



[Comprehensive Plan] Form submission from: Comprehensive Plan Planning Commission Comment Form

Multnomah County <webmaster@multco.us>
To: compplan@multco.us

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Comments:

I am concerned about the EFU Land Use Designation description, particularly how the rules will be written to implement section 3.10: "Allow non-agricultural uses, such as residences, on Exclusive Farm Use Lands as permitted by Oregon Statutes and Administrative Rules, with additional development standards and lot aggregation requirements to ensure protection of agricultural lands and natural and environmental resources. Limit new non-agricultural uses, and expansion of existing non-agricultural uses. This will result in a farm protection program for the County that is more restrictive than what state statutes and rules require."

The County has already forced aggregation of separate but adjoining tax lots in single ownership even though in every instance these legal lots were created well before 1972 when Senate Bill 100, the original land use law was first adopted. Some date back to mid-century. Private property owners were ill informed at the time of consolidation though the County met its minimum legal obligation to post public notices. Without understanding the taking provision in federal and state law, these landowners found themselves stripped of property rights via legislation.

The current plan proposal once again holds the potential to strip private property owners of their property rights depending upon how the "Administrative Rules" are written. For instance, how many existing EFU properties--legal lots of record--exist that are larger than 80 acres? When the original EFU was implemented, the minimum lot size was 20 acres. Yet with 40 acres now the minimum lot size, only a property larger than 80 acres can be divided. The majority of properties in the East Sandy River plan are well under this minimum. This rule limited the value of most parcels since up to 79.99 acres it could no longer be divided and no additional dwelling unit could be built.

Layer in the gross income requirement of \$80,000 for the previous two years or three of the past five, and very few of the existing legal lots under 80 acres could qualify for a dwelling unit irrespective of lot size. This is an arbitrary figure and has nothing to do with the interests of the public. What authority does the County have to mandated revenue production? If such authority is valid, should the County also not mandate the farmer make a profit? And that his/her customers be required to pay whatever price is necessary for the farmer to meet both revenue and profit requirements?

Neither the County nor the State have this power but both are putting in place new standards that will continue to undermine private property rights in Oregon as evidenced by this ambiguous comment: "This will result in a farm protection program for the County that is more restrictive than what state statutes and rules require." What will be more restrictive than state statutes? Higher income standards? Larger parcels? What about marginal lands--same restrictive covenants as EFU?

If it is in the public's interest to control farm land that is currently in private ownership, then the public must allocate the funds to buy it, not steal it through restrictive regulations. The public can then own, manage, plant, water, tend, harvest and sell its produce...and in every other way fully participate in the joys of farming just like

private farmers do. But then will the public also require itself to generate minimum \$80,000 in gross revenue from every parcel of land so owned, just as it does the private landowner, irrespective of whether the land is 5 acres or 500?

Private property should never be 'stolen at the point of a pen' through regulation. Any 'greater good' regulation that significantly restricts a private property owner's use of his/her land but maintains all the obligations of management, stewardship and care is simply a cloaked taking. There is established law on takings: the public must pay the true market rate for taking for the public good. No land use regulation that vitiates that law should be tolerated.

Terry Cook

The results of this submission may be viewed at:
<https://multco.us/node/28556/submission/51504>

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