



Kevin Cook &lt;kevin.c.cook@multco.us&gt;

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## Form submission from: North Tualatin Master Plan

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**Webform via Multnomah County** <webmaster@multco.us>

Fri, Jan 20, 2023 at 8:27 PM

Reply-To: Webform &lt;webmaster@multco.us&gt;

To: kevin.c.cook@multco.us

Submitted on Friday, January 20, 2023 - 8:27pm

Submitted values are:

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Testimony:

RE: Files T3-2017-9165, T4-2017-9166

A note on the public notice states: "The applications were submitted on September 29, 2017 when the Chapters 33 and 37 of the Multnomah County Code were in effect. Chapters 33 and 37 have been repealed by Ordinance 1264, but contain the applicable criteria that existed on the date the applications were filed."

The application description notes that "Metro seeks county land-use approval for a public nature park project, which will include trail development of multi-use trails. One application is for a Quasi-Judicial Revision to the Multnomah County Comprehensive Plan to designate a public park. Other applications are for the following permits...Conditional Use; Community Service Use; Design Review; Significant Environmental Concern; Hillside Development; Protected Aggregate and Mineral Sites; Lot of Record; Exception to the Secondary Fire Safety Zone; Variance to the Forest Practices Setbacks; Forest Development Standards; Road Rules Variance".

These are all non-legislative applications for which ORS 215.427 is applicable. ORS 215.427(1) provides that the County "shall take final action on all other applications [outside the UGB] for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 150 days after the application is deemed complete, except as provided in subsections (3), (5) and (10) of this section." Notably, ORS 215.427(5) allows an applicant to extend this period, but that the total of all extensions shall not exceed 215 days. A provisions for mediation between an applicant and county allows additional time per ORS 215.427(10), but even that extension is limited as up to an additional 90 days.

February 6, 2023 will be 1,957 days from the date an application was submitted. Even assuming the application was incomplete when initially submitted, the applicant would have only had 180 days to make the application complete before it became void (ORS 215.427(4)). The combination of a potential 180 incompleteness status, 150 day decision timeline, 215 day waiver, and 90 days for mediation is no where close to the nearly 2,000 days since the land use application was filed.

How is the County able to proceed with review and a potential decision on a land use application that is so far beyond the statutory timelines? While the 150 day timeline is primarily a safeguard for the applicant, ORS 215.427(5) is clear that the applicant cannot indefinitely waive the decision deadline to allow decisions on land use applications that are several years old.

## Exhibit D.95