



Oregon

Tina Kotek, Governor

EXHIBIT 12
Z0315-25 & Z0316-25

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Department of Land Conservation and Development

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February 23, 2026

Martha Fritzie, Principal Planner
Clackamas County



By Email: mfritzie@clackamas.us

Subject: Additional comments on Clackamas County Local File Z0315-25 & Z0316-25, A Comprehensive Plan map amendment from Agriculture (Ag) to Rural (R), and a Goal 3 exception.

Dear Ms. Fritzie,

Thank you for the opportunity to comment on the above referenced revised application. We have reviewed the additional materials submitted and would like to affirm our opposition to the proposed Goal 3 exception.

We understand the applicant wishes to build a residence on the property, and we encourage the applicant to pursue a farm dwelling or a nonfarm dwelling, if they can meet the county's standards.

The applicant has provided additional materials arguing that farming is impracticable on the parcel due to the lack of profitability of low-value crops on a parcel of this size, and the need for significant investments to grow high-value crops on this soil and in this location. We have a few concerns with the materials added to the record:

- 1) The argument does not address how changes to adjacent or nearby properties since the county's initial findings in 1980 have caused farming to become impracticable on the subject property. The standard for an irrevocably committed exception involves an analysis of development patterns in the area surrounding the subject parcel and an assessment of whether or not the extent of such development has made farming on the subject property impracticable. The application seems to focus more on the inherent characteristics of the property itself rather than the impact of nearby development on the feasibility of continued agricultural operations.
- 2) Where the proposed exception area has a history of farm use, an adequate demonstration of impracticability must identify recent or imminent changes affecting the subject property that render the property impracticable for farm use (*Jackson County Citizens League v. Jackson County*, 38 Or LUBA 357 (2000)).
- 3) The applicant's letter from Andrew Brandt begins with the acknowledgement that the current owners are not prepared for a full-time farming endeavor. The applicant ignores

numerous other potential farm uses and farm operators, as well as caselaw that established that profitability is not determinative of whether land is agricultural land.¹

- 4) We would note that commercial beekeeping and horticultural operations are generally considered farm operations under ORS 215.203 contrary to the assertion in Exhibit 10. We would also note that the income standard for a primary farm dwelling is based on gross sales, which is not necessarily indicative of profit (ORS 215.279, OAR 660-033-0135).

We also appreciate and agree with the County counsel's recommendation in the letter dated February 17 that states:

"if a county decides that adjoining rural residential development has irrevocably committed resource land to nonresource use, the county must explain how approving an exception to allow rural residential development on the resource land will not present the same risk to other adjoining resource land. Friends of Douglas County, 46 Or LUBA at 776. Were the county to approve this exception, and were the subject property subsequently developed, all of the applicant's arguments for why the subject property is irrevocably committed would apply with equal force to properties adjacent to the subject property. An exception cannot be approved in such circumstances."

Our previous letter indicated a Goal 14 exception would also be required; however, with the applicant's revisions to exclude the zone change request from the proposal, a Goal 14 exception would not be needed.

Please enter this letter into the official record of proceedings for the land use application known as Local File No.: Z0315-25 & Z0316-25.

Respectfully,



Kelly Reid
Portland Metro Regional Representative

CC:

Gordon Howard, Community Services Division Manager, DLCD
Jon Jinings, Community Services Specialist, DLCD
Hilary Foote, Farm and Forest specialist, DLCD

¹ Wetherell v. Douglas County, 54 Or LUBA 604 (2007)