote:
>
> Just wondering how one single person can make a final land use decision in something that would affect the community's climate and resources? Did we vote for this person….Do we know that this person does not have any self or financial interest in the decisions being made. I know I should know how this works, but I tried to look at how they are placed in the position that they hold and I did not see that readily on the website.
> Thank you,
> Sheri Hiefield-WaCo resident.
> Sent from my iPad

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter Power LLC/Black Rock BESS Oregon land takeover proposal
Date: Wednesday, August 20, 2025 8:34:12 PM

-----Original Message-----
From: Sheri Hiefield <shiefield@me.com>
Sent: Wednesday, August 20, 2025 7:14 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter Power LLC/Black Rock BESS Oregon land takeover proposal

What on earth is Washington County thinking!? This is a ridiculous land use proposal and seems to mostly benefit the Wall Street energy investors (Black Rock)….I do not know why any citizen/board member or county hearing officer or anyone like that would approve this move, unless there was something in it for them personally? Makes no sense. As the International Court of Justice just stated that there is a legal and customary obligation of states under international law and climate treaties to ensure the planet survives the catastrophic impacts of climate change!
Oregon should be proud to lead the way in saying no to these profiting energy companies that are looking to use our land, water, and air to line their pockets. Our children and grandchildren are depending on us to leave them a climate that they can live in and enjoy….WaCo citizens have been feeling ripped off by our water and energy bills as it is. There is no good reason to allow this to happen here. Why can't they do it in Texas? To bend over and change the zoning laws for something that is a nuisance to the community would be unconscionable. I would want the decision makers in this to think about how they would like this facility to go in next door to their own personal home. They could listen to the soft hum of the cooling fans on a beautiful cool fall evening (all night long!). They can see their house value drop because no one now would want to live next to it. They can see their home insurance go up as the insurance company realizes their house it more at rustic for fire. And possibly our precious water (especially in the summer) will start to become more scarce and expensive for us simply to live (not making a profit from our water use) This is beyond frustrating that any of us needs to take the time to point out that this is a terrible idea. Maybe, the slick lawyers are presenting some skewed data, but I implore you to think about who this is good for.

Sheri Hiefield -Washington
County Resident

Sent from my iPad

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Re: Jupiter Power LLC/Black Rock BESS Oregon land takeover proposal
Date: Wednesday, August 20, 2025 8:34:27 PM

-----Original Message-----
From: Sheri Hiefield <shiefield@me.com>
Sent: Wednesday, August 20, 2025 7:27 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Re: Jupiter Power LLC/Black Rock BESS Oregon land takeover proposal

Case file L2500161
Sent from my iPad

> On Aug 20, 2025, at 7:14 PM, Sheri Hiefield <shiefield@me.com> wrote:
>
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> Oregon should be proud to lead the way in saying no to these profiting
> energy companies that are looking to use our land, water, and air to line their pockets. Our children and grandchildren are depending on us to leave them a climate that they can live in and enjoy….WaCo citizens have been feeling ripped off by our water and energy bills as it is. There is no good reason to allow this to happen here. Why can't they do it in Texas? To bend over and change the zoning laws for something that is a nuisance to the community would be unconscionable. I would want the decision makers in this to think about how they would like this facility to go in next door to their own personal home. They could listen to the soft hum of the cooling fans on a beautiful cool fall evening (all night long!). They can see their house value drop because no one now would want to live next to it. They can see their home insurance go up as the insurance company realizes their house it more at rustic for fire. And possibly our precious water (especially in the summer) will start to become more scarce and expensive for us simply to live (not making a profit from our water use) This is beyond frustrating that any of us needs to take the time to point out that this is a terrible idea. Maybe, the slick lawyers are presenting some skewed data, but I implore you to think about who this is good for.
>
> Sheri Hiefield -Washington
> County Resident
>
> Sent from my iPad

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From: Melissa De Lyser
Sent: Friday, August 22, 2025 10:55 AM
To: sherrydugan@gmail.com
Cc: Board of County Commissioners; Stephen Roberts; Carol Johnson; Erin Wardell
Subject: RE: Data Center in Hillsboro (1)
Attachments: Land Development Process Fact Sheet - April 20.pdf

Hello Sherry:

Thank you for your email. I am the Communications Manager for the Washington County Department of Land Use & Transportation, and I have been asked to respond to your email on behalf of the Board of Commissioners.

We appreciate you taking the time to share your concerns regarding the application submittal for a proposed Battery Energy Storage System. This application is subject to a Type II development review process, which does not require a public hearing. (See attached The Land Development Process: Types I, II and III.) Please visit our Frequently Discussed Development Applications webpage to review the application and related documents.

While your email has been shared with the Washington County Board of Commissioners, please know that the Board does not have a role in reviewing development applications.

Thank you again for your email.

Best,

Melissa De Lyser

Melissa De Lyser
PUBLIC AFFAIRS AND COMMUNICATIONS MANAGER

503-846-4963 · cell: 971-713-9658
www.washingtoncountyor.gov · wc-roads.com
melissa_de_lyser@washingtoncountyor.gov

———————— Forwarded message ————————

From: Sherry Dugan

Date: Aug. 20, 2025 6:01pm

Subject: Data Center in Hillsboro

To: bcc@washingtoncountyor.gov

Dear Commissioners,
I am writing to voice a negative voice on the proposed data center being built in Hillsboro on West Union & old Cornelius road by the Meating Place.
That location is just a few miles on each side by housing tracks, schools, apartment complex and rural areas that need to be protected.
My understanding is that there was no public hearing on this decision.
I will remember this decision next time any of you run for office again.
Why you would be deciding this without public input is beyond my understanding.
If anything does ever happen & puts people's lives or areas that could be harmed by this decision, you should be blamed for it and held accountable.

Washington County resident,
Sherry Dugan

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] 10-Acre Jupiter Battery Facility Comment
Date: Wednesday, August 20, 2025 9:45:03 AM

From: Shirvonne Hall <shirv10@gmail.com>
Sent: Wednesday, August 20, 2025 3:43 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] 10-Acre Jupiter Battery Facility Comment

As a former citizen and current frequent visitor of Hillsboro, Oregon, I, Shirvonne Austin-Hall, abhorrently reject this proposed 10-acre Jupiter Battery Facility on AF-5 zoned property at NW West Union Road and NW Old Pass Road.

Zoning Conflict:

Af-5 rural/farm zoning DOES NOT permit battery energy storage system (BESS) facilities. This zoning primarily focuses on supporting agricultural activities (i.e. farming), preserving natural resources, and allowing for some residential development. Placing any forms of industrial-scale battery plants in this zone will cause irreversible damage to not only the plant and wildlife, but the neighboring humans in the area as well.

Noise Pollution: Battery energy storage systems (BESS) can cause noise pollution in rural areas due to its 24/7 operational elements like inverters, cooling systems, and transformers. This can impact residents' sleep, communication, and the overall quality of life of those living near BESS facilities. This noise also has huge negative impacts on wildlife and the ecosystem by disrupting animal communication, navigation, and breeding patterns leading to a significant decrease in wildlife population. This disruption in the food chain can alter the habitat by reducing its biodiversity, causing negative irrefutable change in the ecosystem.

Incompatibility: This proposed area of NW West Union Road and NW Old Pass Road is known for its residential, rural, and school zones. I, personally, have friends and family that all live within a 3 mile radius from there. My parents live 4 miles away from the area. Just three minutes away (1.2 miles) from this proposed area is home to Liberty High School, which is an essential to the Hillsboro School District, consisting of a population of more than 1,400 students annually. As someone who once attended Century High School, Liberty High School is one of the focal points in the district and holds many events like graduations and sports-related events from other schools due to its more spacious gymnasium and sports fields. By building a BESS in this location, it puts ALL

CHILDREN AND THEIR FAMILIES AT RISK OF EXPOSURE FROM HAZARDOUS SUBSTANCES.

Safety Risks:

Thermal Runaway: Battery energy storage systems (BESS) can release a multitude of toxic gases and substances when there is any type of failure, especially when thermal runaways (which lead to fires) occur. Thermal runaways are uncontrollable chain reactions that are caused by short circuits, mechanical damage, overcharging, and extreme temperatures.

Off Gassing: The gases that are released from BESS are highly flammable and toxic. Extremely dangerous gases like carbon monoxide, hydrogen fluoride, hydrogen cyanide, and formaldehyde are emitted during these failures, as well as volatile organic compounds (VOCs) such as ethylene, acetylene, and 1,3-butadiene. An explosion can occur if the gas is able to reach its lower explosive limit before finding an ignition source. This happened in 2019 in Surprise, Arizona.

Hydrogen fluoride alone can cause severe health effects, ranging from skin and eye burns to respiratory issues and even mortality. When mixed with water, hydrogen fluoride becomes hydrofluoric acid; which is an extremely dangerous strong acid that can cause severe tissue damage and even death. Ingestion or inhalation of fumes and vapors with unintentional and intentional exposures present dermal burns, eye injury, acute respiratory symptoms, as well as causing systemic fluoride toxicity including cardiovascular, renal, pulmonary and neuromuscular symptoms. Seeming how the proposed BESS in Hillsboro is located in the state of Oregon, which is known for its annual rainfall throughout all seasons, this is a major health and environmental risk.

Monterey County Battery Site Fire: Hazardous concentrations of heavy metals like nickel, manganese, and cobalt have also been reported in neighboring soil samples just days after a lithium ion battery storage facility caught on fire in Monterey Co, California in 2025. Scientists were shocked by their findings: levels of manganese, nickel, and cobalt measured on the surface of the soil were found to be hundreds to thousands of times as much as the concentrations in the surface soil before the fire compared with levels measured deeper in the soil. These concentrations are a direct link to the BESS fire. In addition, extremely toxic gas hydrogen fluoride was emitted into the atmosphere, with residents reporting headaches, nausea, eye and skin burn irritations, and a metallic taste in their mouths. The Environmental Protection Agency (EPA), due to obvious corruption within the federal government, did not conduct a proper investigation;

including an absence of soil and water testing, which had to be completed by local and state health agencies instead. The soil samples suggest there could be long term environmental and health effects from the fire.

Stranded Energy: This occurs when a battery has no safe way of discharging its stored energy. This commonly occurs after an energy storage system (ESS)fire has been extinguished and the battery terminals have been damaged. Because it still contains an unknown amount of electrical energy, this is an extreme shock hazard to those working with the damaged ESS. Stranded energy can also lead to reignition of a fire within minutes, hours, or even days after the initial event.

Inadequate Rural Emergency Response: AF-5 zoning poses many challenges for proper emergency services. Spread-out communities and greater distances between residents and emergency services lead to increased response times. In these rural communities, limited resources, including funding, equipment, supplies, and properly trained personnel for agencies like fire departments, EMS, and law enforcement are all exacerbated in AF-5 zoned areas. There are many challenges with infrastructure that also plays a role in emergency response due to inadequate communications and warning systems in rural areas.

Better Siting:

This proposed project of a 10-acre battery energy storage system facility belongs in an industrial zone, not in rural/residential areas.

Safety and Risk Mitigation: Because there is a major risk of thermal runaways and fires, industrial zones offer larger setback distances from residential areas. This helps minimize the potential effects on residents in the event of an incident.
Infrastructure Requirements: BESS facilities require access to robust electrical grids and substations for efficient power transmission. AF-5 zones are not designed for large-scale or high-density industrial developments like energy storage systems.

Reduced Community Impact: Placing BESS facilities in industrial areas minimizes noise and visual impacts on surrounding communities. Industrial zones are designed to accommodate this type of infrastructure and activities because BESS can be buffered by other industrial development, roadways, and rail lines.

Conclusion:

This proposed 10-acre Jupiter Battery Facility on AF-5 zoned property at NW West Union Road and NW Old Pass Road is a blatant attack of state law and regulation, as well as an extreme assault on the ecosystem and health of neighboring citizens/occupants. Therefore, this project SHOULD NOT BE APPROVED.

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Your Name: Judith Solanki
Address: 20800 NW Wallula Ct
City: Portland State: OR Zip: 97229

RECEIVED
AUG 15 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

RECEIVED
AUG 15 2025
PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Judith Solanki

Your Name: Sonja Kindley
Address: 20837 NW Old Pass Rd.
City: Hillsboro State: OR Zip: 97124

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

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Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchtone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Fire water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release hazardous fumes and

chemicals into the air, according to Alsym Energy. The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

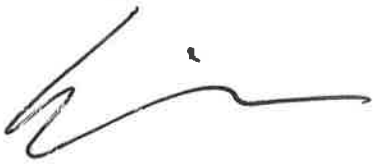
- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Developing Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Developing Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,



From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter Power Proposal Homeowner Feedback
Date: Thursday, August 21, 2025 3:03:41 PM

From: Soorya Rangan <soorya.rangan@gmail.com>
Sent: Thursday, August 21, 2025 3:01 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter Power Proposal Homeowner Feedback

Dear Ms. Sinha,

I'm writing as a nearby homeowner to convey some significant concerns regarding the proposed Jupiter Power battery facility, particularly its siting in an AF-5 rural/farm zone.

Notice & Transparency
Many neighbors, myself included, were baffled by confusing or mishandled notices about the project and have had difficulty accessing relevant documents. This lack of clear communication undermines our ability to meaningfully engage in the review process.

Zoning & Land-Use Integrity
The AF-5 designation is intended for agricultural or rural residential use, not heavy industrial development. Approving this facility risks setting a troubling precedent by eroding the foundations of land use protections in this community.

Safety & Emergency Readiness
Large scale battery systems carry well documented risks including thermal runaway, fire hazards, and potential release of toxic gases. Incidents in Moss Landing and Otay Mesa, California, highlight how explosive and dangerous such events can be, and our local emergency services are not equipped to manage such emergencies effectively.

Noise & Community Character
Continuous operation of cooling fans and inverters would introduce persistent industrial noise incompatible with the quiet and pastoral nature of our rural area, affecting our quality of life.

Suggested Alternative
I strongly urge the County to require that battery storage of this scale be sited within established industrial zones, locations better suited for such infrastructure, with appropriate safety measures, auxiliary services, and zoning support in place.

Thank you for your attention to these serious concerns. I respectfully request transparency in the review process and thorough consideration of alternative, more suitable siting options.

Sincerely,

Soorya Rangan

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Casefile/Project # L2500161-SU/D/PLA
Date:	Tuesday, August 19, 2025 12:20:28 PM

From: Stephanie Adams-Santos <stephanieadams@gmail.com>
Sent: Monday, August 18, 2025 3:10 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>; Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Casefile/Project # L2500161-SU/D/PLA

Hi Maitreyee,
Can you confirm you received my previous letter? I'm happy to resend if it didn't reach you.
I would also like to add this follow up to my earlier comments:

August 18, 2025

Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and Zoning Change

Dear Maitreyee Sinha and Members of the Planning Committee,

The undersigned strongly reject the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road, Hillsboro, Oregon 97124, and the requested zoning change to accommodate it. The project would place a highly hazardous industrial facility directly adjacent to the Bendemeer Road Neighborhood, Rock Creek residential area, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and multiple businesses.

In addition to the serious safety, environmental, and quality-of-life concerns already detailed in previous letters—fire hazards, potential groundwater contamination, noise, property value depreciation, and inadequate emergency response—we are compelled to add the following urgent moral and social objections:

The proposed facility, known as Jupiter, is owned by BlackRock, a global investment firm whose CEO, Larry Fink, is the second-largest shareholder in prison corporations GEO Group and CoreCivic. These companies, with over $2 billion in contracts with Immigration and

Customs Enforcement (I.C.E.), are responsible for 70% of all immigration detention, including the caging of children and the separation of families both at the border and within the United States. Approving this facility would be a direct financial and political support to a company complicit in the ongoing terror and dehumanization of immigrant communities, concentration-camp style detention, and the undermining of democratic values.

It is morally indefensible and socially unacceptable for our neighborhood to bear the risks of this industrial facility while enriching corporations that profit from human suffering and mass incarceration under the guise of "green energy." We cannot, and will not, allow our community to be complicit in this exploitation.

We urge the Washington County Planning and Development Services to reject this project entirely and reject companies that profit off of community harm under the guise of green energy. Public safety, community well-being, and basic human decency demand no less.

We request a written response confirming that the committee will consider the full scope of these objections and act to protect both our neighborhood and the broader ethical integrity of the community.

Thank you for your urgent attention to this matter.

Sincerely,

Stephanie Adams-Santos

7345 NW 214th PL

Hillsboro, OR 97124

857-222-6637

"But I welcome the darkness where the two eyes of that soft panther glow." —Clarice Lispector
www.obscurobeach.com
(857) 222-6637
pronouns: She/They

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter/ BESS facility comment
Date: Tuesday, August 19, 2025 12:28:05 PM

From: Stephanie Adams-Santos <stephanieadams@gmail.com>
Sent: Friday, August 15, 2025 8:49 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter/ BESS facility comment

Dear Washington County Planning Staff,

I am writing in deep opposition to the proposed 10-acre Jupiter Battery Facility in rural Hillsboro. For my family, this is not just "rural land" — it is our home, our sanctuary. We moved here 30 years ago because of the oak savannahs, the quiet fields, the peacefulness and presence of nature. It is what first drew us here, what has held us for decades, and what has given us our sense of safety and belonging.

Now we feel helpless as decision after decision is made without us. Our home is only a 30-second walk from the proposed BESS facility. My mother, who is still recovering from cancer, depends on the quiet beauty and living presence of our surroundings as part of her healing. I am a poet, writer, and instructor at PNCA, and this landscape has been vital to my work, my spirit, and my survival. Just months ago, I watched a bobcat and her cubs shelter near the very property where this facility would be built. The thought of our sanctuary being replaced by yet another industrial scar is devastating.

The risks are worrisome and unfair to impose on a residential neighborhood simply because we are "rural": fire danger, toxic pollution, constant noise, devaluation of our homes, and the ongoing destruction of fragile habitat. Beyond these dangers is the deeper harm — the slow, relentless loss of the very character of this place. To learn of this project only from a neighbor, with no notice or hearing, leaves us feeling invisible and powerless.

I also want to raise concerns about transparency. Recently, fiber optic cables were installed underground in our area without any notice to residents. Was this connected to the Jupiter Battery Facility? Were preparations already being made before the public had any chance to respond? Will you truly listen to those of us who live here, or has the decision already been made?

I urge you to deny this permit. Please do not allow yet another piece of Hillsboro's rural land — our homes, our health, our sanctuary — to be sacrificed for corporate profit.

Sincerely,

Stephanie Adams-Santos
7345 NW 214th PL
HILLSBORO, OR 97124
857-222-6637

Inline image

"But I welcome the darkness where the two eyes of that soft panther glow.”
—Clarice Lispector
www.obscurobeach.com
(857) 222-6637

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Your Name: Stephanie Adams-Santos
Address: 7345 NW 214th PL
City: Hillsboro State: OR Zip: 97124

Received
AUG 19 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

We can't begin to tell you how upsetting this is. We have had our home here for over 30 years & rely 100% on groundwater. As fire risk increases with climate change - we are scared. please don't do this to us.

Your Name: Stephen Thomas Adams
Address: 7345 NW 214th PL
City: Hillsboro State: OR Zip: 97124

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

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The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery site West Union old pass rd
Date: Tuesday, August 19, 2025 12:27:38 PM

From: Steve Bacon <steven.bacon@gmail.com>
Sent: Sunday, August 17, 2025 8:20 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery site West Union old pass rd

AF-5 rural/farm zoning does not permit industrial-scale battery plants
This belongs in industrial land and the ef radioactivity will be at unsafe levels in a radius of miles with degrading health to the community.
S

Sunset Recreational Vehicles Inc.
1018 Elm St
Forest Grove Or 97116
866-784-6469
M-F 9am-6pm S 10am-4pm
Closed Sundays
sunsetrvs.com

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From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] 10 acre battery facility in rural homes
Date:	Tuesday, August 19, 2025 2:08:39 PM

From: Steve Klier <sjklier@live.com>
Sent: Tuesday, August 19, 2025 2:08 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] 10 acre battery facility in rural homes

I am writing calling for public hearings on this project. The county is asking for written comments by 8/21 but there has been little to no publicity about this project. This project needs an incredible amount of transparency due to several factors:

This project could have a very negative effect on values of the surrounding properties.

This project should be located in an industrial site not on property zoned as farmland

This project has the potential for fire and high toxic gas risk

Batteries need to be cooled so there is the potential for noise pollution from cooling fans and inverters.

If this project is allowed to go forward without public hearings and lots of transparency I believe that all people involved in these decisions should be held personally responsible when things go wrong. This is rural farmland and should not be used for a project that is industrial in nature. Why is there no transparency to the public on this project? The people deserve to know all there is to know about hazardous projects such as this, especially if it is to be built on farmland!!!

Steve Klier
503-828-2432
sjklier@live.com

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To: Maitreyee Sinha, Senior Planner maitreyee_sinha@washingtoncountyor.gov

From: Strong Towns North Plains

Re: Casefile L2500161-SU/D/PLA

Date: 21 August 2025

Testimony:

Strong Towns North Plains opposes the siting of the Jupiter Battery Storage facility in AF-5 zoning. This project poses fire, health, and safety risks to nearby homes and farms and should not be treated as a “Public Utility.”

Given the significant public concern and the impacts on surrounding families, this application should not be decided as a **Type II administrative matter**. We respectfully request that Washington County elevate this proposal to a **Type III Public Hearing** so that all stakeholders have the chance to participate openly, transparently, and on the public record.

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:25:47 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 8:13 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 08:13

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Sunshine McFaul

Email
luvdmb36@hotmail.com

Address
812 NW 118th Ave
Apt101
Portland, Oregon. 97229

Your Comments
This development can NOT happen
in this rural area. The potential harmful ramifications are too great. DO NOT ALLOW THIS TO HAPPEN. NO.

August 20, 2025

Received
AUG 21
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Susan Arney
21163 NW Old Pass Road
Hillsboro, OR 97124

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13
Hillsboro, Oregon 97124

Casefile/Project# L2500161-SU/D/PLA
Proposed Battery Energy Storage System (BESS)

Subject: Intense Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Maitreyee Sinha,

I am writing as a resident of the Bendemeer neighborhood to express my strong opposition to the approval of a permit for the proposed Battery Energy Storage System (BESS) facility. While I support responsible renewable energy integration, the siting of this project in a residential area raises serious concerns regarding public safety, environmental protection, and community well-being. I realize the zoning here is AF-5, but please consider that Bendemeer is actually an old neighborhood of homes grandfathered into this zoning.

1. Public Safety and Fire Risk
Large-scale lithium-ion battery installations pose significant fire risks due to the potential for *thermal runaway*. These fires are notoriously difficult to extinguish, can burn for days, and release toxic gases including hydrogen fluoride. Locating such a facility near homes places residents at risk of evacuation or exposure. It is unclear whether our local fire department is adequately trained or equipped to handle such an incident, and whether appropriate fire suppression and emergency response plans are in place.

2. Groundwater and Well Protection
All homes in our neighborhood rely on *individual wells* for drinking water. A chemical release—whether from a leak, spill, or contaminated firefighting runoff—could infiltrate the groundwater and permanently compromise our water supply. To date, I have seen no hydrogeologic study, groundwater monitoring plan, or containment strategy to safeguard residents' wells. Without these protections, this project poses an unacceptable risk.

3. Noise and Quality of Life Impacts
Battery systems require constant cooling, often through industrial-scale HVAC fans, which generate continuous noise. This type of noise pollution is incompatible with the residential and semi-rural character of the Bendemeer area. The project would also introduce 24/7 lighting, fencing, and security cameras that further degrade neighborhood livability.

4. Property Values and Land Use Compatibility
Placing an industrial-scale energy facility within a residential neighborhood is incompatible with the intent of our zoning. The presence of high-voltage equipment and large shipping-container-sized battery units will negatively affect property values and alter the character of the community.

5. Precedent and Better Siting Options
Approving this project would set a troubling precedent for siting heavy industrial infrastructure in residential zones. There are more suitable locations for energy storage—such as industrial parks located nearby and close to numerous data centers—where risks to public safety and environmental resources would be minimized. Consider that Jupiter is more than able to site this facility in other locations.

Conclusion
For these reasons, I urge the Planning Commission to reject the permit application for a BESS facility in the Bendemeer neighborhood. If the County chooses to proceed with consideration, I respectfully request that comprehensive independent studies be required—covering groundwater protection, fire risk, noise, and property value impacts—before any decision is made. I also request that this permit application be elevated to a Type III allowing more public input and affording us a hearing process.

As a resident of Bendemeer I am not opposed to renewable energy, but I believe that public safety, environmental integrity, and community well-being must come first.

Thank you for your time and consideration.

Sincerely,

Susan Arney

Susan Arney
Bendemeer Resident

August 20, 2025

Susan Arney
21163 NW Old Pass Road
Hillsboro, OR 97124

Received
AUG 21 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13
Hillsboro, Oregon 97124

Casefile/Project# L2500161-SU/D/PLA
Proposed Battery Energy Storage System (BESS)

Subject: Intense Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Maitreyee Sinha,

I am not opposed to BESS facilities. I recognize the need for new power sources to meet the need of growing technology. I understand the desire to locate the BESS in this general area. My concern is that the location chosen is in an old, established neighborhood.

The area is the Bendemeer neighborhood. We are zoned AF-5. County record -348 – AGRICULTURE AND FOREST DISTRICT (AF-5) Intent and Purpose reads:

> The AF-5 District is intended to retain an area's rural character and conserve the natural resources while providing for rural residential use in areas so designated by the Comprehensive Plan.

In order to site the BESS in the AF-5 zone, an exception is being sought as a Utility. This is my first indication that this facility does not belong in this location. The 5 in the zoning name refers to the requirement that each parcel be at least 5 acres. The Bendemeer neighborhood is an exception to that, consisting of about 60 parcels varying from 1 to 3 acres. This was grandfathered into the zone many years ago. This is a well established residential neighborhood. The BESS facility does not fit with the intent and purpose of the zone at the 5 acre designation and certainly does not in any way fit adjacent to the Bendemeer neighborhood.

Jupiter is a large company with the resources and ability to locate this BESS in any location they choose. I feel this facility would be better located in the large industrial area beginning across the street from the current proposed site and occupying land from there to Evergreen Blvd. This area is home to many data centers and other large industrial companies.

Let me tell you about the Bendemeer neighborhood that this facility would become a part of. My husband purchased one of the plats in the new neighborhood in the late 1940's after returning from serving in the Army in WWII. He lived in the house he built here until his health required him to move for additional care in 2013.

This neighborhood is the home of many families. I am now a senior citizen. I have lived here almost 50 years. One neighbor is the 4th generation of her family to live here. Next door to me live a young couple and their 2 year old daughter. Another neighbor is a couple and their three school age children.

Please understand this is an old, established residential neighborhood. This is my home. It is my desire to maintain the quality of life that I enjoy here. The siting of a BESS facility adjacent to my neighborhood would certainly negatively impact that quality of life in many ways.

You would not begin to consider placing this facility adjacent to Rock Creek neighborhood or in the heart of Bethany. Please reject this proposal to locate this adjacent to Bendemeer. Jupiter has the ability and resources to locate this facility in many other locals.

Sincerely,

Susan Arney

Susan Arney
A Bendemeer resident

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] 10-acre Battery Storage Facility in Hillsboro at NW West Union Rd
Date:	Tuesday, August 19, 2025 12:17:32 PM

From: Susan Gorgas <slgorgas@gmail.com>
Sent: Monday, August 18, 2025 9:40 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] 10-acre Battery Storage Facility in Hillsboro at NW West Union Rd

Dear Maitreyee Sinha,

This letter is to express my extreme opposition to Hillsboro allowing the 10-acre Battery Storage Facility to be built on the farmland-only zoned property at the corner of NW West Union Rd and NW Old Pass Rd in Hillsboro.

Why would we allow an industrial-scale battery plant to be built in an Af-5 rural zoned area? We have rural homes and farmland there! There should not be exceptions to zoning - else why bother assigning zoning laws?

SAFETY is an issue. These battery facilities are a FIRE hazard, a TOXIC GAS hazard and probably present other hazards that we don't know about. As far as I know, we aren't even set up for that kind of emergency response.

Also, the NOISE POLLUTION from the fans and inverters - from what I've been told - is obnoxious; and it's not meant to be imposed on people and farm animals in what is zoned RURAL.

Property values will go down for all who live near this battery facility that has no business being built there.

This type of industrial energy project belongs in one of Hillsboro's Industrial zones. That's why we have them!

Please don't ruin our rural farmlands and our rural families' ways of life. There is already too much farmland and rural land being destroyed to use for technology and other. We have zoning ordinances for a good reason.

Please put this energy project where it belongs: in an area ALREADY zoned for industry - and NOT in an area zoned for farmland/rural.

Thank you.

~ Susan L. Gorgas

14505 NW Rock Creek Rd, Portland, OR 97231

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Development Case File No. L2500161-SU/D/PLA
Date: Tuesday, August 19, 2025 12:26:39 PM

From: Susan Stoltenberg <wominsport@gmail.com>
Sent: Sunday, August 17, 2025 2:48 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Development Case File No. L2500161-SU/D/PLA

I am a neighbor living less than a mile away from the planned development of "Special Use & Development Review for a Utility Facility (Battery Energy Storage System), and a Type I Property Line Adjustment (for consolidation of parcels) in the AF-5 District." Please understand the following as my request to be included and informed about all meetings/hearings/proceedings related to the development that is subject of this Case File No. L2500161-SU/D/PLA.

I am first concerned that there has been no notification of those of us who own property in the vicinity (specifically Rock Creek area). Yet there is a request to change the classification of AF-5 (Agricultural/Forestry - 5 acre minimum) to afford installation of a Battery Storage Energy System; and to merge 2 parcels (presumably to meet the 5 acre minimum?). I understand it is technically within CPO 8's "jurisdiction", however that does not necessarily mean others of us in this area should be excluded from knowledge and involvement in a public process.

I am concerned on several levels:

1. Why is there not a required open public notification and input process for changing the land use for this purpose, which does not appear to be either farming nor forestry? I reviewed CPO 8's minutes, and there is no indication of this having been presented in the past few months?
2. How does this Development impact:

    a. increased employment in Washington County?

    b. increased tax revenues for Washington County?

    c. increased infrastructure (schools, roads, sewers, water, fire/police/emergency medical services, electricity, gas, housing) for

Washington County

d. what relationship does this development have to the priorities defined by existing land use laws/plans for Washington county? I understand it is outside the UGB: that does not afford it unlimited variable uses.

e. who profits from the sale and change of use of this property?

f. who profits from the proposed use of the property, and to what extent ?

g. what will impact on our community with regard to noise? traffic?

3. Why were other properties close to or owned by the heaviest users of the energy (e.g. Intel) not selected when there appears to be an abundance of available land much closer to these heavy users.

I respectfully request that this matter be opened to the public in surrounding areas, including CPO 8 and beyond, including Rock Creek. Thank you.

Susan I. Stoltenberg
5535 NW Innisbrook Place
Portland, OR 97229
wominsport@gmail.com
503-998-0137
"People will forget what you said, people will forget what you did, but ***people will never forget how you made them feel.*****"**

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter Battery Facility
Date: Tuesday, August 19, 2025 12:15:20 PM

From: Susie Luther <susielu5@msn.com>
Sent: Tuesday, August 19, 2025 11:12 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter Battery Facility

Dear Ms. Sinha,

I live very near the proposed site of the proposed 10-acre Jupiter Battery Facility and am extremely concerned about the impact this will have on our community. It seems that every so often a community has a chance to hold onto what makes it so unique and this is just that opportunity. We don't have to impose changes to our current zoning or even try to find ubiquitous efforts to challenge these thoughtfully crafted restrictions. This is a chance to stand for what defines our county – natural beauty, breathtaking vistas, and authentic, thoughtful planning. Do these values align with this proposal? No!

I don't object to industrial progress, although this one seems a bit off-kilter in many ways, but why not put it in a more industrial location than next to homes where people will have to deal with the safety risks and noise a project like this will bring to our community?

Please consider the legacy your predecessors left for all of us to protect before approving this project! Help keep Oregon's communities protected and valued.

Thank you!

Susie Luther

10838 NW Jackson Quarry Rd.

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From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Wednesday, August 20, 2025 9:03:31 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Tuesday, August 19, 2025 9:55 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Tue, 08/19/2025 - 21:54

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Suzanne Pasion

Email
pasionfamily@comcast.net

Address
21245 NW Mullerleile Rd
Hillsboro, Oregon. 97124

Your Comments
This project seems to be proposed in a terrible location for potential risks to neighboring families. Industrial sites do not belong among residential homes. Please consider this before approving. Thank you.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery facility in Hillsboro
Date: Thursday, August 21, 2025 2:01:18 PM

-----Original Message-----
From: TERI GEER <ctgeer@aol.com>
Sent: Thursday, August 21, 2025 1:57 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery facility in Hillsboro

I am opposed to this facility going ahead. We are members of a small CSA nearby and feel this will be detrimental to the farms and homes in the area.
Thank you for your attention to this matter Teri GEER Sent from my iPad

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter Power opposition
Date: Tuesday, August 19, 2025 12:27:30 PM

From: Theresa Baird <theresasbaird@gmail.com>
Sent: Sunday, August 17, 2025 9:40 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter Power opposition

As a Hillsboro homeowner, I object to the proposed development of the Jupiter Power/ BlackRock lithium battery facility on NW Union. Hillsboro needs to stop giving over precious agricultural land for unsightly, chemical-based and health-threatening industrial development.

It is not "development" if the health, well being and property values of neighbors and the community as a whole are being weakened.

Once that agricultural land is gone, it is gone forever.

Theresa Baird
1638 NE 52nd Court, Hillsboro 97124

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Battery Facility
Date: Thursday, August 21, 2025 8:04:59 AM

-----Original Message-----
From: toni watson <toniwatson97217@yahoo.com>
Sent: Thursday, August 21, 2025 7:58 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery Facility

Dear Maitreyee Sinha,

This letter is to express my extreme opposition to Hillsboro allowing the 10-acre Battery Storage Facility to be built on the farmland-only zoned property at the corner of NW West Union Rd and NW Old Pass Rd in Hillsboro.

Why would we allow an industrial-scale battery plant to be built in an Af-5 rural zoned area? We have rural homes and farmland there! There should not be exceptions to zoning - else why bother assigning zoning laws?

SAFETY is an issue. These battery facilities are a FIRE hazard, a TOXIC GAS hazard and probably present other hazards that we don't know about. As far as I know, we aren't even set up for that kind of emergency response.

Also, the NOISE POLLUTION from the fans and inverters - from what I've been told - is obnoxious; and it's not meant to be imposed on people and farm animals in what is zoned RURAL.

Property values will go down for all who live near this battery facility that has no business being built there.

This type of industrial energy project belongs in one of Hillsboro's Industrial zones. That's why we have them!

Please don't ruin our rural farmlands and our rural families' ways of life. There is already too much farmland and rural land being destroyed to use for technology and other. We have zoning ordinances for a good reason.

Please put this energy project where it belongs: in an area ALREADY zoned for industry - and NOT in an area zoned for farmland/rural.

Thank you.

~ Toni Watson

1550 SW Tanner Creek Rd, Gaston, Or 97119

Your Name: Tristan A. Schuetfke
Address: 7565 NW 212th Pl
City: Hillsboro State: OR Zip: 97124

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Tom A. Edmotten

Your Name: Rita Hickey - Joseph S Hickey
Address: 7570 N.W. 214th Place
City: Hillsboro State: OR Zip: 97124

Received
AUG 19 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

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The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
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The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely, Rita Hickey Joseph J Hickey

Formal Argument Letter (for filing with Washington County before Aug. 21)

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Your Name: Tsuan-Chung Chang, Mei-Hui Wang
Address: 21727 NW West Union Rd.
City: Hillsboro State: OR Zip: 97124

email/phone tsuanchungchang@gmail.com, wangmeihui66@gmail.com
971-460-9690, 503-466-9068

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
✉ maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

---

1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Names-

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Your Name: Tsuan-Chung Chang, Mei-Hui Wang
Address: 21727 NW West Union Rd
City: Hillsboro State: OR Zip: 97124

email/phone tsuanchungchang@gmail.com, wangmeihui66@gmail.com
971-460-9690, 503-466-9018

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
✉ maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Name Mirtha Way

Address 21727 NW West Union Rd.
Hillsboro, OR 97124

From:	Louisa Bruce
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Opposition to Proposed Jupiter BESS Facility on West Union Rd. – Human Health Compatibility Concerns
Date:	Thursday, August 28, 2025 11:35:08 AM
Attachments:	image.png image001.png
Importance:	High

From: LUT Director <LUTDIR@washingtoncountyor.gov>
Sent: Thursday, August 28, 2025 7:59 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Cc: Carol Johnson <Carol_Johnson@washingtoncountyor.gov>; Stephen Roberts <Stephen_Roberts@washingtoncountyor.gov>
Subject: FW: [EXTERNAL] Opposition to Proposed Jupiter BESS Facility on West Union Rd. – Human Health Compatibility Concerns
Importance: High

Good Morning,

Please see the following public comments for Casefile L2500161.

Thank you,

Matt Boyer| **Senior Administrative Specialist**
Washington County Department of Land Use & Transportation
503-846-3809 direct | 971-485-5905 cell

Department of
Land Use & Transportation
Administrative Services

From: Tsuan-Chung Chang <tsuanchungchang_2025@outlook.com>
Sent: Wednesday, August 27, 2025 4:52 PM
To: Stephen Roberts <Stephen_Roberts@washingtoncountyor.gov>; LUT Director <LUTDIR@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposition to Proposed Jupiter BESS Facility on West Union Rd. – Human Health Compatibility Concerns
Importance: High

Washington County director of Land Use & Transportation
155 N First Avenue, Suite 350
Hillsboro, OR 97124

Subject: Opposition to Proposed Jupiter BESS Facility on West Union Rd. – Human Health Compatibility Concerns

Dear Mr. Stephen Roberts,

Please help stop Washington County Land use project to build a BESS (Battery energy storage system) industrial scale facility in the heart of our residential neighborhood. (case file L2500161, please see more details below)

It is deeply troubling to witness the steady expansion of data centers and energy storage facilities into our residential neighborhoods. What was once a peaceful place to raise families, breathe clean air, and enjoy the quiet rhythms of rural life is now shadowed by towering enclosures, humming machinery, and the looming risk of industrial accidents.

We are told these projects serve the greater good—but at what cost to the people who live here? Where is the clean, tranquil space for communities to thrive? For children to play without fear, for elders to rest without disruption, for families to feel safe?

Progress should not mean sacrificing the very essence of what makes a neighborhood livable. I urge decision-makers to consider not just the technical feasibility of these developments, but the human compatibility. We deserve better than to be treated as collateral in someone else's infrastructure plan.

Sincerely,

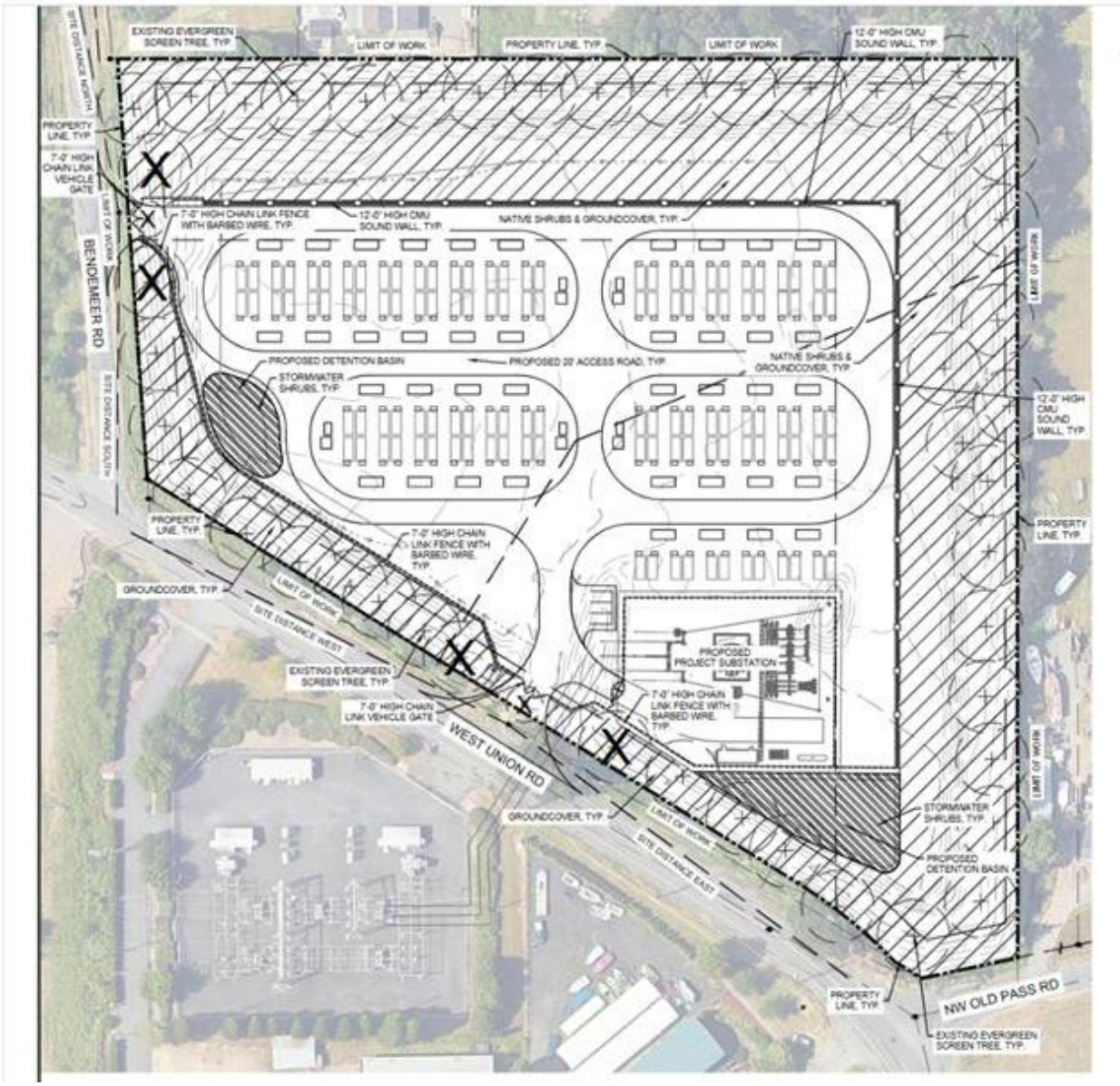
Tsuan-Chung Chang

21727 NW West Union Rd
Hillsboro, OR 97124
tsuanchungchang@gmail.com
Aug 27,2025

This BESS proposed site is adjacent to occupied residential homes at all length alone north/east/west sides.

21393 & 21435 NW West Union Rd, Hillsboro, OR 97124

https://washco.sharefile.com/share/view/sfe342d2338c0473aad9537316fcb523a/fode5c45-b968-471d-af29-80ec5b6bbefb)



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From: Kellie Crowdis
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Monday, August 18, 2025 4:18:54 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Friday, August 15, 2025 10:00 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Fri, 08/15/2025 - 22:00

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
tsuan-chung chang

Email
tsuanchungchang@gmail.com

Address
21727 NW West Union Rd.
Hillsboro, Oregon. 97124

Your Comments
Say No to Industrial Energy Storage in Our AF-Zoned Community
we need to Protect Our Water, Land, and Children. This project is not just a zoning violation—it's a threat to our health, safety, and future. We urge local officials to reject the proposal and uphold the integrity of our AF-zoned community. Clean energy must be pursued responsibly—not at the expense of our wells, farms, and schools.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Concerns about 10-acre Battery Energy Storage System (BESS)
Date: Tuesday, August 19, 2025 12:22:16 PM

From: Veronica Nunez <veronunezteran@gmail.com>
Sent: Monday, August 18, 2025 8:36 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Concerns about 10-acre Battery Energy Storage System (BESS)

Portland, August 18th, 2025

Dr. Maitrayee Sinha

Senior Planner at Washington County

Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350, Hillsboro, OR 97124

Dear Dr. Sinha,

I am writing to you in regards to the plan that Washington County has to allow Juniper Power (managed by Black Rock), install a 10- Acre Battery Facility by NW West Union Road and NW Cornelius Pass Road.

This area is a very fragile doorstep between rural and urban areas. Both roads are immensely busy with commuters of all types, including cargo trucks.

Besides the logical concerns of HIGH risk of pollution, fire hazards, my concerns are about the LOSS OF

HABITAT. In that area roams a considerable size of elk herd. Certainly they are the most visible beings that represent a whole animal community that inhabit that area.

I will appreciate it if you can take into account these concerns through this email, since there is no public hearing about this matter and the due date for written comments is in couple days. I am certain that you and your team will find a more suitable space for that project.

Best regards,
Verónica Núñez
16047 NW Energia Street
Portland, OR
(971) 506-8922

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From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Stop the battery invasion
Date: Tuesday, August 19, 2025 12:34:39 PM

From: wshoebox@comcast.net <wshoebox@comcast.net>
Sent: Saturday, August 16, 2025 9:18 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Stop the battery invasion

Stop the Jupiter Battery invasion approval that only benefits further Washington County investors instead of citizens.

Warren Schumacher

Rev. Dr. Warren Schumacher

President Emeritus - Northwest Lutheran

2254 NE 13th Ave

HillsboroHillsboroHillsboro,Hillsboro OR 97124

Cell & Text: 503-816-2030

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Jupiter Power LLC Project on NW West Union Road at NW Old Pass Road
Date: Tuesday, August 19, 2025 12:18:56 PM

-----Original Message-----
From: Wayne Law <waynelaw@helvetia.us>
Sent: Monday, August 18, 2025 5:42 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Jupiter Power LLC Project on NW West Union Road at NW Old Pass Road

Dear Maitreyee Sinha:

I'm writing to express my opposition to the Jupiter Power 10 Acre Bulk Battery Storage Project proposed on NW West Union Road at the intersection with NW Old Pass Road.

1) This proposed use in incompatible with the AF-5 zoning. This is a rural area with small lot farming and residential. This type of project should be located inside and industrial zone and close to a bulk power utility substation. Ideally it should be located in the area where all the new Data Centers are being constructed, right next to one of PGE's new substations.

2) Incompatible Safety Risk with Residential. These Lithium-Ion utility scale project contain hazardous elements and when they have a run-away failure and fire, they are nearly impossible to put out and the only action to suppress the fire from spreading to adjacent battery units.
Many hazardous chemicals are released in these fires. This is a serious issue and they type of facility should not be located adjacent to residential period.

3) These battery modules require cooling and utilize heat pumps with fans and variable speed drives. These produce a lot of high frequency noise that is in-compatible with residential use. The noise is a serious issue and should not be sited in the area.

4) This needs better siting. This should be placed in an industrial zoned area that will not impact farm land or residential.

I am a retired utility engineer and I'm shocked that this is even being considered in this area.

Respectfully,

Wayne Law

14985 NW Logie Trail Hillsboro, OR 97124

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

Your Name: William M. Hickox
Address: 21330 SW Bendemeer Rd.
City: Hillsboro State: Or. Zip: 97124

email/phone jhickox330@gmail.com

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Objection to Processing of Jupiter/Blackberry Grove Battery Energy Storage Facility – AF-5 Zoning (Type II vs. Type III Misclassification)

Land Use Casefile/: L25006121/SU/D/PLA

Dear Ms. Sinha,

We are submitting these written comments regarding the proposed **10-acre Battery Energy Storage System (BESS)** facility being reviewed under Washington County Case File L25006121/SU/D/PLA.

The County has **misclassified this application as a Type II review**, when, by the **plain language of the Washington County Community Development Code (CDC)**, it must be processed as a **Type III review with a public hearing**.

Code Citations

- **CDC Section 430-105: Utility Facility Necessary for Public Service**
  States that in the **AF-5 District**, such uses are subject to **Type III review**.

- **CDC Section 430-141: Commercial Power Generation Facility**
  Establishes that facilities constructed for the purpose of generating or storing power for sale to the public are excluded from being considered simple "public utilities" and require heightened review.

Why This Facility Cannot Be Processed as Type II

- The proposal is not a "minor" or "ancillary" utility. It is a **10-acre industrial-scale energy storage plant**, consisting of dozens of lithium-ion battery containers, inverters, transformers, sound walls, and fencing.
- The **scale, intensity, and risk profile** of this facility is vastly greater than those typically processed as Type II (e.g., cell towers, pump stations).
- Under AF-5 zoning, such a facility must demonstrate **compatibility with rural residential and farm uses**, findings that require a **public hearing** and Hearings Officer oversight.

Harm of Misclassification

By wrongly treating this as a Type II, the County has:

1. **Deprived the public of a hearing** and oral testimony.
2. **Limited notice** to only a small radius of neighbors.
3. **Restricted appeal rights** for affected residents.

This procedural shortcut undermines transparency, accountability, and public trust in the land use process.

Requested Action

We respectfully demand that Washington County:

1. **Reclassify this application as a Type III review** under CDC 430-105, which requires a public hearing.
2. Suspend or void the current Type II review process until a proper public hearing is scheduled.
3. Provide clear written findings explaining why a 10-acre industrial BESS facility in AF-5 would be processed as a Type II rather than a Type III.

Preservation of Rights

This letter places us on the record as an interested party. If Washington County proceeds with a Type II review despite this clear procedural conflict, I reserve the right to **appeal the decision to the Land Use Board of Appeals (LUBA)**.

Thank you for considering these comments.

Sincerely,

Name William M. Hicks Judith A. Hicks

Address 21330 NW Bendemeer Rd.
Hillsboro, Ore. 97124

Formal Argument Letter (for filing with Washington County before Aug. 21)

Your Name: William Hickox
Address: 21330 NW Bendemeer Rd.
City: Hillsboro State: Or Zip: 97124

email/phone jhickox330@gmail.com

Received
AUG 20 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Date: 8/17/25

To:
Maitreyee Sinha, Senior Planner
Washington County Dept. of Land Use & Transportation – Current Planning
155 N First Ave, Ste 350
Hillsboro, OR 97124
maitreyee_sinha@washingtoncountyor.gov

Subject: Procedural and Substantive Objection – Misclassification of Proposed Blackberry Grove/Jupiter Battery Energy Storage Facility (Case File: L2500161-SU/D/PLA)

Dear Ms. Sinha,

We are submitting these comments in opposition to the proposed 10-acre Battery Energy Storage System (BESS) facility in the AF-5 District.

The County is attempting to classify this facility under CDC 430-141 (Utility Facility for the Generation of Power) or, alternatively, under CDC 430-105 (Utility Facility Necessary for Public Service). Neither section applies.

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1. Not "Generation" under 430-141

A battery does not generate electricity. It stores electricity produced elsewhere.

- FERC Docket EL20-19 (2019): Storage resources are not generation but a distinct asset class.

- Oregon PUC Order 20-282: Battery storage is recognized as a non-generation resource providing ancillary services.
  Applying 430-141 to this project is an unlawful expansion of "generation" beyond its plain meaning.

---

2. Not a "Utility Facility Necessary for Public Service" under 430-105

The Key Legal Question

Does a **privately owned, merchant battery storage plant** built by Jupiter/BlackRock for wholesale market profits qualify as a *"utility facility necessary for public service"*?

No.

- **Private Merchant Facility:** Jupiter is not a regulated utility like **PGE** or **TVWD**. It's a private company building assets to sell power into wholesale markets.
- **Not dedicated to the public:** The facility is not dedicated to serving Washington County residents. Its output will flow into the regional grid, dispatched for profit, often to stabilize loads for **nearby data centers**.
- **Oregon Case Law:** LUBA has consistently held that "public utility" or "utility facility" language requires a showing that the facility is *dedicated to public use*, like substations, water towers, or telephone exchanges.
  - *DLCD v. Jackson County (1999)* — LUBA overturned approval where a county treated a private energy facility as a utility.
  - *Friends of Yamhill County v. Yamhill County (2014)* — Court emphasized that non-farm exceptions must be interpreted strictly, not expansively.

Bottom line: A BlackRock-owned battery farm that exists to arbitrage electricity prices is not "necessary for public service" under 430-105.

Relevant precedent:

- DLCD v. Jackson County (LUBA 1999): Misclassification of a private facility as a utility use was overturned.

- Friends of Yamhill County v. Yamhill County (2014): Non-farm exceptions in rural zones must be narrowly construed.

---

3. Therefore: Unlisted Use = Prohibited

Because this project is neither a generation nor a public utility, it is an unlisted industrial use in AF-5. Under Oregon land use law, unlisted uses are not permitted in farm/forest zones unless explicitly authorized by an exception.

---

4. Request for Action

- Reclassify this application as not permitted in AF-5 and deny the project. The County has made an error in this entire proceeding and must withdraw and halt all actions to proceed.
- At a minimum, reprocessing is required under the correct code section, with a Type III hearing to allow public testimony.
- With any approval the County contemplates, we demand that it provide written findings explaining how a privately owned, profit-driven energy storage facility qualifies as a public utility.

Failure to correct this misclassification and to halt this proceeding risks reversal on appeal to the Land Use Board of Appeals (LUBA), which we intend to try to do. The County should prioritize the residents' interests in its decision-making process. Additionally, it should be aware that the neighborhood is now active and believes this process to be wrong and out of order. The County fully intends to appeal any decision Washington County makes to approve this application.

The application must be denied/rejected by Washington County

Respectfully,

Names- William M. Hucks
Judith A. Hucks

Your Name: William & Judith Hickox
Address: 21330 NW Bendemeer Rd
City: Hillsboro State: OR Zip: 97124

Received
AUG 19 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,
William M. Hicks

August 13, 2025

Maitreyee Sinha

Casefile/Project L2500161-SU/D/PLA

My wife and I built our home here in 1999. We chose this for the largre lots and the serene rural setting. Over the years it has gotten noiser as Washington County has allowed some commerical operatioins in this rural area. The taxes have become very high without services for this neighborhood. The ditches are no longer mowed and become blocked and flood occasionally.

Now you want a noisy, dangerous battery facility literally in our back yard. With all our forest canopy, it would be an extreme fire danger to this area. Not to mention the noise 24/7.

With all the vacant commerical propereties available in this area, we don't feel this is an appropriate location for any large commerical enterprise.

This propery is available for this review only because the owners have no other means of selling it for the residential and AF-5 usage as they have failed to take care of their property and now we must all be subjected to the decline of our property values.

We are totally against this proposal.

Thank You

William and Judith Hickox

21330 NW Bendemeer Rd

Hillsboro, Or 97124

Plot 1N214A002701

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Written Comment on Jupiter Battery Facility
Date: Wednesday, August 20, 2025 9:43:26 AM

From: William Holcomb <wholcomb27@gmail.com>
Sent: Wednesday, August 20, 2025 9:32 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Written Comment on Jupiter Battery Facility

Hello department.
I want to start with saying that I'm not a land use lawyer. Everything that I'm saying is rooted in under an hour of research. I also want to say that - while I could make an emotional plea and hope you change your mind - I'll be focusing on why this is legally wrong. My first point is related to why I think emotional plea's are ineffective.

- First of all, this should be a type 3 hearing. The 430-141 "Utility Facility for the Generation of Power" exception, allowing this to happen in the first place, Doesn't apply (see point 2). The applicable exception for "Utility Facility" requires a type 3 hearing, which is a public hearing with public commenting available. I should not have to be sending this email, I should be orally speaking. Yet the county is denying us this right.
- The exception doesn't apply. Oregon does not recognize battery facilities as generation, we recognize them as storage. The exception is for "Generation of Power", not storage. Thus, the exception allowing for the continuation of this project on AF-5 land is inapplicable.
- Under the incorrect assumption that this exception did apply, and a storage facility was recognized as a generation facility, this still couldn't be continued due to its direct adjacency to residential areas. While it is unlikely that the facility would pose a threat, the chance of it doing so is paramount, thus requiring distance between it and the residential area.

Now, I have a question. Which elected officials are supporting this, and which are against it? I await your response with anticipation.

Sincerely, William Holcomb.

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

Your Name: William D. Wickart
Address: 9465 NW Old Cornelius Pass Rd
City: Hillsboro State: OR Zip: 97124-8039

Received
AUG 19
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 10, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

The main concern is the potential for groundwater contamination and its impact on private wells. Residents in this area depend on well water for daily needs. The possibility of heavy metals, including lithium, cobalt, nickel, and manganese, contaminating wells due to fire, explosion, or leakage from the battery components is a serious threat to health and safety. Water used to extinguish fires can carry these contaminants, making it crucial to assess the risk of such incidents and their potential impact on the groundwater that feeds wells. The proximity of this facility to residential wells and the potential for a catastrophic event raises serious questions about the long-term impact on the safety of drinking water and the value of properties.

Furthermore, there is deep concern about the potential fire hazards associated with lithium-ion battery storage facilities, including thermal runaway and explosions. Lithium-ion battery fires are known to burn at extremely high temperatures and release

hazardous fumes and chemicals into the air, according to Alsym Energy (https://www.alsym.com/blog/the-danger-of-lithium-ion-batteries-in-cities-and-suburbs/). The close proximity of the proposed facility to homes, schools, business and local infrastructure poses a significant threat to the well-being of community members, including children and vulnerable populations.
In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

William D. Wichard

From: Melissa De Lyser
To: jhickox330@gmail.com
Cc: Stephen Roberts; Carol Johnson; Erin Wardell; Louisa Bruce; Board of County Commissioners
Subject: RE: Would you want this in your back yard (Bill and Judie Hickox)
Date: Thursday, August 28, 2025 1:34:20 PM
Attachments: Land Development Process Fact Sheet - April 20.pdf
image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png

Hello Bill and Judie:

Thank you for your email. I am the Communications Manager for Washington County Department of Land Use & Transportation (LUT), and I have been asked to respond on behalf of the LUT Development Review/Current Planning and the Washington County Board of Commissioners.

We appreciate you taking the time to share your concerns regarding the land use application submitted for a proposed Battery Energy Storage System (BESS). As there is significant interest in this application, we have elevated this application to a Type III development review process which includes a public hearing. The hearing is before an independent Hearings Officer to make sure proposals meet the Community Development Code. In addition to accepting public testimony, the Hearings Officer approves or denies these applications. (See attached Land Development Process Fact Sheet.)

The public hearing is tentatively scheduled for 9 a.m. Thursday, Oct. 16, via Zoom. Confirmation of the hearing and the public agenda notice, including details on how to participate, will be emailed to you within 20 days of the hearing. Please visit our Frequently Discussed Development Applications webpage to review the application and supporting documents.

While your email has been shared with the Washington County Board of Commissioners, please know that the Board does not have a role in reviewing development applications.

Thank you again for your email.

Best,

Melissa De Lyser
PUBLIC AFFAIRS AND COMMUNICATIONS MANAGER

Washington County Land Use & Transportation
Office of the Director · Communications
155 N First Ave., MS 16, Ste. 350
Hillsboro, OR 97124
503-846-4963 · cell: 971-713-9658
www.washingtoncountyor.gov · wc-roads.com
melissa_de_lyser@washingtoncountyor.gov

Judie Hickox
Yesterday, 01:19pm
To
Judie Hickox

Re: Washington County Land Use and Planning Case File/Project #12500161-SU/D

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Rd.

The properties surrounding this area are small 1 to 2 acre residential lots on or adjoining Bendemeer Rd. This area is zoned AF-5.

There are several concerns for the proposal at the requested location

1) Groundwater contamination. All residents adjoining and living in this Bendemeer area use well water. Some of their wells are very shallow. Contamination from leakage or run off is a threat.
2) Fire Danger
   At this time there is no known way to extinguish battery fires of this magnitude. They would also put off toxic chemicals for quite a distance.
3) Noise 24/7 from cooling system fans.
4) Possible homeowners insurance issues,
5) devaluation of property values

6) Livability

Jupiter Energy has never built a BESS facility in a residential area. This application should be in a commercial area .

This is not a power generating facility. It is storage.

Our property would be directly affected by the approval as it would be feet from our property

Thank You for any help you can give us and our neighbors of the Bendemeer Acres area.

Bill & Judie Hickox
21330 NWBendemeer Rd
Hillsboro, Or 97124
971-284-3713

From:	Melissa De Lyser
To:	nikbo@comcast.net
Cc:	Stephen Roberts; Erin Wardell; Board of County Commissioners; Medha Pulla
Bcc:	Carol Johnson; Stephen Shane
Subject:	RE: Constituent Inquiry - Douglas Boom
Date:	Wednesday, August 20, 2025 8:11:00 AM
Attachments:	Public Notice L2500161 Mailed Aug. 7, 2025.pdf Land Development Process Fact Sheet - April 2025_0.pdf

Hello Douglas:

Thank you for your email. I am the Communications Manager for Washington County Department of Land Use & Transportation, and I have been asked to respond to your email on behalf of Commissioner Treece.

We appreciate you taking the time to share your concerns regarding the application submittal for a proposal Battery Energy Storage System. This application is subject to a Type II development review process which does not require a public hearing. (See attached The Land Development Process: Types I, II and III.) The attached public notice for this application was mailed on Aug. 7 to property owners of record within a 1,000-foot radius of the proposed location as is required by the Washington County Community Development Code (CDC). The comment period runs through 4 p.m. Aug. 21; the two-week comment period duration required by the CDC.

While your email has been shared with the Washington County Board of Commissioners, including Commissioner Treece, please know that the Board does not have a role in reviewing development applications.

Again, we appreciate your email. If you have not already done so, please submit your comments on this development application, Casefile L2500161, via the Comment on Development Applications portal at https://webapps.washingtoncountyor.gov/projects-comment/#top

Best,

Melissa De Lyser

Melissa De Lyser
PUBLIC AFFAIRS AND COMMUNICATIONS MANAGER

503-846-4963 · cell: 971-713-9658
www.washingtoncountyor.gov · wc-roads.com
melissa_de_lyser@washingtoncountyor.gov

——————— Forwarded message ———————

From: Douglas Boom nikbo@comcast.net

Date: Aug. 17, 2025 9:41pm

Subject: Constituent Inquiry - Douglas Boom

To:

Please do what you can to help keep them from building a battery farm in a residential area. This land usage case Casefile L2500161, is being railroaded down the throats of the voters in the area, and it's not right. No public comment, only filed statements, and a two week commentary window for a battery farm that will change the neighborhood significantly. I live within walking distance from the site, and having a battery farm there is like building a power plant in downtown Hillsboro. There is room in Washington County for the battery plant, and I don't object to the plant, just the location. There are TONS of better sites, either more rural, or in industrial zoned areas. But to put a power plant next to a bunch of houses, a McDonald's and the important Meating Place (an anchor of the community family owned business) is NOT the way that the Washington County that I've lived in for 33 years operates. I remember where the train tracks ran right through the area they want to this to be. That battery factory isn't right for this area. Please find a better home for it, and influence the board to not allow this in this neighborhood.

- Name: Douglas Boom
- Email: nikbo@comcast.net
- In reference to property: Yes
- Property address: 21393 & 21435 NW West Union Road,
- Property ZIP code: 97124
- Board member name: Pam Treece (District 2)
- Submission completed: Sun, 08/17/2025 - 21:41

From:	Melissa De Lyser
To:	casperjmc@gmail.com
Cc:	Stephen Roberts; Erin Wardell; Carol Johnson; Board of County Commissioners; Louisa Bruce
Subject:	RE: ZONING CONFLICTS, NO HEARING (Joe Casper)
Date:	Thursday, August 28, 2025 1:20:18 PM
Attachments:	Land Development Process Fact Sheet - April 20.pdf image001.png image002.png image003.png image004.png image005.png image006.png

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Hello Joe:

Thank you for your email. I am the Communications Manager for Washington County Department of Land Use & Transportation (LUT), and I have been asked to respond on behalf of the LUT Development Review/Current Planning and the Washington County Board of Commissioners.

We appreciate you taking the time to share your concerns regarding the land use application submitted for a proposed Battery Energy Storage System (BESS). As there is significant interest in this application, we have elevated this application to a Type III development review process which includes a public hearing as you suggested. The hearing is before an independent Hearings Officer to make sure proposals meet the Community Development Code. In addition to accepting public testimony, the Hearings Officer approves or denies these applications. (See attached Land Development Process Fact Sheet.)

The public hearing is tentatively scheduled for 9 a.m. Thursday, Oct. 16, via Zoom. Confirmation of the hearing and the public agenda notice, including details on how to participate, will be emailed to you within 20 days of the hearing. Please visit our Frequently Discussed Development Applications webpage to review the application and supporting documents.

While your email has been shared with the Washington County Board of Commissioners, please know that the Board does not have a role in reviewing development applications.

Thank you again for your email.

Best,

Melissa De Lyser
PUBLIC AFFAIRS AND COMMUNICATIONS MANAGER

Washington County Land Use & Transportation
Office of the Director · Communications
155 N First Ave., MS 16, Ste. 350
Hillsboro, OR 97124

503-846-4963 · cell: 971-713-9658
www.washingtoncountyor.gov · wc-roads.com
melissa_de_lyser@washingtoncountyor.gov

Joe Casper
Aug. 20, 11:14am
To
maitreyee_sinha@washingtoncountyor.gov

CC
Board of County Commissioners

Dear Washington County Planning,
I am writing to oppose the proposed 10-acre Jupiter/Black-berry Grove Battery Energy Storage Facility planned for the
AF-5 zone at NW West Union Road.
This project should not be processed as a Type II decision.
The County's own rules require facilities like this to go through a Type III review with a public hearing, so that effected neighbors can testify and decision-makers can properly consider compatibility with surrounding homes and farm and.
This is not a small utility. It is an industrial-scale battery plant with noise, safety, and land-use impacts far beyond what AF-
5 zoning was intended to allow. Processing it as a Type II wrongly denies the community a public hearing.
Reclassify this project as a Type III and schedule a public hearing.
Require the applicant to demonstrate full compatibility with AF-5 zoning and nearby residents.
Reject the application if it cannot meet these standards.
Please accept this letter as my official comment on the record.

I have watched this county be destroyed by all the high tech and data farms all while destroying our farm land. I don't know why the county doesn't listen to the residents. We do not need anymore high tech and especially battery storage facilitates on our farm land. Did you all see the fire in California last year?

Joe Casper
casperjmc@gmail.com
503-705-1979

From:	Maitreyee Sinha
To:	Louisa Bruce
Subject:	FW: RE: Strong opposition to proposed Battery Energy Storage System Facility and zoning change to accommodate this facility
Date:	Thursday, August 28, 2025 8:28:27 AM
Attachments:	image001.png image002.png image003.png image004.png image005.png image006.png Land Development Process Fact Sheet - April 20.pdf

---

From: Stephen Shane <Stephen_Shane@washingtoncountyor.gov>
Sent: Thursday, August 28, 2025 8:03 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: FW: RE: Strong opposition to proposed Battery Energy Storage System Facility and zoning change to accommodate this facility

FYI

Stephen Shane | ***Current Planning Section Manager***
Washington County Department of Land Use & Transportation
Planning and Development Services | Current Planning
155 N First Avenue, Suite 350 MS13 | Hillsboro, OR 97124
(503) 846- 8127 direct

The counter lobby is open Monday through Thursday, 8AM to 4PM.
Staff are working in office and remotely throughout the week and are best reached by email.
You can expect a response within three working days.

Please submit planning-related questions to ***LUTDEV@washingtoncountyor.gov***

From: Melissa De Lyser <Melissa_De_Lyser@washingtoncountyor.gov>
Sent: Friday, August 22, 2025 10:54 AM
To: lynjuve@msn.com
Cc: Board of County Commissioners <BCC@washingtoncountyor.gov>; Stephen Roberts <Stephen_Roberts@washingtoncountyor.gov>; Erin Wardell <Erin_Wardell@washingtoncountyor.gov>; Carol Johnson <Carol_Johnson@washingtoncountyor.gov>
Subject: RE: Strong opposition to proposed Battery Energy Storage System Facility and zoning change to accommodate this facility

Hello Lynn:

Thank you for your email. I am the Communications Manager for the Washington County Department of Land Use & Transportation, and I have been asked to respond to your email on behalf of the Board of Commissioners.

We appreciate you taking the time to share your concerns regarding the land use application submitted for a proposed Battery Energy Storage System (BESS). This application is subject to a Type II development review process, which does not require a public hearing. (See attached The Land Development Process: Types I, II and III.)

Please visit our Frequently Discussed Development Applications webpage to review the application and supporting documents. Both Tualatin Valley Fire & Rescue and the Washington County Sheriff's Office have submitted Statements of Service Availability, acknowledging that they can provide necessary services for the proposed project. You can also review the Project Acoustic Report to learn about possible noise impacts.

The application includes both the development of the BESS and a request for a Property Line Adjustment. No rezoning has been requested; rezoning for this proposed development is not required. Both parcels associated with the proposed development are in the Agriculture & Forest District, 5-acre minimum lot size.

While your email has been shared with the Washington County Board of Commissioners, please know that the Board does not have a role in reviewing development applications.

Thank you again for your email.

Best,

Melissa De Lyser

Melissa De Lyser
PUBLIC AFFAIRS AND COMMUNICATIONS MANAGER

Washington County Land Use & Transportation
Office of the Director · Communications
155 N First Ave., MS 16, Ste. 350
Hillsboro, OR 97124
503-846-4963 · cell: 971-713-9658
www.washingtoncountyor.gov · wc-roads.com
melissa_de_lyser@washingtoncountyor.gov

From: Lyn Jacobs
Date: Aug. 21, 2025, 6:24am
Subject: [EXTERNAL] Strong opposition to proposed Battery Energy Storage System Facility and zoning change to accommodate this facility
To: bcc@washingtoncountyor.gov

Esteemed Commissioners;

We are writing to express our Strong Opposition to the proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility. Casefile/Project # L2500161-SU/D/PLA at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5.

It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

We operate La Finquita del Buho, an organic farm less than one mile from this proposed Energy Storage system. We rely on well water for our family and our farm operation. We grow food for over 400 people. Well water contamination is a real threat and would be devastating to us and our neighbors. A fire would potentially wipe us off the map. We are deeply concerned and urge you to halt the progress of this proposal.

In addition to these critical concerns, there are also potential impacts on:

- Property Values: A Battery Energy Storage System facility with fire and environmental risks in a residential area could significantly reduce property values and hinder future development in the community.
- Multiple recent incidents at BESS installation in California highlight the potential risks of BESS in populated areas. One of these incidents was a fire (the 2nd) at a BESS in Moss Landing, California that burned for several days and led to evacuations, air quality concerns, and concerns about impacts to nearby wetlands. As a result of these incidents at BESS facilities, the California Public Utility Commission passed new standards (General Order 167) on March 13, 2025 to improve BESS safety and emergency response plans.

- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

Additionally they are asking for rezoning of AF-5 land. The AF-5 District is intended to retain an area's rural character and conserve the natural resources while providing for rural residential use in areas so designated by the Comprehensive Plan.

The purpose of this agricultural and forestry district is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forest lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the farm and forest area. Residents of rural residential tracts shall recognize that they will be subject to normal and accepted farming and forestry practices."
The aforementioned project is a private energy storage facility not a public utility making the rezoning illegal.
In Summary: The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community and stop the proposed zoning change to accommodate the BESS project Casefile/Project # L2500161-SU/D/PLA. We know this will come to you to review and we urge you to stop the project before it gets that far and relocate the storage facility to a more appropriate industrial location.

Sincerely;

Lyn Jacobs and Juvencio Argueta
La Finquita del Buho, CSA
7960 NW Dick Road
Hillsboro, OR 97124

From:	Melissa De Lyser
To:	lynjuve@msn.com
Cc:	Board of County Commissioners; Stephen Roberts; Erin Wardell; Carol Johnson
Bcc:	Stephen Shane
Subject:	RE: Strong opposition to proposed Battery Energy Storage System Facility and zoning change to accommodate this facility
Date:	Friday, August 22, 2025 10:53:00 AM
Attachments:	image001.png image002.png image003.png image004.png image005.png image006.png Land Development Process Fact Sheet - April 20.pdf

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Hello Lynn:

Thank you for your email. I am the Communications Manager for the Washington County Department of Land Use & Transportation, and I have been asked to respond to your email on behalf of the Board of Commissioners.

We appreciate you taking the time to share your concerns regarding the land use application submitted for a proposed Battery Energy Storage System (BESS). This application is subject to a Type II development review process, which does not require a public hearing. (See attached The Land Development Process: Types I, II and III.)

Please visit our Frequently Discussed Development Applications webpage to review the application and supporting documents. Both Tualatin Valley Fire & Rescue and the Washington County Sheriff's Office have submitted Statements of Service Availability, acknowledging that they can provide necessary services for the proposed project. You can also review the Project Acoustic Report to learn about possible noise impacts.

The application includes both the development of the BESS and a request for a Property Line Adjustment. No rezoning has been requested; rezoning for this proposed development is not required. Both parcels associated with the proposed development are in the Agriculture & Forest District, 5-acre minimum lot size.

While your email has been shared with the Washington County Board of Commissioners, please know that the Board does not have a role in reviewing development applications.

Thank you again for your email.

Best,

Melissa De Lyser

Melissa De Lyser
PUBLIC AFFAIRS AND COMMUNICATIONS MANAGER

Washington County Land Use & Transportation
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Hillsboro, OR 97124
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melissa_de_lyser@washingtoncountyor.gov

From: Lyn Jacobs
Date: Aug. 21, 2025, 6:24am
Subject: [EXTERNAL] Strong opposition to proposed Battery Energy Storage System Facility and zoning change to accommodate this facility
To: bcc@washingtoncountyor.gov

Esteemed Commissioners;

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- Multiple recent incidents at BESS installation in California highlight the potential risks of

BESS in populated areas. One of these incidents was a fire (the 2nd) at a BESS in Moss Landing, California that burned for several days and led to evacuations, air quality concerns, and concerns about impacts to nearby wetlands. As a result of these incidents at BESS facilities, the California Public Utility Commission passed new standards (General Order 167) on March 13, 2025 to improve BESS safety and emergency response plans.

- Quality of Life: The continuous operation of a BESS, including potential noise from cooling systems and related infrastructure, could negatively impact the peace and quiet of the neighborhood.
- Insufficient Emergency Response: It is unclear if the local fire department and emergency services are adequately equipped and trained to handle the unique challenges of a lithium-ion battery fire, which are notoriously difficult to extinguish.

Additionally they are asking for rezoning of AF-5 land. The AF-5 District is intended to retain an area's rural character and conserve the natural resources while providing for rural residential use in areas so designated by the Comprehensive Plan.
The purpose of this agricultural and forestry district is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forest lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the farm and forest area. Residents of rural residential tracts shall recognize that they will be subject to normal and accepted farming and forestry practices."
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Sincerely;

Lyn Jacobs and Juvencio Argueta
La Finquita del Buho, CSA
7960 NW Dick Road
Hillsboro, OR 97124

From:	Melissa De Lyser
To:	MeiHuiWang_2025@outlook.com
Cc:	Carol Johnson; Erin Wardell; Stephen Roberts; Board of County Commissioners; Louisa Bruce
Subject:	RE: Opposition to Proposed Jupiter BESS Facility on West Union Rd. – Human Health Compatibility Concerns (Mei-hui Wang)
Date:	Thursday, August 28, 2025 12:50:25 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png image006.png Land Development Process Fact Sheet - April 20.pdf

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Hello Mei-hui:

Thank you for your emails. I am the Communications Manager for Washington County Department of Land Use & Transportation (LUT), and I have been asked to respond on behalf of Stephen Roberts, LUT Director, and the Washington County Board of Commissioners.

We appreciate you taking the time to share your concerns regarding the land use application submitted for a proposed Battery Energy Storage System (BESS). As there is significant interest in this application, we have elevated it to a Type III development review process which includes a public hearing before an independent Hearings Officer to make sure proposals meet the Community Development Code. In addition to accepting public testimony, the Hearings Officer approves or denies these applications. (See attached Land Development Process Fact Sheet.)

The public hearing is tentatively scheduled for 9 a.m. Thursday, Oct. 16, via Zoom. Confirmation of the hearing and the public agenda notice, including details on how to participate, will be emailed to you within 20 days of the hearing. Please visit our Frequently Discussed Development Applications webpage to review the application and supporting documents.

While your email has been shared with the Washington County Board of Commissioners, please know that the Board does not have a role in reviewing development applications.

Thank you again for your email.

Best,

Melissa De Lyser
PUBLIC AFFAIRS AND COMMUNICATIONS MANAGER

Washington County Land Use & Transportation

Office of the Director · Communications
155 N First Ave., MS 16, Ste. 350
Hillsboro, OR 97124
503-846-4963 · cell: 971-713-9658
www.washingtoncountyor.gov · wc-roads.com
melissa_de_lyser@washingtoncountyor.gov

From: Mei-hui Wang <MeiHuiWang_2025@outlook.com>
Sent: Wednesday, August 27, 2025 4:04:03 PM
To: Stephen Roberts <Stephen_Roberts@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposition to Proposed Jupiter BESS Facility on West Union Rd. – Human Health Compatibility Concerns

Washington County director of Land Use & Transportation
155 N First Avenue, Suite 300
Hillsboro, OR 97124

Subject: Opposition to Proposed Jupiter BESS Facility on West Union Rd. – Human Health Compatibility Concerns

Dear Mr. Stephen Roberts,

I am writing to express my strong and unequivocal opposition to the proposed siting of a Battery Energy Storage System (BESS) facility in my residential neighborhood in Hillsboro. (Please view the layout of BESS facility at the end of this letter.) As a resident and advocate for responsible land use and public health, I am deeply concerned about the incompatibility of this industrial-scale energy infrastructure with the surrounding homes.

While I support clean energy initiatives, the placement of a BESS facility in close proximity to residences raises serious concerns about human health and safety. Lithium-ion battery systems are known to pose risks of thermal runaway, toxic gas emissions (including hydrogen fluoride from LiPF6 in cell electrolyte), and explosion under fault conditions. Prior incidents such as the Surprise, AZ APS BESS have shown the potential for toxic gas emissions to be released during failure events. In addition, fires involving lithium-ion batteries can produce HF in significant quantities, and this causes concern due to the toxic potency of this gas. To assess the hazard for public receptors, in many cases a dispersion analysis is required by authorities to define setback distances or evacuation zones in the event of a BESS fire. (ref Battery Energy Storage Systems (BESS) Best Practices Report | Engage San Diego County)

Based on our extensive research, **NO** BESS in US operates adjacent to residential homes, and they are all located inside industrial zones or rural area without any home within several hundreds of feet. Multiple BESS proposals near urban/city area have been either rejected or canceled due to the concern of direct human health impact by toxic HF fume from thermal run away fire.

I urge the Commission to reject this BESS proposal in our residential neighborhood. This BESS facility should be proposed in an industrial zone or a rural area like all other BESS facilities in operation in US. Our community deserves the right of long-term safety.

Thank you for your attention to this urgent matter. I welcome the opportunity to speak further or provide supporting documentation.

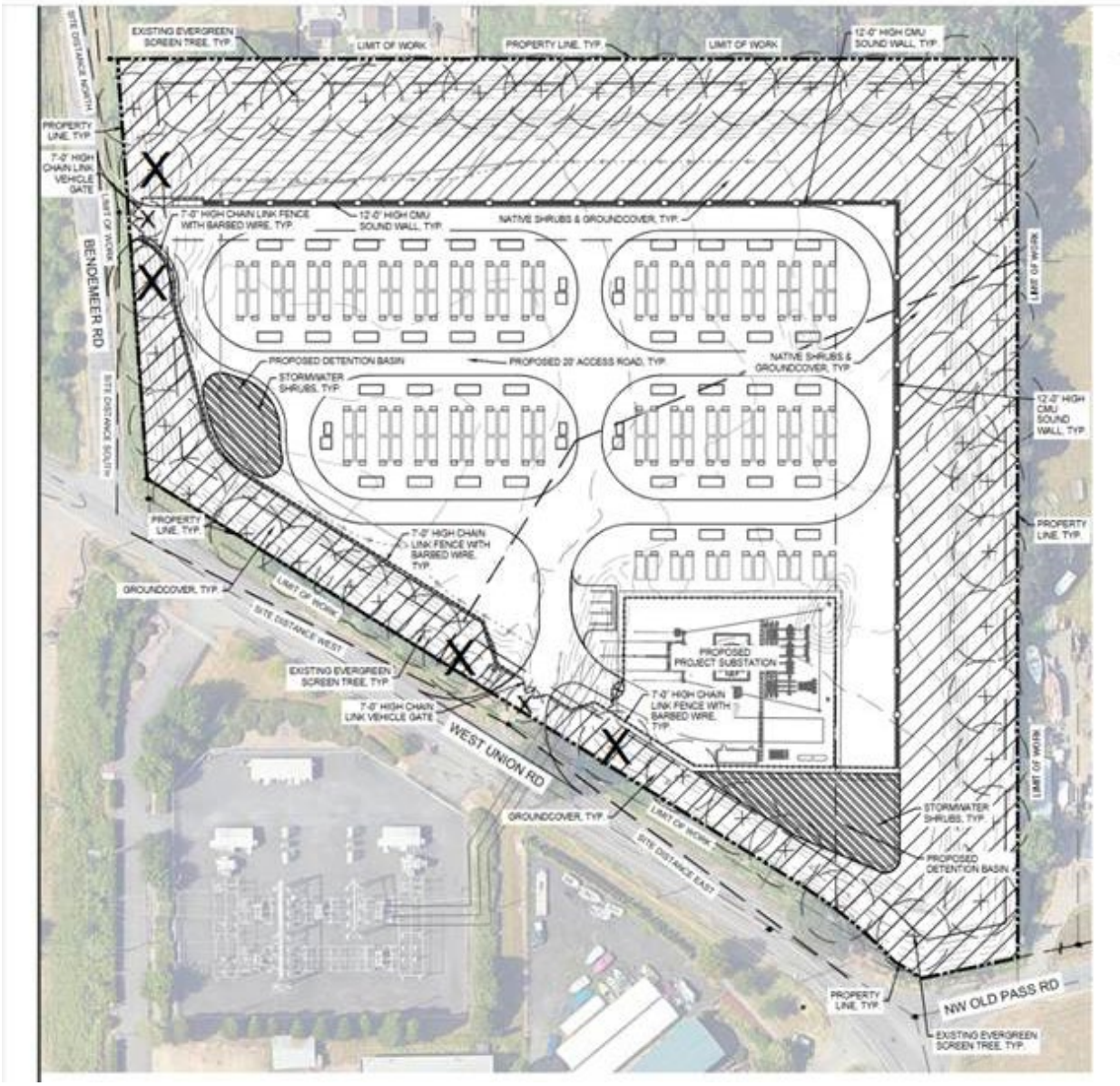
Sincerely,

Mei-hui Wang
Hillsboro Resident & Community Advocate

21727 NW West Union Rd
Hillsboro, OR 97124
meihuiwang_2025@outlook.com
Aug 27,2025

https://washco.sharefile.com/share/view/sfe342d2338c0473aad9537316fcb523a/fode5c45-b968-471d-af29-80ec5b6bbefb)

This BESS proposed site is adjacent to occupied residential homes at all length alone north/east/west sides.



CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

From:	Melissa De Lyser
To:	sherrydugan@gmail.com
Cc:	Board of County Commissioners; Stephen Roberts; Carol Johnson; Erin Wardell
Bcc:	Stephen Shane
Subject:	RE: Data Center in Hillsboro (1)
Date:	Friday, August 22, 2025 10:55:00 AM
Attachments:	Land Development Process Fact Sheet - April 20.pdf

Hello Sherry:

Thank you for your email. I am the Communications Manager for the Washington County Department of Land Use & Transportation, and I have been asked to respond to your email on behalf of the Board of Commissioners.

We appreciate you taking the time to share your concerns regarding the application submittal for a proposed Battery Energy Storage System. This application is subject to a Type II development review process, which does not require a public hearing. (See attached The Land Development Process: Types I, II and III.) Please visit our Frequently Discussed Development Applications webpage to review the application and related documents.

While your email has been shared with the Washington County Board of Commissioners, please know that the Board does not have a role in reviewing development applications.

Thank you again for your email.

Best,

Melissa De Lyser

Melissa De Lyser
PUBLIC AFFAIRS AND COMMUNICATIONS MANAGER

503-846-4963 · cell: 971-713-9658
www.washingtoncountyor.gov · wc-roads.com
melissa_de_lyser@washingtoncountyor.gov

——————— Forwarded message ———————

From: Sherry Dugan

Date: Aug. 20, 2025 6:01pm

Subject: Data Center in Hillsboro

To: bcc@washingtoncountyor.gov

Dear Commissioners,
I am writing to voice a negative voice on the proposed data center being built in Hillsboro on West Union & old Cornelius road by the Meating Place.
That location is just a few miles on each side by housing tracks, schools, apartment complex and rural areas that need to be protected.
My understanding is that there was no public hearing on this decision.
I will remember this decision next time any of you run for office again.
Why you would be deciding this without public input is beyond my understanding.
If anything does ever happen & puts people's lives or areas that could be harmed by this decision, you should be blamed for it and held accountable.

Washington County resident,
Sherry Dugan

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: [EXTERNAL] Opposition to Proposed Jupiter BESS Facility on West Union Rd. – Human Health Compatibility Concerns
Date:	Thursday, August 28, 2025 1:24:35 PM
Attachments:	image.png image001.png
Importance:	High

From: LUT Director <LUTDIR@washingtoncountyor.gov>
Sent: Thursday, August 28, 2025 7:59 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Cc: Carol Johnson <Carol_Johnson@washingtoncountyor.gov>; Stephen Roberts <Stephen_Roberts@washingtoncountyor.gov>
Subject: FW: [EXTERNAL] Opposition to Proposed Jupiter BESS Facility on West Union Rd. – Human Health Compatibility Concerns
Importance: High

Good Morning,

Please see the following public comments for Casefile L2500161.

Thank you,

Matt Boyer| **Senior Administrative Specialist**
Washington County Department of Land Use & Transportation
503-846-3809 direct | 971-485-5905 cell
Department of
Land Use & Transportation
Administrative Services

From: Tsuan-Chung Chang <tsuanchungchang_2025@outlook.com>
Sent: Wednesday, August 27, 2025 4:52 PM
To: Stephen Roberts <Stephen_Roberts@washingtoncountyor.gov>; LUT Director <LUTDIR@washingtoncountyor.gov>
Subject: [EXTERNAL] Opposition to Proposed Jupiter BESS Facility on West Union Rd. – Human Health Compatibility Concerns
Importance: High

Washington County director of Land Use & Transportation
155 N First Avenue, Suite 350
Hillsboro, OR 97124

Subject: Opposition to Proposed Jupiter BESS Facility on West Union Rd. – Human Health Compatibility Concerns

Dear Mr. Stephen Roberts,

Please help stop Washington County Land use project to build a BESS (Battery energy storage system) industrial scale facility in the heart of our residential neighborhood. (case file L2500161, please see more details below)

It is deeply troubling to witness the steady expansion of data centers and energy storage facilities into our residential neighborhoods. What was once a peaceful place to raise families, breathe clean air, and enjoy the quiet rhythms of rural life is now shadowed by towering enclosures, humming machinery, and the looming risk of industrial accidents.

We are told these projects serve the greater good—but at what cost to the people who live here? Where is the clean, tranquil space for communities to thrive? For children to play without fear, for elders to rest without disruption, for families to feel safe?

Progress should not mean sacrificing the very essence of what makes a neighborhood livable. I urge decision-makers to consider not just the technical feasibility of these developments, but the human compatibility. We deserve better than to be treated as collateral in someone else's infrastructure plan.

Sincerely,

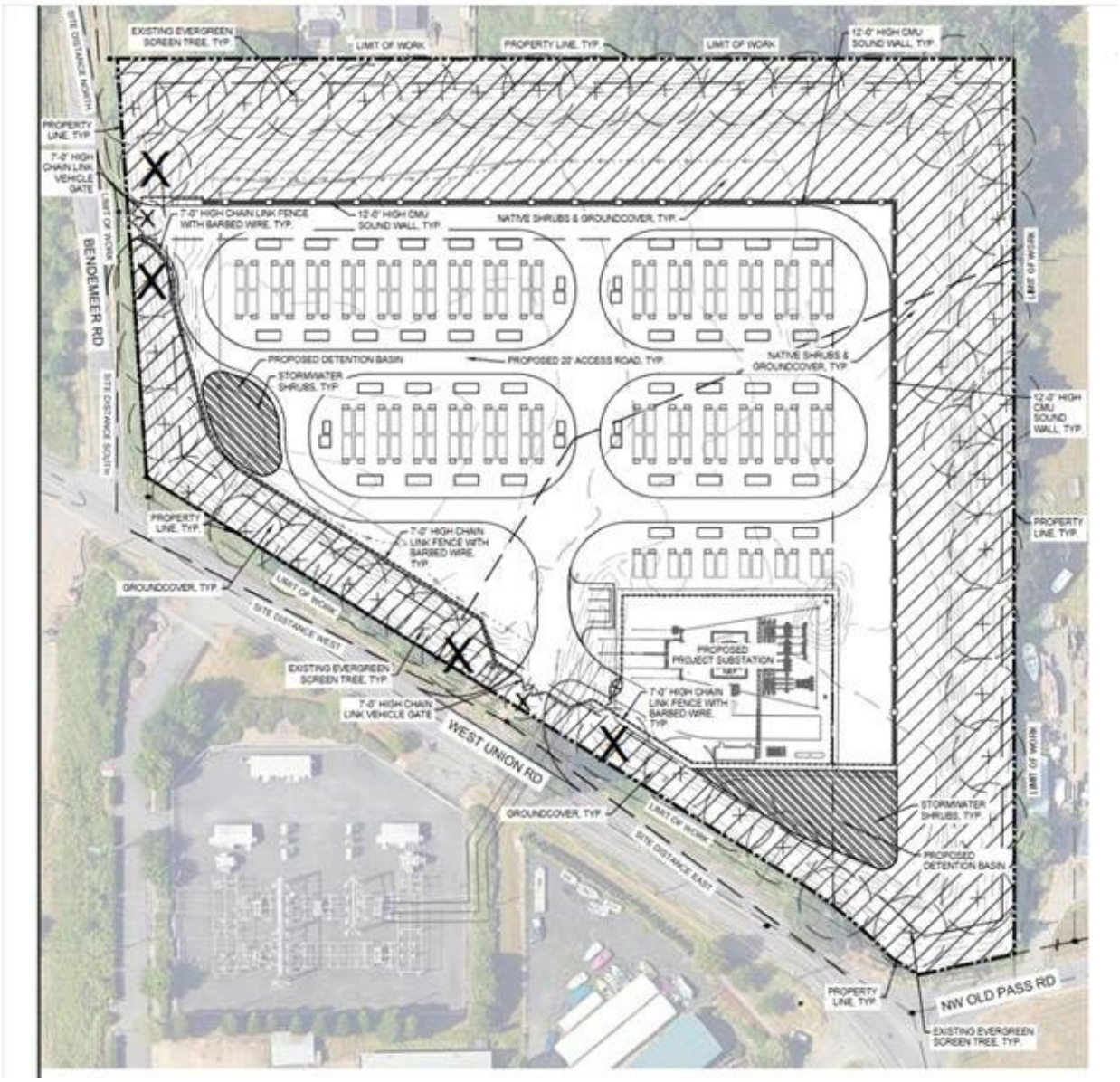
Tsuan-Chung Chang

21727 NW West Union Rd
Hillsboro, OR 97124
tsuanchungchang@gmail.com
Aug 27,2025

This BESS proposed site is adjacent to occupied residential homes at all length alone north/east/west sides.

21393 & 21435 NW West Union Rd, Hillsboro, OR 97124

https://washco.sharefile.com/share/view/sfe342d2338c0473aad9537316fcb523a/fode5c45-b968-471d-af29-80ec5b6bbefb)



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From: Melissa De Lyser
To: tsuanchungchang_2025@outlook.com
Cc: Stephen Roberts; Erin Wardell; Carol Johnson; Louisa Bruce; Board of County Commissioners
Subject: Opposition to Proposed Jupiter BESS Facility on West Union Rd. – Human Health Compatibility Concerns (Tsuan-Chung Chang)
Date: Thursday, August 28, 2025 1:00:24 PM
Attachments: Land Development Process Fact Sheet - April 20.pdf
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Hello Tsuan-Chung:

Thank you for your email. I am the Communications Manager for Washington County Department of Land Use & Transportation (LUT), and I have been asked to respond on behalf of the Washington County Board of Commissioners.

We appreciate you taking the time to share your concerns regarding the land use application submitted for a proposed Battery Energy Storage System (BESS). As there is significant interest in this application, we have elevated this application to a Type III development review process which includes a public hearing before an independent Hearings Officer to make sure proposals meet the Community Development Code. In addition to accepting public testimony, the Hearings Officer approves or denies these applications. (See attached Land Development Process Fact Sheet.)

The public hearing is tentatively scheduled for 9 a.m. Thursday, Oct. 16, via Zoom. Confirmation of the hearing and the public agenda notice, including details on how to participate, will be emailed to you within 20 days of the hearing. Please visit our Frequently Discussed Development Applications webpage to review the application and supporting documents.

While your email has been shared with the Washington County Board of Commissioners, please know that the Board does not have a role in reviewing development applications.

Thank you again for your email.

Best,

Melissa De Lyser
PUBLIC AFFAIRS AND COMMUNICATIONS MANAGER

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Hillsboro, OR 97124
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www.washingtoncountyor.gov · wc-roads.com
melissa_de_lyser@washingtoncountyor.gov

Tsuan-Chung Chang
Yesterday, 04:44pm
To
district1@washingtoncountyor.gov+4

Washington County Board of Commissioners
155 N First Avenue, Suite 300
Hillsboro, OR 97124
Subject: Opposition to Proposed Jupiter BESS Facility on West Union Rd. – Human Health Compatibility Concerns
Dear Commissioners,
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We are told these projects serve the greater good—but at what cost to the people who live here? Where is the clean, tranquil space for communities to thrive? For children to play without fear, for elders to rest without disruption, for families to feel safe?
Progress should not mean sacrificing the very essence of what makes a neighborhood livable. I urge decision-makers to consider not just the technical feasibility of these developments, but the human compatibility. We deserve better than to be treated as collateral in someone else's infrastructure plan.
Sincerely,
Tsuan-Chung Chang
21727 NW West Union Rd
Hillsboro, OR 97124
tsuanchungchang@gmail.com
Aug 27,2025

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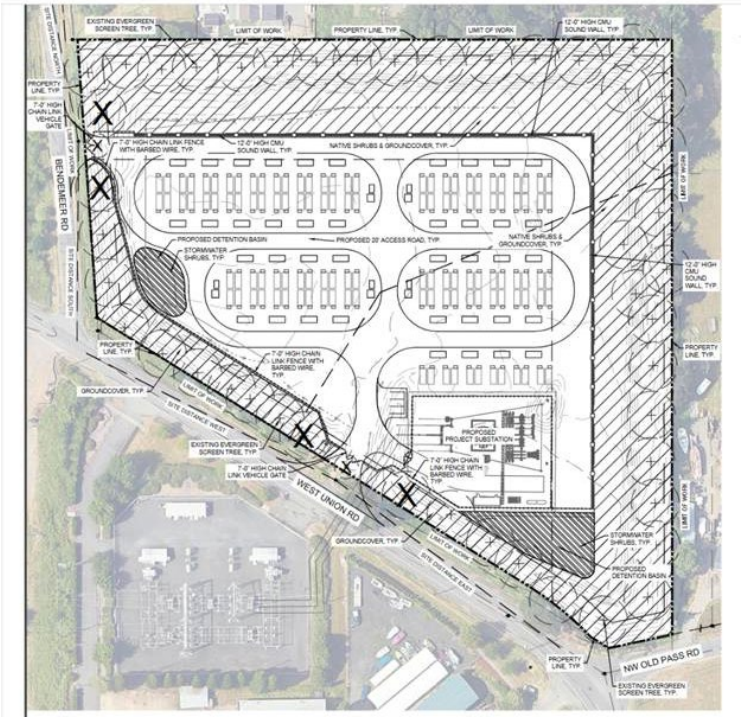
https://washco.sharefile.com/share/view/sfe342d2338c0473aad9537316fcb523a/fode5c45-b968-471d-af29-80ec5b6bbefb)



Top of Form

From: Melissa De Lyser
To: tsuanchungchang_2025@outlook.com
Cc: Stephen Roberts; Erin Wardell; Carol Johnson; Louisa Bruce; Board of County Commissioners
Bcc: Melissa De Lyser
Subject: Opposition to Proposed Jupiter BESS Facility on West Union Rd. – Human Health Compatibility Concerns (Tsuan-Chung Chang)
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Best,

Melissa De Lyser
PUBLIC AFFAIRS AND COMMUNICATIONS MANAGER

Washington County Land Use & Transportation
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melissa_de_lyser@washingtoncountyor.gov

Tsuan-Chung Chang
Yesterday, 04:44pm
To
district1@washingtoncountyor.gov+4

Washington County Board of Commissioners
155 N First Avenue, Suite 300
Hillsboro, OR 97124
Subject: Opposition to Proposed Jupiter BESS Facility on West Union Rd. – Human Health Compatibility Concerns
Dear Commissioners,
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Sincerely,
Tsuan-Chung Chang
21727 NW West Union Rd
Hillsboro, OR 97124
tsuanchungchang@gmail.com
Aug 27,2025

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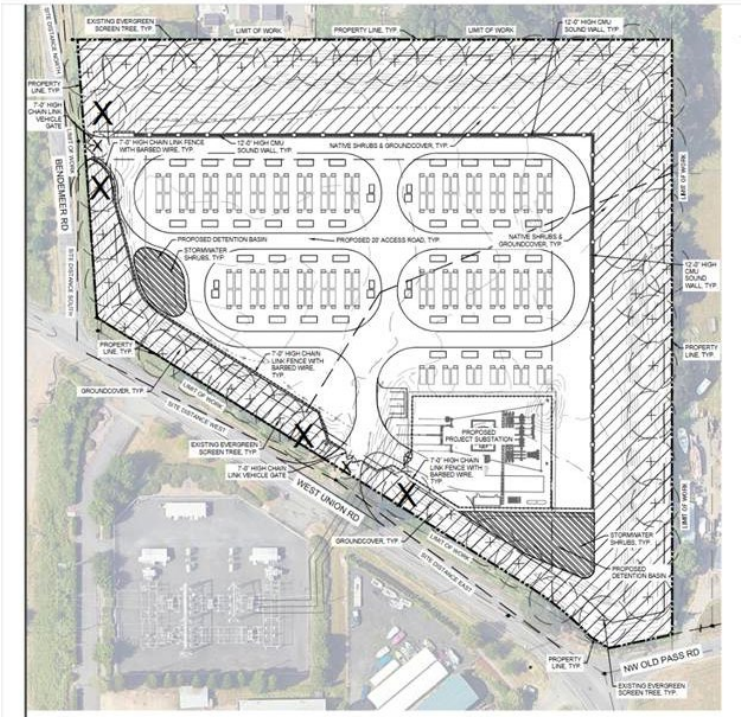
https://washco.sharefile.com/share/view/sfe342d2338c0473aad9537316fcb523a/fode5c45-b968-471d-af29-80ec5b6bbefb)



Top of Form

From: LUT Development
To: Louisa Bruce
Subject: FW: [EXTERNAL] Casefile/Project # L2500161-SU/D/PLA Strong opposition
Date: Friday, September 12, 2025 12:11:19 PM

From: Ariel <ariel931979@gmail.com>
Sent: Thursday, September 11, 2025 4:14 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: [EXTERNAL] Casefile/Project # L2500161-SU/D/PLA Strong opposition

Attn: Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility

All of us are stewards of the irreplaceable farmland that this and future generations need to protect. This part of Washington County is unique in that just minutes from dense industrial and suburban Hillsboro there is true agriculture and gorgeous vistas for local enjoyment and tourism. It's my personal favorite part of driving out this way, whatever route I take it's a respite from the concrete and rows of houses. The people who live there chose a way of life that is being stripped from them in meaningful ways as we speak. This real time destruction of our heritage and what makes this part of the world so special is not something any of us should quietly allow. The quest for dollars and land for growth is never ending, that's a fact of the world… but protecting our home and doing the right thing here in our backyard where it matters is too important to ignore or permit. I ask that you deny this application and act now in a way my grandchildren will benefit from. Thank you.

Ariel Goodwin
Former Mayor of North Plains
30845 NW Brooking Ct
North Plains OR 97133

Demand For An In Person Public Hearing - Jupiter Battery Storage - Hillsboro

To: Washington County Land Use Staff / Tanya Ange County Admin
From: No Batteries In Back Yards - Community Group Opposing the Jupiter Battery project - RE: Casefile L2500161- SU/D/PLA

Washington County (OR) is reviewing Casefile L2500161 — the proposed Jupiter Battery Storage facility. This project would place massive lithium-ion batteries next to our homes. Yet the County is saying this will be a Zoom-only hearing. *That decision denies many of us a fair chance to participate.*

Why We Say NO to Zoom-Only

- *Safety & Health Risks:* Lithium-ion batteries can and do fail. Explosions and toxic gas releases at similar facilities have forced evacuations in other communities.
- *Accessibility*: **Neighbors with hearing impairments, visual impairments, or limited technology access cannot fairly participate in a Zoom-only process.**
- Public Trust: The pandemic is over. There is no reason to hide this process behind a screen. A public forum means we show up, together, face-to-face.
- Community Voice: Land use hearings are about more than comments — they are about neighbors standing with their peers in a transparent process.

Our Demand: Call to Action: Require an In-Person Public HearingTo:

Washington County Planners and Officials- Maitreyee Sinha, Senior Planner — *maitreyee sinha@washingtoncountyor.gov*, *Stephen Roberts, Land Use & Transportation Director* — stephen_roberts@washingtoncountyor.gov , *Stephan Shane, Principal Planner* — stephen_shane@washingtoncountyor.gov. Tany Ange - Washington County Adminstrator- Tanya_Ange@washingtoncountyor.gov

Dear Ms. Sinha, Director Roberts, Mr. Shane, and County Admin Ange;

We, the undersigned members of the community in opposition to *Casefile L2500161* (Jupiter Battery Storage proposal), write to urge Washington County to require this hearing to be held in person, with a hybrid option. *The Washington County Development Code requires Type III hearings to be public and accessible*. While the Code does not mandate the format, fairness and inclusivity clearly require that residents be able to appear in person before the Hearings Officer, staff, and one another. (Because neighbors directly affected by this Battery Storage facility have technical and health issues with participating by computer, we believe the county is not meeting the accessibility section of the code, and that could be challenged.)

We request that you hold an *in-person public hearing* at an ADA-accessible venue in Washington County.

Provide a hybrid option (Zoom or similar) for those who prefer it.

Ensure clear notice of the time, place, and access details.

Release the staff report at least one week before the hearing.

The Bottom Line

Washington County wants this to be Zoom-only. We say that is not fair, not inclusive, and not acceptable.

We will not accept dangerous industrial batteries in our backyards without being heard.

No Batteries In Back Yards.

The Undersigned Voters and Residents of Washington County Demand you respond to this request as soon as possible, or provide a good reason why a Zoom meeting only meets with the policies Washington County promotes of equity, inclusion, transparency, and open and fair communications. Zoom only breaches all those goals, objectives, and policies.

✍️ Those who have signed this petition (218 People Strong) stand with us in this demand- Washington County hold an in-person public hearing for Casefile L2500161 and protect our neighborhoods. Each signature is digitally certified - check if you desire at https://chng.it/cNndpWpBmF

Dirk Knudsen Jessica Martinez

Heather Alvarez Julie Garcia

Marianne Grossen Evers Alice Grossen

Cheryl BODEN Ronald Brandt

Sharon MacDonald Janet Roth

Katie Gilbertson Brandon Gilbertson

Lance Armor William m Hickox

Mei-hui Wang Jeff Grossen

Tsuan-Chung Chang KEVIN BABBITT

Ann Babbitt James Shepherd

Mitchell Babbitt Nina Arciniega

Nicholas Balashov Alyssa Rogers

Courtney Gardner Raleigh Koritz

Lissa Louise Lucia Mendoza

Sue Arney ANDREA Campbell

Daron Chang Lisa Barnhart

Jenna Davidson Jon Inwood

Elizabeth Chang Kari Suppes

Kelsey Boldman Alex Stocks

JoAnn Vineyard Melissa Naganuma

Chad Naganuma James Hrysyzen

Kristin Chaffee Marilyn Ribinson

Tracey Hrysyzen Brennan Armacost

Lark Brandt Linda Schade

Cassandra Schade Brennyn Hobbs

Jonathan leonel Davalos Orozco Lydia Boden

Irene Masters PHILLIP VAN DYKE

Hannah Blessing Diane Lewis

Lyn Jacobs Ben Farley

Jen Lin Luna Argueta

Todd Frimoth Brenda Frimoth

Spring Patterson Bridget Clough

Raquel Wigginton Jeana James

Chris Hansson Marilyn Joyce

Cecily Capistran Andrea Milano

Jay Boden Gordon Vreugdenhil

Teresa Brandt Gary Brandt

Jackie Barnes Don Johnson

Kelly Grogan-Albrecht Mona Clouse

Adina Dieringer	Judy Mantello
Tom Dieringer	Robert Kelly
Tricia Pausz	Rick Noss
Philip Melcher	Michael Page
Kathy Lange	Nancy Pierce
Milt Scholl	Heather Nichols
Joseph Parker	Angela Straw
Emily Kent	Gabrielle Matney
Kim Terhaar	Kathryn Fitzpatrick

Rachael Silva Daniel Rathe

Michelle Gray Matthew Fox

Cindy Zimmerman Jill Parrott

Rebecca Baird Todd Baird

Lisa Ross L Adams

Kimberly Lee Stephen Crane

Shawna VanderZanden Nicholas Van Loo

Kimiko Coleman Greg Prusynski

Victoria Baron Jessica Ochoa

Katie Blanc Kirstin Duyck

Jeremy Gray Kaylin VanDomelen

Trista Janzen Lucila Hrysyzen

Becca Sinner Kodi Duyck

Jason vandehey Kasia Gutierrez

Melodee Davis Laurie Taylor

Amy Harper Starlit Nite

Angela Cretsinger Carl LEACH

Nathalia Corso Kim Stetson

Kevin Saxton Stella Chan

Sarah Farley Stella Scott

Elizabeth McGrew Courtney Davis

Kristen Adams Jill Hartzell

David Fishback Ann Roth

Tascha Gamroth Teri klopfenstein

Allisa Wacek Angela Hammack

Angelita Surmon Douglas Hartzell

Nicole Haebler Shelby Boden

Susie Luther STEVEN HOLSER

Afthab Zainudeen rebecca buchanan

Afthab & Rabia Zainudeen Priscilla Downing

Jennifer Feeney Laura Duyck

Cory Hay Kathy George

Audrey Paice Marilyn McLain

Christina Webb Eric Jernigan

chester epperson Kelly Reed prusynski

Darrell M Gardner Susan Farley

Ari Tjahjani Larry McLain

Aliceson Wren Sarah Crosby

Rick Cardwell RICK HORDICHOK

Jaimee Adams Laurie Holser

keaten Allred Fred Evey

Kathryn Chandler Patricia Aird

Bill Sproull Nate Baird

Greg McKelvey Cassie Luttrell

Cindy Lommasson Ariel Goodwin

Jody Jones Becky Gosselin

Derek Eby Julie McCloud

Rodney Reed Tammy Schrader

Savannah Beehn Dave Steinkamp

Mindy Hay Christine Humphrey

Stephanie Partain Jacob Pence

Michele Roy James Rosenau

Justine Ellis Trisha Lucas

Debra True Jeeni Breen

Lindsey Vogt Jeanette Oreilly

Juliana DePerio Bruce Klein

Bettie Chestnut Julie Moore

Cheryl Alexander Dennis West

Grace Geller Stacey Geller

Anne Houff Emilie Kroen

Jacob Tijerina

From: Maitreyee Sinha
To: Deborah Lockwood
Subject: RE: [EXTERNAL] Battery Storage Project on NW West Union
Date: Tuesday, September 2, 2025 2:05:44 PM

Hello Deborah, thank you for reaching out. The application continues to be under review and will be elevated to a Type III process that requires a public hearing. Notice will be sent out 20 days prior to the hearing (which is scheduled for 10/16)---you are welcome to attend and testify. You will be added to the email list for sending out notifications.

Thank you,

Maitreyee Sinha | Senior Planner
503-846-3835 maitreyee_sinha@washingtouncountyor.gov

The counter lobby is open Monday, Tuesday, Wednesday, and Thursday 8AM to 4PM.
CLOSED FRIDAYS.
Staff are working in office and remotely and are best reached by email.

Please submit planning-related questions to LUTDEV@co.washington.or.us.

Current Planning updates
LUT Services available online

From: Deborah Lockwood <deborahlockwood50@gmail.com>
Sent: Tuesday, September 2, 2025 1:39 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery Storage Project on NW West Union

Good afternoon, Ms. Sinha,

I wrote to you on August 21st about the proposed battery storage project on NW West Union Rd. I am hoping there is further information about the application's status. Will it be elevated to Type III review?

Thanks very much for any information you can provide.

Sincerely,

Deborah Lockwood
503-330-7430

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking

August 17, 2025

Received
SEP 16 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

Kevin and Ann Babbitt
21295 NW Bendemeer Rd
Hillsboro, OR 97124

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13
Hillsboro, Oregon 97124

The Honorable Nafisa Fai
County Commissioner, District 1
County Administrative Office
155 N 1st Ave
Hillsboro, Oregon 97124

Casefile/Project# L2500161-SU/D/PLA
Proposed Battery Energy Storage System (BESS)

Subject: Facility Siting, Abuse of Zoning "Variance", Arbitrary "Public Utility" Designation.

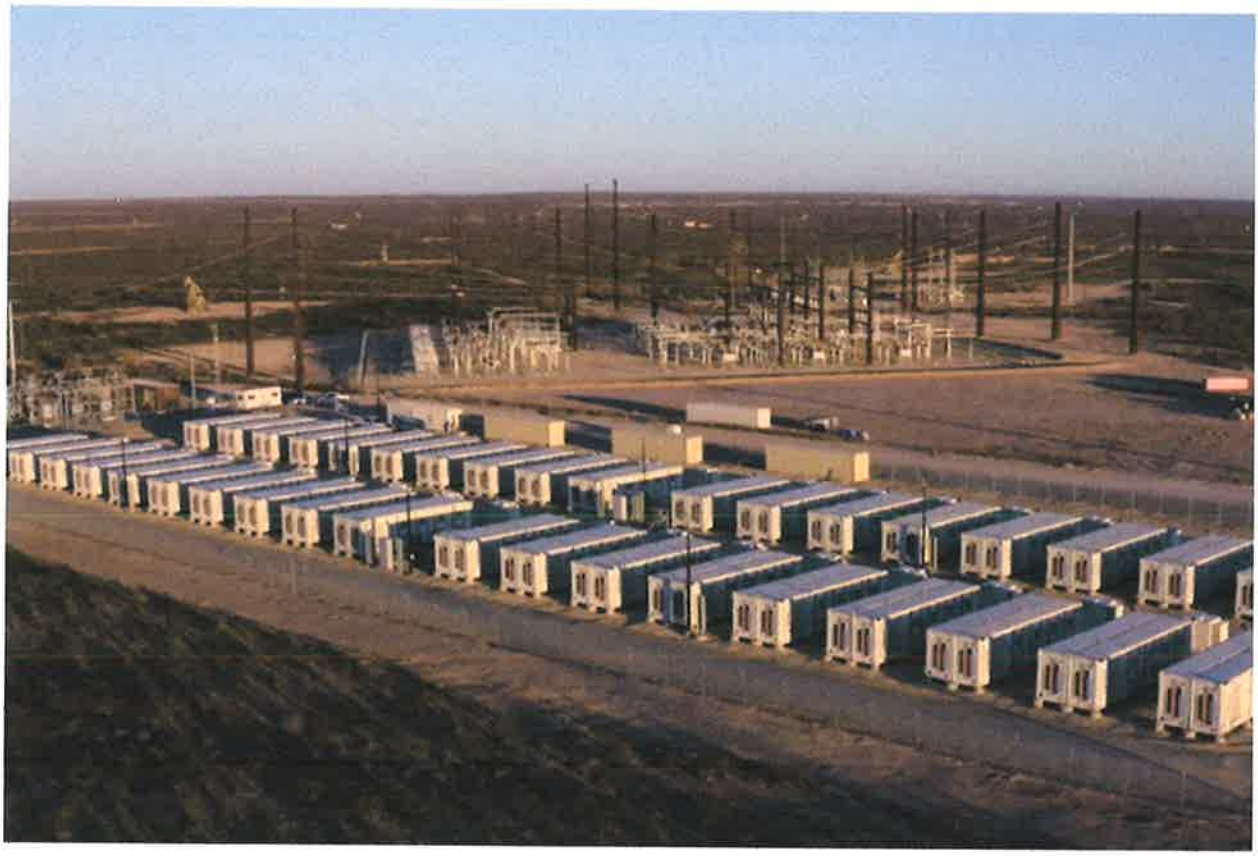
Dear Maitreyee Sinha and Dear Commissioner Fai,

The objective of this letter is to provide additional arguments against the approval of the Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5.

I write to you on this subject, Commissioner Fai, because eventually the County is going to need new leadership for the Chair and a fresh perspective on what is right and proper in the treatment of the community. Therefore, I ask that you do everything you can to prevent this installation from destroying the lives and property investments of the County residents living close to and significantly harmed by this proposed installation.

Facility Siting
Included in this letter are images directly from the developer's website:
https://www.jupiterpower.io/jupiter-power-our-projects

What is glaringly obvious is that these existing facilities are NO WHERE NEAR a populated area, subdivision, or any other form of residents. Look at the open space they reside in! No community within miles! Why would one of these facilities be allowed to be constructed just yards from private homes and property, obliterating years of investment and property values?



Abuse of Zoning "Variance":

Over the years, particularly in our community, the County has allowed the use of the zoning variance vehicle to a state of abuse. We are zoned AF5 which carries clear stipulations on what activity is permitted on the property. The County can't just variance away, on a slow roll, all of these stipulations to the detriment of the lives of the affected community.

Arbitrary "Public Utility" Designation:

The County is arbitrarily designating this installation as a Public Utility when it is in fact THE EXACT OPPOSITE. This is a for profit investment by a huge investment firm. Jupiter Power LLC is owned by BlackRock Alternatives. Blackrock is a global investment management firm! This, obviously, if far from a Public Utility. This is the perfect definition of Privately-Owned Utilities (Investor-Owned Utilities or IOUs).

Supporting sustainable energy solutions is an important and worthy objective, but there are right was to accomplish it and horribly wrong ways. This project is precisely the later.

Thank you, Commissioner Fai, for any influence you might bring to bear to locate this facility and its inherent risks and dangers elsewhere in a more suitable location.

Sincerely

Kevin C. Babbitt
Ann Babbitt

From: Maitreyee Sinha
To: sophie.lackner@gridstor.com
Subject: RE: [EXTERNAL] Public Hearing for Casefile L2500161
Date: Tuesday, September 2, 2025 2:13:48 PM
Attachments: image001.png

Hi Sophie,

thank you for reaching out. Notice will be sent out 20 days prior to the hearing and will include the zoom link as well as additional directions/information for attendees. You will be added to the email list for sending out notifications.

Thank you,

Maitreyee Sinha | Senior Planner
503-846-3835 maitreyee_sinha@washingtouncountyor.gov

The counter lobby is open Monday, Tuesday, Wednesday, and Thursday 8AM to 4PM.
CLOSED FRIDAYS.
Staff are working in office and remotely and are best reached by email.

Please submit planning-related questions to LUTDEV@co.washington.or.us.

Current Planning updates
LUT Services available online

From: Soph Lackner <sophie.lackner@gridstor.com>
Sent: Tuesday, September 2, 2025 1:54 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: [EXTERNAL] Public Hearing for Casefile L2500161

Hi there,

I am writing to request the Zoom link for the upcoming public hearing regarding the Blackberry Grove Energy Storage project scheduled for October 16th.

I would like to attend and follow the discussion! Please let me know if there are any additional steps I should take to register or confirm my attendance.

Thank you for your assistance.

Best,

Soph Lackner

Project Developer
224.221.0547 | sophie.lackner@gridstor.com
gridstor.com

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

RECEIVED

AUG 29 2025

PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

Name: Raquel Wigginton
Full Address: 3753 N Overlook Blvd, Portland, Oregon 97227

Date: August 21, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

We are members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. Our farmers rely on well water for their farm operation. They grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Raquel Wigginton

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Friday, August 22, 2025 12:22:26 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 3:34 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 15:32

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Deanna Palm

Email
deannap@wcchamber.org

Address
5193 NE Elam Young Pkwy., Suite A
Hillsboro, Oregon. 97124

Your Comments
Please see attached document.

Attach Documents

- public-comments-re-casefile-l2500161.pdf (133.86 KB)

August 21, 2025

Planning Commission Chair Bidou and Members of the Planning Commission:

On behalf of the Washington County Chamber of Commerce and our members representing more than 75,000 jobs, I am pleased to provide comments in support of the proposed **Jupiter Power Battery Storage Facility** in Washington County.

This project is an important investment in our community and its future. During construction, it will create jobs and opportunities for local contractors and suppliers. Once operational, it will provide long-term tax revenue to support schools, infrastructure, and vital public services, strengthening the foundation of our local economy.

Equally significant is the benefit this project brings to our energy infrastructure. Businesses of every size—from family-owned shops to global technology companies—depend on consistent, affordable, and reliable energy. By capturing renewable power and delivering it back to the grid during times of peak demand, the Jupiter Power facility will improve grid resilience, reduce vulnerability to outages, and support Oregon's clean energy and climate goals. Importantly, this type of storage also strengthens community resilience during extreme weather events or other emergencies that place pressure on our energy supply.

This project also aligns with Oregon's broader renewable energy policies and climate commitments, ensuring that investments being made in solar and wind generation can be fully realized. Energy storage is the critical link that allows renewable power to be deployed when it is needed most, reducing dependence on fossil fuels and supporting a healthier environment.

Washington County is known as a hub of innovation, home to advanced manufacturing and technology industries that thrive on forward-thinking infrastructure. The Jupiter Power facility demonstrates how our community can continue to lead in the next generation of clean energy solutions, balancing economic growth, environmental responsibility, and community benefit. The willingness of Jupiter Power to invest here also underscores the strength of Washington County as a place where forward-looking companies want to grow and contribute.

For these reasons, the Washington County Chamber of Commerce strongly supports the Jupiter Power Battery Storage Facility and encourages its approval. We appreciate the opportunity to provide these comments and thank you for your leadership in guiding this important decision.

Respectfully,
Titonian Wallace, Sr.
Chair of the Board of Directors

EXECUTIVE COMMITTEE
President Nina Carlson
NW Natural

Vice President Gina Cole
Legacy Health

Secretary Carly Riter
Intel

Treasurer Brantley Dettmer
Kaiser Permanente

Jason Green
CBRE

Damien Hall
Dunn Carney

Samantha Ridderbusch
Comcast

Ed Trompke
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DIRECTORS
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IBEW Local 48

Josh Shearer
KG Investment Properties

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Councilor Juan Carlos Gonzalez
Metro

Mayor Beach Pace
City of Hillsboro

Mayor Frank Bubenik
City of Tualatin

Councilor John Dugger
City of Beaverton

Council President Maureen Wolf
City of Tigard

WEA
WESTSIDE ECONOMIC ALLIANCE

August 21, 2025

Dear Chair and Members of the Commission,

The Westside Economic Alliance (WEA) is proud to express support for Jupiter Power's proposed Blackberry Grove Energy Storage Facility in Washington County. This 100-megawatt utility-scale project represents a forward-looking investment in our region's future, one that will directly benefit residents, businesses, and community services across the county.

WEA represents a coalition of public sector jurisdictions, private sector employers and community benefit organizations, working collaboratively to advance balanced economic development and a thriving business community throughout the Tualatin Valley and the broader Westside of the Portland Metro Region, including all of Washington County.

The Blackberry Grove Energy Storage Facility project will offer increased integration of renewable resources and connect to the existing West Union substation, enhancing the stability, reliability, and resiliency of the regional power grid. With renewable energy resources like solar and wind fluctuating throughout the day, ample battery storage ensures that reliable energy is available when customers need it most. Importantly, this project will strengthen grid stability and reliability for local customers.

Beyond energy resiliency, the project brings significant local benefits. The Blackberry Grove project represents a major financial investment in Washington County, one that will create predictable and ongoing property tax revenues to support schools, parks, libraries, police, fire protection, and infrastructure needs like road maintenance. These revenues would provide tangible benefits to the community year after year.

Battery storage is also **essential** to Oregon's clean energy goals. By capturing and storing renewable energy, Blackberry Grove would help integrate wind and solar resources into the grid more effectively, reducing reliance on less sustainable sources and ensuring a reliable supply of energy even when the sun isn't shining or the wind isn't blowing.

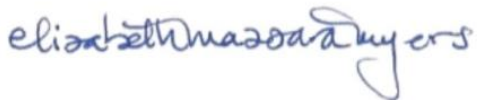
Jupiter Power has extensive experience developing and operating safe, efficient battery facilities in communities across the country. Their work has proven that they are not only great community partners, but that projects like Blackberry Grove are technically and environmentally sound for surrounding communities.

10220 SW Nimbus Ave, Suite K-12 | Tigard, Oregon 97223
Office 503-968-3100 | www.WestsideAlliance.org

For these reasons, **the Westside Economic Alliance respectfully urges you to support the Blackberry Grove Energy Storage Facility project**. This project is more than just an energy investment, it is a commitment to the resiliency, sustainability, and prosperity of Washington County. Without projects like this, and other investments into clean energy infrastructure, reaching Oregon's ambitious climate goals will only become harder and harder as the years go on.

Thank you for your consideration.

Sincerely



Elizabeth Mazzara Myers
Executive Director

From: LUT Development
To: Louisa Bruce
Subject: FW: Casefile Public Comment - Response
Date: Friday, August 22, 2025 12:21:07 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 2:07 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 14:03

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Elizabeth Mazzara Myers

Address
10220 SW Nimbus Ave K-12
Tigard, Oregon. 97223

Your Comments
Dear Chair and Members of the Commission,

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Thank you for your consideration.

Attach Documents

- wea_letter-of-support-jupiter-blackberry-grove_8-21-2025.pdf (273.82 KB)

From: Maitreyee Sinha
To: Louisa Bruce
Subject: FW: [EXTERNAL] Proposed Battery Facility on West Union
Date: Thursday, August 21, 2025 10:29:46 AM

From: Eric Desmarais <desmaraise@gmail.com>
Sent: Thursday, August 21, 2025 10:16 AM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Proposed Battery Facility on West Union

Maitreyee Sinha,

I would like to submit the following as comment on the proposed Jupiter Power 10 acre energy storage facility on West Union and Old Pass Road.

My name is Eric Desmarais, I am Washington County born and raised and a current resident. I am excited about the prospect of and am in favor of the construction of this energy storage project in our community. I have now worked in the energy industry for over 15 years working on the utility side in Pacific Power's legal department, for the State of Oregon as a regulator serving as staff to the Energy Facility Siting Council of Oregon, and for the past 10 years as a developer of solar and storage energy projects. My energy development experience was with multiple companies, none of which have any connection to this project. This is the experience that is informing my comments on this matter.

As someone whose profession it is to develop and get energy storage facilities developed and built, I'm uniquely positioned as an expert on energy storage facilities and am also used to responding to comments and concerns from the public. I know these facilities are safe to operate and this site looks to be well selected and will benefit the community. When I am permitting my own projects the most common concerns I hear usually revolve around safety concerns, noise, and not understanding how Oregon's zoning laws work. I find that these concerns are often alleviated through education and engagement. If I believed these facilities were not safe I would not be in this industry. Many times I have been told that if the facility I was seeking to permit was being built in my community I would be opposed to. For this reason, I feel obligated to voice my support for this facility and believe it will be beneficial to Washington County.

The primary benefits from a small facility like this are straight forward. The first is the easiest to understand, these facilities are compact and expensive which means they bring a lot of tax revenue to a small area. More money for the County means more for money for services to the citizens of Washington County. The much harder benefit to grasp and the benefit that I believe to be far more important is what benefits batteries can bring to the grid. It is no secret that the electrical grid is in bad shape in Oregon. The vast majority of the load in Oregon is in the Willamette Valley. You need to look no farther than the tech facilities and data centers in Washington County to understand that. Most of the generation is on the east side of the Cascades and the infrastructure to bring electricity over is stretched to the limit. It is not easy to build this infrastructure either. We all know we need it, but every infrastructure project faces steep opposition. See the PGE plan to upgrade an existing line in Forest Park. Having an energy storage facility in our community allows the utility to deploy these resources help maintain grid reliability

and shift loads to times when the power is much more needed.

The primary opposition I see to these facilities is fire safety. The most common misconception I hear is that if a battery catches on fire, which is exceedingly rare with the technology that is being built today, it turns into a massive fallout area that is unsafe for anybody to be within a mile of the facility. I have the pleasure of getting to coordinate with fire safety experts and local fire departments and I can assure you that this is not the case. The reality is that a battery catching fire is no worse than a house catching fire. You still don't want to inhale it but if you are concerned about these batteries catching on fire, you should also be concerned about the dangers of your neighbor's houses and cars catching fire and the dangers of leaving near them. This facility will also likely not overwhelm TVF&R. Fires are exceedingly rare and the responses for most are very simple since you cannot get a battery facility like this financed or insured if you don't follow the appropriate safety and spacing rules. This means that even if one of the batteries somehow catches on fire despite the multitude of safety equipment it is extremely unlikely that it will catch an adjacent battery on fire. Since it is an electrical fire, the typical guidance is to not spray water on it and simply let it burn out under supervision.

I also don't believe that noise should be a significant concern. While there certainly some equipment that will be running 24/7 the ambient noise is unlikely to increase much for the neighbors as it is directly next to a very busy road and across the street from a substation that will have a similar ambient noise level. In this sense the location is excellent given the co-located nature of the facility.

It is not my place to say whether this specific use complies with the local land use laws as I am not the expert. The land use planners at Washington County are. What I can say is that all types of land whether industrial or exclusive farm use or residential require electricity and a functioning grid. This is why facilities such as this are typically an allowed use on most zoning types in most jurisdictions. This site appears to me to be well selected as it is collocated across the street from a substation.

For these reasons I am in favor of this project being built in my community to help strengthen my local energy grid.

Thank you for taking my comments into consideration.

Eric Desmarais

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From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Friday, August 22, 2025 12:23:03 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 4:00 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 15:59

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
John Davis

Email
johncndavis@gmail.com

Address
10857 SW Glenbrook Court
Wilsonville, Oregon. 97070

Your Comments
I support this application for green energy and battery storage in Washington County.

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Friday, August 22, 2025 12:17:51 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 10:48 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 10:47

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Judi Bobosky

Email
j.bobosky@comcast.net

Address
6770 SW Canyon Drive
P, Oregon. 97225

Your Comments
This property is perfect to support the power gird. It is literally across the street from a substation and its bermed.

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:31:22 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 4:23 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 16:23

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Kelli Bobosky

Email
mamarooney1776@outlook.com

Address
21393 NW West Union Road
Hillsboro, Oregon. 97124

Your Comments
Our property, where the proposed energy storage facility plans to be installed has long been nestled amongst an industrial area with a substation directly across the driveway that sits between a boat repair shop and a plastics manufacturing plant. Just yards down the road to the west of us is a UPS distribution center and to the east of us sits an ever expanding cell tower. Within walking distance we also have commercial food manufacturing sites such as Beaverton Foods & Reser's.

In addition, adjacent to us and butting up to our property line, are neighbors who run their concrete business from their property where they also reside. Directly behind us is another neighborhood home on property where dump trucks and other large equipment

are often seen and heard coming and going.

Given the characteristics surrounding our property, implementing an energy storage facility ties in well with the existing feel of this area with the huge bonus that it will not increase the already annoying daytime traffic issues experienced on West Union Rd.

We also have a substantial berm encircling much of our property brimming with mature conifers that will serve to conceal and buffer the facility from neighboring properties. This will complement well any other features and measures that Jupiter Power plans to put into place.

Over the past several months we have become acquainted with Jupiter Power. They were not the first energy storage company to reach out to us, but they were the company that stood out far among the rest. From the very start and throughout the various studies & surveys conducted on our property, Jupiter has overseen every step with top-notch professional, courtesy and excellence. We have no doubt that they will continue to manage this project in an exemplary manner and set the bar.

Lastly, we see a growing need in our community for this project and believe in it wholeheartedly.

Kelli Bobosky
21393 NW West Union Rd.
Hillsboro, OR 97124

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Friday, August 22, 2025 12:17:39 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 10:41 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 10:41

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Robert Bobosky

Email
r.bobosky@comcast.net

Address
6770 SW Canyon Drive
Portland, Oregon. 97225

Your Comments
I support this use which is important for our power system. This land is not farmland. It is in Urban Reserve and is exception land. The whole Bendemeer area is parcelized and quasi-urban already.

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Tuesday, August 19, 2025 8:27:37 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 9:18 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 21:17

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Stephen Ruona

Address
5465 SW 183rd Ave
Beaverton, Oregon. 97078

Your Comments
Hello Washington County LUT,

This battery project is the type of vital project that we need to shore up our grid and move this region forward. Thank you for considering this project, I encourage you to move it forward to implementation.

Thank you.

From:	Kellie Crowdis
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Monday, August 18, 2025 4:29:25 PM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Monday, August 18, 2025 1:04 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Mon, 08/18/2025 - 13:03

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Steve Bobosky

Email
sbobosky@systemcentertools.com

Address
213
Hillsboro, Oregon. 97124

Your Comments
Hello,
I support the application and development of the site for its proposed use.

This property is ideally suited for the proposed use as a battery energy storage site for multiple reasons.
It is located directly across a busy street from the substation.
The character of the neighborhood has gradually become more and more industrial mixed with residential.
Across West Union is a boat repair business, and a plastics industrial facility. Both can be loud at times. Also across and up West Union is a giant UPS distribution center, with

daily UPS trucks on West Union Road as a result.

Immediately adjacent to the West is a concrete/construction business. Immediately adjacent to the East the property stores multiple large boats and construction equipment.

Not too far away is a cell tower.

Very little farming occurs in the neighborhood and to my knowledge there is no agricultural use which exceeds $5000 in sales a year. A few neighbors have chickens and goats. There would be no impact to these hobby farm uses with the proposed use.

Additionally, the property is surrounded by a massive dirt berm, which has many mature fir trees. This berm will provide privacy, serving as a visual and sound barrier for the neighbors.

Furthermore, after 8 years of discussion and debate amongst the relative parties (including residents, cities, the counties and the state) this Bendemeer neighborhood was designated as Urban Reserve in 2014, While this utility use does not require UGB expansion or annexation into a city, this neighborhood is already designated to be urbanized before other areas which are designated Rural Reserve.

There may be more comments to the county with concerns about impacts to privacy, safety or how this project may impact the neighborhood negatively than there are comments without concerns. These commenters were generally notified by mail. The beneficiaries, however, include the hundreds of thousands of Washington country residents who can benefit from the lower power costs and improved stability of the electric grid. The residents who benefit from this likely won't comment positively but they will still appreciate the lower power costs that directly result from this use. These residents who will benefit were not directly notified by mail or neighbor about the positives and benefits of this project.

Steve Bobosky
21393 NW West Union Rd
Hillsboro, Oregon, 97124

From:	LUT Development
To:	Louisa Bruce
Subject:	FW: Casefile Public Comment - Response
Date:	Thursday, August 21, 2025 8:48:57 AM

From: Washington County Forms <noreply@washingtoncountyor.gov>
Sent: Thursday, August 21, 2025 8:21 AM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: Casefile Public Comment - Response

Submitted on Thu, 08/21/2025 - 08:21

Submitted by: Anonymous

Submitted values are:

Casefile Number
L2500161

Your Name
Terri Kam

Email
catering@kamsfinefoods.com

Address
10050 nw old Cornelius Pass Rd
Portland , Oregon. 97231

Your Comments
I support projects to lower energy costs. Our energy bills are rising at unsustainable rates.

From: LUT Development
To: Louisa Bruce
Subject: FW: [EXTERNAL] Casefile/Project # L2500161-SU/D/PLA Strong opposition
Date: Friday, September 12, 2025 12:11:19 PM

From: Ariel <ariel931979@gmail.com>
Sent: Thursday, September 11, 2025 4:14 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: [EXTERNAL] Casefile/Project # L2500161-SU/D/PLA Strong opposition

Attn: Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility

All of us are stewards of the irreplaceable farmland that this and future generations need to protect. This part of Washington County is unique in that just minutes from dense industrial and suburban Hillsboro there is true agriculture and gorgeous vistas for local enjoyment and tourism. It's my personal favorite part of driving out this way, whatever route I take it's a respite from the concrete and rows of houses. The people who live there chose a way of life that is being stripped from them in meaningful ways as we speak. This real time destruction of our heritage and what makes this part of the world so special is not something any of us should quietly allow. The quest for dollars and land for growth is never ending, that's a fact of the world… but protecting our home and doing the right thing here in our backyard where it matters is too important to ignore or permit. I ask that you deny this application and act now in a way my grandchildren will benefit from. Thank you.

Ariel Goodwin
Former Mayor of North Plains
30845 NW Brooking Ct
North Plains OR 97133

Demand For An In Person Public Hearing - Jupiter Battery Storage - Hillsboro

To: Washington County Land Use Staff / Tanya Ange County Admin
From: No Batteries In Back Yards - Community Group Opposing the Jupiter Battery project - RE: Casefile L2500161- SU/D/PLA

Washington County (OR) is reviewing Casefile L2500161 — the proposed Jupiter Battery Storage facility. This project would place massive lithium-ion batteries next to our homes. Yet the County is saying this will be a Zoom-only hearing. *That decision denies many of us a fair chance to participate.*

Why We Say NO to Zoom-Only

- *Safety & Health Risks:* Lithium-ion batteries can and do fail. Explosions and toxic gas releases at similar facilities have forced evacuations in other communities.
- *Accessibility*: **Neighbors with hearing impairments, visual impairments, or limited technology access cannot fairly participate in a Zoom-only process.**
- Public Trust: The pandemic is over. There is no reason to hide this process behind a screen. A public forum means we show up, together, face-to-face.
- Community Voice: Land use hearings are about more than comments — they are about neighbors standing with their peers in a transparent process.

Our Demand: Call to Action: Require an In-Person Public HearingTo:

Washington County Planners and Officials- Maitreyee Sinha, Senior Planner — *maitreyee sinha@washingtoncountyor.gov*, *Stephen Roberts, Land Use & Transportation Director* — stephen_roberts@washingtoncountyor.gov , *Stephan Shane, Principal Planner* — stephen_shane@washingtoncountyor.gov. Tany Ange - Washington County Adminstrator- Tanya_Ange@washingtoncountyor.gov

Dear Ms. Sinha, Director Roberts, Mr. Shane, and County Admin Ange;

We, the undersigned members of the community in opposition to *Casefile L2500161* (Jupiter Battery Storage proposal), write to urge Washington County to require this hearing to be held in person, with a hybrid option. *The Washington County Development Code requires Type III hearings to be public and accessible*. While the Code does not mandate the format, fairness and inclusivity clearly require that residents be able to appear in person before the Hearings Officer, staff, and one another. (Because neighbors directly affected by this Battery Storage facility have technical and health issues with participating by computer, we believe the county is not meeting the accessibility section of the code, and that could be challenged.)

We request that you hold an *in-person public hearing* at an ADA-accessible venue in Washington County.

Provide a hybrid option (Zoom or similar) for those who prefer it.

Ensure clear notice of the time, place, and access details.

Release the staff report at least one week before the hearing.

The Bottom Line

Washington County wants this to be Zoom-only. We say that is not fair, not inclusive, and not acceptable.

We will not accept dangerous industrial batteries in our backyards without being heard.

No Batteries In Back Yards.

The Undersigned Voters and Residents of Washington County Demand you respond to this request as soon as possible, or provide a good reason why a Zoom meeting only meets with the policies Washington County promotes of equity, inclusion, transparency, and open and fair communications. Zoom only breaches all those goals, objectives, and policies.

✍️ Those who have signed this petition (218 People Strong) stand with us in this demand- Washington County hold an in-person public hearing for Casefile L2500161 and protect our neighborhoods. Each signature is digitally certified - check if you desire at https://chng.it/cNndpWpBmF

Dirk Knudsen Jessica Martinez

Heather Alvarez Julie Garcia

Marianne Grossen Evers Alice Grossen

Cheryl BODEN Ronald Brandt

Sharon MacDonald Janet Roth

Katie Gilbertson Brandon Gilbertson

Lance Armor William m Hickox

Mei-hui Wang Jeff Grossen

Tsuan-Chung Chang KEVIN BABBITT

Ann Babbitt James Shepherd

Mitchell Babbitt Nina Arciniega

Nicholas Balashov Alyssa Rogers

Courtney Gardner Raleigh Koritz

Lissa Louise Lucia Mendoza

Sue Arney ANDREA Campbell

Daron Chang Lisa Barnhart

Jenna Davidson Jon Inwood

Elizabeth Chang Kari Suppes

Kelsey Boldman Alex Stocks

JoAnn Vineyard Melissa Naganuma

Chad Naganuma James Hrysyzen

Kristin Chaffee Marilyn Ribinson

Tracey Hrysyzen Brennan Armacost

Lark Brandt Linda Schade

Cassandra Schade Brennyn Hobbs

Jonathan leonel Davalos Orozco Lydia Boden

Irene Masters PHILLIP VAN DYKE

Hannah Blessing Diane Lewis

Lyn Jacobs Ben Farley

Jen Lin Luna Argueta

Todd Frimoth Brenda Frimoth

Spring Patterson Bridget Clough

Raquel Wigginton Jeana James

Chris Hansson Marilyn Joyce

Cecily Capistran Andrea Milano

Jay Boden Gordon Vreugdenhil

Teresa Brandt Gary Brandt

Jackie Barnes Don Johnson

Kelly Grogan-Albrecht Mona Clouse

Adina Dieringer	Judy Mantello
Tom Dieringer	Robert Kelly
Tricia Pausz	Rick Noss
Philip Melcher	Michael Page
Kathy Lange	Nancy Pierce
Milt Scholl	Heather Nichols
Joseph Parker	Angela Straw
Emily Kent	Gabrielle Matney
Kim Terhaar	Kathryn Fitzpatrick

Rachael Silva Daniel Rathe

Michelle Gray Matthew Fox

Cindy Zimmerman Jill Parrott

Rebecca Baird Todd Baird

Lisa Ross L Adams

Kimberly Lee Stephen Crane

Shawna VanderZanden Nicholas Van Loo

Kimiko Coleman Greg Prusynski

Victoria Baron Jessica Ochoa

Katie Blanc Kirstin Duyck

Jeremy Gray Kaylin VanDomelen

Trista Janzen Lucila Hrysyzen

Becca Sinner Kodi Duyck

Jason vandehey Kasia Gutierrez

Melodee Davis Laurie Taylor

Amy Harper Starlit Nite

Angela Cretsinger Carl LEACH

Nathalia Corso Kim Stetson

Kevin Saxton Stella Chan

Sarah Farley Stella Scott

Elizabeth McGrew Courtney Davis

Kristen Adams Jill Hartzell

David Fishback Ann Roth

Tascha Gamroth Teri klopfenstein

Allisa Wacek Angela Hammack

Angelita Surmon Douglas Hartzell

Nicole Haebler Shelby Boden

Susie Luther STEVEN HOLSER

Afthab Zainudeen rebecca buchanan

Afthab & Rabia Zainudeen Priscilla Downing

Jennifer Feeney Laura Duyck

Cory Hay Kathy George

Audrey Paice Marilyn McLain

Christina Webb Eric Jernigan

chester epperson Kelly Reed prusynski

Darrell M Gardner Susan Farley

Ari Tjahjani Larry McLain

Aliceson Wren Sarah Crosby

Rick Cardwell RICK HORDICHOK

Jaimee Adams Laurie Holser

keaten Allred Fred Evey

Kathryn Chandler Patricia Aird

Bill Sproull Nate Baird

Greg McKelvey Cassie Luttrell

Cindy Lommasson Ariel Goodwin

Jody Jones Becky Gosselin

Derek Eby Julie McCloud

Rodney Reed Tammy Schrader

Savannah Beehn Dave Steinkamp

Mindy Hay Christine Humphrey

Stephanie Partain Jacob Pence

Michele Roy James Rosenau

Justine Ellis Trisha Lucas

Debra True Jeeni Breen

Lindsey Vogt Jeanette Oreilly

Juliana DePerio Bruce Klein

Bettie Chestnut Julie Moore

Cheryl Alexander Dennis West

Grace Geller Stacey Geller

Anne Houff Emilie Kroen

Jacob Tijerina

From: Maitreyee Sinha
To: Deborah Lockwood
Subject: RE: [EXTERNAL] Battery Storage Project on NW West Union
Date: Tuesday, September 2, 2025 2:05:44 PM

Hello Deborah, thank you for reaching out. The application continues to be under review and will be elevated to a Type III process that requires a public hearing. Notice will be sent out 20 days prior to the hearing (which is scheduled for 10/16)---you are welcome to attend and testify. You will be added to the email list for sending out notifications.

Thank you,

Maitreyee Sinha | Senior Planner
503-846-3835 maitreyee_sinha@washingtouncountyor.gov

The counter lobby is open Monday, Tuesday, Wednesday, and Thursday 8AM to 4PM.
CLOSED FRIDAYS.
Staff are working in office and remotely and are best reached by email.

Please submit planning-related questions to LUTDEV@co.washington.or.us.

Current Planning updates
LUT Services available online

From: Deborah Lockwood <deborahlockwood50@gmail.com>
Sent: Tuesday, September 2, 2025 1:39 PM
To: Maitreyee Sinha <Maitreyee_Sinha@washingtoncountyor.gov>
Subject: [EXTERNAL] Battery Storage Project on NW West Union

Good afternoon, Ms. Sinha,

I wrote to you on August 21st about the proposed battery storage project on NW West Union Rd. I am hoping there is further information about the application's status. Will it be elevated to Type III review?

Thanks very much for any information you can provide.

Sincerely,

Deborah Lockwood
503-330-7430

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Received
SEP 16 2025
PLANNING & DEVELOPMENT SVCS
LAND USE & TRANSPORTATION

August 17, 2025

Kevin and Ann Babbitt
21295 NW Bendemeer Rd
Hillsboro, OR 97124

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13
Hillsboro, Oregon 97124

The Honorable Nafisa Fai
County Commissioner, District 1
County Administrative Office
155 N 1st Ave
Hillsboro, Oregon 97124

Casefile/Project# L2500161-SU/D/PLA
Proposed Battery Energy Storage System (BESS)

Subject: Facility Siting, Abuse of Zoning "Variance", Arbitrary "Public Utility" Designation.

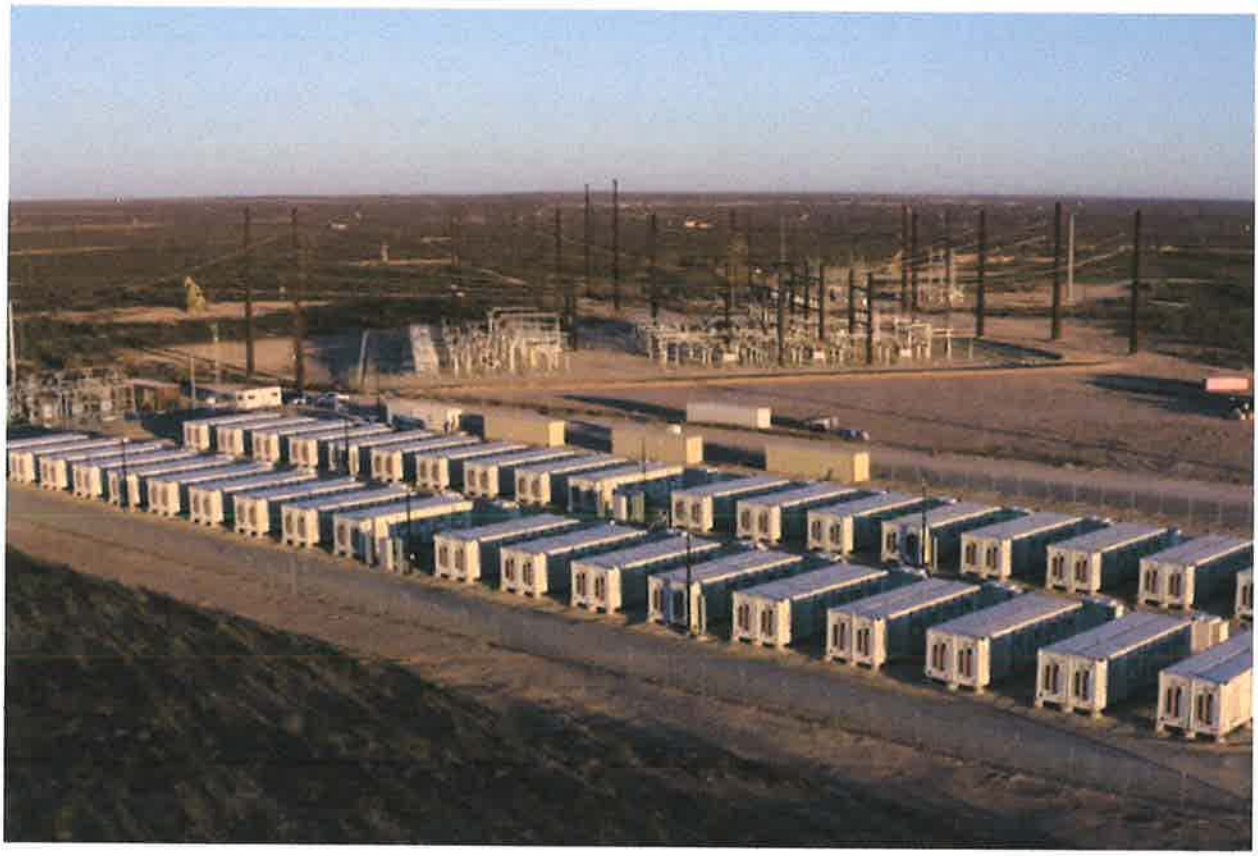
Dear Maitreyee Sinha and Dear Commissioner Fai,

The objective of this letter is to provide additional arguments against the approval of the Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5.

I write to you on this subject, Commissioner Fai, because eventually the County is going to need new leadership for the Chair and a fresh perspective on what is right and proper in the treatment of the community. Therefore, I ask that you do everything you can to prevent this installation from destroying the lives and property investments of the County residents living close to and significantly harmed by this proposed installation.

Facility Siting
Included in this letter are images directly from the developer's website:
https://www.jupiterpower.io/jupiter-power-our-projects

What is glaringly obvious is that these existing facilities are NO WHERE NEAR a populated area, subdivision, or any other form of residents. Look at the open space they reside in! No community within miles! Why would one of these facilities be allowed to be constructed just yards from private homes and property, obliterating years of investment and property values?



Abuse of Zoning "Variance":

Over the years, particularly in our community, the County has allowed the use of the zoning variance vehicle to a state of abuse. We are zoned AF5 which carries clear stipulations on what activity is permitted on the property. The County can't just variance away, on a slow roll, all of these stipulations to the detriment of the lives of the affected community.

Arbitrary "Public Utility" Designation:

The County is arbitrarily designating this installation as a Public Utility when it is in fact THE EXACT OPPOSITE. This is a for profit investment by a huge investment firm. Jupiter Power LLC is owned by BlackRock Alternatives. Blackrock is a global investment management firm! This, obviously, if far from a Public Utility. This is the perfect definition of Privately-Owned Utilities (Investor-Owned Utilities or IOUs).

Supporting sustainable energy solutions is an important and worthy objective, but there are right was to accomplish it and horribly wrong ways. This project is precisely the later.

Thank you, Commissioner Fai, for any influence you might bring to bear to locate this facility and its inherent risks and dangers elsewhere in a more suitable location.

Sincerely

Kevin C. Babbitt
Ann Babbitt

From: Maitreyee Sinha
To: sophie.lackner@gridstor.com
Subject: RE: [EXTERNAL] Public Hearing for Casefile L2500161
Date: Tuesday, September 2, 2025 2:13:48 PM
Attachments: image001.png

Hi Sophie,

thank you for reaching out. Notice will be sent out 20 days prior to the hearing and will include the zoom link as well as additional directions/information for attendees. You will be added to the email list for sending out notifications.

Thank you,

Maitreyee Sinha | Senior Planner
503-846-3835 maitreyee_sinha@washingtouncountyor.gov

The counter lobby is open Monday, Tuesday, Wednesday, and Thursday 8AM to 4PM.
CLOSED FRIDAYS.
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Please submit planning-related questions to LUTDEV@co.washington.or.us.

Current Planning updates
LUT Services available online

From: Soph Lackner <sophie.lackner@gridstor.com>
Sent: Tuesday, September 2, 2025 1:54 PM
To: LUT Development <LUTDEV@washingtoncountyor.gov>
Subject: [EXTERNAL] Public Hearing for Casefile L2500161

Hi there,

I am writing to request the Zoom link for the upcoming public hearing regarding the Blackberry Grove Energy Storage project scheduled for October 16th.

I would like to attend and follow the discussion! Please let me know if there are any additional steps I should take to register or confirm my attendance.

Thank you for your assistance.

Best,

Soph Lackner

Project Developer
224.221.0547 | sophie.lackner@gridstor.com
gridstor.com

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RECEIVED

AUG 29 2025

PLANNING & DEVELOPMENT SERVICES
LAND USE & TRANSPORTATION

Name: Raquel Wigginton
Full Address: 3753 N Overlook Blvd, Portland, Oregon 97227

Date: August 21, 2025

Maitreyee Sinha, Senior Planner
Washington County Department of Land Use and Transportation
Planning and Development Services
Development Review/Current Planning
155 N 1st Ave #350-13,
Hillsboro, Oregon 97124

Casefile/Project # L2500161-SU/D/PLA

Subject: Strong Opposition to Proposed Battery Energy Storage System (BESS) Facility and zoning change to accommodate this facility.

Dear Matrieyee Sinha,

The purpose of this letter is to express strong opposition to the proposed Battery Energy Storage System (BESS) facility at 21393 NW West Union Road Hillsboro, Oregon 97124, which is currently zoned AF-5. It is located adjacent to the Bendemeer Road Neighborhood, an area of many homes on small 1-2 acre parcels. In addition, it is in close proximity to the residential area of Rock Creek, Liberty High School, Lennox and West Union Elementary Schools, Touchstone Preschool and Daycare, and many businesses, the largest being UPS, Beaverton Foods and Reser's Fine Foods. While supporting sustainable energy solutions is important, the potential risks of this project in its current location are unacceptable and a major concern to community residents.

We are members of La Finquita del Buho CSA, an organic farm less than one mile from this proposed Energy Storage system. Our farmers rely on well water for their farm operation. They grow food for over 400 people. Well water contamination is a real threat and would be devastating to the farm and disrupt our food system.

The proposed location for this battery storage facility near a residential area raises serious questions about the project's suitability and the prioritization of public safety. The Washington County Planning and Development Services is urged to prioritize the health and safety of residents and the long-term environmental integrity of the community.

The Washington County Planning and Development Services is respectfully requested to reject this project application and explore alternative locations that are more appropriate for such an industrial facility, far from residential areas and sensitive ecological environments.

Thank you for your time and consideration of this crucial matter. A response and a solution that protects the well-being of the community are anticipated.

Sincerely,

Raquel Wigginton