



Marion County
OREGON

ADMINISTRATIVE REVIEW APPLICATION

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 |
| <input checked="" type="checkbox"/> 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 c/o Lori Anderson	ADDRESS, CITY, STATE, AND ZIP: 8861 Liberty Road S. Salem, OR 97306
PROPERTY OWNER(S) (if more than one): N/A	ADDRESS, CITY, STATE, AND ZIP N/A
APPLICANT REPRESENTATIVE: Mark D. Shipman, Saalfeld Griggs PC	ADDRESS, CITY, STATE, ZIP PO Box 470 Salem, OR 97308
DAYTIME PHONE (if staff has questions about this application): Applicant: 503-880-8769 Applicant's Representative: 503-399-1070	E-MAIL (if any): troyneilanderson@gmail.com MShipman@SGLaw.com, hstevenson@sglaw.com
ADDRESS OF SUBJECT PROPERTY: No Situs. Marion County Assessor's Map 093W03, Tax Lot 00500	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): Requesting approval for a primary farm dwelling in conjunction with farm use. Please see attached Written Statement.	
WILL A RAILROAD HIGHWAY CROSSING PROVIDE THE ONLY ACCESS TO THE SUBJECT PROPERTY? () YES (X) NO IF YES, WHICH RAILROAD:	

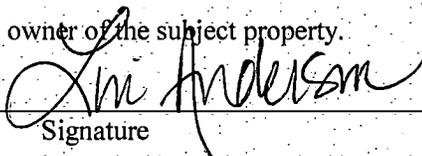
FOR OFFICE USE ONLY:			
Township <i>9S</i>	Range <i>3W</i>	Section <i>3</i>	Application elements submitted:
Tax lot number(s) <i>500</i>	<input checked="" type="checkbox"/> Title transfer instrument		
Zone: <i>ERU</i>	<input checked="" type="checkbox"/> Site plan		
Zone map number: <i>LK</i>	<input checked="" type="checkbox"/> Applicant statement		
TPA/header	<input type="checkbox"/> GeoHazard Peer Review (if applicable)		
Case Number: <i>AR 20-018</i>	<input checked="" type="checkbox"/> Filing fee		
Urban Rural	Application accepted by: <i>[Signature]</i>		
Date determined complete:	Date: <i>7/13/26</i>		

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.

Lori Anderson
Print Name


Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

DATED this 29th day of June, 2020

July 13, 2020



VIA ELECTRONIC MAIL: GFENNIMORE@co.marion.or.us
Original to follow via hand delivery

Attn: Joe Fennimore
Marion County Planning Division
5155 Silverton Road NE
Salem, OR 97305

RE: **Administrative Review Application Filing – Primary Farm Dwelling**
Our File No: 40333-00001

Dear Joe:

Enclosed you will find our Administrative Review Application for a primary farm dwelling, submitted on behalf of our client, LKA 2, LLC ("**Applicant**").

Enclosed please find the following documents:

- 1) Check in the amount of \$940.00;
- 2) Executed Application Form;
- 3) Proposed Site Plan;
- 4) Written Statement with Exhibits A through D, which includes:
 - A. Marion County Assessor's Map
 - B. Last Deed of Record
 - C. Photos of the Property
 - D. Letter from Anthony Hill, CPA Verifying Gross Income

Upon your initial review, please do not hesitate to contact me with any questions regarding this submittal.

Sincerely

A handwritten signature in black ink, appearing to read "M. Shipman".

MARK D. SHIPMAN
mshipman@sglaw.com
Voice Message #310

MDS:rmg
Enclosures
cc: Client

Park Place, Suite 200
250 Church Street SE
Salem, Oregon 97301

Post Office Box 470
Salem, Oregon 97308

tel 503.399.1070
fax 503.371.2927

**APPLICATION FOR PRIMARY FARM DWELLING
WRITTEN STATEMENT**

PROPERTY OWNER/APPLICANT:

LKA 2, LLC
c/o Lori Anderson
8861 Liberty Road S.
Salem, OR 97306

SUBJECT PROPERTY INFORMATION:

The subject property consists of 80.08 acres and is located in the 9800 Block of Liberty Road South, Salem, Oregon (more particularly identified as tax lot 500 of Marion County Assessor's Tax Map 093W03) (the "**Subject Property**"). See **Exhibit "A"**. The Subject Property is owned by LKA 2, LLC, an Oregon limited liability company ("**Applicant**"), please see **Exhibit "B"** for the last deed of record. The Subject Property is designated Exclusive Farm Use in the Comprehensive Plan and is zoned Exclusive Farm Use (EFU). The Subject Property currently contains a well, improved access road, outbuildings/shelters, fenced (maintained) pasture areas, open pasture areas, and riding trails.

The Subject Property is located on the east side of Liberty Road SE, approximately 400 feet north of its intersection with Lake Drive SE.

Surrounding properties to the south and west are zoned Acreage Residential (AR) and consist of small residential lots developed with dwellings. Surrounding properties to the north and east are zoned EFU and consist of various sized farm parcels with residential uses.

Soil Survey of Marion County Oregon indicates 98.7% of the Subject Property is high-value soils.

The Subject Property is improved with a common access road, functioning well that provides water for the domestic water use and for the Farm Use (defined below), improved pasture areas which are fenced for the horses, corrals and shelters for the horses, generator for power, and horse-riding trails.

FARM USE:

The Applicant buys, raises, trains, and sells Gypsy Cob horses (the "**Farm Use**").

The Farm Use is not currently visible from Liberty Road South. The reason for this is that since the Applicant purchased the Subject Property their family has had to deal with homeless camps and trespassers off roading, camping and living on the Subject Property. In some cases, the homeless camps were as close as 200 feet next to Spring Lake Estates development. The Farm Use has been purposely located slightly east from the crest of a hill on the Subject Property, out of sight from Liberty Road, in order to protect the horses. The Applicant uses an RV for

temporary use in order to provide for on-site presence on the Subject Property for the care and security of the horses.

The Applicant has constructed the corral, fencing and shelters in order to be moved around the Subject Property to underimproved pasture areas where the horses and Applicant are then able to convert underdeveloped pasture areas into productive pasture areas. The Subject Property has been set up to enable the horses to remain for extended periods of time. Upon approval of the farm dwelling, the Applicant will be constructing a more permanent barn for the horses, equipment, tack, feed and supplies necessary for the continued operation of the Farm Use.

The Applicant will likely keep the Farm Use on the eastern portion of the Subject Property until a permanent home can be approved and constructed. Once a permanent home is constructed, the Farm Use will continue to rotate through the Subject Property and will move more to the west and at times will be visible from Liberty Road South.

The Farm Use is similar to other annual crops that are planted, cultivated, and then harvested. Horses have been on the Subject Property between 2019 and 2020. The Applicant purchases the Gypsy Cob horses, which are then brought onto the Subject Property, raised, trained, and stay on the Subject Property until sold to identified buyers. Once sold, like other crops, the horses leave the Subject Property until the Applicant buys additional horses. The sale of the horses in 2019 and 2020, less the purchase cost of the horses, generated the necessary income to satisfy Chapter 17.136.030(A)(1) of the Marion County Code (MCC).

REQUEST:

The Applicant is requesting approval for a primary farm dwelling in conjunction with farm use to be occupied by the managing member and her family involved in the farm operation on the Subject Property.

BACKGROUND INFORMATION:

The Applicant previously filed for a primary farm dwelling application with Marion County (AR 20-009). Which application was denied as the Applicant did not show evidence that the Subject Property was current employed for the use that generated the income required by Chapter 17.136.030(A)(1)(c) of the MCC. The Applicant's representative could have provided evidence for meeting this criterion, but failed to do so. The Applicant has remedied the omission of evidence showing the current employment of the Subject Property for the Farm Use as will be seen in the attached photographs of the Farm Use found in **Exhibit "C"**. Further confirmation of the Farm Use can be verified through a site visit.

SATISFACTION OF CRITERIA:

Primary farm dwellings located on high-value farmland may be approved when the standards in Chapter 17.136.030(A)(1) of the MCC are satisfied. These standards include:

- 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 of land in the same ownership that are used by the farm operator for farm use;***

Proposed Finding: There is no existing dwelling on the Subject Property, and the Applicant does not own any other land in Marion County. This criterion is met.

- b. The farm operator earned on the subject tract 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 annual income from the sale of farm products, 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;***

Proposed Finding: The Applicant generated farm income that was greater than \$80,000.00, net of the cost of the purchased horses, per year, for 2019 and 2020 from the Subject Property. This income has been confirmed and verified by Anthony L. Hill, CPA with Brenner, LLP, a copy of Mr. Hill's verification letter is attached hereto as **Exhibit "D."** This criterion is met.

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

Proposed Finding: The Subject Property is currently employed for the Farm Use that produced the income required in subsection (A)(1)(b) above. Evidence of this can be seen in the attached photographs of the Farm Use taken on the Subject Property. See Exhibit C. The Subject Property is currently employed for the Farm Use that produced the income required and verified by Anthony L. Hill, CPA in Exhibit D. This criterion is met.

- 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.***

Proposed Finding: The proposed dwelling will be occupied by the Applicant, the managing member and her family. This criterion is met.

CONCLUSION:

Based on the above findings, the Applicant satisfies all of the criteria for establishing a farm dwelling on the Subject Property and requests that the application be approved with standard conditions of approval.

EXHIBIT LIST:

- A. Assessor's Tax Map
- B. Last Deed of Record
- C. Photos of the Subject Property and Farm Use
- D. Letter from Anthony L. Hill, CPA with Brenner, LLP, Verifying Gross Income



BRENNER
CERTIFIED PUBLIC ACCOUNTANTS

BRENNER, LLP
1127 25th Street SE
Salem, OR 97301
503-585-8414
www.brennercpa.com

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.

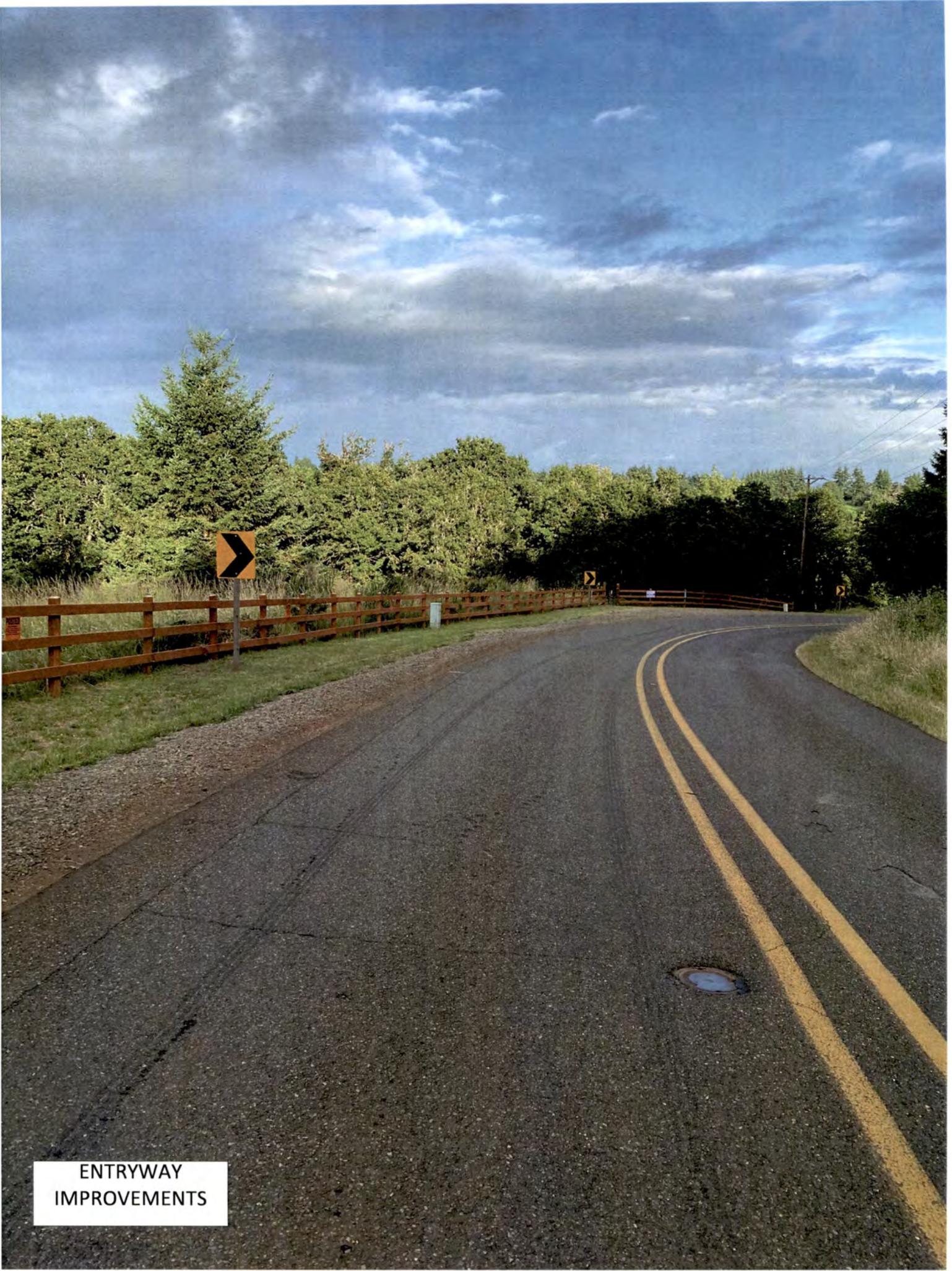
Very truly yours,

Brenner & Company, LLP
Certified Public Accountants

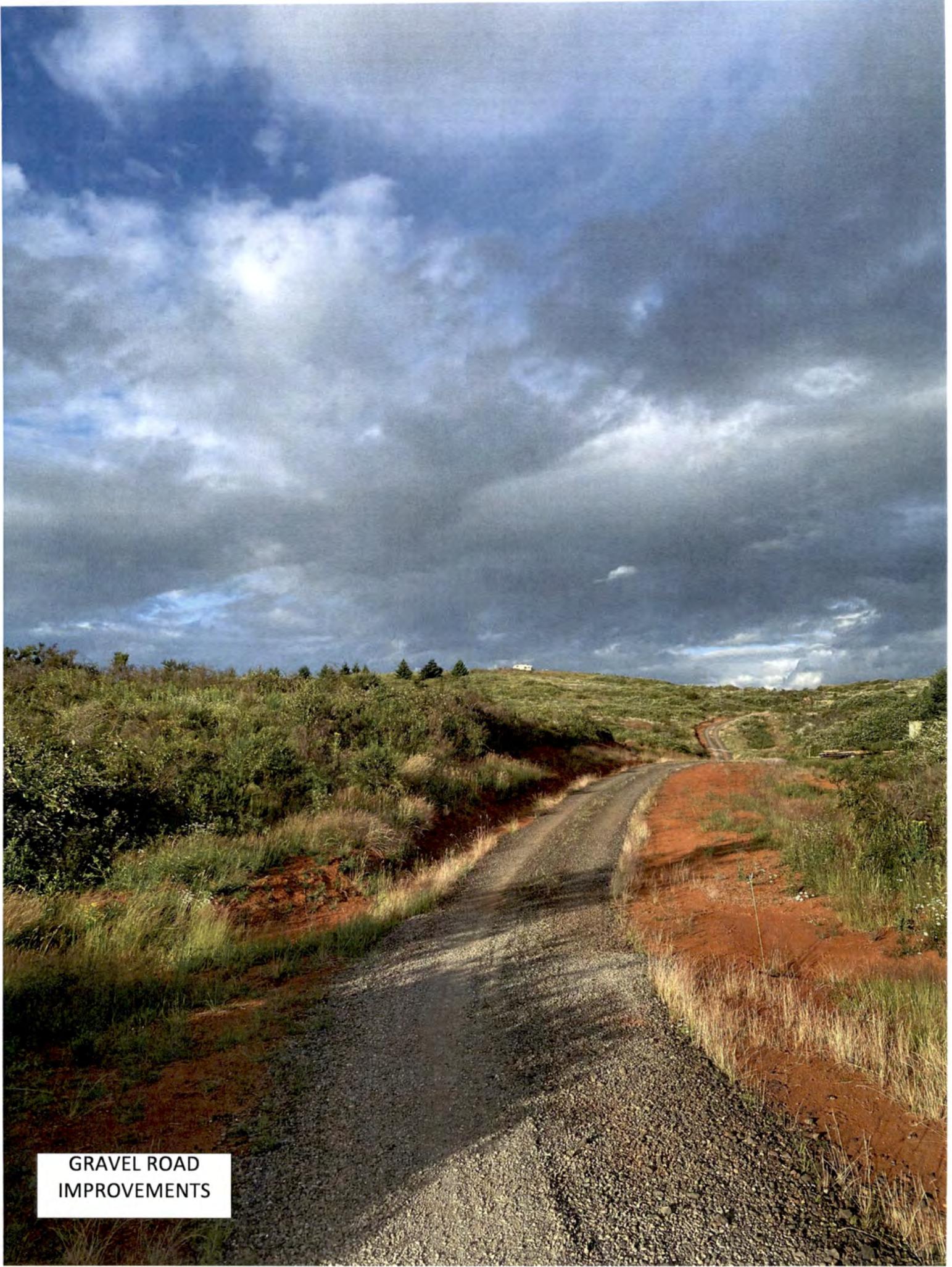
Anthony L. Hill, CPA License #5006



ENTRY GATE



ENTRYWAY
IMPROVEMENTS



**GRAVEL ROAD
IMPROVEMENTS**



EAST PASTURE GATE



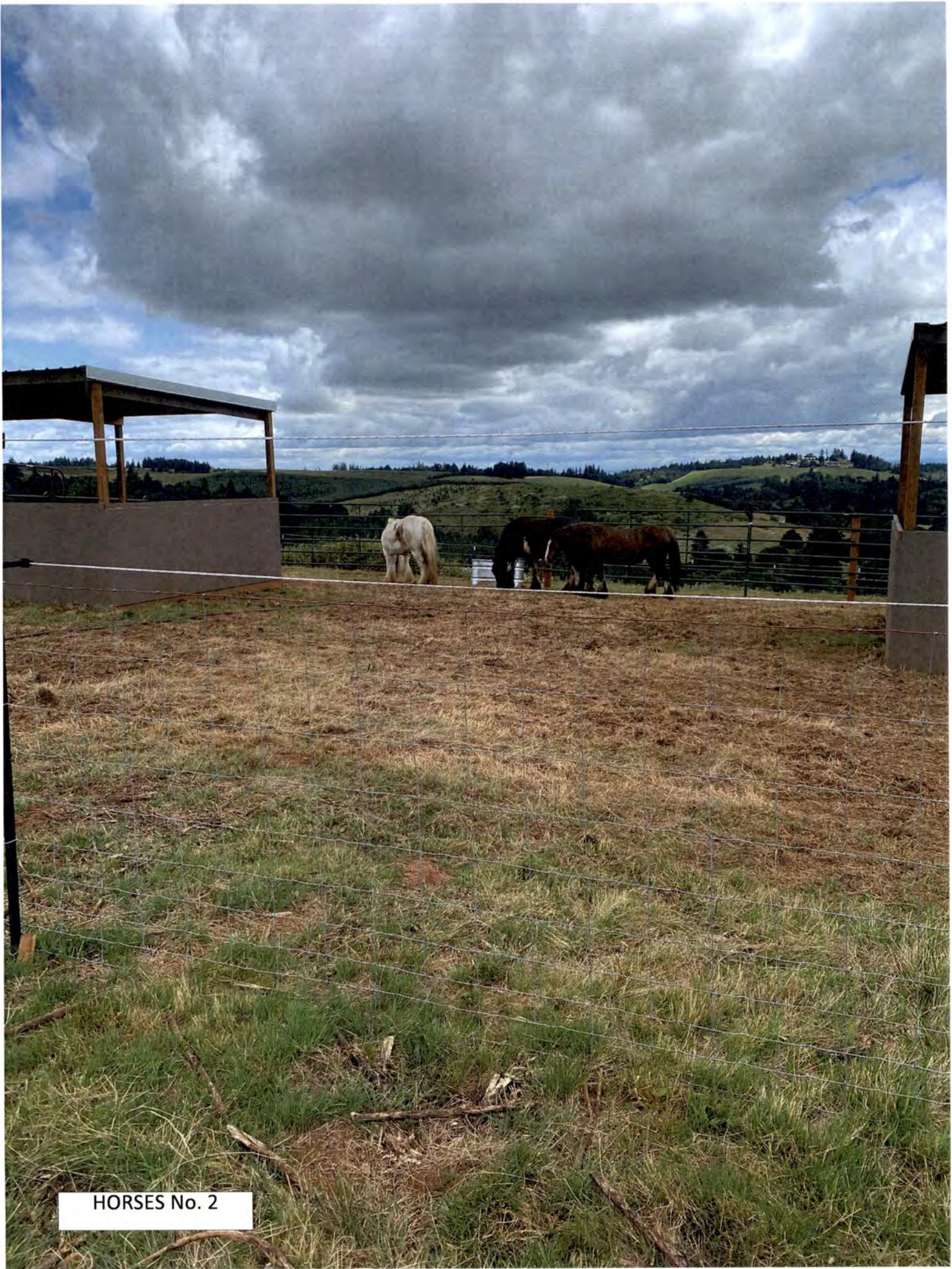
SOUTHEAST
PASTURE VIEW



SOUTH PASTURE
VIEW



HORSES No. 1



HORSES No. 2



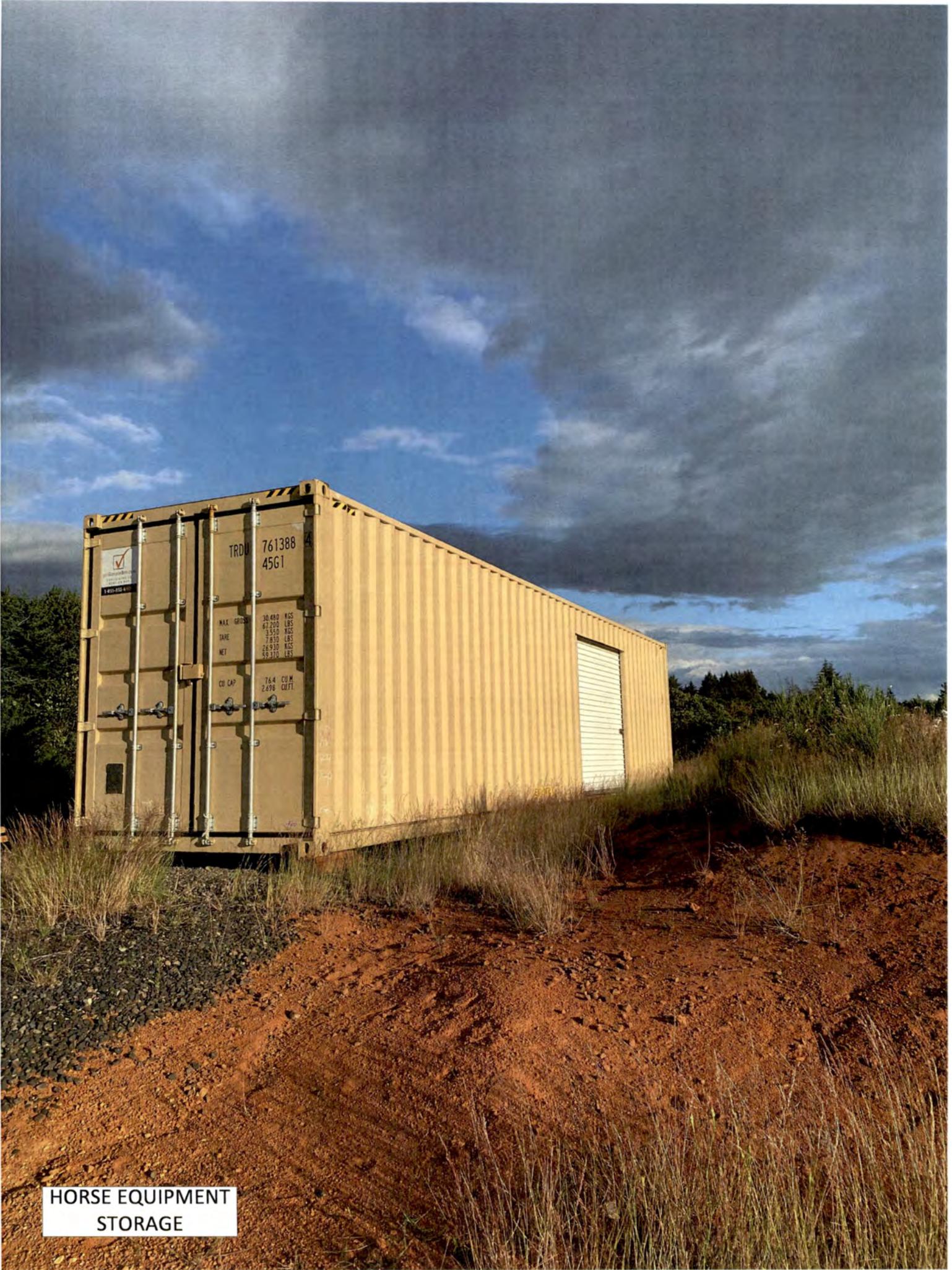
HORSES No. 3



HORSES No. 4



HORSES No. 5



TRD 761388
45G1

MAX GROSS	38,480 KGS
	87,200 LBS
TARE	3,550 KGS
	7,810 LBS
NET	26,930 KGS
	59,390 LBS

CU CAP	76.4 CU M
	2,698 CU FT

**HORSE EQUIPMENT
STORAGE**



WELL PUMP
GENERATOR



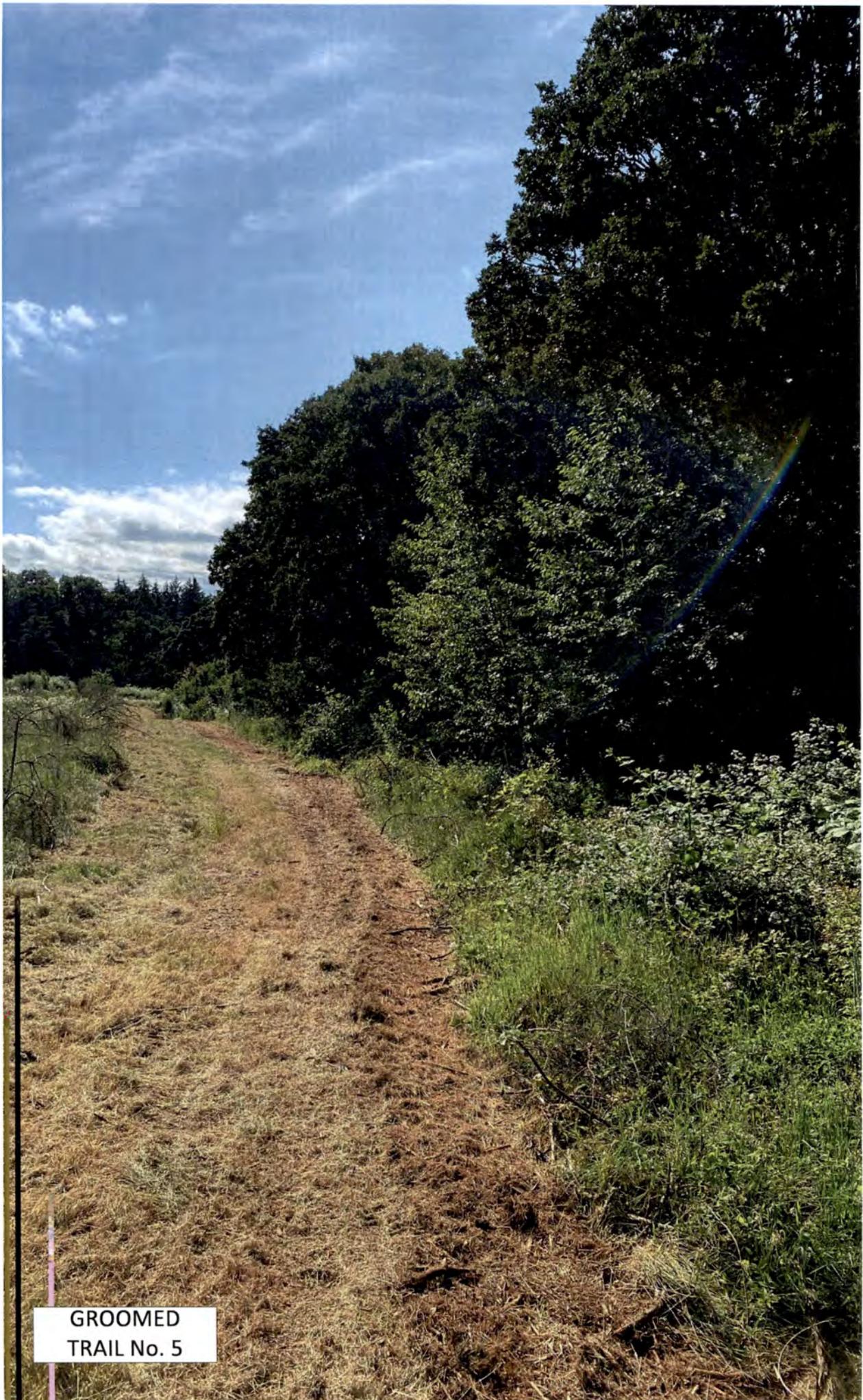
GROOMED
TRAIL No. 1



GROOMED
TRAIL No. 2



GROOMED
TRAIL No. 4



GROOMED
TRAIL No. 5



