



## INCOMPLETE LETTER

December 14, 2023

Oregon 97 Investments LLC  
C/O MAA Group LLC  
2095 Fairmont Blvd  
Eugene, OR 97403

**SUBJECT:** 01ZC-23, 17125 Rosland Road, Zone Change and Comprehensive Plan Map Amendment

Dear Applicant,

The City of La Pine received a Conditional Use application on November 20, 2023 for the above referenced property. In reviewing the application against the requirements of the La Pine Development Code and State Statute, City staff has determined the application to be **INCOMPLETE** as of December 14, 2023.

To ensure a complete application is reviewed, staff requests the following additional information that relates to La Pine Development Code and State Statute.

### PART III, CITY OF LA PINE DEVELOPMENT CODE

#### ARTICLE 7 - PROCEDURES

##### CHAPTER 15.202. - SUMMARY OF APPLICATION TYPES AND GENERAL PROVISIONS

###### Sec. 15.202.050. - Neighborhood contact.

**STAFF COMMENT:** In the burden of proof, it was stated that “As documented in the record, the applicant noticed and held a “Neighborhood Contact” meeting as prescribed in the above provisions. Notice was mailed on October 9, 2023, the meeting was held on October 25, 2023 (over 14 days from the notice), and the formal submittal is occurring more than 21 days from the date of the mailing.” Staff could not locate anything in the record submitted for review that the neighborhood meeting occurred. Please provide proof of this meeting.

#### ARTICLE 8 - APPLICATION AND REVIEWS

##### CHAPTER 15.334. - TEXT AND MAP AMENDMENTS

###### Sec. 15.334.020. - Applicability.

- A. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plans, Development Code, or changes in zoning maps not directed at a small number of property owners. The following amendments are considered generally considered legislative:
1. All text amendments to Development Code or comprehensive plan (except for corrections).
  2. Amendments to the comprehensive plan map and/or zoning map that affect more than a limited group of property owners.
- B. Amendments to the comprehensive plan and/or zoning map (zone change) that do not meet the criteria under subsection A may be processed as quasi-judicial amendments. However, the distinction between legislative and quasi-judicial changes must ultimately be made on a case-by-case basis with reference to case law on the subject.

**STAFF COMMENT:** The above criteria requires that the amendment not affect more than a limited group of property owners. The burden of proof only states “the proposal does not affect more than a single property owner.” Please demonstrate further how the proposal will not affect more than a limited group of property owners. The above criteria also requires case law references to be justified as quasi-judicial. Please provide this for review.

In addition to the above missing materials, it was noted that all throughout the application materials, and site map, that the proposed RV park is mentioned multiple times. One part even states “If the entitlement process is successful, the applicant will be to proceeding with the development of an RV Park on the property.” The proposed Zone Change and Comprehensive Plan Map Amendment are not dependent upon a proposed use. Please remove all references of the proposed RV park from the application materials.

Pursuant to ORS 215.427, the applicant has 180 days from the date of application (November 20, 2023) to respond to this Incomplete Letter. If the application does not respond **in writing** within 180 days, then the application will be deemed void on the 181<sup>st</sup> day (May 19, 2024). To prevent this application from being deemed void, please respond **in writing** to this Incomplete Letter by submitting one of the following:

- All of the requested information.
- Some of the requested information and written notice that no other information will be provided and the applicant requests staff to deem the application complete and begin their review.
- None of the requested information and written notice that the applicant requests staff to deem the application complete and begin their review.

***Please be aware that failure to provide all the requested information may result in an administrative denial or referral to a Public Hearing in front of the La Pine Planning Commission.***

This letter does not convey tacit approval or denial of any development on the subject property. If you have any questions, please contact me directly at (541) 668-1135 or [bbybee@lapineoregon.gov](mailto:bbybee@lapineoregon.gov).

Sincerely,



Brent Bybee, Principal Planner

File Number, Applicant