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July 14, 2023

To: Alan Rappleyea  
Fr: Scot Siegel, Planning Director  
Re: **Scott Reed v. Multnomah County, LUBA No 2022-097 (Remand Proceeding)**  
**Multnomah County File T2-2021-14981**

On June 23, 2023, you conducted a hearing on the voluntary Land Use Board of Appeals (LUBA) remand of T2-2021-14981 (LUBA No 2022-097). Following close of oral testimony, you kept the record open until July 7, 2023 for new written testimony including new evidence. The deadline for rebuttal testimony was July 14, 2023, and the Applicant's final argument is due July 21, 2023.

Nine new exhibits were received and entered into the record by the June 7 deadline. These exhibits include information submitted by the applicant (Exhibits S.2 through S.8) and two letters in opposition submitted by Carol Chesarek. One rebuttal letter was received by July 14, 2023 (Exhibit T.1). The new testimony focuses on compliance with the farm income standard for farm dwellings in MCC 39.4265(B)(3) (2021).

In the September 29, 2022 Notice of Hearings Officer Final Order, you found the Appellant did not meet the requirements for establishing a dwelling in conjunction with a farm use due to lack of substantial evidence of farm income in the amount the code and state law require.

The Applicant's new testimony includes a Schedule F (2014) filed by a previous property owner for a former beef and dairy operation (egg sales account for small portion of that farm's operation), and a Draft Schedule F (2022) accompanied by a letter from a Certified Public Accountant dated July 6, 2023. The CPA letter acknowledges receipt of the Applicant's farm sales data, but the accountant notes that they have not reviewed the data for accuracy, as the Applicant's 2022 tax return is not final.

Additionally, the Applicant's attorney submitted a letter, news article on egg sales, and photographs of eggs for sale and medical equipment for goats.

Based on the current information in the record, and considering your prior findings, staff does not believe there is sufficient evidence demonstrating the criteria for a Dwelling Customarily Provided in Conjunction With (an Existing) Farm Use are met.