

July 11, 2023

Multnomah County Land Use

Re: T2-2021-14981

12424 NW Springville Rd.

Please enter the following into the record in response to the Applicant's submission to July 7, 2023

Dear Hearings Officer,

Having participated in earlier the Reed case, I remain in support of a denial of this application. Recent pieces submitted as evidence have not furthered the necessary proof of farm use. Rather, some elements have worked to only weaken the applicant's credibility. I come to this with some related experience having farmed and filed a Schedule F personally for over 20 years. Further, from the years 1987 to 2011, my primary occupation was as a 3<sup>rd</sup> party construction cost consultant serving primarily commercial lending institutions included reviewing and certifying for payment on site progress, stacks of invoices, bills, purchase orders or all the normal paper trail associated with conducting a business. One would expect the applicant in his capacity as a sophisticated housing developer in projects in the tens of millions of dollars to be familiar with providing convincing financial proof and accepting of reasonable scrutiny. Instead, we get only indirect and sketchy information. Below, I offer comment on various exhibits in the recent submission.

Exhibit S.3 – The applicant provides a draft Schedule F where his earlier assertion as to income is entered, but in no new way is supported (see the CPA disclaimer last paragraph). All the usual ways a CPA would build a tax form are not present. Curious too, would be in the face of not having a ready 2022 Schedule F, they would not fall back on 2020 or 2021 where they also claimed to have substantial income. They present no invoices, no bills, no bank deposits, no records of sales transactions whatsoever. All of this is combined with the incredible feat of handling, packaging delivering and taking only cash payments on delivery nearly unaided on something close to 135 dozen eggs per week (no form 1099s). I would not agree that anything is proven within this exhibit.

Exhibits S. 4,5 & 6 - A survey of retail egg prices is immaterial. It really adds nothing. It does not matter what the store price is. This is only a distraction. Proof of sales is everything here. The applicant only loses credibility by touting the price of organic eggs. If the sales volume is correct and they were sold using the term organic, they would be in violation of USDA regulation. Sales of \$5,000. or more require USDA organic certification. No such certification is apparent.

Exhibit S.7 - The applicant submits a 2014 Schedule F. While however irrelevant a tax form of nearly 10 years ago may be, it points to some unreliability here. In the 2014/2015 application era (an exhibit in the 2021 application), we learn that Mr. Reed did not own the property until mid 2014 (6/23). It also states that while Mr. Reed worked at farming 2 hours per day, Mr. Welch worked six (dba Grey Day Dairy). Not only is the Schedule F incorrectly filled out, but it lacks loads of information. Just what was the relationship between the applicant and Mr. Welch:- Employee, tenant farmer, no form 1099? The numbers entered in the schedule have the appearance of being the activity of Mr. Welch. Hard to know if this was an actual filing submitted to the IRS. In the 2014/15 application, there is a mention of a 2013 Schedule F (an exhibit) though there is no discussion. There is no appearance anywhere of the 2014 F nor evidence of its posting to the internet as the applicant claims. In any case, only recently did

the county adopt the procedure of making exhibits available online as attachments to cases. Until last year, you either needed to travel to the planning office to examine the record or pay to have them mailed by USPS. Finally, the applicant more than once mentions the stark contrast between how the current application is being treated vs, the 2015 decision. My understanding is that the decision came by way of a circuit court Writ of Mandamus because the county exceed its 150 day decision period. Accordingly, the applicants view of the ordinance was adopted in the forced approval. Still, the conditions of approval were such that there was yet to be another discretionary decision and new hearing on farm use coming prior to releasing a building permit. Not much different than what's going on here.

S-8 - A black and white copy of a photo of veterinary equipment. Again, this appears to be more of a distraction than anything useful. We are after hard evidence of farm use for the purpose of obtaining profit in money. This has nothing to do with presenting evidence of income.

Thank you for your consideration.

Sincerely,

Christopher H. Foster  
15400 NW McNamee Rd.  
Portland, OR 97231