



**City of Maupin**  
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February 16, 2024

Dear Karen Miller and additional petitioners,

I'm writing this letter on behalf of the City Council, City Planning Commission and City Staff regarding the formal Appeal of the Planning Commission's Decision to approve the preliminary plat for the McLucas Upriver Estates Subdivision application. The City cannot accept the Appeal and has determined to refund the \$750 filing fee.

ORS 197.797 limits the ability to file an appeal in a Land Use Hearing to those who offered testimony opposing the proposed project in the lower body, in this case, the City Planning Commission. The rule specifically states: "that issues with a land use decision shall be raised and accompanied by statements or evidence sufficient to afford governing body, planning commission, hearings body or hearing officer, and the parties an adequate opportunity to respond to each issue". It was noted in the minutes at the close of the Public Testimony portion of the Public Hearing on the McLucas Upriver Estates Subdivision that there was not opposition to the proposal. Therefore, there can be no appeal.

This statute has been in effect for Oregon Cities and Counties since the late 1970s. At the beginning of every Land Use Public Hearing in the State, Cities and Counties routinely announce that in order to Appeal a Decision, you must participate in that Hearing by offering oral or written testimony. In this instance, the City must follow the law by denying the application for appeal.

We appreciate your understanding in this decision.

Sincerely,

Nick Smith  
City Manager