



Wasco County Planning Department

"Service, Sustainability & Solutions"

2705 East Second St. • The Dalles, OR 97058
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www.co.wasco.or.us/planning/planhome.html

NOTICE OF INTENT TO APPEAL/
PETITION REQUEST FOR REVIEW

PLACUP

FILE #APL-11-09-0001, 10-08-0018 of ORIGINAL APPLICATION #(s)

Date Submitted: 12-19-2011 Date determined complete: Fee: \$571.00

Appellant(s) Information: Name Thomas G. Deltzell

Mailing Address PO Box 1806 McMinnville OR 97128

Phone (H) 971-237-1373 (W) Email delzellt@yahoo.com

APPEAL INFORMATION

- 1. Appeal Type
[] Planning Director to the Planning Commission: Fee = \$250
[X] 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: 12-19-2011
Date Submitted: 12-19-2011

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:
Applicant/owner of above file # 11-09-0001, 10-08-0018

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.

Conditional Use Permit conditions not fully met but not fully presented at Planning Commission, Commission members who visited property not attending hearing, Quorum was met.

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

Partial DeNovo requested, was not allowed to present prepared information to Planning Commission as advised by Planning Dept staff in previous held over hearing

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

None known

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.

Planning Department staff notified, Both Owners notified

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:

Planning Commission
Nov. 1 2011

I have paid all outstanding fees associated with prior appeals:

NO YES

Signatures:

Dated this 19th day of December, 2011.

Petitioner name: Tom DeBell

Petitioner signature: Tom DeBell

Address: PO Box 1806 2543 Chalmers Wy

McMinn. OR 97128

Phone No(s): 971-237-1373

Additional petitioner(s):

Name: Julia Rouzie Name: _____

Address: 7 Candolan Dr. Address: _____

Lake Oswego
OR 97035-00