



Wasco County Planning Department

"Service, Sustainability & Solutions"

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www.co.wasco.or.us/planning/planhome.html



NOTICE OF INTENT TO APPEAL/ PETITION REQUEST FOR REVIEW

FILE #APL-Pla APL-11-12-0003 of ORIGINAL APPLICATION #(s): **PLASAR-11-10-0014**

Date Submitted:	Date determined complete:	Fee:
Appellant(s) Information:		
Name	Friends of the Columbia Gorge, Inc.	
Mailing Address	522 SW Fifth, Suite 720	
	Portland, OR 97204	
Phone (H)	(W) 503-241-3762	Email: rick@gorgefriends.org

APPEAL INFORMATION

1. Appeal Type

- Planning Director to the Planning Commission: Fee = \$250
 Planning Commission to the County Court: Fee = \$571

If appellant prevails at Planning Commission or a subsequent appeal, the \$250 fee for the initial appeal shall be refunded per ORS 215.416(11)(b). This is not applicable for any subsequent appeal costs.

2. Appeal Deadline: **December 23, 2011**

Date Submitted: **December 22, 2011**

All appeal documents filed with Wasco County must be delivered to the Wasco County Planning Department Office by postal service or in person. Documents faxed are not considered filed. An appeal will not be considered timely unless received no later than 4:00 p.m. on the deadline stated on the Notice of Decision or Resolution. AN APPEAL IS NOT CONSIDERED COMPLETE UNTIL BOTH THE SIGNED NOTICE OF APPEAL AND FILING FEE ARE RECEIVED.

3. Party Status: State how the petitioner(s) qualifies as a party to this matter:

Petitioner submitted comments to the Planning Commission on November 23, 2011. Those comments addressed the applicable County land use regulations and requirements of the Columbia River Gorge National Scenic Area Act.

Party includes the following:

- The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.
- All property owners of record, as provided in (a) above, within the notification area, as described in section 2.080 A.2., of the property which is the subject of the application.
- A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to O.R.S. 197.160.
- Any affected unit of local government or public district or state or federal agency.
- Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority. (Revised 1/92)

4. Grounds for appeal: List the **specific** grounds relied upon in the petition request for review (e.g. ordinance criteria not met, procedural error, etc.) Additional pages may be attached.

This appeal challenges the Planning Commission's adoption of conditions of approval in anticipation of a decision by Columbia River Gorge Commission approving a use on the parcel through the "Special Review" process. The County inappropriately adopted conditions of approval prior to the Gorge Commission reviewing the appeal, holding an appeal hearing, undertaking special review, and making findings consistent with the special review requirements of the Management Plan for the Scenic Area. If the special review process results in authorizing new development, it may include standards and/or limitations on the scope of allowable development. As such, the County cannot adopt conditions applicable to an undetermined use. Grounds for appeal also include compliance with the land use regulations for the protection of scenic, natural, recreational, and cultural resources of the Columbia River Gorge National Scenic area. Of particular concern are compliance with scenic resource protection guidelines and natural resources protection guidelines for water resources such as Rowena Creek.

5. De Novo vs. On the record: All appeals to Planning Commission are DeNovo meaning new information can be entered into the record. All appeals to County Court are on the record unless a request is made as part of this request by party filing the petition. Any other party must make such a request no more than seven (7) calendar days after the deadline for filing a petition for review has expired.

The appeal is to the County Court?

NO YES

I request the hearing to be DeNovo or partial DeNovo?

NO YES

State the reasons you are requesting a DeNovo or partial DeNovo without addressing the merits of the land use action.

A de nova hearing is appropriate because the Planning Commission issued the initial decision and the appeal to the County Commission affords the first opportunity for a de novo hearing. A de novo hearing before the County Commission will provide the first opportunity to submit expert testimony related to potential impacts to scenic, natural, recreational, and cultural resources.

Indicate any persons known to be opposed to a request for a DeNovo hearing.

No parties are known to be opposed at this time.

When practicable, the requesting party shall advise the other parties and attempt to gain their consent.

I have attempted to gain the consent of the other parties associated with this file? NO YES

If you answered no indicate why this is not practicable. If you answered yes list the parties who have consented for this to be a DeNovo or partial DeNovo hearing.

Due to the time constraints with filing a timely appeal, Friends has not yet attempted to gain the consent of the applicant for this file. Friends has been in communication with the applicant in the past regarding this proposal and will attempt to consult regarding the request for a de novo hearing.

The request for a de novo hearing for appeal of a quasi-judicial plan amendment shall be decided by the Court as a nonpublic hearing item, except that the Court may make such provision for notice to the parties and may take such testimony as it deems necessary to fully and fairly address significant procedural or substantive issues raised. The Court shall grant the request only upon findings that:

-A de novo hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action;

-The substantial rights of the parties will not be significantly prejudiced; and

-The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the previous review.

5. Outstanding Appeal Fees: Any person wishing to appeal any decision shall be required to pay all outstanding appeal fees prior to their appeal application being considered complete.

List prior appeals filed:

I have paid all outstanding fees associated with prior appeals:

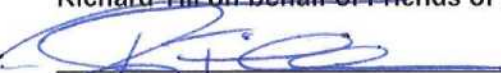
NO YES

Signatures:

Dated this 22 day of December, 2011

Petitioner name: **Richard Till on behalf of Friends of the Columbia Gorge, Inc.**

Petitioner signature: _____



Address: **522 SW Fifth, Suite 720**

Portland, OR 97206

Phone No(s): **503-241-3762**

Additional petitioner(s):

Name: _____ Name: _____

Address: _____ Address: _____
