



1510 – B Third Street  
Tillamook, Oregon 97141  
[www.tillamook.or.us](http://www.tillamook.or.us)  
Building (503) 842-3407  
Planning (503) 842-3408  
Sanitation (503) 842-3409  
FAX (503) 842-1819  
Toll Free 1(800) 488-8280

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*Land of Cheese, Trees and Ocean Breeze*

**CONDITIONAL USE REVIEW REQUEST #851-22-000384-PLNG: KUNERT**

*NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:  
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,  
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER*

**NOTICE OF ADMINISTRATIVE REVIEW**

**Date of Notice: October 10, 2022**

Notice is hereby given that the Tillamook County Department of Community Development is considering the following:

**#851-22-000384-PLNG:** A Conditional Use Request to establish a learning/tutoring center not to exceed 12 students at any given time (private school) property located on a property within Unincorporated Tillamook County at 8500 Burbank Road, a County road, and is designated as Tax Lot 102 in Section 10CC of Township 2 South, Range 9 West of the Willamette Meridian, Tillamook County, Oregon. The property is zoned Rural Residential 2-Acre (RR-2). The applicant and property owners are David and Angie Kunert.

Written comments received by the Department of Community Development prior to 4:00p.m. on October 24, 2022, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than the next business day, October 25, 2022.

Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website:

<https://www.co.tillamook.or.us/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

If you have any questions about this application, please call the Department of Community Development at 503-842-3408 x3412 or [ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us).

Sincerely,

Sarah Absher, Director, CFM

Enc. Applicable Ordinance Criteria, Maps

## REVIEW CRITERIA

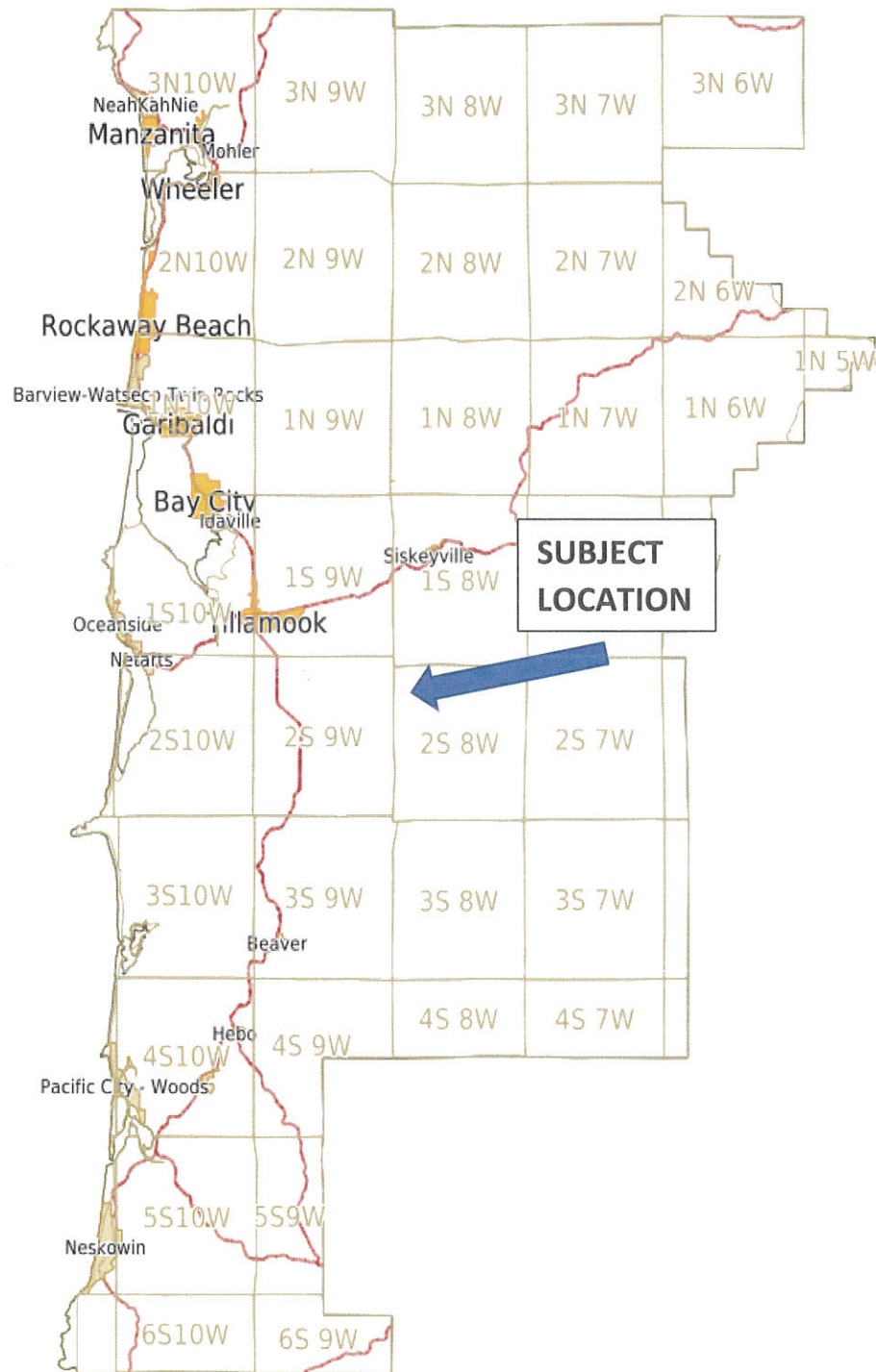
### TCLUO ARTICLE VI:

#### SECTION 6.040: REVIEW CRITERIA

Any CONDITIONAL USE authorized according to this Article shall be subject to the following criteria, where applicable:

- (1) The use is listed as a CONDITIONAL USE in the underlying zone, or in an applicable overlying zone.
- (2) The use is consistent with the applicable goals and policies of the Comprehensive Plan.
- (3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.
- (4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.
- (5) The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.
- (6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use

# VICINITY MAP



#851-22-00384-PLNG: KUNERT





Tillamook County Department of Community Development  
 1510-B Third Street, Tillamook, OR 97141 | Tel: 503-842-3408  
[www.co.tillamook.or.us](http://www.co.tillamook.or.us)

**RECEIVED**  
 OCT - 3 2022  
 Fax: 503-842-1819  
 BY: *Canter*

## PLANNING APPLICATION

**Applicant**  (Check Box if Same as Property Owner)

Name: David & Angie Kunert Phone: (503) 842 1776  
 Address: 8500 Burbank Road  
 City: Tillamook State: OR Zip: 97141  
 Email: Kunertsfam@gmail.com

**Property Owner**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Email: \_\_\_\_\_

| OFFICE USE ONLY                        |  |
|--|--|
| Date Stamp                             | <del><b>RECEIVED</b><br/>SEP 28 2022<br/>BY: _____</del> |
| <input type="checkbox"/> Approved      | <input type="checkbox"/> Denied                          |
| Received by: _____                     |  |
| Receipt #: _____                       |  |
| Fees: <u>1300.-</u>                    |  |
| Permit No:<br><u>851-22-000384PLNG</u> |  |

Request: Learning/tutoring center not to exceed 12 students at any given time. The hours of operation will coincide with public school.

**Type II**

- Farm/Forest Review
- Conditional Use Review
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
- Development Permit Review for Estuary Development
- Non-farm dwelling in Farm Zone
- Fore-dune Grading Permit Review
- Neskowin Coastal Hazards Area

**Type III**

- Appeal of Director's Decision
- Extension of Time
- Detailed Hazard Report
- Conditional Use (As deemed by Director)
- Ordinance Amendment
- Map Amendment
- Goal Exception

**Type IV**

- Appeal of Planning Commission Decision
- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

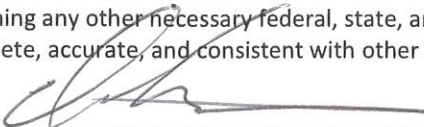
**Location:**

Site Address: 8500 Burbank Road, Tillamook OR  
 Map Number: 25 9W 10CC 102  
Township Range Section Tax Lot(s)

Clerk's Instrument #: \_\_\_\_\_

**Authorization**

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

  
 Property Owner Signature (Required)

Oct 3, 2022  
 Date

Applicant Signature

Date

**Response to Conditional Use Review Criteria**  
**David and Angie Kunert**  
**10/3/22**

**General Information:**

**Land Use:** A Conditional Use request for the operation of a learning/tutoring center, not to exceed 12 students within the Rural Residential 2-Acre (RR) zone.

**Location:** 8500 Burbank Road

**Zone:** Rural Residential 2-Acre (RR)

**Applicant:** David and Angie Kunert 8500 Burbank Road, Tillamook, OR 97141

**Property Owner:** Same as applicant

**Narrative:**

We are requesting approval for the operation of a learning/tutoring center not to exceed 12 students at our rural residential residence. (A) Student attendance will coincide with the local public school schedule and some may attend only part time, depending on individual learning needs. (B) Many students will walk, ride a bike, or carpool with other students. Adequate parking is available on our property. Traffic will be limited to personal vehicles for the transportation of students. Our current driveway width can accommodate two vehicles simultaneously (coming and going at the same time). The driveway is structured to have room for vehicles to circle for delivery/pick-up safely; while other cars are parked. (C) We do not wish to add any structures, signs or other features that would cover up or take away from our normal personal residence or anywhere in the neighborhood. (D) In conversation, the surrounding neighbors are in support of our concept for a learning center.

(1) We understand that learning/tutoring centers or alternative educational sites are permitted under a Conditional Use Permit on property such as ours. (Zoned rural residential)

(2) The Comprehensive Plan has not been updated since 2008 and the current update has been forthcoming since 2019. By our requesting approval for the operation of a learning/tutoring center not to exceed 12 students at our rural

residential residence, we understand this will fall within the goals and policies of the updated Comprehensive Plan. We believe a learning center will complement our neighborhood. The main issue is likely increased road use. Burbank Road has been in poor condition and has received no county maintenance since we've lived here (beginning in 2007) and would remain that way if left unmaintained by us and seldomly one other neighbor. In the rainy season, we diligently fill potholes and maintain the drainage ditches. The impact of a few more passenger vehicles using the road to attend the learning center would not be noticeable to users of the road. We don't anticipate the safety of the road being compromised, as all vehicles will be able to come and go as normal. Many of the students who attend will arrive and be picked-up at staggered times throughout the day. Congestions would rarely be problematic. In addition, we understand a pull out area is currently being established to increase better flow of traffic. Drivers can plan to pull over and wait for another vehicle to pass safely. This pull out area can also be used in the event of an emergency. Drivers will need to continue to be careful of children on foot or on bikes on Burbank Road. There are many children in the neighborhood who walk to and from the end of Burbank Road to ride the public school bus as well as for recreation.

**(3)** We feel our residence is suitable for a learning center not to exceed 12 students. Educational instruction will take place in a pre-existing structure. Outside activities will take place in various places around our modestly sloped 4 acre property. The property lines are clearly defined with fences, trees and shrubbery. Any activities that take place would not affect surrounding neighbors in any way. There are many trees, field areas, and a great deal of natural vegetation that exists between all of our surrounding neighbors.

**(4)** The learning center would not cause any noticeable change in the neighborhood. The students will not leave the property during learning time, except for planned field trips. Currently, there are many families with young children and/or grandchildren who play outside and use the road to bike or walk between properties. The learning center will follow the same holiday schedule and day time hours as the public schools.

**(5)** The learning center would not have any effect on existing solar energy systems, wind energy conversion systems or windmills. There are none that exist currently in our area and we do not plan to build any new structures on our property.

**(6)** Our request is timely, considering the need expressed by many families with elementary aged children in the community. We are aware of many other private

schools, learning pods, and tutoring centers that have developed over the past few years. The need continues to increase. Parents are continually seeking out educational resources such as the learning center we are proposing.

Public facilities and services needed to support the learning center include roads, power, water and garbage. With the exception of Burbank Road, roads leading to and from are maintained by the public works department. As mentioned before, we have been the primary maintainers of Burbank Road since 2007. Power is supplied by the local public utilities district. Water is supplied by Long Prairie water district who purchases it from the City of Tillamook. Garbage is managed by Tillamook County solid waste administration. The learning center will not create measurable increased demand on any of these public facilities or require additional services.



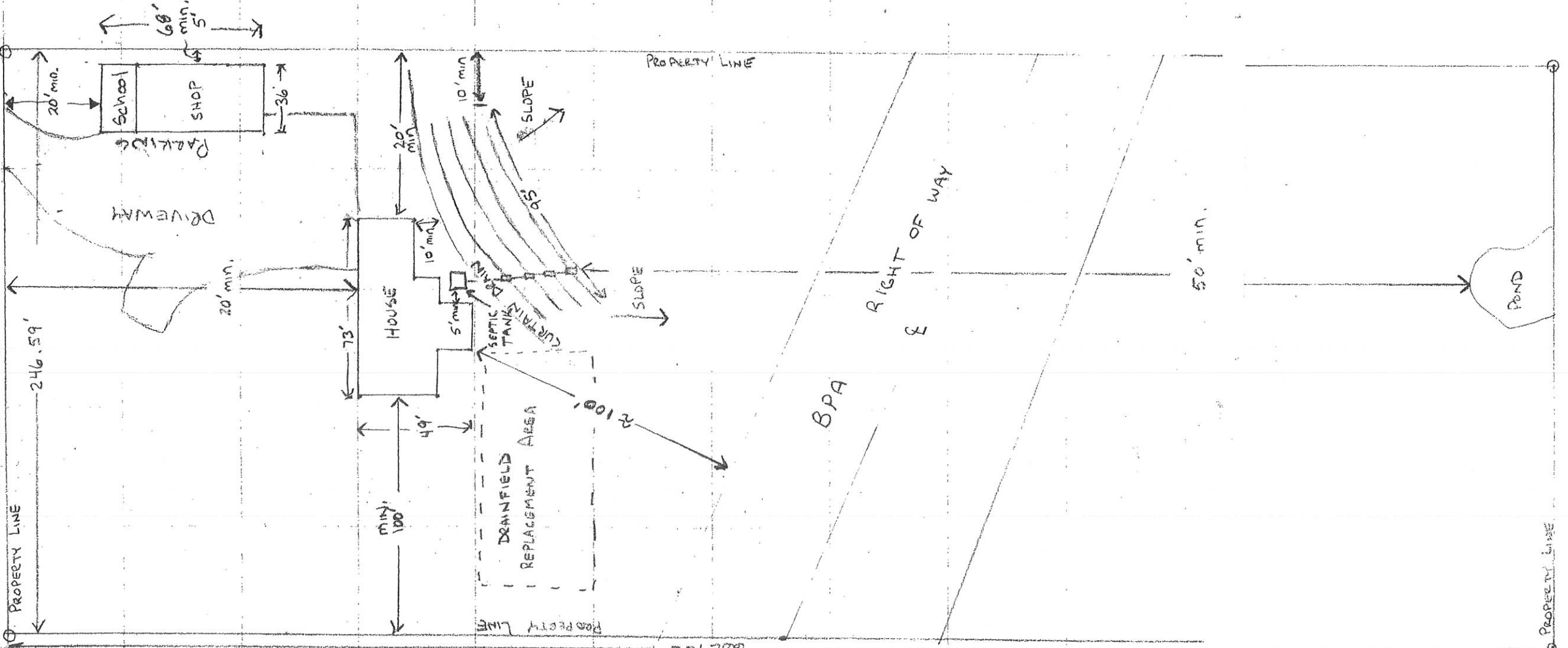
SITE PLAN FOR:  
25 09 10CC 102  
DAVID & ANGIE KUNERT  
8500 BURBANK ROAD

SCALE: 1" = 50'

N BURBANK ROAD

ZONED RR

ZONED R1



PROPERTY LINE