



**Applications submitted by mail will not be accepted**

**Do not double-side or spiral bind any documents being submitted**

**Fee: Please check the appropriate box:**

- |  |  |
|--|--|
| Administrative Review - \$640                    | Forest Dwelling - \$1250                   |
| Primary Farm Dwelling - \$940                    | Wireless Comm. Facility, Attached - \$1880 |
| Replacement Dwelling - \$375                     | Wireless Comm. Facility - \$2500           |
| Lot of Record - \$1250 (staff); \$1880 (hearing) | Wildlife Habitat - \$310                   |
| Secondary Farm - \$1250                          |  |

PROPERTY OWNER(S): LKA 2, LLC	ADDRESS, CITY, STATE, AND ZIP: 8861 Liberty Rd S. Salem OR 97306
PROPERTY OWNER(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Edwin R. Sharer	ADDRESS, CITY, STATE, ZIP 16500 SE Lafayette Hwy Dayton, OR 97114
DAYTIME PHONE (if staff has questions about this application): 503.868.7349 cell 503.932.4049	E-MAIL (if any): e_sharer@hotmail.com
ADDRESS OF SUBJECT PROPERTY: 9800 Liberty Rd S. Salem OR 97306	SIZE OF SUBJECT PROPERTY: 80,08 acres
THE PROPERTY OWNERS OF THE SUBJECT PROPERTY REQUEST TO (summarize here; provide detailed information on the attached "Applicant Statement" page): <u>This application is a request for a Primary Farm Dwelling, as allowed in Marion County in Exclusive Farm Use Zone Chapter 17.136, Sec 030 (A) (1) (a).</u> <u>Please see Applicant's Submittal attached.</u>	
WILL A RAILROAD HIGHWAY CROSSING PROVIDE THE ONLY ACCESS TO THE SUBJECT PROPERTY? ( ) YES (X) NO IF YES, WHICH RAILROAD:	

FOR OFFICE USE ONLY:			Application elements submitted:
Township <u>9 South</u>	Range <u>3 West</u>	Section <u>3</u>	
Tax lot number(s) <del>500</del> <u>500</u>			<input checked="" type="checkbox"/> Title transfer instrument
Zone: <u>EFU</u>			<input checked="" type="checkbox"/> Site plan
Zone map number: <u>66</u>			<input checked="" type="checkbox"/> Applicant statement
<input checked="" type="checkbox"/> TPA/header <u>LM</u>			<input checked="" type="checkbox"/> Filing Fee
Case Number: <u>20-009</u>			<input type="checkbox"/> GeoHazard Peer Review (if applicable)
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural			<input type="checkbox"/> Physician's Certificate (if applicable)
Signs given:			<input type="checkbox"/> Home Occupation Supplemental (if applicable)
			<input type="checkbox"/> Agri-Tourism Supplemental (if applicable)
Date determined complete:			Application accepted by: <u>AB</u>
			Date: <u>3/9/2020</u>

Zone map number:	Applicant statement
TPA/header	GeoHazard Peer Review (if applicable)
Case Number:	Filing fee
Urban Rural	Application accepted by:
Date determined complete:	Date:

**THE APPLICANT(S) SHALL CERTIFY THAT:**

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

**PRINTED NAME AND SIGNATURE** of each owner of the subject property.

LKA 2, LLC  
 Print Name

*Lu Anderson, Member*  
 Signature

\_\_\_\_\_  
 Print Name Signature

\_\_\_\_\_  
 Print Name Signature

\_\_\_\_\_  
 Print Name Signature

DATED this 9th day of March, 2020



State of OREGON

County of Marion

Signed or attested before me on March 9, 2020 by Lori K Anderson.

*Michelle Taylor*

Notary Public – State of Oregon

My commission expires: 9-8-2021



Application: Primary Farm Dwelling  
Marion County Planning Dept.  
Applicant: LKA 2, LLC  
Property Tax Lot: 9s, 3w, sec 3, lot 500  
Tax Account #: R36115  
Code Criteria: Sec 17.136.030; Marion County Zoning Ordinance

**Applicant's response and narrative;**

This submittal is the Applicant's statement and response to the appropriate zoning criteria in the the above matter before Marion County.

LKA 2, LLC, is the owner and Applicant regarding this 80.08 acres. The entire property is zoned Exclusive Farm Use. The property is sloping hills with native soils with elevation ranging form 200' to 600' . Typical uses of this type of property are vineyards where there is proper slope and aspect, Christmas trees, some perennial grasses, livestock and to a lesser degree some cereal grain crops. In some instances forest uses are also employed. A substantial amount of acreage within this parcel, is very well suited for vineyard use.

Improvements to this property include fencing, a domestic well, and an all weather, improved farm road or driveway.

The subject property adjoins additional EFU zoned land on the west, north, and the east boundaries. To the south are small rural residential tracts and appear to be mostly developed with homes.

LKA 2, LLC is in the business of purchasing, holding for breeding purposes, and reselling Gypsy Cob Horses. These animals are from breeding stock originating in the United Kingdom and are offered for sale to be used for breeding purposes in an international market.

This proposed primary or principal farm dwelling will be occupied by the Owner, Owner's family member(s) involved in the farm operation, or a farm operation employee.

**Marion County Code Sec 17.136.030 (A) (1),**

(a); There is no dwelling on the subject farm operation on lands zoned EFU, SA, or FT other than seasonal farm worker housing. The term farm operation means all lots or parcels on land in the same ownership that are used by the farm operator for farm use.

Applicant's response; This 80.08 acre property is a stand alone property and is the sum total of all the land within the farming operation.

(b); The farm operator earned on the subject property in the last two years, three of the last five years, or the average of the best three of the last five years, at least \$80,000. in gross annual income from the sale of farm products. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented shall be counted.

Applicant's response; In 2019 this farm operation sold enough Gypsy Cob horses so that after deducting the purchase price of the animals sold, (the annual gross sales, minus cost of purchased horses), exceeded \$80,000. In 2020, again already this year to date, gross sales, minus the purchase price of the animals sold, is again in excess of \$80,000.

Tony Hill, Certified Public Accountant, with the accounting firm of Brenner and Company, LLP provides a letter of certification to verify these two years of farm product receipts. The Applicant is providing Mr Hill's letter with this application.

Again, this 80.08 acre parcel is the only property in the farming operation.

(c); The subject property is currently employed for the farm use that produced the income required in subsection (A) (1) (b) of this section.

Applicant's response; The farm remains in operation. In the future some changes will likely occur in some farm enterprises, but the farm operation will continue.

(d); The proposed dwelling will be occupied by a person or persons who produced the commodities which generated the income in subsection (A) (1) (b) of this section.

Applicant's response; This primary farm dwelling will be occupied by the owner/applicant, some family member of the owner/applicant, or farm employer.

**Items (2), (3), (4), and (5)**

Applicant's response; these items are not applicable to this application.

**Item (6); All of the property in a tract used for the purposes of establishing a farm dwelling shall be held, sold and conveyed subject to the following covenants, conditions and restrictions:**

It is not lawful to use the property described in this instrument for construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

These covenants, conditions and restrictions can be removed only at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest land or the legislative otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to these covenants, conditions and restriction is located executes and records a release of the covenants, conditions and restrictions, consistent with OAR 660-006-0027.

Applicant's response; Applicant agrees to the covenants, conditions and restrictions in Item (6) as stated.

This signed application includes, check for the application fee, property deed and tax information, aerial photo of the subject property, zoning map, the Applicant's statement and response to the zoning criteria as identified in Chapter 17.136.030 of the Marion County EFU zoning section, and verification letter from Tony Hill, CPA, regarding farm receipts.

The Applicant believes the information provided will allow the Marion County Planning Department to approve this request. Please contact Edwin Sharer with questions or requests for additional information. Edwin Sharer's phone #s are 503.868.7349 or 503.932.4049 (cell) or email e\_sharer@hotmail.com.



**BRENNER**  
CERTIFIED PUBLIC ACCOUNTANTS

**BRENNER, LLP**  
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Salem, OR 97301  
503-585-8414  
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March 2, 2020

Marion County

Dear Sir or Madam:

This letter confirms that LKA 2, LLC had verified gross farm income exceeding \$80,000, net of the cost of purchased livestock, per year in both calendar years 2019 and 2020 from 80 EFU-zoned acres near Salem, OR 97306. It is located at 9800 Liberty Rd S, Marion County tax account #R36115.

Please let me know if you need further documentation.

Very truly yours,

Brenner & Company, LLP  
Certified Public Accountants

Anthony L. Hill, CPA License #5006