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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 AN AMENDMENT TO ORDINANCE NO. 99-106, THE WASCO COUNTY LAND USE AND DEVELOPMENT ORDINANCE, CHAPTER 3, SECTIONS 3.613 AND 3.614 FOR THE WAMIC RURAL COMMUNITY (FILE #PR-99-103-ZO-L AND #PR-99-101-CP-L).	)))))	AMENDING ORDINANCE 99-106

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 November 3, 1999, the Wasco County Court approved Ordinance No. 99-106, to amend the Wasco County Comprehensive Plan Text and Land Use and Development Ordinance text and map to rezone the Rural Service Center of Wamic in order to meet Goal 14 and the Rural Communities Rule for Wamic; and

IT FURTHER APPEARING TO THE COURT: That the Wasco County Planning Department has proposed an amendment to Ordinance No. 99-106 to clarify the conditional use provisions for the Commercial and Medium Industrial zones in the Rural Service Center of Wamic and; that the Department of Land Conservation and Development has identified an amendment to the comprehensive plan necessary to complete the work task. The Department is recommending that the comprehensive plan be further amended to better explain the county process for obtaining approval and acknowledgement of a community sewer or water system, and for the creation of two acre lots once the sewer/water system is acknowledged.

P2000-065(5)

IT FURTHER APPEARING TO THE COURT: That an emergency exists in Wasco County due to the immediate need to amend Ordinance No. 99-106, which implements zoning regulations and comprehensive plan amendments for the Rural Community of Wamic.

IT FURTHER APPEARING TO THE COURT: That at 10:15 a.m. on January 5, 2000, in the Wasco County Courtroom, Room 202, of the Wasco County Courthouse, in The Dalles, Oregon, this Court met to conduct a legislative 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 recommendation from Planning Staff and the letter from the Oregon Department of Land Conservation and Development Commission, and received testimony and evidence, then closed the hearing for further input. The Court then deliberated, resulting in a unanimous vote to adopt the proposed amendments to the Wasco County Land Use and Development Ordinance, Chapter 3, Sections 3.613.D. (Wamic Commercial Zone) and 3.614.D. (Wamic Medium Industrial Zone) to clearly state square footage requirements for buildings, and to amend Goal 11 (Public Facilities and Services) of the comprehensive plan policy to include an implementation statement, Policy 6, a new policy, to meet the requirements of the Oregon Department of Land Conservation and Development. 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. Three (3) 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.

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4. In making its decision, the County Court recognizes the requirements of the Oregon Department of Land Conservation and Development letter dated November 23, 1999, as explained in the letter to County Court from Planning Staff dated December 23, 1999.

CONCLUSIONS OF LAW

1. The Court adopts the amendments as explained in the letter to County Court from Planning Staff dated December 23, 1999, finding that the proposed amendments to the text of the Wasco County Land Use and Development Ordinance are consistent with applicable State Law, Oregon Administrative Rules, and the requirements of the Wasco County Comprehensive Plan and Land Use and Development Ordinance.

2. The Court adopts the proposed amendment as explained by DLCD's January 4, 2000, letter to Wasco County recommending that the comprehensive plan be further amended to better explain the county process for obtaining approval and acknowledgement of a community sewer or water system, and for the creation of two acre lots once a sewer or water system is acknowledged.

NOW, THEREFORE, THE WASCO COUNTY COURT ORDAINS AS FOLLOWS: The Wasco County Land Use and Development Ordinance, Chapter 3, Sections 3.613.D. (Wamic Commercial Zone) and 3.614.D. (Wamic Medium Industrial Zone) are hereby amendedto meet the requirements of the Oregon Department of Land Conservation and Development. The revised Wasco County Land Use and Development Ordinance wording adopted by this ordinance is attached as Exhibit A and inclusion of amended comprehensive plan , Goal 11, Policy 6, is attached as Exhibit B.

SIGNED this 19th day of January, 2000.

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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EXHIBIT A

RC-Wam-C" WAMIC COMMERCIAL ZONE

3.613.D. Uses Permitted Conditionally

In the "C-2" Commercial zone, the following uses and activities and their accessory buildings and uses are permitted **in a building or buildings not exceeding 4,000 square feet of floor space** when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section.

"RC-Wam-M2" WAMIC MEDIUM INDUSTRIAL ZONE

3.614.D. Uses Permitted Conditionally

In the "M-2" Medium Industrial zone, the following uses and activities and their accessory buildings and uses are permitted **in a building or buildings not exceeding 10,000 square feet of floor space** when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section.

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EXHIBIT B

GOAL 11 Public Facilities and Services

POLICY 6

The larger lost sizes (5 acres in Wamic and 4- acres in Tygh Valley) will continue to apply until approved facility plans are acknowledged even though water systems currently exist in both communities.

Implementation

A. Established minimum lot sizes in Wamic and Tygh Valley may be reduced to two (2) acre minimum property size standard when a community, municipal or public water and/or sewer public facility plan is "approved" by the county and acknowledged by the state pursuant to the post acknowledgement plan amendment (PAPA) requirements (ORS 197.610 through 197.650) and the requirements for facility plans under OAR 660, Division 22.

B. Upon the "acknowledgement" of an existing or new community, municipal or public water and/or sewer system facility plan, the minimum property size standard may be amended from the current five (5) acre standard to two (2) acres in Wamic, and from the current four (4) acre standard to two (2) acres in Tygh Valley.

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