

## 9. Tumalo Creek Development

### **C. Validity of Objections**

Objections must satisfy the requirements of OAR 660-025-0140(2) in order to be valid and considered by the director. This rule states:

Persons who participated at the local level orally or in writing during the local process leading to the final decision may object to the local government's work task submittal. To be valid, objections must:

- (a) Be in writing and filed with the department's Salem office no later than 21 days from the date the notice was mailed by the local government;
- (b) Clearly identify an alleged deficiency in the work task sufficiently to identify the relevant section of the final decision and the statute, goal, or administrative rule the task submittal is alleged to have violated;
- (c) Suggest specific revisions that would resolve the objection; and
- (d) Demonstrate that the objecting party participated at the local level orally or in writing during the local process.

Some objectors have provided numerous or multiple objections covering a range of compliance issues, while others focus on a single objection. All of the objectors listed in section III.B filed their objection(s) in a timely matter, satisfying the requirements of OAR 660-025-0140(2)(a).

The objection of Mr. and Mrs. Harold W. Simpson (dated May 1, 2009) does not establish a clearly identified deficiency in the submittal as required by OAR 660-025-0140(2)(b). The objector attached a letter dated December 15, 2008, which apparently was originally sent by another party to the city, but after the City of Bend closed the public record on the matter on December 1, 2008. The objectors have not demonstrated that they participated orally or in writing at the local level as required by OAR 660-025-0140(2)(d). The Simpsons' objections are not valid.

The objection of Keith Spencer (dated April 23, 2009) does not establish a clearly identified deficiency in the submittal, as required by OAR 660-025-0140(2)(b). As a result, Mr. Spencer's objections are not valid.

The remaining objectors provided one or more valid objections. However, as set forth in more detail in the director's analysis section later in this report, specific objections may be found to be invalid based on criteria in OAR 660-025-0140(2)(b) or OAR 660-025-0140(2)(c).

Objections not addressed in the analysis sections of this report are denied.