

UMATILLA COUNTY, OREGON
ORDINANCE #97- 014

OFFICIALLY ADOPTING UMATILLA COUNTY HINKLE WASTEWATER TREATMENT LINE OVERLAY ZONE 1 AND OVERLAY ZONE II, APPROVED BY THE UMATILLA COUNTY BOARD OF COMMISSIONERS ON MAY 27, 1997.

WHEREAS, Union Pacific is proposing to construct a new locomotive repair facility as an expansion of ongoing activities at the Hinkle Rail Yard. As part of this facility expansion, a new wastewater pretreatment facility will be constructed, replacing the existing pretreatment facility at the Hinkle Rail Yard; and

WHEREAS, Union Pacific has requested an exception from Statewide Planning Goal 11, relating to public facilities and services (#GO-001-97);

WHEREAS, Goal 11 states that "Counties shall not allow the establishment of new sewer systems outside urban growth boundaries or unincorporated community boundaries or allow new extensions of sewer lines from within urban growth boundaries or unincorporated community boundaries to land outside those boundaries"; and

WHEREAS, Although no new sewer system is being established outside the urban growth boundary, Union Pacific proposes extending the City of Hermiston's sewer line outside the urban growth boundary to the Hinkle wastewater treatment facility. Thus, an exception to Goal 11 is required; and

WHEREAS, Said exception contains justification only for Union Pacific Railroad's connection to the city's sewer line. In order to ensure that the application of this exception is limited, the Department of Land Conservation and Development (DLCD) requested that the County take steps to assure that plan and/or zone designations limit uses and activities to only those justified in the exception; and

WHEREAS, In response to DLCD's concerns, the Railroad has drafted two overlay zones: (I) to limit the uses of the wastewater line outside the Hermiston Urban Growth Boundary; and (II) to limit the uses of the wastewater treatment line within the City of Hermiston's urban growth boundary and outside the city limits of Hermiston. (See attached for proposed overlay zone language); and

WHEREAS, At a duly-advertised public hearing on May 1, 1997 the Umatilla County Planning Commission recommended to the Board of Commissioners, as a precedent condition of approval for Goal Exception #GO-001-97, that said overlay zones be approved; and

WHEREAS, At a duly-advertised public hearing on May 27, 1997 the Board of Commissioners approved said overlay zones as proposed;

NOW THEREFORE, The Umatilla County Board of Commissioners hereby ordains that Umatilla County Hinkle Wastewater Treatment Line Overlay Zones I and II be approved.

BE IT ORDAINED that an "emergency" exists in order for these overlay zones to be applicable immediately, so as to allow said exception to Statewide Planning Goal 11 (#G0-001-97).

SIGNED THIS 24th day of June, 1997.

UMATILLA COUNTY BOARD OF COMMISSIONERS



Bill Hansell, Chairman



Dennis Doherty, Vice-Chairman

ABSENT

Emile Holeman, Commissioner

ATTEST:



Records Officer



**UMATILLA COUNTY HINKLE WASTE WATER TREATMENT LINE
OVERLAY ZONE I**

APPLICABILITY

This overlay zone applies to that portion of the Union Pacific Railroad Hinkle waste water conveyance line approved pursuant to a Statewide Planning Goal exception to Goal 11 (Public Facilities and Services), which line is located outside of the City of Hermiston Urban Growth Boundary and which conveys pre-treated waste water destined for the City of Hermiston Publicly Owned Treatment Works (POTW) from the Hinkle Rail Yard waste water treatment facility to the urban growth boundary of the City of Hermiston.

PURPOSE AND INTENT

The purpose and intent of this overlay zone is to limit the uses of that portion of the Hinkle pre-treated waste water line, which is located outside of the City of Hermiston urban growth boundary, to those uses of such line justifying the Statewide Planning Goal 11 exception approved by Umatilla County May 27, 1997, as required by OAR 660-04-018(3).

PERMITTED USES OF HINKLE RAIL YARD PRE-TREATED WASTE WATER LINE

Waste water permitted to utilize the Hinkle pre-treated waste water line conveying pre-treated waste water from the Hinkle waste water treatment facility to the City of Hermiston Urban Growth Boundary, which waste water is destined for the City of Hermiston POTW, is limited to the following waste water sources:

1. Waste water generated from existing Union Pacific Railroad operations at the Hinkle Rail Yard currently served by a waste water treatment facility and discharge point at the Umatilla River; and
2. Waste water generated from future railroad operations at the Hinkle Rail Yard consistent with acknowledged County Industrial plan designation and Industrial zoning district provisions and as more specifically set forth under approved State of Oregon Enterprise Zoning, as set out in the Goal 11 exception approved by Umatilla County on May 27, 1997, incorporated herein by this reference.

UMATILLA COUNTY HINKLE WASTE WATER TREATMENT LINE OVERLAY ZONE II

APPLICABILITY

This overlay zone applies to that portion of the Union Pacific Railroad Hinkle waste water conveyance line but outside of the City of Hermiston city limits, as shown on the attached Exhibit A map.

PURPOSE AND INTENT

The purpose and intent of this overlay zone is to confirm the uses of that portion of the Hinkle pre-treated waste water line, which is located inside of the City of Hermiston urban growth boundary but outside of the City of Hermiston city limits are limited, to those uses permitted below.

PERMITTED USES OF HINKLE RAIL YARD PRE-TREATED WASTE WATER LINE

Waste water permitted to utilize the Hinkle pre-treated waste water line conveying pre-treated waste water from the Hinkle waste water treatment facility to the City of Hermiston Urban Growth Boundary, which waste water is destined for the City of Hermiston POTW, is limited to the following waste water sources:

1. Waste water generated from existing Union Pacific Railroad operations at the Hinkle Rail Yard currently served by a waste water treatment facility and discharge point at the Umatilla River; and
2. Waste water generated from future railroad operations at the Hinkle Rail Yard consistent with acknowledged County Industrial plan designation and Industrial zoning district provisions and as more specifically set forth under approved State of Oregon Enterprise Zoning, as set out in the Goal 11 exception approved by Umatilla County on May 27, 1997, incorporated herein by this reference.
3. Any other uses authorized inside the UGB and that are (1) permitted by Union Pacific Railroad and (2) permitted by the County under applicable law.
4. No service connections or sewer lines may be extended from outside the UGB to connect to this portion of the line, other than those authorized above, without a new exception to statewide planning Goal 11 (public facilities and services) and without permission from Union Pacific Railroad.