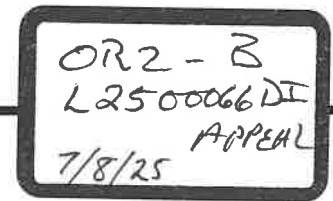


Stephen Shane



From: Melissa Ryan <mryan@batemanseidel.com>
Sent: Tuesday, July 8, 2025 11:28 AM
To: Paul Schaefer; Stephen Shane; Carol Johnson
Subject: [EXTERNAL] County - final submission during Second Open Record Period

Hello, please forward these comments to the hearings officer prior to 4:00 p.m. today, Tuesday July 7, 2025.

We represent Washington County as land use counsel. Please accept these comments and include them in the record.

These comments respond to comments from Holli Wilberg that were submitted on Tuesday July 1, 2025.

The county generally responds that Ms. Wiberg's comments assume a level of proof that neither the statute at ORS 92.176 or the county's code require. All that is required under either provision is a demonstration that creation of the parcels *could have complied* with the partition statutes, not that they "did comply," because if proof that they "did comply" was available, there would be no reason to rely on the lot validation statute at ORS 92.176, because they would be lawfully established parcels.

1, 2. In response to Wiberg's first and second statements, the county wishes to point out that the deeds creating the lots in 1990 were from a common grantor. Therefore, it is extremely likely that easements "could have been granted" that could have satisfied the access requirements for flag lots.

3. In response to Wiberg's third statement, Wiberg has not provided any citations to the referenced fire and emergency access standards or explained why those standards applied in 1990 to a partition that does not include a development application.

Thank you for considering the county's final comments.

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