

FILED WASCO CTY
THE CLERK

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WASCO COUNTY CLERK

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF A DECISION ON THE)
 PROPOSED COMPREHENSIVE PLAN)
 AMENDMENT FOR ADOPTION OF SITE SPECIFIC)
 ECONOMIC, SOCIAL, ENVIRONMENTAL AND) ORDINANCE
 ENERGY (ESEE) DETERMINATIONS ON) (PR-94-102)
 MINERAL AND AGGREGATE SITES, TO APPLY)
 THE MINERAL AND AGGREGATE OVERLAY)
 ZONE TO 28 SITES, AND AMEND ZONING MAPS)
 TO REFLECT THE ESEE DETERMINATION.)
)

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 February 3, 1982, this Court unanimously passed and adopted a Comprehensive Plan Ordinance and implementing ordinances for Wasco County;

IT FURTHER APPEARING TO THE COURT: That on August 25, 1983, the Land Conservation and Development Commission (LCDC) reviewed the Wasco County Comprehensive Plan and found Wasco County to be in compliance with the Statewide Land Use Planning Goals.

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IT FURTHER APPEARING TO THE COURT: That on August 9, 1994, the State of Oregon Land Conservation and Development Commission approved the Wasco County Work program to conduct the required Periodic Review of its Comprehensive Plan and Land Use and Development Ordinance, and make amendments as necessary to bring them into compliance with current standards and laws.

IT FURTHER APPEARING TO THE COURT: On Monday, February 6, and March 6, 1995, and April 3, 1995, the Wasco County Planning Commission held public hearings on the proposed legislative amendment to the Wasco County Comprehensive Plan. The Wasco County Planning Commission held hearings on individual inventoried sites to gather public input on conflicts between mineral and aggregate resources and other Goal 5 resources or land uses, and on the economic, social, environmental and energy (ESEE) consequences of protecting or not protecting the mineral and aggregate resources and the conflicting resources and uses. The Planning Commission completed its hearing on the 19 Oregon Department of Transportation sites in March, 1995, and on the 10 Wasco County Public Works sites in April, 1995.

Those members of the Commission present were determined to be qualified to hear the matter. The Commission heard the Staff Report and received all testimony and evidence from the parties and then closed the hearing for further input. The Commission then deliberated upon testimony received .

IT FURTHER APPEARING TO THE COURT: The Planning Commission found that certain inventory sites have both conflicting Goal 5 resources and/or land uses and mineral and aggregate resources that are important relative to one another and that both the mineral and aggregate resource and the conflicting Goal 5 resources and/or land uses should be limited in a manner to allow each to occur at and around the site. Based upon the site-specific ESEE analysis, decisions were made to provide for both the mineral and aggregate use and the conflicting Goal 5 and/or land uses, pursuant to site-specific conditions and the surface mine ordinance provision.

IT FURTHER APPEARING TO THE COURT: That upon completion of the hearing(s), the Commission voted unanimously to recommend to the County Court the following: 1. an amendment to add 28 significant Goal 5 resource sites to the Wasco County Comprehensive Plan, 19 ODOT sites and 9 Wasco County Public Works sites; 2. that these sites receive the the mineral and aggregate overlay zone designation. ODOT sites: 41, 201, 202, 203, 204, 206, 207, 208, 209, 214, 215, 216, 222, 223, 225, 226, 227, 228, 230; and Wasco County sites: 625, 673, 649, 713, 790, 800, 833, 850, 870; 3. that Wasco County Public Works site #630, Eightmile Creek, based on testimony received, was determined not significant and not be protected by the overlay zone but be reviewed for a conditional use permit and; 3. that Mr. Paul Limmeroth be notified to review the final site plan for ODOT site #222 when it is received by the Planning Office.

IT FURTHER APPEARING TO THE COURT: That on May 1, 1995, the Wasco County

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Planning Commission signed the Resolution finalizing approval of the amendment; and

IT FURTHER APPEARING TO THE COURT: That at the hour of 1:30 p.m. on June 14, 1995, in the Wasco County Courtroom, Room 302, of the Wasco County Courthouse, in The Dalles, Oregon, this Court met to conduct a public hearing on the record in this matter.

The Court took notice of the record of the Planning Commission, heard the staff report and received testimony from those parties who wished to be heard and then closed the hearing. The Court then announced it would deliberate, and based upon the evidence and testimony presented and upon the findings of the Planning Commission, and being fully apprised in the premises, the Court unanimously voted to uphold the Planning Commission recommendation (PR-94-102) for approval of the overlay designation and Goal 5 determination of significance for 28 quarry operations.

IT FURTHER APPEARING TO THE COURT: That on July 5, 1995, in the Wasco County Courtroom, in The Dalles Oregon, an order was signed making final the decision of the Wasco County Court for an amendment of the Wasco County Comprehensive Plan.

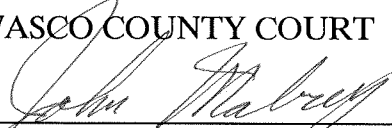
IT IS HEREBY ORDERED: That, upon entry of this signed order, the decision of the Wasco County Court is final for approval of an amendment of the Wasco County Comprehensive Plan Mineral and Aggregate Element under Periodic Review (PR-94-102) (LCDC Task 6) applying the Mineral and Aggregate overlay zone designation, and Goal 5 determination of significance for 28 quarry sites.

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Regularly passed and adopted by the County Court, County of Wasco, State of Oregon.


DATED this 5th day of July, 1995

WASCO COUNTY COURT

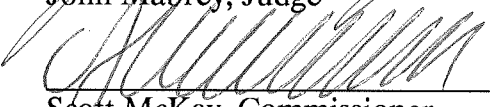


John Mabrey, Judge

Approved as to Form:



Bernard L. Smith
Wasco County District Attorney



Scott McKay, Commissioner



Chuck Filbin, Commissioner

APPEALS PROCESS

This decision will be forwarded to the Department of Land Conservation and Development (DLCD). If you wish to appeal this decision you must submit a request in writing to the Department of Land Conservation and Development to become a party of record and to be sent notice of the 21 day objection period pursuant to OAR 660-25-140(2).

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