

Scott Robison <scott.robison@multco.us>

Hearings Officer's Response to Record Objections Filed May 22, 2023

Liz Fancher <liz@lizfancher.com>

Fri, May 23, 2025 at 7:41 AM

To: Scott Robison <scott.robison@multco.us>Cc: LUP Hearings <lup-hearings@multco.us>, "lisa.m.estrin@multco.us" <lisa.m.estrin@multco.us>**External Sender** - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

I have received two objections to materials submitted during the rebuttal period that closed on May 19, 2025 – one from the applicant in a letter dated May 22, 2025 (Exhibit V.1) and the other from Cynthia Bennington of the same date (Exhibit V.2). I have reviewed both and have determined that it would be helpful to me to have opponents respond to Exhibit V.1 in their final argument due May 27, 2025 at noon before I determine whether to strike the information that Portland Water Bureau's attorneys claim is new evidence. I would ask that County staff advise the parties who filed Exhibit U.17 and U.19 of this fact by e-mail today. I would also ask County staff to add this e-mail to the record and post it on-line for any party to review so that they may also respond to PWB's request to strike the evidence they have specified in Exhibit V.1.

Exhibit V.2 includes new evidence and argument that is responsive to evidence filed during the rebuttal period. The purpose of the objection period, as explained at the hearing, was to allow parties to identify materials not properly filed as rebuttal. Exhibit V.2 does not do so. Yet, because I have allowed opponents to file final argument, I will consider the legal argument presented. I intend, in my decision to strike information I determine is new evidence. If any party, including Ms. Bennington, wish to object to my resolution of this issue, they should do so in their final argument or in a separate document filed prior to the deadline for them to file final argument. I would ask staff to please forward this e-mail to Ms. Bennington by e-mail today.

Liz Fancher

Multnomah County Hearings Officer

From: Scott Robison <scott.robison@multco.us>**Sent:** Thursday, May 22, 2025 1:21 PM**To:** Liz Fancher <liz@lizfancher.com>**Subject:** Responsive Record Objections

Hi Liz,

I'm attaching the two responsive record objections received today before the noon deadline. I'm also including the opponents' and county staff's final argument as well. All three are posted on the remand website. Thanks.

Exhibit V.3

<https://multco.us/info/pwb-remand-documents>

Scott

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Scott Robison

Administrative Analyst I Land Use

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