

IN THE COUNTY COURT OF THE STATE OF OREGON

MAY 6 3 06 PM '99

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE DECISION ON THE REQUEST )  
BY THE WASCO COUNTY PUBLIC WORKS DEPT. FOR )  
A COMPREHENSIVE PLAN AMENDMENT TO ADD 40.0 )  
ACRES OF A 1,081.75 ACRE PARCEL AS AN AGGREGATE )  
RESOURCE SITE TO THE WASCO COUNTY COMPRE- )  
HENSIVE PLAN AGGREGATE INVENTORY LIST IN THE )  
"A-1(160)" EXCLUSIVE FARM USE ZONE (FILE #CPA- )  
99-101-WAA11-P) NORTH OF TYGH RIDGE ROAD. )

KAREN R. LEBRETON  
COUNTY CLERK

ORDINANCE  
99-113

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 County Court being present; and

IT APPEARING TO THE COURT: That on February 25, 1999, the applicant, Wasco County Public Works Department, submitted an application to add 40.0 acres of a 1,081.75 acre parcel as an aggregate resource site to the Wasco County Comprehensive Plan in the "A-1(160)" Exclusive Farm Use zone (File #CPA-99-101-WAA11-P); and an application for a conditional use permit to allow blasting, extraction, crushing, screening of aggregate, and batch mixing, on those 40 acres (File #CUP-99-103-WAA1-P). The proposed operation is on a portion of the subject parcels located on the north side of Tygh Ridge County Road, approximately 1/2 mile west of its intersection with U.S. Highway 197, and is further described as Township 2 South, Range 13 East W.M., portions of Tax Lots 4400 and 4900; and

IT FURTHER APPEARING TO THE COURT: That on Tuesday, April 6, 1999, in the Columbia Gorge Community College Boardroom #1.162, 400 East Scenic Drive, The Dalles, Oregon, the Wasco County Planning Commission met to conduct a legally notified quasi-judicial public hearing on the above matter. Those members of the Commission present were determined to be qualified to hear the matter. Chair Sandee Burbank read the rules of evidence

May 5, 1999

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and opened the hearing. The Commission reviewed the record, heard the staff report, and received all testimony and evidence, then closed the 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 16 conditions as amended, via Resolution 99-102; and (2) forward a Recommendation, via Resolution 99-102 to the Wasco County Court to recommend approval of the Comprehensive Plan Amendment to add 40.0 acres of a 1,081.75 acre parcel as an aggregate resource site to the Wasco County Comprehensive Plan in the "A-1(160)" Exclusive Farm Use zone (File #CPA-99-101-WAA11-P). The approval applies to a portion of the subject property located on the north side of Tygh Ridge Road, approximately ½ mile west of its intersection with U.S. Highway 197, and further described as Township 2 South, Range 13 East W.M., portions of Tax Lots 4400 and 4900.

IT FURTHER APPEARING TO THE COURT: That at 10:00 a.m. on Wednesday, May 5, 1999, in the County Courtroom, Room 202, of the Wasco County Courthouse, The Dalles, Oregon, the Wasco County Court met to conduct a 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 summary and received testimony and evidence from the parties and then closed the hearing for further input. The Court then deliberated, resulting in a 3 to 0 vote to approve the request by Wasco County for a Comprehensive Plan Amendment to add 40.0 acres of a 1,081.75 acre parcel as an aggregate resource site to the Wasco County Comprehensive Plan Aggregate Inventory List. 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 quasi-judicial 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 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 Land Use & Development Ordinance and Wasco County Comprehensive Plan, and weighed fully each requirement in arriving at its decision.
4. The Court recognizes and adopts the Findings of Fact in the Staff Report dated April 6, 1999, and the Recommendation made by the Planning Commission dated April 6, 1999, which was presented to them, and made a part of this record at the hearing held on May 5, 1999.

### CONCLUSIONS OF LAW

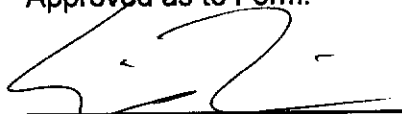
1. The Court adopts the Conclusions of Law as set forth in the Staff Report dated April 6, 1999 and the Planning Commission Recommendation dated April 6, 1999.
2. Conditions imposed will ensure protection of surrounding resource lands and future resource production in the area.
3. The Court concludes that evidence in the record substantially demonstrates that the proposed Comprehensive Plan Amendment meets the criteria in the Wasco County Land Use and Development Ordinance, the Wasco County Comprehensive Plan, and State Law.

NOW, THEREFORE, IT IS HEREBY ORDERED: That the Wasco County Court grants the request by Wasco County for a Comprehensive Plan Amendment to add 40.0 acres of a 1,081.75 acre parcel as an aggregate resource site to the Wasco County Comprehensive Plan in the "A-1(160)" Exclusive Farm Use zone (File #CPA-99-101-WAA11-P). The approval applies to a portion of the subject property located on the north side of Tygh Ridge Road, approximately ½ mile west of its intersection with U.S. Highway 197, and further described as Township 2 South, Range 13 East W.M., portions of Tax Lots 4400 and 4900.

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

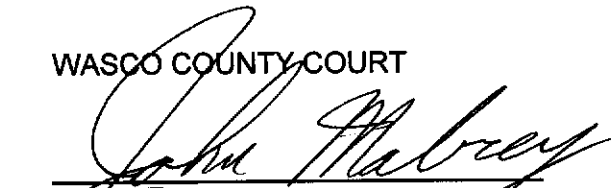
SIGNED this 5<sup>th</sup> day of May, 1999.

Approved as to Form:

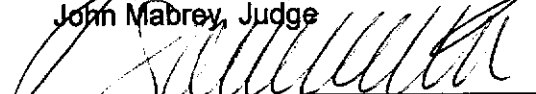


Eric Nisley  
Wasco County District Attorney.

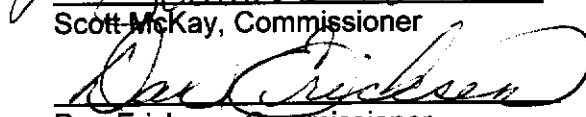
WASCO COUNTY COURT



John Mabrey, Judge



Scott McKay, Commissioner



Dan Ericksen, Commissioner