

## Elizabeth LaFleur

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**From:** April Pust <apust@beconeng.com>  
**Sent:** Thursday, May 5, 2022 5:30 AM  
**To:** Elizabeth LaFleur  
**Subject:** Re: PLLD20211031 RE: West View Subdivision Resubmittal

Good Morning Beth - Please put the West View application on hold for 14 days or until such time that we request the hold to be lifted, whichever is sooner.

Thank you,

### April Pust, PE

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Cell 425-773-1998  
[apust@beconeng.com](mailto:apust@beconeng.com)

On Wed, May 4, 2022 at 6:24 PM Elizabeth LaFleur <[elafleur@bendoregon.gov](mailto:elafleur@bendoregon.gov)> wrote:

Hi April,

Can you please provide a specific number of days for which the application should be on hold. You can caveat that with something like "...X days or until such time we request the hold to be lifted, whichever is sooner".

The hold can always be extended, up to 245 days total.

Thanks,  
Beth



Beth La Fleur, AICP | Senior Planner  
Community Development Department

710 NW Wall Street, Bend, OR 97703

(541) 330-4019 [Elafleur@bendoregon.gov](mailto:Elafleur@bendoregon.gov)



**From:** April Pust <[apust@beconeng.com](mailto:apust@beconeng.com)>

**Sent:** Tuesday, May 3, 2022 5:12 PM

**To:** Elizabeth LaFleur <[elafleur@bendoregon.gov](mailto:elafleur@bendoregon.gov)>

**Cc:** Colin Stephens <[cstephens@bendoregon.gov](mailto:cstephens@bendoregon.gov)>; Glenn M. Kotara <[kotara@bendcable.com](mailto:kotara@bendcable.com)>; Erik Huffman <[ehuffman@beconeng.com](mailto:ehuffman@beconeng.com)>; Mark Huffman <[markhuffman@bendbroadband.com](mailto:markhuffman@bendbroadband.com)>

**Subject:** Re: PLLD20211031 RE: West View Subdivision Resubmittal

Thanks Beth. Sorry, I missed your call and just left you a message. We only want to put it on hold for as long as it takes for you and Colin to confirm that there is no need to elevate to a Type III application. Glenn discussed briefly with Colin this afternoon, but Colin asked to see the details of the agreement with the neighbors. I believe Glenn will be sending that this afternoon/evening if he hasn't already.

Once that is settled, just let me know and we will pick up the poster and post it onsite.

Thank you,

**April Pust, PE**

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On Tue, May 3, 2022 at 7:06 PM Elizabeth LaFleur <[elafleur@bendoregon.gov](mailto:elafleur@bendoregon.gov)> wrote:

Hi April,

The application is complete (5/2/2022) based on your email below and attached Response pdf.

Can you please provide a certain number of days for which you would like the application to be put on hold?

Thanks,  
Beth



Beth La Fleur, AICP | Senior Planner

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**From:** April Pust <[apust@beconeng.com](mailto:apust@beconeng.com)>

**Sent:** Monday, May 2, 2022 1:29 PM

**To:** Elizabeth LaFleur <[elafleur@bendoregon.gov](mailto:elafleur@bendoregon.gov)>; Colin Stephens <[cstephens@bendoregon.gov](mailto:cstephens@bendoregon.gov)>

**Cc:** Glenn M. Kotara <[kotara@bendcable.com](mailto:kotara@bendcable.com)>; Erik Huffman <[ehuffman@beconeng.com](mailto:ehuffman@beconeng.com)>; Mark Huffman <[markhuffman@bendbroadband.com](mailto:markhuffman@bendbroadband.com)>

**Subject:** Re: PLLD20211031 RE: West View Subdivision Resubmittal

Beth and Colin - All revised documents have been uploaded to City View for the West View application. Per BDC 4.1.412.C.2. we have provided some of the missing information and this is written notice that no other information will be provided.

C. On the one hundred eighty-first day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (B) of this section and has not submitted:

1. All of the missing information;

**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.

I've attached a letter with responses to the comments in the Notice of Incomplete Application, which has also been uploaded to the file. Once deemed complete, we would like to put the application on hold before a notice of application is mailed so that the owners have an opportunity to talk to you about the agreement with the neighbors.

Please let me know if you have any questions or if there are any issues with this request.

Thank you!

**April Pust, PE**

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On Fri, Apr 29, 2022 at 11:23 AM April Pust <[apust@beconeng.com](mailto:apust@beconeng.com)> wrote:

Beth - Can you clarify on the expiration date. Does it become void at the end of day on the 4th or is it void on the 4th (end of day on the 3rd)?

Thank you,

**April Pust, PE**

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On Thu, Apr 28, 2022 at 4:59 PM April Pust <[apust@beconeng.com](mailto:apust@beconeng.com)> wrote:

Thanks for getting back to me right away. I'll discuss with the team and let you know what we decide to do!

**April Pust, PE**

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On Thu, Apr 28, 2022 at 4:37 PM Elizabeth LaFleur <[elafleur@bendoregon.gov](mailto:elafleur@bendoregon.gov)> wrote:

Hi April,

PLLD20211031 is currently Incomplete and set to expire on May 4, 2022. There are currently 35 letters of comment in the record.

If you withdraw, we could transfer the application fees a second time (PLLD20210908 was applied for, withdrawn to take advantage of Nov 5, 2022 BDC changes, fees were transferred over to current PLLD20211031). However, because this will trigger yet another round of new Completeness Check, we will charge a new Completeness Check fee for Planning (\$523 + 4%) and Engineering (\$153 + 4%).

You will need to contact Engineering to see if you will need to submit for new TAM and Utility Availability Memos (typically these memos are only valid for 6 months) or if Engineering can issue some type of extension or addendum.

If you do not withdraw and resubmit, and instead submit the documents as required and described within the most recent Letter of Incomplete Application, if the application is deemed to be Complete, then you can put the application on Hold for a certain specified number of days. The total of all extensions may not exceed 245 days. If the application is determined to be Incomplete, again, then you run the risk of the application becoming Void on May 4, 2022.

Please bear in mind that under BDC 4.1.415, the Development Services Director may elevate a Type II application to a Hearings Body for hearing as a Type III. Such a choice is not an appealable decision.

Please contact me if you have additional questions or need additional information.

Thanks,  
Beth



Beth La Fleur, AICP | Senior Planner

Community Development Department

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**From:** April Pust <[apust@beconeng.com](mailto:apust@beconeng.com)>

**Sent:** Thursday, April 28, 2022 1:01 PM

**To:** Elizabeth LaFleur <[elafleur@bendoregon.gov](mailto:elafleur@bendoregon.gov)>; Colin Stephens <[cstephens@bendoregon.gov](mailto:cstephens@bendoregon.gov)>

**Cc:** Glenn M. Kotara <[kotara@bendcable.com](mailto:kotara@bendcable.com)>; Erik Huffman <[ehuffman@beconeng.com](mailto:ehuffman@beconeng.com)>; Mark Huffman <[markhuffman@bendbroadband.com](mailto:markhuffman@bendbroadband.com)>

**Subject:** West View Subdivision Resubmittal

**CAUTION:** External Email. Use caution when opening attachments, clicking links, or responding to this email.

Hi Beth and Colin - We have addressed the items in the Notice of Incomplete Application letter and are ready to resubmit. However, there is a tentative deal with the neighborhood steering committee as well. Our understanding was that if a deal is reached, the application doesn't need to be elevated to a Type III Hearing.

The plans and narrative have been updated to reflect the neighbors' terms, but finalizing the deal is contingent on a conversation with Colin and confirmation that a Type III Hearing will not be required. We want to resubmit and be deemed complete before the application expires, but also want to be sure that it doesn't get noticed as a Type III Application before Glenn and Colin have a chance to discuss.

Beth - The application expires on May 4th and it sounds like Colin returns to the office next Monday, May 2nd. Which of the following would you suggest:

- Resubmit all documents to City View now and hold off on mailing a Notice of Application until Colin returns and has a chance to look into the Type II vs Type III situation.
- Withdraw the current application and reapply next week under a new permit number, with the fees for the current application applying to the new one.

If you could let me know which of the above options the City prefers, or if you have a different suggestion, it would be much appreciated.

Thanks!

**April Pust, PE**

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