

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, September 25, 2025, 6:30pm

COMMISSIONERS

PRESENT: Sam Tucker, Chair, Ann Minton, Vice Chair, John Standley, Malcolm Millar and Emery Gentry

COMMISSIONERS

PRESENT VIA ZOOM: Andrew Morris and Tami Green

COMMISSIONER

ABSENT: Kim Gillet

PLANNING STAFF: Megan Davchevski, Planning Manager, Bryce Fairchild, Planner II, Tierney Cimmiyotti, Planner II, Charlet Hotchkiss, Planner, and Shawwna Van Sickle, Administrative Assistant

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. RECORDING IS AVAILABLE AT THE PLANNING OFFICE.

CALL TO ORDER

Chair Sam Tucker called the meeting to order at 6:40PM and read the Opening Statement.

NEW HEARING

COMPREHENSIVE PLAN MAP AMENDMENT #P-140-25, and ZONE MAP AMENDMENT #Z-327-25: CITY OF HERMISTON, APPLICANT / UNION PACIFIC RAILROAD CO., JB LAND LLC & UMATILLA BASIN PROPERTIES, OWNERS. The City of Hermiston requests the County co-adopt a proposed change to the city's Urban Growth Boundary (UGB). The proposed change would add approximately 810 acres of land to the UGB which would then be rezoned from Exclusive Farm Use (EFU) to City Heavy Industrial with Hyperscale Data Center Overlay and a Comprehensive Plan Designation of Industrial. The properties would subsequently be annexed into the city. The properties are identified as Map 4N28; Tax Lots 1800, 1900 and 2500, Map 4N2827; Tax Lots 200, 500, 600 and 700 and Map 4N2828A; Tax Lot 100. The criteria of approval are found in Oregon Revised Statute (ORS) 197.610-626, Umatilla County Development Code 152.750-152.755 and the Joint Management Agreement between the City and County.

Chair Tucker called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. Commissioner Standley stated he had a son that is employed for the City of Hermiston. Chair Tucker stated he did not believe this to be a conflict of interest in this matter. No other reports were made.

Chair Tucker called for the Staff Report.

STAFF REPORT

Ms. Cimmiyotti stated the City of Hermiston has requested Umatilla County to co-adopt an expansion to the City of Hermiston's Urban Growth Boundary (UGB). The approximately 810 acres proposed for inclusion are located south of East Feedville Road, north of the existing Feed Canal, and between South Ott Road and Oregon Highway 207. She shared the subject properties, identified as Tax Lots 1800, 1900 and 2500 on Assessor's Map 4N28, Tax Lots 200, 500, 600 and 700 on Assessor's Map 4N2827, and Tax Lot 100 on Assessor's Map 4N2828A, are located directly south of the Hermiston City Limits and immediately east of the Stanfield Urban Growth Boundary.

Ms. Cimmiyotti stated the criteria of approval for amendments are found in Umatilla County Development Code sections 152.750-152.755.

Ms. Cimmiyotti explained that the Hermiston City Council held a public hearing on September 8, 2025 and approved the Comprehensive Plan, Comprehensive Plan Map and Zoning Map Amendments, and subsequently adopted Ordinances 2374 and 2375. She shared that this hearing before the Umatilla County Planning Commission was the county's first evidentiary hearing for co-adoption. A subsequent Public Hearing before the Umatilla County Board of Commissioners was scheduled for Wednesday, October 15, 2025 at 10:00 AM in Room 130 of the Umatilla County Courthouse, 216 SE 4th Street, Pendleton, OR 97801.

Ms. Cimmiyotti stated that in accordance with the Joint Management Agreement (JMA) between Umatilla County and the City of Hermiston, the County was required to co-adopt any amendments to the city's UGB. This gives the County the authority to review and approve the proposed Comprehensive Plan Map and Zoning Map Amendments. She concluded her staffing report by stating the Planning Commission was tasked with reviewing the request and providing a recommendation to the Board of County Commissioners (BCC) regarding the proposed Urban Growth Boundary expansion.

Ms. Cimmiyotti indicated on the map, page 5 in the packet, that the areas outlined in red would be incorporated into the UGB and then subsequently into the city. Chair Tucker indicated on the map, pointing to tax lot 200 located on Assessor's map 4N2827, and asked if that property was not included. Ms. Cimmiyotti stated that property was also included, but that it was the sole property zoned Heavy Industrial.

Commissioner Morris asked who owned tax lot's 100 on Assessors Map 4N2828A, and tax lot's 500, 600 & 700 on Assessors Map 4N2827. Ms. Cimmiyotti stated all those properties were owned by J B Land LLC. Commissioner Morris asked if Union Pacific would be purchasing those properties from J B Land LLC or would the City of Hermiston be taking the properties by eminent domain? Ms. Cimmiyotti stated no one was purchasing property at that time. The

request was aimed to change the designation of the properties from being outside city limits and under County oversight to being incorporated within the Urban Growth Boundary, while maintaining the current ownership. Mrs. Megan Davchevski stated as part of the application all land owners provided authorization to submit this application on their behalf (Appendix F, page 517 in the packet).

Commissioner Standley reminded the Planning Commissioner's that regardless of what the City of Hermiston's plans for developing the property, it was the Planning Commission's responsibility to evaluate if the application meets the requirements to annex these properties into the Urban Growth Boundary for the City of Hermiston. He mentioned that while much of the information given is somewhat relevant, it does not directly pertain to the decision that would be made that evening.

Conversation continued with Commissioner Standley, Ms. Cimmiyotti and Mrs. Davchevski regarding the decision before the Planning Commission. It was determined that the co-adoption of the zoning map, comprehensive plan map and comprehensive plan was the decision before the Planning Commission they were to make a recommendation to the Board of County Commissioners.

Proponents: Mr. Jesse Winterowd, Winterbrook Planning, 310 SW Alder Street, Portland, OR 97205; Mr. Winterowd stated they were hired as the consulting firm working on this project with the City of Hermiston and their engineering team.

Clint Spencer, City of Hermiston Planning Department, 180 NE 2nd Street, Hermiston, OR 97838; Mr. Spencer stated he was representing the City of Hermiston as the Planning Director. He shared they felt like this project will provide vital economic development opportunities for Umatilla County and the region and hope the County will co-adopt their amendments.

Joshua Lott, Anderson Perry & Associates, 243 E Main Street, Suite C, Hermiston, OR 97838; Mr. Lott stated he performed the majority of the utility work for their application and was attending as support to answer any engineering questions that might arise.

Mr. Winterowd started with a PowerPoint, labeled as Exhibit 2, to highlight the areas where the project was located. He shared that the locations were identified after performing an economic opportunities analysis to determine how to grow the economic base for the City. He stated they found a very high demand for hyperscale data centers and not enough land within the Urban Growth Boundary (UGB) to accommodate them. They were able to locate two suitable sites on the south side of Hermiston that were under development but no other suitable sites within the UGB. Mr. Winterowd explained they needed nine (9) more sites at 100 plus acres per site, that were reasonably shaped, have nearby access to public facilities and were under 5% slope to accommodate the very large buildings and associated facilities necessary for each site.

Mr. Winterowd indicated that they were unable to find any locations within the UGB that met those criteria. He explained in detail the process of determining the sites and what Oregon State law dictates regarding evaluation of lands by exception areas first, and then farmland (poor farmland first, and then better farmland secondary). The land they were looking for could not have a road or train tracks going through it and must be contiguous, outside of floodplains, include a 200-foot buffer between residential uses. They determined a few possible sites, but upon further exploration found that those other sites to the North of Southwest or East sides of the City were not ideal.

Mr. Winterowd stated they were able to find this location for five sites and it was decided that if these develop well and all goes as planned then they could move on to the next set of four sites. This was determined to be the City of Hermiston's safest choice and least controversial sites for expansion. They felt this area was reasonably non-invasive and doesn't go largely into areas of farmland.

Mr. Winterowd explained the proposed areas were oddly shaped and to reduce conflicts with the irrigation canal, an agreement with Union Pacific was made and they signed off for the City of Hermiston to use the area north of the canal. He explained the zone proposed for these sites would be specifically for building hyperscale data centers and their accessory uses. If years later the demand is not there it can't just be converted to residential use, the City of Hermiston would be required to make another plan amendment.

Mr. Winterowd explained the steps taken to analyze the areas to serve public utilities (water, sewer, energy, etc.) to these buildings. He stated they worked closely with State and County agencies for road and utility purposes.

Chair Tucker asked if any of this area was currently farmed to the west and what was the soil classification. Mr. Winterowd stated the area on the south side is designated as an industrial exception area where they don't evaluate the soil classes. The area of farmland is class three and four soils. Mr. Spencer stated that no dry land farming was occurring on the east side either.

Chair Tucker asked if the property sold by Union Pacific extended only to the areas with a red line, referencing to page 5 of the packet on Assessor's map 4N28 Tax lot 1800 and 1900, or did it go all the way to the railroad tracks? Mr. Winterowd stated the area in question was north of the irrigation canal. Mr. Spencer also confirmed the land in this agreement was north of the irrigation canal and that Union Pacific would need to do a land division to separate the two areas. Mrs. Davchevski and Ms. Cimmiyotti both confirmed a property line adjustment was already completed for these tax lots, so the map reflected how the properties were currently.

Commissioner Green brought up questions regarding the usage of power from big data centers. She asked if the City of Hermiston considered that and what plans they have to address power issues for the future. Mr. Spencer stated they would utilize existing power resources, but the City of Hermiston was in negotiations for acquiring rights to the generation capacity they would need

for the project. He stated they were already working with Umatilla Electric Cooperative (UEC) and Bonneville Power Administration (BPA) to ensure the power was available. Commissioner Morris expressed that he shared similar concerns to Commissioner Green.

There were additional questions surrounding power serving the area by Commission Morris. Chair Tucker clarified this would be something the city would have to solve when it became time to develop. Mr. Spencer confirmed that it would fall on the developer to ensure they have the power available and build the necessary infrastructure. Mr. Spencer added that energy was not part of what is considered for this UGB expansion except for under Statewide Planning Goal 13. Commissioner Standley asked if the applicant could provide an approximate cost for infrastructure to provide roads, water and sewage for the project that was proposed. Mr. Winterowd stated that would be approximately \$80 million total for those improvements.

Mr. Garrett Stephenson; Legal counsel for City of Hermiston, 1211 SW 5th Ave, Suite 1900, Portland OR 97204; Mr. Stephenson stated he understood that there was a very limited set of considerations for the county under the intergovernmental agreement. He explained he wanted to answer some of the questions regarding power. He stated Oregon has a system called Open Access Tariff, where utilities have an obligation to serve any user for power no matter what, under State law. He added developers would be told what investments would be necessary in order to get power where it is necessary. Mr. Stephenson stated they hope some of this would come from the Boardman to Hemingway (B2H) transmission line. The applicants' hope to get another possible 230 kV line once B2H has been completed. He stated that if the power is not available and cannot be supplied without jeopardizing the current users' access or compromising reliability, then they will not receive service until the data centers can secure the necessary investments for the utility companies to support them.

Mr. Stephenson stated the impact to neighborhoods is greatly diminished due to the proximity of the site. He explained that while a pretty high-power distribution center system or maybe even a transmission line might be required it would not go through residential areas based on where it is located.

Commissioner Millar asked about the water rights they speak to in the application. He restated the applicants' description of how water would be obtained from the Columbia River and then supplied free of charge to current irrigation canals for local farmers, but questioned how the water would initially be transported from the river. Mr. Lott stated there was a pump station at the Columbia River in a regional water system which provides water to multiple users in the system. Mr. Lott detailed the agreement with the City of Hermiston regarding the water being sourced from the Columbia River. He stated it would be pumped from the river into the regional water system where it would be treated to a potable drinking water standard, and then pumped down into an aquifer for storage. He added that when needed, water would be extracted to use for cooling purposes. Commissioner Millar asked if those water rights already exist. Mr. Lott confirmed they do currently exist with the City of Hermiston.

Commissioner Gentry asked if the market isn't there for the data centers, would the land be limited on its future development potential? Mr. Winterowd stated the City would have to justify the need to change the zoning to something else since the proposed zone has such a specified use.

Commissioner Morris asked if the city didn't extend the UGB, could the County change the designation of the land from Exclusive Farm Use to Industrial for the data center use? Mr. Winterowd stated their proposal included an Urban Growth Expansion, an annexation, and a zone change so the City would be the correct entity for this. Mrs. Davchevski stated the city performed the Economic Opportunities Analysis and in order for the County to do so it would have to consider all land within Umatilla County's jurisdiction.

Discussions continued between Commissioner Morris, Commissioner Standley, Ms. Cimmiyotti and Chair Tucker regarding the appropriate entity as the applicant.

Mr. Stephenson stated the County cannot rezone this area for industrial scale data centers unless they can take an exception to the Oregon Statewide Planning Goals. He stated there are restrictions that would prevent the County from completing the project. A statewide planning goal exception for the extension of urban services like sewer and water would have to be completed. He stated luckily the City of Hermiston is immediately adjacent to this property so a statewide planning goal exception is not required.

Commissioner Minton stated she had personally attended the City of Hermiston's City Council meetings because she is a resident of Hermiston. She felt the work proposed for the aquifer would add to the City infrastructure and benefit not only the development but local farmers as well. Chair Tucker stated it would recharge the critical groundwater area as well.

Neutral: Mr. Dustin Oates, Ed Staub & Sons, 345 N 1st Place, Hermiston, OR 97838; Mr. Oates stated the testimony provided by the applicant's and staff had answered the questions he had.

Opponents: None

Public Agencies: Hermiston Irrigation District (HID) provided a letter to the Planning Department. The letter stated the properties in this application were not located within the boundary of the Hermiston Irrigation District, nor did they have water rights. The letter also stated there was a USBR easement for the Feed Canal along 4N2825 and 4N2826 properties listed in the annexation, the easement total's 100 feet (50 feet from the center of the canal on each side). Furthermore, HID had no objection to or restrictions on the request for annexation.

Commissioner Millar had some questions regarding the water rights for the properties. Mr. Lott explained the City of Hermiston has rights to utilize a certain number of gallons-per-minute from the regional water system. He added that data centers only use cooling water when the exterior

temperatures are hot. He shared that the theory would be the data centers would purchase water from the regional water system under the City of Hermiston's water rights during the season's it was needed. Commissioner Standley asked about the utilization with the water in the irrigation canals. Mr. Lott explained that exploration of utilizing the cooling water was to return it to irrigation canals so farmers could use for their crops. Commissioner Morris asked if this water would be considered brown water. Mr. Lott stated the water used for cooling is a closed system and said they are working with Department of Environmental Quality (DEQ) to ensure they meet the requirements for usage. He stated they are very close to obtaining those permits.

Commissioner Morris had additional questions regarding the cooling water used from another data center in Umatilla and how it could only be used to water a nearby golf course. Mr. Lott stated he could not speak to that location as he was not a part of that project. Chair Tucker asked if this would be a DEQ issue and they would be the controlling entity for permitting. Mr. Lott confirmed DEQ would be the correct agency.

Additional conversations between Commissioner Morris, Chair Tucker, Commission Standley and Vice Chair Minton continued regarding the processes the Planning Commission must look at with this application and the standards for approval.

Rebuttal Testimony: None

Chair Tucker called for any requests for the hearing to be continued, or for the record to remain open. There were none.

Chair Tucker closed the hearing for deliberation.

Chair Tucker adopted the following exhibits into the record:

Exhibit 1; September 8, 2025, Letter from Hermiston Irrigation District submitted from Karra Van Fossen, Water Right Specialist for Hermiston Irrigation District

Exhibit 2; September 25, 2025, PowerPoint presentation from City of Hermiston testimony, Jesse Winterowd, Winterbrook Planning

DELIBERATION & DECISION

Chair Tucker stated Oregon had passed laws in the early 1970s to protect farmland and limit additional development and requirements were put in place that must be met including Statewide Planning Goals. He concluded that he felt like the Planning Department had made a recommendation that every condition required by Oregon law had been met for this application and asked Staff to confirm. Mrs. Davchevski stated that all applicable criteria had been met for this application.

Commissioner Millar stated he concurred with Chair Tucker after reading through all the amendment criteria.

Commission Morris asked Staff which parliamentary procedure Planning Commission followed. Mrs. Davchevski stated the Planning Commission follows Robert's Rules of Orders per the Umatilla County Planning Commission Bylaws.

Commissioner Standley made a motion to recommend approval of the City of Hermiston, Comprehensive Plan Amendment, #P-139-25 and Zoning Map Amendment #Z-327-25, to the Board of Commissioners based on the foregoing Findings of Fact and Conclusions of Law.

Commissioner Minton seconded the motion. Motion passed with a vote of 6:0 with one abstention.

Voting Record:

Yes - Commissioner Gentry, Commissioner Green, Commissioner Standley, Commissioner Millar, Vice Chair Minton, Chair Tucker

No – none.

Abstained - Commissioner Morris

OTHER BUSINESS

No other business.

ADJOURNMENT

Vice Chair Tucker adjourned the meeting at 7:40PM.

Respectfully submitted,

Shawna Van Sickle,

Administrative Assistant

Minutes adopted by Planning Commission on October 23, 2025.