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June 13, 2025

Multnomah County Land Use Planning  
1600 SE 190<sup>th</sup> Avenue  
Portland, OR. 97231

Submitted by e-mail:  
[lup-hearings@multco.us](mailto:lup-hearings@multco.us)

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

>> Please enter this letter into the record for the Conditions of Approval Review hearing June 13, 2025.

Dear Hearings Officer,

My apologies for not submitting these comments earlier, the last couple weeks have been very busy.

I want to request that you please keep the record open for 2 weeks after this hearing so the public can respond to information you receive during the hearing.

I have three main points, which are discussed below in more detail:

1. Staff is correct to point out significant deficiencies with the farm income information provided by the applicants. The August 15, 2023 Hearings Officer Decision Condition (1) requires not only the original verified IRS Schedule F for 2020, but also the verified IRS Schedule F for 2024 to show current farm income. The Hearings Officer Decision requested “a definitive statement from an accountant of actual income received” (at 7), but no such definitive statement has been provided. The applicant also provided an amended, unverified IRS Schedule F for 2020, but as noted in the staff report failed to provide substantial evidence that this is the form filed with the IRS originally. The farm income and gross sales information provided by the applicant for 2020 is still inconclusive, and none has been provided for 2024.

2. The county is currently investigating non-permitted ground disturbance at the site that may be a code violation. The county posted stop work orders at the property entrances on June 6, 2025, but the stop work orders were soon removed and many truckloads of additional materials have been delivered to the site since the stop work order was issued. Even if the code violation is resolved, the removal of a stop work order posting and ongoing delivery of large quantities of materials appears to indicate the applicant does not desire to conform to county codes. County code requires properties to be in full compliance with code to receive a permit.
3. The Condition of Approval (4) in the August 2023 Hearings Officer's decision requires the applicant to maintain the required level of farm income. Since the applicant has waited 2 years to provide further information about their 2020 farm income (which is still inconclusive), the applicant should be required to prove the required level of farm income or gross sales was achieved in 2020, 2021, 2022, 2023, and 2024 before a dwelling permit is issued.

The applicant has not met the Conditions required for Approval.

**1. The Farm Income or Gross Sales information provided is not adequate or conclusive.**

Condition (1) requires the Owner to submit evidence demonstrating the tract is "currently employed for a farm use ... at a level capable of producing the annual gross sales." I read this to mean the Owner must submit a verified or certified IRS Schedule F forms showing the required level of 2024 farm gross sales (current) as well as a verified or certified copy of the original IRS Schedule F forms for 2020 (the year associated with the sales figures noted in the narrative). So far, the Owner has only provided a non-verified and amended 2020 Schedule F, with no invoices or receipts to support their statements about farm sales (not expenditures on purchases), and has provided no verified evidence of current farm income or gross sales for 2024.

The definition of farm use at 215.203 means current employment of the land for the purpose of obtaining a profit in money. We don't question that there is a low level of current farm use, but it isn't clear these activities are intended to create farm profits at the level required. It is plausible that the whole farm effort is not about making a profit, but rather a means to building an extravagant multi-million dollar house.

It is astonishing that none of the reported \$44,551 farm sales comes with any invoices, purchase orders or receipts. No cashless payments (credit card or Venmo type). We are to believe the farm sales are entirely cash transactions and none to commercial buyers who would insist on a written invoice. Who operates that way? Even at farmer's markets many customers want to use cashless payment systems that would generate records.

Listings goats for sale doesn't prove they were sold. Purchases of chicks are a farm expense, not gross sales. These submissions don't demonstrate actual farm income or gross

sales. The accountant's statement provided does not show that the accountant verified the information on the form, rather it seems to disclaim responsibility for the information provided in the tax form. As noted in the Staff Report, an amended Schedule F was provided (why amended?) instead of the original.

The Hearings Officer Decision requested "a definitive statement from an accountant of actual income received" (at 7), but no such definitive statement has been provided for 2020, 2021 or 2024.

To satisfy Condition (1), the applicant needs to provide at least the original, verified Schedule F for 2020 and a verified Schedule F for 2024, both showing the required level of farm or gross sales established at the time the application was filed on August 18, 2021.

**2. Potential code violation, stop work orders removed and additional materials delivered.**

Multnomah County Code § 39.1250 Code Compliance and Applications requires that permits not be approved for a property that is not in full compliance with all applicable provisions of the Mult. Co. Zoning Code and/or any permit approval previously issued by the County.

The county is currently investigating non-permitted ground disturbance at 12424 NW Springville Road. I have attached an email from the County Code enforcement team related to this issue. It states that stop work orders were posted at all three entrances to the property at 12424 NW Springville Road on Friday June 6, 2025.

Neighbors reported to the county that stop work orders were removed by June 10 and that a steady stream of dump trucks is delivering material from a construction site at 4050 NE Evergreen Pkwy, Hillsboro (NTT Global Data Centers).

I visited the three entrances yesterday afternoon, June 12, 2025, and confirmed that the stop work orders had been removed. See attached photos at the end of these comments showing all three entrances to the property.

Even if the code violation is resolved, the removal of a stop work order posting and ongoing delivery of large quantities of materials appears to indicate the applicant does not desire to conform to county codes. County code requires properties to be in full compliance with code to receive a permit.

**3. Condition of Approval (4) requires the applicant to maintain the required level of farm income or gross sales forever. The applicant should be required to prove this condition has consistently been met since the dwelling permit application was filed.**

"Any dwelling use of the Property pursuant to this Permit must be established and

maintained in compliance with the criteria in former MCC 39.4265(B)(3).” (Hearings Officer Decision, August 15, 2023 at 14)

The county can't require the applicant to remove a dwelling once it is constructed, even if the farm income falls below the required level. In this case, the county can require the Owner to prove farm income or gross sales over several years since the permit application was filed, which would show that the applicant continues to meet this requirement. The applicant should be required to prove that the property has generated the required farm income from 2020 through 2024 to qualify for this dwelling permit.

The applicant has not met the requirements for proof of commercial farm income or gross sales at the level required to qualify for a dwelling permit for 2020 or 2024, as required by Condition of Approval (1) despite being given many opportunities over many years to do so. There is an open investigation into a code violation on this property and posted stop work orders have been removed, so the property may be out of compliance with County Code. The applicant should be required to provide verified proof that the required level of farm income or gross sales has been consistently met from 2020 through 2024 to show they continue to meet Condition of Approval (4).

The applicant has not met the Conditions required for Approval and the property may be out of compliance with county codes. This dwelling permit should not be issued unless these issues are resolved.

Thank you for your consideration.

Carol Chesarek

**No Stop Work Orders at any of the 3 entrances to 12424 NW Springville Road, June 12, 2025**

Three photos of the main Springville entrance to 12424 NW Springville Road







Upper Springville Entrance to 12424 NW Springville Road



Four photos of NW Red Fox Entrance (Washington County) to 12424 NW Springville Road







