

September 12, 2023

424 Lincoln LLC/Paul Berger
19717 Mt Bachelor Drive
Bend, OR 97702

RE: Partition Applications 06PA-23 & 07PA-23 – Lots 9 & 12 of Evans Way Estates Phase 1.

The City of La Pine received your partition application. In reviewing the application against the requirements of the La Pine Development Code and State Statute, City staff determined the application to be **incomplete**.

To ensure a complete application, the City determined the following additional information is required:

Oregon Revised Statutes

ORS 92.010 Definitions for ORS 92-010 to 92.192

(***)

(13) *“Replat” means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.*

Part III - City of La Pine Development Code

Article 9 - Land Divisions

Chapter 15.414. – Re-Platting and Boundary Line Adjustments

Sec. 15.414.010. – Re-platting and vacation of plats.

Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed. Except as required for street vacations, the same procedure and standards that apply to the creation of a plat (preliminary plat followed by final plat) shall be used to re-plat or vacate a plat. Street vacations are subject to ORS 271. A re-plat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable city standards.

Staff Comment: The La Pine Development Code lacks a definition, and specific criteria related to Replats, except for Sec. 15.414.010 listed above. Therefore, statute is partly relied upon for review of the proposal. In accordance with the above definition, the proposal for both applications submitted would require a subdivision replat, since there will be an increase in the number of lots for the Evans Way Estates Subdivision Phase 1. The

criteria within ORS 92.180 – ORS 92.190 would apply. The replat criteria links back to all applicable portions of that ORS chapter, as well as the applicable codes within the city for land divisions. Sec. 15.414.010 above also reflects that requirement stating that *“the same procedure and standards that apply to the creation of a plat (preliminary plat followed by final plat) shall be used to re-plat or vacate a plat.”*

The fee for a subdivision replat is \$4,000. The fee you submitted for each partition was \$1,600. To deem the application complete, the \$2,400 difference will need to be submitted for each application.

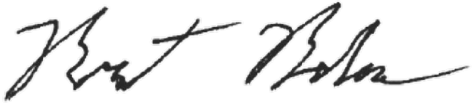
The applicant has 180 days from the original submittal date to respond to this Letter of Incompleteness. If the applicant does not respond **in writing** within 180 days, then the application will be deemed void on the 181st day. To prevent this application from being deemed void, please respond **in writing** to this Letter of Incompleteness by submitting the following:

- 1) All of the missing information; OR
- 2) Some of the missing information and written notice that no other information will be provided; OR
- 3) Written notice that none of the missing information will be provided.

This letter does not convey tacit approval or denial of any development on the subject property.

Please contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Brent Bybee", written in a cursive style.

Brent Bybee
Principal Planner