



**PLANNING DEPARTMENT**

2705 East Second Street • The Dalles, OR 97058  
p: [541] 506-2560 • f: [541] 506-2561 • www.co.wasco.or.us

*Pioneering pathways to prosperity.*

FILE NUMBER: 921-23-000023-PLNG APPEAL

FEE: 1412.64

### APPEAL OF LAND USE DECISION

ORIGINAL PLANNING DEPARTMENT FILE NUMBER: 921-23-000023 (dated 8/3/2023)

Date Received: 8-18-23 Planner Initials: [Signature] Date Complete: \_\_\_\_\_ Planner Initials: \_\_\_\_\_

**APPELLANT INFORMATION**

Name: Friends of the Columbia Gorge

Mailing Address: 123 NE 3rd Ave, Ste 108

City/State/Zip: Portland, OR 97232

Phone: 971-634-2032 Email: steve@gorgefriends.org

**APPEAL INFORMATION**

1. Appeal Type

- Administrative Decision to the Planning Commission: Fee = \$250
- Planning Commission Decision to the Board of County Commissioners: Fee = \$ 1412.64

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: August 18, 2023

Date Submitted: August 18, 2023

All appeal documents filed with Wasco County must be delivered to the Wasco County Planning Department Office by email, 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:

Friends of the Columbia Gorge (Friends) is a party of record to the Planning Commission decision, and participated in the proceedings below through written comments, which are discussed extensively in the decision. Since Friends timely submitted written comments to the Planning Commission prior to the close of the quasi-judicial hearing that was held under NSA-LUDO § 2.050.B. under NSA-LUDO § 2.190.D. Friends automatically has party status. In addition, Friends is adversely affected by the decision.

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.

~~(1) The decision violates the NSA-LUDO, including sections 3.160 D.13, 3.160 G, 21.030 C & D, because it unlawfully approves new parcels that violate the applicable minimum lot size for the land use designation.~~

~~(2) The decision contains erroneous findings and conclusions regarding the current number of legally existing parcels.~~

5. De Novo vs. On The Record: All appeals to Planning Commission are De Novo meaning new information can be entered into the record. All appeals to the Board of Commissioners 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 Board of Commissioners?

NO  YES

I request the hearing to be De Novo or partial De Novo?

NO  YES

State the reasons you are requesting a De Novo or partial De Novo without addressing the merits of the land use action:

~~A de novo hearing is required by NSA-LUDO 2.170.A: "The review of the decision of the Planning Commission by the County Governing Body shall be conducted as a 'de novo' hearing, including but not limited to the record established at the Planning Commission level." Failure to hold a de novo hearing would be a procedural error that would prejudice Friends' substantial rights.~~

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

N/A

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 De Novo or partial De Novo hearing.

The consent of parties for a de novo hearing is not required for this type of appeal. Rather, as discussed above, a de novo hearing is required by NSA-LUDO 2.170.A.

The request for a De Novo hearing for appeal of a quasi-judicial plan amendment shall be decided by the Board of Commissioners as a nonpublic hearing item, except that the Board 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 Board of Commissioners 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.

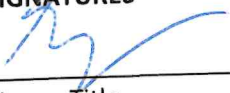
List prior appeals filed:

\_\_\_\_\_

\_\_\_\_\_

I have paid all outstanding fees associated with prior appeals:  NO  YES

**SIGNATURES**



Name, Title  
Steven D. McCoy

Name, Title

8-18-2023

Date

8-18-2023

Date

Additional petitioner(s):

_____	_____
Name	Address
_____	_____
Name	Address
_____	_____
Name	Address
_____	_____
Name	Address



# Transaction Receipt

Record ID: 921-23-000125-PLNG

IVR Number: 921045326164

Office: Not Applicable  
2705 East 2nd Street  
The Dalles, OR 97058  
541-506-2560  
Fax: 541-506-2651  
wcplanning@co.wasco.or.us

Receipt Number: 71374

Receipt Date: 8/18/23

[www.co.wasco.or.us/departments/planning/index.php](http://www.co.wasco.or.us/departments/planning/index.php)

Worksite address: 0 TEMP ADDRESS

Parcel: 1N 13E 4 BC 2600

<b>Fees Paid</b>					
Transaction date	Units	Description	Account code	Fee amount	Paid amount
8/18/23	1.00 Ea	Type IV - BOC - Appeal to BOC	1010.21.5124.10.411.411 175.	\$1,296.64	\$1,296.64
8/18/23	1.00 Ea	Clerk Recording fees - general	1010.21.5124.10.411.411 310.	\$116.00	\$116.00
Payment Method: Check number: 9252      Payer: Friends Of The Columbia Gorge				Payment Amount:	\$1,412.64
Cashier: Dustin Williams				<b>Receipt Total:</b>	<b>\$1,412.64</b>