

IN THE COUNTY COURT OF THE STATE OF OREGON

JUN 10 3 32 PM '99

IN AND FOR THE COUNTY OF WASCO

KAREN R. LEBRETON  
COUNTY CLERK

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	) ORDINANCE
SITE TO THE WASCO COUNTY COMPREHENSIVE PLAN	) NO. 99-102
AGGREGATE INVENTORY LIST IN THE "A-1(160)"	)
EXCLUSIVE FARM USE ZONE (FILE #CPA-99-104-WAA1-P)	)

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

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

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12 IT FURTHER APPEARING TO THE COURT: That on Tuesday, 4 May, 1999, at 3:00 p.m., in the  
13 Columbia Gorge Community College, Boardroom #1.139, 400 E. Scenic Drive, The Dalles, Oregon, the Wasco  
14 County Planning Commission met to conduct a legally notified legislative public hearing on the above matter. Those  
15 members of the Commission present were determined to be qualified to hear the matter. Chairperson Sandee  
16 Burbank read the rules of evidence per ORS 197.763(5), and opened the hearing. The Commission reviewed the  
17 record, heard the staff report, and received all testimony and evidence, then closed the public hearing. The  
18 Commission then deliberated, and based upon the full record and evidence and testimony presented, voted 7-0 to (1)  
19 approve the Conditional Use Permit, subject to 18 conditions as amended, via Resolution 99-104, and (2) forward  
20 Resolution 99-105 recommending to the Wasco County Court the approval of the Comprehensive Plan Amendment  
21 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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1 the "A-1(160)" Exclusive Farm Use zone (File #CPA-99-104-WAA1-P). The approval applies to a portion of the  
2 subject property located approximately 500 feet southeast of milepost 52.9 on the south side of US Highway 197 and  
3 is further described as Township 6 South, Range 21 East W.M., Tax Lot 2400.  
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5 IT FURTHER APPEARING TO THE COURT: That at 9:00 a.m. on June 9, 1999, in the Wasco County  
6 Courtroom, Room 202, of the Wasco County Courthouse, in The Dalles, Oregon, this Court met to conduct a quasi-  
7 judicial public hearing on the above matter. The members of the Court were determined to be qualified to hear the  
8 matter, and  
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10 IT FURTHER APPEARING TO THE COURT: That the Court reviewed the record of the Planning  
11 Commission, heard the Staff report and received all testimony and evidence from the parties, then closed the hearing for  
12 further input. The Court then deliberated, resulting in a 3 - 0 vote to approve the Comprehensive Plan  
13 Amendment to add 21.5 acres of a 2496.13 acre parcel as an aggregate resource site to the Wasco County  
14 Comprehensive Plan in the "A-1(160)" Exclusive Farm Use zone on property described as Township 6 South, Range  
15 21 East W.M., Tax Lot 2400. Based upon the full record and evidence and testimony presented, the Court being fully  
16 apprised in the premises, did hereby make the following findings of fact and conclusions of law:  
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18 FINDINGS OF FACT  
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- 20 1. Proper notice was given and the hearing was held in accordance with procedural rules for legislative hearings and in  
21 conformity with said requirements as set forth in the Wasco County Comprehensive Plan.  
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- 23 2. All members of the County Court were present and were qualified to sit as decision-makers after full disclosure was  
24 made and the matter of qualifications was discussed by the Court;  
25
- 26 3. In making its decision, the Court recognizes the procedural and legal requirements of the Wasco County  
27 Comprehensive Plan and the Wasco County Land Use and Development Ordinance and weighed fully each  
28 requirement in arriving at its decision.  
29
- 30 4. In making its decision, the County Court recognizes the findings of fact in the Staff Report dated May 4, 1999, and  
31 the Recommendation from the Wasco County Planning Commission Recommendation dated May 4, 1999.  
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CONCLUSIONS OF LAW

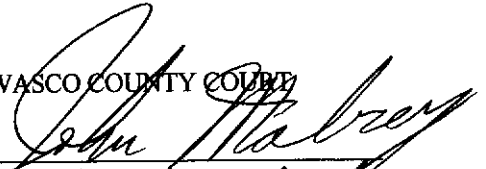

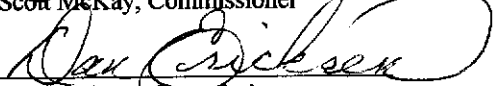
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1. The Court adopts the Conclusions of Law as set forth in the Staff Report dated May 4, 1999, finding that the proposed amendment is consistent with applicable State Law, Oregon Administrative Rules, the interpretations found in relevant case law 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 9<sup>th</sup> day of June, 1999.

Approved as to Form:  
  
Eric Nisley  
Wasco County District Attorney

WASCO COUNTY COURT  
  
John Mabrey, Judge  
  
Scott McKay, Commissioner  
  
Dan Ericksen, Commissioner

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