

Attention Property Owner: A land use proposal has been submitted for property near where you live or near property you own elsewhere. State law requires that the county notify property owners within a certain distance from this property. The proposal and address of the property is described in the "Application" section below. The decision in this case does not directly affect the zoning or use of your property. If you object to the decision, refer to the "Appeal" section. If you have questions, contact the staff person listed at the end of this report.

**NOTICE OF DECISION
ADMINISTRATIVE REVIEW CASE NO. 25-009**

APPLICATION: Application of Old Field LLC for an administrative review to place a primary farm dwelling on a 5.26-acre parcel in the SA (Special Agriculture) zone located in the 6800 block of Heritage Hill Rd SE, Salem (T8S; R2W; Section 3C; Tax lot 4200).

DECISION: The Planning Director for Marion County has **APPROVED** the above-described Administrative Review, subject to certain conditions.

EXPIRATION DATE: This decision is valid only when exercised by **June 23rd, 2029** (four years) unless an extension is granted. The effective period may be extended for one year subject to approval of an extension. Request for an extension must be submitted to the Planning Division prior to expiration of the approval (form available from the Planning Division).

WARNING: A decision approving the proposal is for land use purposes only. Due to septic, well and drainfield replacement areas, this parcel may not be able to support the proposal. To be sure the subject property can accommodate the proposed use the applicant should contact the Building Inspection Division, (503) 588-5147.

This decision does not include approval of a building permit.

CONDITIONS:

1. The applicant shall obtain all permits, including subsurface sewage disposal, required by the Marion County Building Inspection Division.
2. Prior to the issuance of any building permit for the primary single-family farm dwelling, the applicants shall sign and submit a Declaratory Statement (Use of Agriculture Land for Dwelling Qualification). The applicants shall record the statement with the Marion County Clerk after it has been reviewed and signed by the Planning Director. The property will be considered one unit of land for land use purposes as a condition of approval. The declaratory statement recognizes that the parcels cannot be used to qualify for a farm dwelling on a different tract.
3. The applicants shall sign and submit a Farm/Forest Declaratory Statement, acknowledging the presence of farm and forest operations present around the subject parcel. The applicants shall record the Statement with the Marion County Clerk after it has been reviewed and signed by the Planning Director.
4. The new primary farm dwelling shall be assigned the address of **6757 Heritage Hill Rd SE, Salem, 97317.**
5. The dwelling shall continuously be inhabited by a farm operator.

OTHER PERMITS, FEES AND RESTRICTIONS: This approval does not remove or affect covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits and/or fees from other local, state or federal agencies. This decision does not take the place of, or relieve the responsibility for, obtaining other permits or satisfying restrictions or conditions thereon. The applicant is advised of the following:

6. The applicants should contact the Marion County No. 1 Fire District to obtain a copy of the District's Recommended Building Access and Premise Identification regulations and the Marion County Fire Code Applications Guide. Fire District access standards may be more restrictive than County standards.
7. The applicants should contact Marion County Land Development and Engineering (503-584-7714) for additional Engineering Requirements and Advisories, listed in Finding #6 below, that may be required.

APPEAL PROCEDURE: The Marion County Zone Code provides that certain applications be considered first by the County Planning Director. If there is any doubt that the application conforms with adopted land use policies and regulations the Director must deny the application. Anyone who disagrees with the Director's decision may appeal the decision to a Marion County hearings officer. The applicant may also request reconsideration (one time only and a \$200.00 fee) on the basis of new information subject to signing an extension of the 150-day time limit for review of zoning applications.

A public hearing is held on appeals subject to the appellant paying a \$250.00 fee. Appeals must be in writing (form available from the Planning Division) and received in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem by 5:00 p.m. on **June 23rd, 2025**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **June 24th, 2025**, unless appealed.

FINDINGS AND CONCLUSIONS: Findings and conclusions on which the decision was based are noted below.

1. The subject property is designated Special Agriculture in the Marion County Comprehensive Plan and zoned SA (Special Agriculture). The purpose of this zoning is to provide areas for commercial agriculture operations of various sizes in order to obtain maximum resource production from these lands.
2. The subject property is located north of Heritage Hill Rd SE and is situated approximately 1,800 feet west of the intersection with 71st Ave SE. The property consists of one small farm building near the road, and the rest is covered in landscaping trees used for the farming operation. The property gently slopes downhill from the south to the north.

The subject property was created as Lot #7 of the Churchill Walnut Grove Subdivision #2 in 1916. A Legal Lot Determination for this subdivision was done to determine the legal lots on the property. This determination found that Lot 7 is a legally recognized lot because the divisions took place prior to the county's adoption of land use planning regulations. Therefore, this parcel is legal for land use purposes.

3. Surrounding uses in the area include a mix of commercial farming operations of various sizes and a number of nearby acreage homesites to the north and southwest. The property is also located within a mile of the City of Salem urban growth boundary.
4. The applicant is proposing to establish a primary farm dwelling on the property based on an income standard. The dwelling will be lived in by an individual principally engaged in day-to-day farm operations.
5. Soil Survey of Marion County Oregon shows that 100% of the soils on the property are high value.
6. Various agencies were contacted about the proposal and given an opportunity to comment.

Public Works Land Development and Engineering Permits (LDEP) requested that the following be included in the land use decision.

Requirements:

- A. An Access Permit will be required at the time of application for building permits.
- B. Transportation System Development Charges (SDCs) and Parks fee will be assessed at the time of application for building permits.
- C. Utility service extensions originating from the public right-of-way require permits from PW Engineering.

Advisories:

- D. Heritage Hill Road is a *Local Access Road* not maintained by Marion County. Maintenance defaults to adjacent property owners.

Marion County Building commented: "No Building Inspection concerns. Permit(s) are required to be obtained prior to the development of structures and/or utilities installation on private property."

Marion County Fire District No. 1 commented:

1. Rural Buildings – Required Fire Flow: Required fire flow for rural and suburban areas in which adequate and reliable water supply systems do not exist may be calculated in accordance with National Fire Protection Association Standard 1142, Current Edition, when approved by the fire code official. Please contact the Fire Marshal’s Office for special assistance and other requirements that may apply. (OFC B103.3)(OFC B107)
 - Residential and accessory structures less than 3,600 square feet, including all floors, garage(s), basement(s), covered porches, and decks shall not require a water supply.
 - NOTE: Structures protected by an automatic fire sprinkler are not required to have a water supply other than that required to supply the fire sprinkler system.
2. Fire Safety During Construction: Approved fire department access road required water supply, fire hydrants, and safety precautions shall be installed and serviceable prior to and during the time of construction. 2022 Oregon Fire Code Chapter 33.
3. Fire Apparatus Access Road Width and Vertical Clearance: Fire access roads shall have an unobstructed driving surface width of not less than 20 feet; 26 feet adjacent to fire hydrants 2022 Oregon Fire Code (OFC) Appendix D 103.1 and an unobstructed vertical clearance of not less than 13 feet 6 inches. 2022 Oregon Fire Code (OFC) Section 503.2.1 and Appendix D103.1
4. Fire apparatus road distance from buildings and turnarounds: Access roads shall be within 150’ of all portions of the exterior wall of the building as measured by and approve route around the exterior of the building. An approved turnaround is required if the remaining distance to an approved intersection roadway, as measured along the fire apparatus access road, is greater than 150’. 2022 Oregon Fire Code 503.1.1
5. Premise identification: Buildings shall have address numbers or approved identification placed in a position that is plainly legible and visible from the access road fronting the property. Numbers shall contrast with their background and shall be a minimum of 4 inches height with a minimum stroke width of ½ inch. (2022 OFC 505.1)
6. Gates: Gates securing fire apparatus roads shall comply with all the following: (2022 OFC D103.5)
 - Minimum unobstructed width shall be 16 feet.
 - Gates shall be set back a minimum of 30 feet from the intersecting roadway.
 - Gates shall be of the swinging type or sliding type.
 - Manual operation shall be capable by one person.
 - Electric gates shall be equipped with a means for operation for fire department personnel.
 - Locking devices shall be approved

All other contacted agencies either failed to comment or stated no objection to the proposal.

7. Primary farm dwellings in an SA zone can be permitted through the options provided in MCC 17.137.030(A). The options depend on whether the dwelling will be located on high-value farmland, or if it will be built in conjunction with a commercial dairy farm, or other otherwise. In this case, the applicant seeks to qualify for a primary farm dwelling through MCC 17.137.030(A)(1):

A. Primary Farm Dwellings. A single-family dwelling customarily provided in conjunction with farm use. The dwelling will be considered customarily provided in conjunction with farm use when:

1. *It is located on high-value farmland, as defined in MCC 17.137.130(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 of parcels of land in the same ownership that are used by the farm operator for farm use;*

Old Hill LLC owns no other parcel in Marion County and therefore owns no parcel containing a dwelling in the county. There is currently no dwelling on the subject parcel where the applicant generated the farming income. The 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, 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 applicant provided tax statements, transaction receipts, and financial verification letters as evidence that the subject property met the income requirements necessary for a primary farm dwelling. Schedule F documents from 2021, 2022, and 2023 demonstrated that the entity made over \$80,000 in farm income for each of these years, thus meeting the criterion of the best three of the last five years. These documents were supported by invoice records and a signed statement from a financial advisor involved in the process. The location of the orchard was identified on the site plan and was confirmed during a staff site visit. Furthermore, the applicants provided a description of the farming operation, detailing the types of trees on the property, the seed processing and harvesting processes, along with an explanation of how the market value for the seeds is determined. The seed is sold to Heritage Seedlings and Liners Inc, a wholesale company that grows nursery stock from the seeds. The land is owned by Mark Krautmann, who is the manager of the subject parcel and member of Old Field LLC, the entity to which the income is attributed. Assessor data shows the Krautmann's have owned the property since 1994, meeting the ownership requirements in the criterion. The 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;*

The applicants indicate the orchard from which the seeds and cuttings are harvested has been on the subject property for over 20 years and will continue to be used for the farming operation. The applicants indicate they are placing the home in the area of the property not utilized in the operation so they will not be interfering with the farm operation. Furthermore, a drive-by site visit conducted on May 29th, 2025 certified the presence of an active farming operation and orchard stock. The 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;*

In their statement, the applicant states they intend to have the employee responsible for the day-to-day management of this property live in the proposed dwelling. The criterion is met.

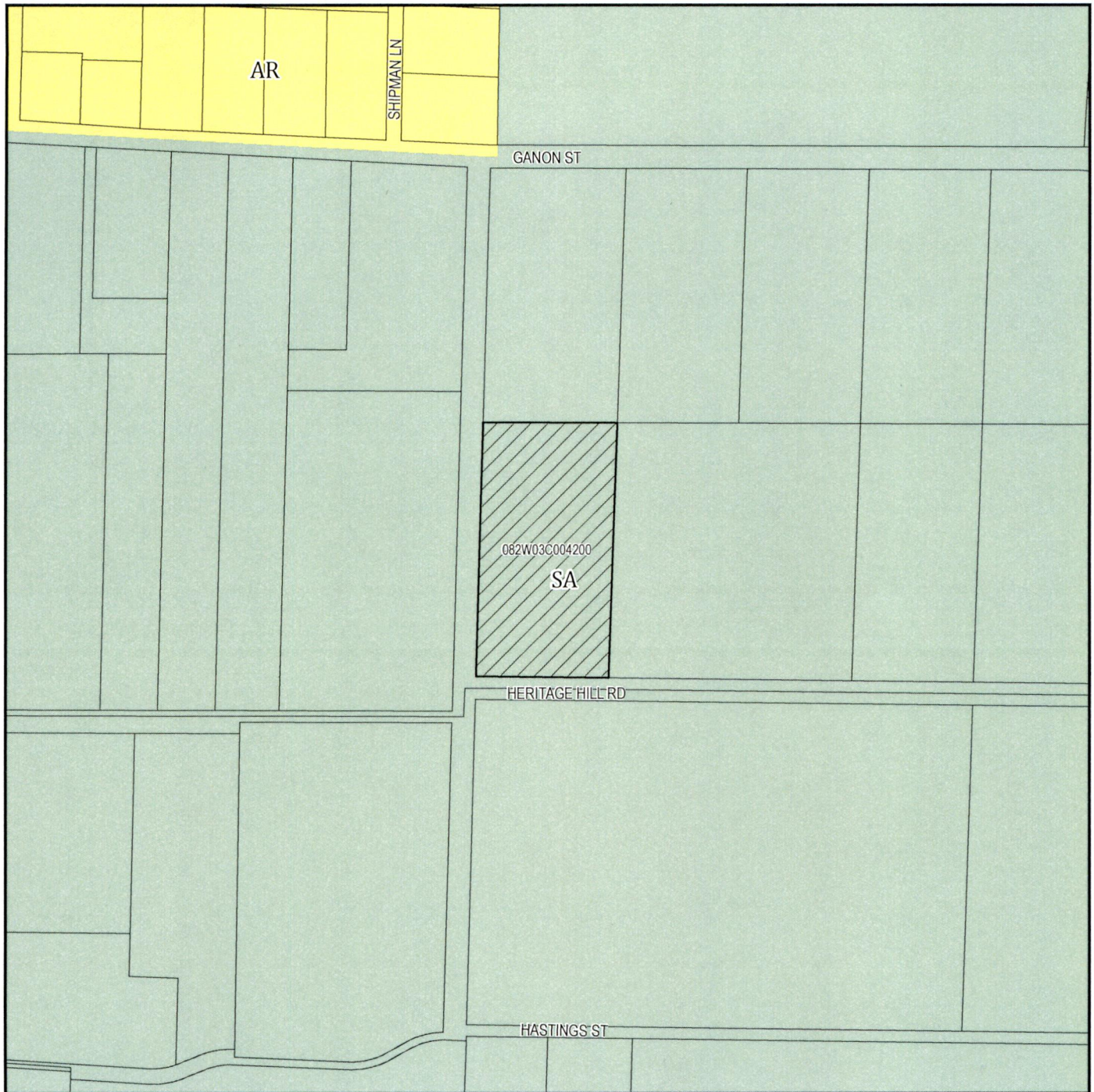
8. Based on the above findings, it has been determined that the request satisfies all applicable criteria and is, therefore, **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: June 6th, 2025

If you have any questions regarding this decision contact Gillian Peden at (503) 588-5038

Notice to Mortgagee, Lienholder, Vendor or Seller: ORS Chapter 215 requires that if you receive this Notice, it must promptly be forwarded to the purchaser.



ZONING MAP

Input Taxlot(s): 082W03C004200

Owner Name: OLD FIELD LLC

Situs Address: (No Situs Address)

City/State/Zip:

Land Use Zone: SA

School District: SALEM-KEIZER

Fire District: MARION COUNTY NO.1

Legend



Input Taxlots



Lakes & Rivers



Highways



Cities



scale: 1 in = 376 ft

DISCLAIMER: This map was produced from Marion County Assessor's geographic database. This database is maintained for assessment purposes only. The data provided hereon may be inaccurate or out of date and any person or entity who relies on this information for any purpose whatsoever does so solely at his or her own risk. In no way does Marion County warrant the accuracy, reliability, scale or timeliness of any data provided on this map.