

**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  
CONDITIONAL USE CASE NO. 18-016**

**APPLICATION:** Application of Jefferson School District 14J for a conditional use to replace and expand the existing middle school on a 41.85 acre parcel in an UT-3 (Urban Transition – 3 Acre Density) zone located at 2200 Talbot Road SE, Jefferson. (T10S; R3W; Section 2; tax lot 900).

**DECISION:** The Planning Director for Marion County has **APPROVED** the above-described Conditional Use application subject to certain conditions.

**EXPIRATION DATE:** This Conditional Use Permit is valid only when exercised by **April 4, 2020**. 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 proposed use is for land use purposes only. Due to septic, well, and drain field replacement areas, this parcel may not be able to support the proposed use. To ensure 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. The applicant shall obtain approval for all required permits from the Marion County Building Inspection Division.
2. The minimum setback for the proposed building is 35 feet from any property line.
3. The minimum setback for off-street parking or loading areas is 10 feet from any residential use or zone.

**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 any restrictions or conditions thereon. It is recommended that the agencies mentioned in Finding #5 be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

4. The applicant should contact Jefferson 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.

**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 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 \$200) 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 in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem, by 5:00 p.m. on **April 4, 2018**. If you have questions

about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **April 5, 2018** unless further consideration is requested.

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

1. The property is designated Public/Semi-Public in the City of Jefferson Comprehensive Plan. The purpose of this designation and the corresponding UT-3 (Urban Transition - 3 Acre) zone is to maintain land available for industrial development once the property is annexed into the city.
2. The property is located in the southwest corner of the intersection of Talbot Road SE and North 2<sup>nd</sup> Street. The property is currently developed with the Jefferson High School and Middle School.
3. Adjacent properties to the south and east are zoned UT-3 and mostly in residential, agricultural and industrial use. Adjacent properties to the north and west are outside the Urban Growth Boundary, zoned EFU (Exclusive Farm Use) and in agricultural use.
4. The applicant proposes to replace the existing middle school with a new building and expand the parking lot for the high school.
5. Public Works Land Development and Engineering Permits commented on requirements that are not part of the land use decision and available for review in the planning file.

Marion County Building Inspection commented that permits would be required.

Marion County On-Site Sewage commented that septic permits may be required.

Oregon Department of Transportation commented that an access permit has been issued for the property to access Jefferson Highway, but a traffic analysis for the change in location of driveways is needed to identify potential areas of concern.

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

6. In order to grant approval for a conditional use listed in MCC 16.13.020, the criteria in MCC 16.26.620 must be found to be satisfied:

*Public and private elementary and secondary schools (SIC 8211) shall meet the following use and development standards:*

*A. Lot Size. Minimum of 1,000 square feet per student at maximum occupancy, or three acres, whichever is less.*

The property is 41.85 acres in size. This criterion is satisfied.

*B. Setbacks. Buildings shall be set back from every lot line one foot for each foot of height to a maximum setback of 35 feet.*

The proposed building will be at least 80 feet from any property line. This criterion is satisfied.

*C. Off-Street Parking. No off-street parking or loading area shall be permitted within 10 feet of any residential use or zone.*

The existing parking lot on the north side of the high school building is proposed to be enlarged to accommodate middle school parking. This location is distant from the residential uses located to the south of the parcel. This criterion is satisfied.

*D. Other Related Uses. Child day care services; kindergarten; meeting facilities for clubs and organizations; other uses which are not operated primarily for the purpose of secular education, or school administration; secondary use of school facilities for nonprofit events shall be permitted in the zone.*

These uses were not specifically addressed in the application. Any approval would allow these activities to occur on the property.

6. In order to grant approval for a conditional use listed in MCC 16.13.020, the general criteria in MCC16.13.030 must also be satisfied:

A. *The use will not increase traffic beyond the capacity of existing roads.*

Access to the property will be from N. 2<sup>nd</sup> Street using the existing access. This criterion is satisfied.

B. *If the use will remain after the area is urbanized it will be located in such a manner that any significant unused portion of the property has adequate development options.*

The improvements made to the property for the proposed use are concentrated on the north side of the property near the existing high school, allowing further development of the property when the area is urbanized. The proposal can satisfy this criterion.

C. *The use and related structures and improvements meet the development standards of the most restrictive zone consistent with the applicable Comprehensive Plan designation; or the city concurs and, if the city requests, conditions are imposed that require the structures and improvements to be brought into conformance with city zoning regulations upon annexation.*

The most restrictive zone consistent with the Comprehensive Plan designation of the property (Public) is the P (Public) zone. Middle schools are a permitted use in the P zone. The site plan submitted with the application shows improvements that are consistent with this use, however a detailed site plan showing all proposed improvements meet the development standards will be made a condition of approval. The proposal can satisfy this criterion.

D. *The most restrictive zone used in the applicable Comprehensive Plan designation lists the proposed use as a permitted or conditional use; or the city concurs and, if the city requests, conditions are imposed which require that the use be brought into conformance with city zoning regulations upon annexation.*

As discussed above, the most restrictive zone consistent with the Comprehensive Plan designation of the property (P) is the Public zone. According to the Marion County Tax Assessor, the property has been developed with both a middle school and a high school since at least 1974 when the high school was built. The existing middle school building dates back to 1960. The use of the property as a school is shown on the City of Jefferson Comprehensive Plan land use map. The City of Jefferson did not comment on the proposal. The proposal satisfies this criterion.

7. All conditional uses are subject to the general criteria in MCC16.40.020, these include:

(a) *The use is listed as a conditional use in the zone, or is otherwise identified as a conditional use and is consistent with the intent and purpose of the zone and the provisions that authorized consideration as a conditional use.*

The use is listed as a conditional use in the UT zone. This criterion is met.

(b) *The parcel is suitable for the proposed use considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.*

The parcel is roughly rectangular in shape and relatively flat. The proposed building would be placed north of the existing high school building, adjacent to a paved outside parking area on an existing athletic field. There are no geographic slide hazards on the subject parcel. Therefore, the proposal can satisfy this criterion.

(c) *The proposed use, as conditioned, will not substantially limit, impair, or preclude the use of surrounding properties for the uses permitted in the applicable zone.*

The subject property is slated for public use in an area designated for residential use. The school building proposed by the applicant is situated on the property in such a manner that will not interfere with or restrict development options on adjacent properties. The proposal can satisfy this criterion.

(d) *The proposed use, as conditioned, will not have a significant adverse effect on air or water quality.*

The applicant will be required to meet the stormwater standards at time of building permits. Air quality is not expected to be significantly affected. The proposal can satisfy this criterion.

(e) *Adequate public and utility facilities and services to serve the use are available or will be made available prior to establishment of the use.*

The applicant must coordinate with the City of Jefferson, Marion County Building Inspection and Marion County Public Works regarding provision of public services and utilities. The proposal can be conditioned to meet this criterion.

8. In addition, the UT zone MCC 16.13.100 states that “the additional standards and regulations referenced in Chapters 16.24 and 16.26 through 16.34 MCC (generally landscaping, parking, paving, and signage) apply to all lots, structures and uses unless indicated otherwise. No structure or use can be approved until all requirements in this chapter have been satisfied.” The applicable standards will be required to be met prior to issuance of any building permits associated with the proposed activity.
9. Based on the above findings, it has been determined that the applicants’ request meets all applicable criteria to replace and expand an existing middle school and is, therefore, **APPROVED**, subject to conditions.

Joe Fennimore  
Director-Planning Division

Date: April 20, 2018

If you have any questions please contact Lisa Milliman 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.