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July 14, 2023

Multnomah County Land Use Planning
1600 SE 190th Avenue
Portland, OR. 97231

Submitted by e-mail:
lup-hearings@multco.us

Re: LUBA No 2022-097 (Remand Proceeding)
Case File T2-2021-14981
12424 NW Springville Road

>> Please enter this letter into the record for the remand hearing held June 23, 2023.

Dear Hearings Officer,

It is disappointing to see that the applicant has still not submitted an actual Schedule F for 2021 or 2020, the years that would be most applicable for this permit. Instead, we have a demonstration by a CPA of how to do math and partially fill out a Schedule F based on limited information provided by a client. The largest egg producer in Multnomah County could not provide his CPA with receipts or invoices to use in preparing his Schedule F?

Retail egg prices are not identical to wholesale prices, so are not relevant to a proof of farm income. We are also asked to believe that the price of eggs (not under contract, apparently, or there would be a contract to prove the sales) sold to commercial buyers has not varied for a whole year.

Schedule F is commonly provided by dwelling permit applicants. Providing it should not be a burden or expose sensitive personal information.

The county is asking the applicant for the same documentation that other farm dwelling applicants are asked for. The applicant is asking for special treatment by refusing to provide Schedule F or the other farm income documentation options offered by the county.

Through this remand process, this applicant has already effectively been granted a 17 month extension to his 180 day permit clock.

Exhibit C.2 shows the applicant's acceptance of the "180 clock," acknowledging that all information required for this application must be complete by February 14, 2022 or the application will be closed. The Notice of Decision in the case was published June 14, 2022, more than a year ago. Any other applicant would have been required to provide a Schedule F by February 14, 2022. This applicant was allowed almost 17 additional months, until July 7, 2023, and still has not provided the required proof of actual farm income.

This is particularly important in this case because the farm dwelling option in county code that the application was based on has been eliminated from code. The county has not only allowed the applicant many additional months to submit proof of farm income, but they have also effectively extended the life of a farm dwelling option that was deleted from the county code.

Why does the applicant continue to refuse to provide an actual Schedule F for 2021 or 2020? Did he not report his farm income to the IRS? Was the calculated gross farm income on Schedule F substantially less than he is reporting to Multnomah County? Is someone operating a tenant farm on the Reed property and reporting the farm income on their Schedule F? For the first few years that the applicant owned this property, it was farmed by a tenant who operated as Grey Day Dairy.

If the applicant's Schedule F supported this application, we would have seen it by now.

The applicant has not provided the required proof of commercial farm income, despite being given many opportunities over the years to do so. This permit should be denied.

Thank you for your consideration.

Carol Chesarek