



LUP Hearings <lup-hearings@multco.us>

T2-2021-14981

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Thu, Jun 12, 2025 at 12:24 PM

To: "lup-hearings@multco.us" <lup-hearings@multco.us>, Kirk Andrews <kirkjandrews82@gmail.com>, Carol Chesarek <chesarek4nature@earthlink.net>

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Please enter this letter into the record for the June 13 public hearing for application T2-2021-14981

Dear Hearings Officer,

We are neighbors west of [12424 NW Springville Rd.](#) I see that the applicant has submitted letters of support from neighbors and although a vote from the neighborhood is not part of the criteria for your decision, I want to submit the following comments.

Not all the neighbors feel that the county is wasting the budget responding to this application and enforcing the code requirements. We request that you continue to apply a strong standard of proof before approving this dwelling permit.

1) The real waste of the county's money is caused by the applicant not promptly and transparently providing the proof of farm income back when the application was submitted, and then dragging county planning and LUBA into responding to years of evasive arguments about why they shouldn't just turn in the tax form with a CPA's certification and verification of it's source data.

2) Our close-in quality EFU farm land is a limited resource, and should be protected from people who want to buy a nice tract of land to build a house without intention of farming. The state land-use process has other zonings, such as the RR properties which allow for addition of a house or business on a larger parcel of land without meeting the strict requirements that protect the high-grade farm soils on this parcel. It is legitimate to ensure that the house is being built in support of farming and to be careful that a precedent is not set that undermines the EFU designation. I think earlier submitted comments by C. Foster on the record, pointing out that the probable building costs of this particular dwelling far exceed the lifetime expected farm income here are relevant, and while they might not be part of the immediate decision criteria... at least the minimum evidence of farm income should be proven irrefutably because the underlying appearance is not that of a typical farm dwelling.

3) The applicant has told the county over the last several years that they are engaging in practices that support farming but at the time of the application there weren't any sizable number of livestock visible on site nor evidence that they were selling products. As pointed out by C. Chesarek letter on the record, there was no egg handler's licence to allow commercial sales of eggs. They claimed that they needed to bring in a vast area of agricultural fill to plant orchards, but no orchards have been planted in the 4 years since, nor does it appear any other crops have been planted. A lot of site disturbance has happened in support of "agricultural practices" including building a farm road across a protected creek, but there are a lot more cars and dump trucks than farm vehicles using their "farm roads". The applicant refused onsite inspection which also could have easily proven they were engaged in some kind of substantial farm income generation. What was there to hide?

Exhibit CC.1

4) A current year amended return either means they were attempting to avoid reporting the farm income to the IRS back when it was earned, or they are now attempting to create a paper trail for farm income that they eventually determined the county would insist was required, in spite of their legal maneuvers and other forms of unverified documentation. They had every incentive to report this income back in 2021 and provide the documentation to the county then. Now you have a tax form but also a CPA statement that the income information is "not audited, verified, or certified". I'm sure the IRS is glad to get the extra taxes and isn't too worried about whether sales of farm products actually happened during that time. But in this hearing, you do have that responsibility.

Thank you for including our feedback, and we ask that you keep the burden of proof on the applicant to show verifiable farm income from the time of the application.

Susan and Kirk Andrews
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