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

| | |
|---|---|
| PROPERTY OWNER(S): Nicholas Arnold | ADDRESS, CITY, STATE, AND ZIP: 219 Ames Ct. Silverton, OR 97381 |
| PROPERTY OWNER(S) (if more than one): Kelsey Hupp | ADDRESS, CITY, STATE, AND ZIP 219 Ames Ct. Silverton, OR 97381 |
| APPLICANT REPRESENTATIVE: | ADDRESS, CITY, STATE, ZIP |
| DAYTIME PHONE (if staff has questions about this application): 503-437-0090, 971-832-0087 | E-MAIL (if any): nick.arnold@ovs.com Kelseyrhupp@gmail.com |
| ADDRESS OF SUBJECT PROPERTY: 5150 Forest Ridge Rd NE Silverton, OR 97381 | SIZE OF SUBJECT PROPERTY: 12.71 acres |

THE PROPERTY OWNERS OF THE SUBJECT PROPERTY REQUEST TO (summarize here; provide detailed information on the attached "Applicant Statement" page):
seek approval for a farm dwelling on the subject property used for Christmas Tree production by Nick Arnold and Kelsey Hupp.

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 6S | Range 1E | Section 31D | Application elements submitted: |
| Tax lot number(s) 400 | | | ☒ Title transfer instrument |
| Zone: EFU | | | ☒ Site plan |
| Zone map number: 75 | | | ☒ Applicant statement |
| ☒ TPA/header AB | | | ☐ GeoHazard Peer Review (if applicable) |
| Case Number: AR 20-005 | | | ☒ Filing fee |
| ☐ Urban ☒ Rural | | | Application accepted by: AB |
| Date determined complete: | | | Date: 6/13/2020 |

**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.

**SIGNATURE** of each owner of the subject property.

Nicholas M. Arnold _____ _____

Kelsey R. Hopp _____ _____

DATED this 1st. day of January, 2020

The property located at 5150 Forest Ridge Rd NE has been owned by Nicholas Arnold and Kelsey Hupp since 2017. Since we have taken possession of the property it has been used exclusively for Christmas tree production. The property sits north of Forest Ridge road, sloping from southeast and down to the northwest. In 2017, an agricultural building was constructed to store farm equipment, tools, and secure farm related items to prevent and deter theft. A small pumphouse is also located on the property, just uphill of the agricultural building. Our first tree harvest took place in 2018, followed by 2019 and have the property with the intent to continue Christmas tree production.

We are requesting the ability to add a primary farm dwelling to the property that will allow us to more effectively manage our farming operation, scout trees for seasonal disease/pests and monitor drought stress levels actively throughout the growing season to minimize loss.

Neighboring properties to the south, west and north are comprised of small acreage residential properties. Land uphill of our parcel and to the east has been farmed for grass seed production the last several years, neither of which appear to have created conflict amongst neighboring property owners.

We wish to build a farm dwelling on this property to more effectively manage our farming operation by mitigating risk of loss to environmental conditions and pest pressures that have been known to occur if not closely monitored.

Compliance with county ordinance:

MCC 17.136.140

D. "High-value farmland" means a tract composed predominantly of:

1. Soils rated Class I or II, prime, or unique, either irrigated or not irrigated;

2. The following Class III soils: Chehalem (CeC), Concord (Co), Hullt (HuD), Jory (JoD), Nekia (NeC, NeD, NkC), Salkum (SkD), Silverton (SuD), and Woodburn (WuD);

3. The following Class IV soils: Bashaw (Ba), Camas (Ca), Courtney (Cu), Dayton (Da), and Jory (JoE).

**The subject tract is predominantly NeC, Nekia Silty Clay Loam 7-12% slope. A smaller portion on the western margin of the property is classified as NeE, Nekia Silty Clay Loam 20-30% slope.**

1. It is located on high-value farmland as defined in MCC 17.136.140(D) and satisfies the following standards:

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;

**There are no dwellings on the subject farm operation (zoned EFU) owned by Nicholas Arnold and Kelsey Hupp.**

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, not including marijuana. 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;

**The farm operator (Nicholas Arnold) is farming Christmas trees on this tract. 2018 harvest produced $81,664 in income; 2019 harvest produced $85,139 in income—gross annual income from the sale of farm products exceeds the $80,000 minimum for the last two years.**

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

**The subject tract is currently and continues to be employed for the production of Christmas trees.**

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; or

**The proposed dwelling will be occupied by Nicholas Arnold and Kelsey Hupp who produced the commodities that generated the income stated above.**