

CJ2012-000040 157

FILED
WASCO COUNTY

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

2012 APR 10 P 3:40

LINDA BROWN
COUNTY CLERK

IN THE MATTER OF THE WASCO COUNTY PLANNING)	
DEPARTMENT'S REQUEST TO APPROVE THE)	
PROPOSED POST-ACKNOWLEDGEMENT)	
LEGISLATIVE AMENDMENTS TO UPDATE THE LAND)	
USE AND DEVELOPMENT ORDINANCE RELATED TO)	ORDINANCE 12-002
ENERGY PRODUCTION, CONSUMPTION AND)	
CONSERVATION AND TO MAKE OTHER)	
AMENDMENTS APPROPRIATE FOR WASCO COUNTY.)	
(FILE NUMBER PLALEG-09-06-0003))	

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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 all of the Wasco County Board of Commissioners being present; and

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WHEREAS, the following areas have been identified to be amended in the Wasco County Land Use & Development Ordinance: (1) Language related to energy production, consumption and where and how commercial and non-commercial energy development is allowed in the Land Use and Development Ordinance; (2) Reformat all Land Use and Development Ordinance zones for consistency; (3) Modernize language in Land Use and Development Ordinance that is not compliant with state law, incorrect or out of date; and (4) Make other amendments appropriate for Wasco County.

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WHEREAS, the Wasco County Planning Department was directed by the Wasco County Court (now Wasco County Board of Commissioners) on 1 July 2009 pursuant to Chapter 11 Section B of the Wasco County Comprehensive Plan and Section 9.050(A) of the Wasco County Land Use & Development Ordinance to initiate a Post-Acknowledgement Plan Amendment process for a legislative text amendments to both the Wasco County Comprehensive Plan and the Land Use and Development Ordinance

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1 related to energy and to make other amendments appropriate for Wasco County (Note:
2 the amendments to the Wasco County Comprehensive Plan were approved separately
3 on 4 January 2012) ; and

4 WHEREAS, the Wasco County Court (now Board of County Commissioners)
5 appointed a Commercial Energy Advisory Group which met 12 times and a Non-
6 Commercial Energy Advisory Group which met 8 times to work with staff to generate
7 recommended amendments; and

8 WHEREAS, the Wasco County Planning Department sent notification to
9 Department of Land Conservation and Development (DLCD) pursuant to ORS 197.610
10 on 19 January 2011 and all affected property owners pursuant to ORS 215.503 (M56)
11 on 28 March 2011; and

12 WHEREAS, that on 3 May 2011, at the hour of 3:00 PM at the Gorge Discovery
13 Center downstairs classroom the Wasco County Planning Commission held the first
14 legally notified public hearing to review recommendations by staff and the advisory
15 groups, background information, and receive public testimony for the purpose of
16 identifying preferred options and the need for any additional information prior to the
17 second planning commission hearing; and

18 WHEREAS, that on 7 June 2011, at the hour of 3:00 PM at the Gorge Discover
19 Center downstairs classroom, the Wasco County Planning Commission held the second
20 public hearing on the above matter. The planning commission again reviewed the
21 recommendations by staff and the advisory groups, background information, and
22 received public testimony. The planning commission then closed the public hearing,
23 deliberated and, on a vote of 7 to 0 elevated the request for a Post-Acknowledgement

1 Plan Amendment with a recommendation of approval to the Wasco County Board of
2 Commissioners with additional amendments; and

3 WHEREAS, that on 15 February 2012 at the hour of 4:30 PM at the Northern
4 Wasco County PUD, Conference Room located at 2345 River Road, The Dalles,
5 Oregon, the Wasco County Board of Commissioners met to conduct a legally notified
6 public hearing on the above matter. The Wasco County Board of Commissioners
7 reviewed recommendations by the Wasco County Planning Commission, staff and
8 received testimony from the public; and

9 WHEREAS, that on 20 March 2012 at the hour of 8:00 AM at the Wasco County
10 Court House, located at 511 Washington St, The Dalles, Oregon, the planning
11 department hosted an open house to provide the public the opportunity to learn more
12 about the amendments, how the amendments would affect property owners, and made
13 themselves available to answer any related questions; and

14 WHEREAS, that on 20 March 2012 at the hour of 9:00 AM at the Wasco County
15 Circuit Courtroom #301, located at 511 Washington St, The Dalles, Oregon, the Wasco
16 County Board of Commissioners held a second hearing to review all background
17 information, additional proposed changes and receive public testimony. The
18 commissioners then closed the hearing to oral public testimony and postponed
19 deliberation until 4 April 2012; and

20 WHEREAS, that on 4 April 2012 at the hour of 9:30 AM at the Wasco County
21 Courtroom #202 located at 511 Washington St, The Dalles, Oregon, the Board of
22 Commissioners deliberated, and on a vote of 3 – 0, approved the recommendation by
23 the Wasco County Planning Commission on the above matter and as contained in the

1 attachment titled "Land Use and Development Ordinance Amendments", Final Draft,
2 dated April 4, 2012, with the following additional amendments: (1) the planning
3 department retain discretion to make non-substantive changes to the amendments to
4 create and ensure consistency with: title page, table of contents, formatting, page
5 numbering, headers, spacing, indentation, underlining, grammar, incomplete sentences,
6 and cross referencing between chapters; and (2) incorporate the amendments
7 submitted by planning staff and identified in "Exhibit A" at the 4 April 2012 hearing.
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9 NOW THEREFORE IT IS HEREBY ORDERED, that the request by the Wasco
10 County Planning Department for a Post-Acknowledgement Plan Amendment for
11 legislative amendments to the following areas in the Wasco County Land Use and
12 Development Ordinance are hereby approved: (1) Language related to energy
13 production, consumption and where and how commercial and non-commercial energy
14 development is allowed in the Land Use and Development Ordinance; (2) Reformat all
15 Land Use and Development Ordinance zones for consistency; (3) Modernize language
16 in Land Use and Development Ordinance that is not compliant with state law, incorrect
17 or out of date; and (4) Make other amendments appropriate for Wasco County.
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19 THE WASCO COUNTY BOARD OF COMMISSIONERS ORDAIN AS
20 FOLLOWS:
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22 SECTION ONE: The amendments to chapters 1, 2, 3, 4, 15 and 19 of the Wasco
23 County Land Use and Development Ordinance are approved in light of the applicable

1 criteria and findings presented in the staff report to the Board of Commissioners dated
2 February 15, 2012.

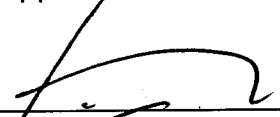
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4 SECTION TWO: The amendments contained in the attachment titled "Wasco County
5 Land Use and Development Ordinance Amendments", Final Draft, Dated April 4, 2012,
6 including the additional changes submitted and identified by planning staff in "Exhibit A"
7 on 4 April 2012, are ADOPTED and by reference made part of this Ordinance.

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9 SECTION THREE: The amendments are necessary and appropriate and shall become
10 effective on April 4, 2012.

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12 SECTION FOUR: Severability: If any provision of this ordinance is held to be invalid
13 by any court of competent jurisdiction, such invalidity shall not affect the validity of any
14 other provision of the Ordinance. The Ordinance shall be construed as if such invalid
15 provision had never been included.

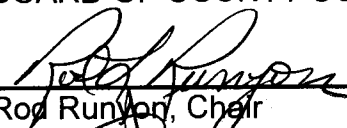
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18 SIGNED this 4th day of April, 2012

Approved as to Form:



Eric J. Nisley
Wasco County District Attorney

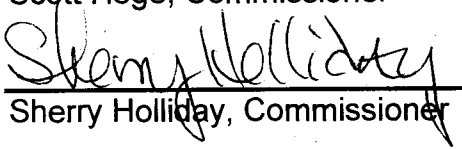
BOARD OF COUNTY COMMISSIONERS



Rod Runyon, Chair



Scott Hege, Commissioner



Sherry Holliday, Commissioner