



**Marion County**  
OREGON

# ADMINISTRATIVE REVIEW APPLICATION

**RECEIVED**

NOV 20 2025

Marion County  
Planning

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

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

- ☐ Administrative Review - \$770
- ☐ Primary Farm Dwelling - \$1000
- ☐ Secondary Farm Dwelling - \$1250
- ☐ Replacement Dwelling - \$450
- ☒ Lot of Record - \$1250 (staff); \$1990 (hearing)
- ☐ Forest Dwelling - \$1250

PROPERTY OWNER(S): Brian and Stephanie Traeger	ADDRESS, CITY, STATE, AND ZIP: [REDACTED]
PROPERTY OWNER(S) (if more than one): ---	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Norman Bickell	ADDRESS, CITY, STATE, ZIP [REDACTED]
DAYTIME PHONE (if staff has questions about this application): [REDACTED]	E-MAIL (if any): [REDACTED]
ADDRESS OF SUBJECT PROPERTY: 9900 block of 114th Ave. NE	SIZE OF SUBJECT PROPERTY: 5 acres

THE PROPERTY OWNERS OF THE SUBJECT PROPERTY REQUEST TO (summarize here; provide detailed information on the attached "Applicant Statement" page):

Place a lot of record dwelling on the 5 acres of high value farm soils

WILL A RAILROAD HIGHWAY CROSSING PROVIDE THE ONLY ACCESS TO THE SUBJECT PROPERTY?  
( ) YES ( ☒ ) NO IF YES, WHICH RAILROAD:

**FOR OFFICE USE ONLY:**

Township 6S	Range 1W	Section 8DA	Application elements submitted:
Tax lot number(s) 1100			<input checked="" type="checkbox"/> Title transfer instrument
Zone: EFU			<input checked="" type="checkbox"/> Site plan
Zone map number: 23			<input checked="" type="checkbox"/> Applicant statement
			<input type="checkbox"/> GeoHazard Peer Review (if applicable)
Case Number: AR25-049			<input checked="" type="checkbox"/> Filing fee
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural			Application accepted by: GP Set up by: GP
Date determined complete:			Date: 11/21/2025

**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.

BRIAN TRAEGER

Print Name

Stephanie Traeger

Print Name

 Signature

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

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Signature

DATED this 19 day of NOVEMBER, 20 25



## APPLICANT STATEMENT

Brian and Stephanie Traeger own a 5 acre parcel that is zoned EFU (Exclusive Farm Use) and is located in the 9900 block of 114<sup>th</sup> Avenue NE (T06S; R1W; S08D; TL01100). The property is undeveloped, slopes from east to west, is bounded on the west by the Pudding River and is located at the northwest corner of Saratoga Drive and 114<sup>th</sup> Ave. NE. The property also has FEMA 100 year floodplain along its western boundary. At this time the applicants are making application for a lot of record dwelling on the subject parcel.

*17.136.030 (D) Lot-of-record Dwellings. A single family dwelling subject to the following standards and criteria:*

- 1. The lot or parcel on which the dwelling will be sited was lawfully created and acquired and owned continuously by the present owner:*
  - a. Since prior to January 1, 1985; or*
  - b. by devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.*
  - c. "Owner," as the term is used in this subsection only, includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent, or grandchild of the owner or business entity owned by any one or a combination of these family members.*

Response: The current property owner is Brian and Stephanie Traeger. Previous owners are listed as Joseph J and Gladys Traeger in a deed dated in 1952 as Volume 440; Page 321. Subsequent deeds list that Gladys Traeger conveyed to other family members of the Traeger family until in 2008 Joseph P Traeger conveys the property to a living trust. Subsequently, the trust conveyed to Brian and Stephanie Traeger the subject property. In Section c above is a listing of the term "Owner" which includes a wife, a father, a grandparent as being an owner. Brian Traiger is the grandson of Joseph Traeger and qualifies for a lot of record based upon the ownership line being completed and the owner being in title before January 1, 1985. Therefore, the Lot-of-record standards listed in 1 above are met.

- 2. The tract on which the dwelling will be sited does not include a dwelling.*

Response: The subject parcel is a single ownership of the Brian and Stephanie Traeger and they do not have any contiguous ownership. The criterion listed in 2 above is met.

3. *The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993 and no dwelling exists on another lot or parcel that was part of that tract.*

Response: As noted in the response to #2 above, the applicant does not own any adjacent parcels so the subject parcel is not a part of a tract.

4. *When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed.*

Response: As was noted in #2 and #3 above, the subject parcel is not part of a tract so the criteria listed in #4 would not apply to this property.

5. *The request is not prohibited by, and complies with, the Comprehensive Plan and other provisions of this title, including but not limited to floodplain, greenway, and big game habitat area restrictions.*

Response: The property is zoned EFU, and the EFU zone implements the provisions of the Comprehensive Plan. Elements in the Plan such as greenway and big game habitat areas are not identified on the subject parcel. There is floodplain identified as being on the subject parcel but all development being proposed will be out of the floodplain. In complying with the provisions of the EFU zone the application will also comply with the Comprehensive Plan.

6. *The proposed dwelling will not;*
- a. Exceed the facilities and service capabilities of the area.*
  - b. Create conditions or circumstances contrary to the purpose of the special agriculture zone.*

Response: The proposed dwelling will rely on an individual septic system for the proposed dwelling and this system will be reviewed and approved by Marion County before it is allowed on the property. An exempt well will have to be established to serve the proposed dwelling. The property is identified as being within the Mt Angel Fire Protection District. All other rural services are available to the site. It should be noted that to the east of the subject parcel is a series of residential lots with dwellings and a dwelling on the subject parcel is reflective of the current development pattern of the area. All other parcels bordering the subject parcel are buffered from the dwelling lot by either a road or the Pudding River. Although the EFU zone primarily is for the preservation of land for farming and forest practices the zone allows for the placement of dwellings through a farm dwelling, lot-of-record dwelling or a non-farm dwelling review and approval. The applicants are exercising the lot-of-record provisions of the EFU zone on the subject parcel.



7. *A lot-of-record dwelling approval may be transferred one time only by a person who has qualified under this section to any other person after the effective date of the land use decision.*

Response: The applicants are aware of this provision and will comply with the condition.

8. *The county assessor shall be notified that the county intends to allow the dwelling.*

Response: This is a standard condition that the county will follow with any approval given for a lot-of-record or a non-farm dwelling. The condition listed in 8 above will be met.

9. *The lot or parcel on which the dwelling will be sited is not high-value farmland as defined in MCC 17.137.130(D); or*

Response: The subject parcel is predominantly listed as high-value soils as listed in 17.137.130 D and the criteria listed in 9 above does not apply.

10. *The lot or parcel on which the dwelling will be sited is high-value farmland as defined in 17.137.130(D) (2) or (D) (3) and:*

Response: The lot is predominantly high-value soils and is not listed in (D) (2) or (D) (3) so the remainder of the standards and criteria listed in 10 above would not apply.

11. *The lot or parcel on which the dwelling is to be sited is high-value farmland as defined in MCC 17.137.130(D) (1) and:*

*a. The hearings officer determines that:*

*i. The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use. Examples of extraordinary circumstances inherent in the land or its physical setting include very steep slopes, deep ravines rivers streams, roads, railroad or utility lines or other similar natural or physical barrier by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put*

*to farm use despite that proximity of a natural barrier or since placement of a physical barrier shall be presumed manageable for farm use; and*

Response: As noted previously, the subject parcel is only 5 acres in size and is unable to be commercially farmed because of its location situated between the Pudding River, Saratoga Drive and 114<sup>th</sup> Avenue. Other factors limiting the agricultural use of the property are its small size, steeply sloped from east to west and having floodplain along the river. The lot is narrow running north to south and is bordered on its east side by acreage homesites. There is a high tension electric line that travels north to south across the subject parcel limiting the height and location of any proposed farm structures. It may be possible to raise grass or grain crops but again the shape and the slopes of the parcel are not conducive to this type of farm operation. With the approval of a lot-of-record dwelling on the parcel will allow for a dwelling that can do hobby farming where the profit margins are not critical. Any attempt to try to bring this parcel into a farmed parcel will create undue hardship to the owner in the amount of time and expense of converting this parcel from its unfarmed use to something that could be considered farmable. Based upon the above discussion the applicants' proposed homesite development will comply with the criterion listed in "i" above.

- ii. the use will not force significant change in or significantly increase the cost of farm or forest practices on surrounding lands devoted to farm or forest use: and*

Response: There are commercial farming practices adjacent to the subject parcel on the south across Saratoga Drive and to the west across the Pudding River. The areas immediately adjacent to the subject parcel are largely not farmed because of the floodplain and steep slopes abutting Saratoga Drive and the floodplain along the river. It should also be noted that the subject parcel has been disqualified for farm/forest use in the Assessors records. There is a small area adjacent to 114 the Ave that could support a dwelling and it would be consistent with the subdivided parcels to the east that are in rural residential use. The proposed dwelling will reflect the current development pattern of the rural residential development immediately to the east and because of the location of the parcel, its development with a dwelling should not change the farming practices in the area or increase their costs.

- iii The dwelling will not materially alter the stability of the overall land use pattern in the area. To address this standard, the following information shall be provided;*

- (A) Identify a study area for cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm operations or practices that distinguish it from other,*



*adjacent agricultural areas, and why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;*

- (B) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.) and the dwelling development trends since 1993. Determine the potential number of non-farm/lot-of-record dwellings that could be approved under subsection (D) of this section and MCC17.137.050 (A), including identification of predominant soil classifications and parcels created prior to January 1, 1993. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under this provision;*
- (C) Determine whether approval of the proposed non-farm/lot-of-record dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase, lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.*

Response: To start this process of review of “iii” (A)-(C), Marion County staff was approached and asked to produce a study area that encompasses an area of 2000 acres with the subject parcel located as close to the center as possible. A map was produced with all of the properties identified with their tax lot numbers as well as the zoning and soils. Using this map and with a review of the county GIS mapping services along with the Assessor’s Office records the following conclusions were made:

Within the study area there were 74 separate or partial parcels identified. Each parcel was then examined to see if it had an existing dwelling (or had been approved for a dwelling by Marion County); which parcels were vacant, the deed records of the current owners from the Assessors records; the soils for each parcel to determine Class IV through VIII soils, any contiguous



parcels with a dwelling or other vacant parcels and any parcels that were in public ownership and not eligible for dwellings. The first screen was to identify the number of dwellings that currently exist within the study area (46). Parcels in public ownership (2). Through this review it was determined that there were 28 vacant parcels. With 4 parcels being in public ownership and being removed from further review there were 24 vacant parcel subject to further review.

A further review noted that there were 4 parcels listed in the inventory that were outside the study area and they were also removed leaving 20 vacant parcels. From those 20 parcels 7 were contiguous to an existing dwelling and were removed from further study leaving 13 vacant parcels. Since all of the remaining vacant parcels were high value soils all removed from further study for the possibility of a non-farm dwelling. All of those 13 parcels were then reviewed for lot of record possibilities.

Chapter 17.136.030 (E) gives a date of prior ownership of January 1, 1985 as criteria for a lot of record dwelling. So, each of the remaining parcels were review in the Assessors listing for the transfer of ownership from a family member after that date. All but three parcels were determined to having a transfer date after the 1985 date. That leaves only three parcels available for a lot of record dwelling approval with one of those being the subject parcel. In reviewing the two remaining vacant parcels it revealed that the two remaining parcels were contiguous to each other and that only one lot of record dwelling could be approved for those two parcels. It should also be noted that the two remaining parcels were also in Hazelnut production and were a total 43.7 acres in size and may qualify for a farm dwelling. The final estimate of the number of dwellings that could qualify for a lot of record dwelling is 2. This number of dwellings is not significant within a 2,000 acre study area. To allow the placement of a dwelling on the subject parcel will not hinder the existing farm pattern within the study area. The subject parcel is not adjacent to any commercial farm parcels and is buffered from adjacent parcels be two roads and the Pudding River with its floodplain. As part of the review of the current and past land use records within the study area it was found that there were 17 separate land use cases and none of them involved the review and approval of either a non-farm or lot-of-record dwelling. So, the analysis noted above should be the only additional dwellings that could be located within the study area. Hand noted work sheets are attached to this report.

*b. The county shall provide notice of the application for a dwelling allowed under this subsection to the Oregon Department of Agriculture.*

Response: The standard listed in "b" will be done as part of the notification process followed by Marion County. The applicant has supplied a response to each of the criteria and the 2,000 acre study that indicated the placement of a lot-of-record dwelling on the subject property is appropriate and will comply with all of the EFU zone standards.