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THE DALLES OR.

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KAREN R. LEBRETON
COUNTY CLERK

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE REQUEST BY JON JUSTESEN FOR A COMPREHENSIVE PLAN AMENDMENT TO ADD 21.5 ACRES OF A 2496.13 ACRE PARCEL AS AN AGGREGATE RESOURCE SITE TO THE WASCO COUNTY COMPREHENSIVE PLAN AGGREGATE INVENTORY LIST IN THE "A-1(160)" EXCLUSIVE FARM USE ZONE (FILE #CPA-99-104-WAA1-P)	)	ORDINANCE NO. 99-102

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Court being present; and

IT APPEARING TO THE COURT: That on 24 March 1999 the applicant, Jon Justesen, submitted an application to obtain a conditional use permit to allow temporary blasting, extraction, crushing with a portable crusher, screening, and batching with a portable batcher of aggregate on 21.5 acres of a 2496.13 acre parcel in the "A-1(160)" Exclusive Farm Use zone (File #CUP-99-105-WAA1-P). The proposed operation is on a portion of the subject property located approximately 500 feet southeast of milepost 52.9 on the south side of US Highway 197 and is further described as Township 6 South, Range 21 East W.M., Tax Lot 2400; and

IT FURTHER APPEARING TO THE COURT: That on Tuesday, 4 May, 1999, at 3:00 p.m., in the Columbia Gorge Community College, Boardroom #1.139, 400 E. Scenic Drive, The Dalles, Oregon, the Wasco County Planning Commission met to conduct a legally notified legislative public hearing on the above matter. Those members of the Commission present were determined to be qualified to hear the matter. Chairperson Sandee Burbank read the rules of evidence per ORS 197.763(5), and opened the hearing. The Commission reviewed the record, heard the staff report, and received all testimony and evidence, then closed the public hearing. The Commission then deliberated, and based upon the full record and evidence and testimony presented, voted 7-0 to (1) approve the Conditional Use Permit, subject to 18 conditions as amended, via Resolution 99-104, and (2) forward Resolution 99-105 recommending to the Wasco County Court the approval of the Comprehensive Plan Amendment to add 21.5 acres of a 2496.13 acre parcel as an aggregate resource site to the Wasco County Comprehensive Plan in

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the "A-1(160)" Exclusive Farm Use zone (File #CPA-99-104-WAA1-P). The approval applies to a portion of the subject property located approximately 500 feet southeast of milepost 52.9 on the south side of US Highway 197 and is further described as Township 6 South, Range 21 East W.M., Tax Lot 2400.

IT FURTHER APPEARING TO THE COURT: That at 9:00 a..m. on June 9, 1999, in the Wasco County Courtroom, Room 202, of the Wasco County Courthouse, in The Dalles, Oregon, this Court met to conduct a quasi-judicial public hearing on the above matter. The members of the Court were determined to be qualified to hear the matter, and

IT FURTHER APPEARING TO THE COURT: That the Court reviewed the record of the Planning Commission, heard the Staff report and received all testimony and evidence from the parties, then closed the hearing for further input. The Court then deliberated, resulting in a 3 - 0 vote to approve the Comprehensive Plan Amendment to add 21.5 acres of a 2496.13 acre parcel as an aggregate resource site to the Wasco County Comprehensive Plan in the "A-1(160)" Exclusive Farm Use zone on property described as Township 6 South, Range 21 East W.M., Tax Lot 2400. Based upon the full record and evidence and testimony presented, the Court being fully apprised in the premises, did hereby make the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Proper notice was given and the hearing was held in accordance with procedural rules for legislative hearings and in conformity with said requirements as set forth in the Wasco County Comprehensive Plan.

2. All members of the County Court were present and were qualified to sit as decision-makers after full disclosure was made and the matter of qualifications was discussed by the Court;

3. In making its decision, the Court recognizes the procedural and legal requirements of the Wasco County Comprehensive Plan and the Wasco County Land Use and Development Ordinance and weighed fully each requirement in arriving at its decision.

4. In making its decision, the County Court recognizes the findings of fact in the Staff Report dated May 4, 1999, and the Recommendation from the Wasco County Planning Commission Recommendation dated May 4, 1999.

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CONCLUSIONS OF LAW

1. The Court adopts the Conclusions of Law as set forth in the Staff Report dated May 4, 1999, finding that the proposed amendment is consistent with applicable State Law, Oregon Administrative Rules, the interpretations found in relevant case law and the requirements of the Wasco County Comprehensive Plan and Land Use and Development Ordinance.

NOW, THEREFORE, THE WASCO COUNTY COURT ORDAINS AS FOLLOWS: The Wasco County Comprehensive Plan is hereby amended to add 21.5 acres of a 2496.13 acre parcel as an aggregate resource site to the Wasco County Comprehensive Plan in the "A-1(160)" Exclusive Farm Use zone on property described as Township 6 South, Range 21 East W.M., Tax Lot 2400

SIGNED this 9th day of June, 1999.

WASCO COUNTY COURT

John Mabrey, Judge

Scott McKay, Commissioner

Dan Ericksen, Commissioner

Approved as to Form:

Eric Nisley
Wasco County District Attorney

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