

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  
PROPERTY LINE ADJUSTMENT CASE NO. 25-006**

**APPLICATION:** Application of Todd Jebousek and Garry Jebousek for a property line adjustment to adjust the property lines on a 1.85-acre parcel and an 8.07-acre parcel to create a 4.0-acre parcel and a 5.92-acre parcel in an EFU (Exclusive Farm Use) zone located at 10601 and 10691 Howell Prairie Rd NE, Salem (T6S; R1W; Section 6C, Tax lot 500 & 600).

**DECISION:** The Planning Director for Marion County has **APPROVED** the above-listed Property Line Adjustment application subject to certain conditions.

**EXPIRATION DATE:** Title transfer instruments accomplishing the property adjustments shall be recorded by the applicants with the Marion County Clerk by **March 28<sup>th</sup>, 2027** (two years). The effective period may be extended for an additional year subject to approval of an extension (form available from the Planning Division). **Additional extensions may not be granted if the regulations under which this decision was granted have changed since the original approval.**

**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:** The following conditions must be met before a building permit can be obtained or the approved use established:

1. Properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey submitted for review. Survey checking fee required at the time of review. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office. Per ORS 92.190 (4).
2. Prior to recording the deeds, the applicants shall obtain any septic review and/or evaluations that may be required from the Marion County Building Inspection Division.
3. The resulting parcels shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval by the Planning Director.

**ADDITIONAL CONDITIONS:** Once the approved use is established the following conditions must be continually satisfied:

4. After the property line adjustment has been completed, no alteration of property lines shall be permitted without first obtaining approval from the Planning Director.

**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.

5. Prior to recording the deeds all taxes due must be paid to the Marion County Tax Department (contact the Marion County Tax Department at 503-588-5215 for verification of payments).

**APPEAL PROCEDURE:** The Marion County Zone Code provide 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 condition or deny the application. Anyone who disagrees with the Director's decision may request that the application be considered by a Marion County hearings officer after a public hearing. The applicant may also request reconsideration (one time only and a fee of \$250) 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. Requests for reconsideration, or consideration by a hearings officer, must be in writing (form available from the Planning Division) and received together with the appeal fee in the Marion County Planning Division, 5155 Silverton Road NE, Salem, by 5:00 p.m. on **March 28<sup>th</sup>, 2025**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or the office. This decision is effective **March 31<sup>st</sup>, 2025**, unless further consideration is requested.

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

1. The subject properties are designated Primary Agriculture in the Marion County Comprehensive Plan and zoned EFU (EXCLUSIVE FARM USE). The intent of both the designation and zone is to provide areas for continued practice of commercial agriculture and to protect commercial agricultural operations. These areas are generally well suited for large-scale farming. The EFU zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.
2. Subject property Tax Lot 500 is located on the west side of Howell Prairie Road approximately 700 feet north of Waconda Road. The parcel contains an existing 2011 dwelling, several accessory buildings, well, and septic system. The parcel is described in its current configuration by deed recorded July 21, 1975. The property was the subject of a 2011 administrative review to replace a mobile home and is considered a legal parcel for land use purposes.

Subject property Tax Lot 600 is located to the southwest of the intersection of Howell Prairie Road NE and Waconda Road NE. The parcel contains a 1968 house, several agricultural and accessory buildings. The property also has domestic and irrigation wells and a septic system. The parcel has been described in its current configuration since at least 1976 (deed Reel 43, page 1877), and therefore is considered legal for land use purposes.

3. Surrounding properties in all directions are zoned EFU and are engaged in some form of farm or agricultural use.
4. Soil Survey for Marion County, Oregon, indicates 99.6% of soils on the properties are high value.
5. The applicants are proposing to adjust the property lines on a 1.85-acre parcel and an 8.07-acre parcel to create a 4.0-acre parcel and a 5.92-acre parcel.
6. Marion County Surveyor's Office commented:
  1. Properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey submitted for review.
  2. Survey checking fee required at the time of review.
  3. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office. Per ORS 92.190

Marion County Building Inspection commented:

*"No Building Inspection concerns with proposed property line adjustment. If proposed, permit(s) are required to be obtained prior to development of structures and/or utilities installation on private property."*

Marion County Septic commented:

*"10691 Howell Prairie is OK. The proposed lot for 10601 Howell Prairie (proposed 5.92-acre parcel) will require a repair area be allocated on the site plan prior to septic sign off."*

Marion County Assessor's Office provided information regarding taxes on the subject properties.

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

7. The criteria for reviewing lot line adjustments within an EFU zone are listed in Chapter 17.136.090(C) MCC. These criteria are as follows:

1. *When one or more lots or parcels subject to a proposed property line adjustment are larger than the minimum parcel size pursuant to subsection (A)(1) of this section, the same number of lots or parcels shall be as large or larger than the minimum parcel size after the adjustment. When all lots or parcels subject to the proposed adjustment are as large or larger than the minimum parcel size, no lot or parcel shall be reduced below the applicable minimum parcel size. If all lots or parcels are smaller than the minimum parcel size before the property line adjustment, the minimum parcel size pursuant to this section does not apply to those lots or parcels.*

All the lots and parcels involved in this property line adjustment are below the minimum parcel size of 80-acres. This criterion does not apply.

2. *If the minimum parcel size in subsection (A)(1) of this section is larger than 80 acres, and a lot or parcel subject to property line adjustment is smaller than the minimum parcel size but larger than 80 acres, the lot or parcel shall not be reduced in size through property line adjustment to less than 80 acres.*

All lots and parcels involved are already below the minimum parcel size and below 80-acres. The criterion does not apply.

3. *Any property line adjustment shall result in a configuration of lots or parcels that are at least as suitable for commercial agriculture as were the parcels prior to the adjustment.*

The applicants are proposing to move a portion of the open field area from the larger farm parcel onto the smaller parcel. In their application, the applicants state that their goal is to add land to tax lot 500 to allow the occupants room to start their own agricultural activities. Part of the intended purpose to provide more pasture area for animals on the smaller parcel. The proposed configuration would result in more available farm area on a parcel not currently engaged in agriculture. This application will not decrease the suitability for commercial agriculture on the two family-owned parcels. The criterion is met.

4. *A property line adjustment may not be used to:*
  - a. *Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;*
  - b. *Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;*
  - c. *Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard; or*
  - d. *Adjust a property line that resulted from a subdivision or partition authorized by a Measure 49 waiver so that any lawfully established unit of land affected by the property line adjustment is larger than the size granted by the waiver.*

All lots involved in the proposed property line adjustment already contain a dwelling; criteria *a* & *b* are satisfied. Criteria *c* is met as none of the lots would qualify for a dwelling based on an acreage standard, as they already have dwellings. Finally, none of the lots were created by a partition authorized by Measure 49; *d* is satisfied. The criteria are met.

5. *Any property line adjustment that results in an existing dwelling being located on a different parcel shall not be subject to the standards in MCC 17.136.030(A) so long as the adjustment:*

- a. *Does not increase any adverse impacts on the continued practice of commercial agriculture on the resulting parcels;*
- b. *Does not increase the potential number of dwellings on the resulting parcels; and*
- c. *Does not allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.*

No dwellings would be located on a different lot or parcel as a result of the proposed property line adjustment. The criterion does not apply.

9. Based on the above findings, the proposal meets the applicable criteria and is, therefore, **APPROVED**.

Brandon Reich  
Planning Director/Zoning Administrator

Date: March 13<sup>th</sup>, 2025

If you have any questions regarding this decision contact George Brandt at (503) 566-3981.

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):** 061W06C000500, 061W06C000600

**Owner Name:** JEBOUSEK, TODD G

**Situs Address:** 10691 HOWELL PRAIRIE RD NE


**City/State/Zip:** SALEM, OR, 97305

**Land Use Zone:** EFU

**School District:** GERVAIS

**Fire District:** WOODBURN

### Legend

 Input Taxlots

 Lakes & Rivers

 Highways

 Cities



scale: 1 in = 469 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.