

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.25-008

APPLICATION: Application of Salem-Keizer School District 4J for an administrative review to expand a school on a 7.85-acre parcel of land in an EFU (Exclusive Farm Use) zone located at 5774 Hazelgreen Rd NE, Salem (T6S; R2W; Section 33B; Tax lot 1400).

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 10th, 2027**, (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 applicants shall obtain all permits, including subsurface sewage disposal, required by the Marion County Building Inspection Division.
2. The expansion of the school shall be limited to the current 7.85-acre parcel.
3. Any use of the school shall be for public or private schools grade kindergarten through 5.

OTHER PERMITS, FEES AND RESTRICTIONS: This approval does not remove or affect any 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. The applicant is advised of the following:

4. 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. Please contact Paula Smith at MCFD #1 at (503) 588-6513 with any questions.

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 10th, 2025**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or visit the office. This decision is effective on **June 11th, 2025**, unless appealed.

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

1. The subject property is designated Primary Agriculture in the Marion County Comprehensive Plan and zoned EFU (Exclusive Farm Use). The intent of both designation and zone is to promote and protect commercial agricultural operations.
2. The subject property is located directly south of Hazelgreen Rd NE, approximately 1,800 feet northeast of the intersection of Hazelgreen Rd NE and Cordon Rd NE. The property has been used for a school since 1976. The eastern portion of the parcel has been developed with a school and farm building, while the western portion of the property is a flat, undeveloped field. The property was the subject of the previous land use case AR96-104 which determined the legality of the two previous tax lots. The two legal tax lots were then consolidated via property line adjustment case PLA22-013. Therefore, the parcel is considered legal for land use purposes.
3. Surrounding uses to the north, east, and south consist of large, undeveloped parcels in active farm use. Properties directly west are developed with home sites. All surrounding parcels are zoned EFU.
4. The applicants are proposing to expand an existing school by adding five new portable classrooms and make improvements to the parking area.
5. Soil Survey of Marion County Oregon indicates 99.4% of the subject property is composed of high-value farm soils.
6. Public Works Land Development and Engineering Permits (LDEP) requested that the following be included in the land use decision.

ENGINEERING REQUIREMENTS

- A. An expanded civil engineering plan set is required, and has already been provided in association with very recent building plan submittals. The proposed modulars are part of a Phase 2 expansion. Phase 1 consisted of west side parking area paving that included stormwater detention for that specific area under Permit #555-23-001205-PW. This Permit may be allowed to transcend to the additional east side work.
- B. Stormwater detention is required to discharge to Hazelgreen Road for the east side modular footprints, and, for added parking area, all of which will be paved. This appears to be generally addressed on the updated civil engineering plans.
- C. Transportation System Development Charges (TSDCs) will be assessed at the time of application for building permits for the declared number of new students.

Marion County Building Inspection commented:

“Permits are required to be obtained prior to the setting of modular structures to be used as classrooms. These are required to be accessible to disabled users according to 2022 OSSC Chapter 11, and will require fire alarm systems in accordance with 2022 OSSC Section 907. This information would be required to be submitted during plan review or identified as deferred submittals upon the plans.”

Marion County Septic Division commented:

“An authorization is required to connect the new modular classrooms to the existing septic system. If the existing system cannot support the proposed flow, an alteration or new construction-installation permit is required. At this time, this project has an open construction-installation permit under permit # 555-25-002714 to install a new septic system that will handle the daily flow of the existing school and proposed modulars.”

Marion County Fire District No. 1 commented:

- A. 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.
- B. 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 approve intersection roadway, as measured along the fire apparatus access road, is greater than 150'. 2022 Oregon Fire Code 503.1.1
- C. Fire Apparatus Access Road Width and Vertical Clearance: Fire apparatus 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.
- D. Turning radius: The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (2022 OFC 503.2.4 & Appendix D)
- E. No parking signs: Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING – FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. 2022 OFC D103.6 "No Parking Fire Lane" signs.
- F. Painted Curbs: Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one (1") inch wide by six (6") inches high. Lettering shall be white on red background. (OFC 503.3)
- G. Fire Extinguishers: Provide 2-A:10-B:C fire extinguishers inside the building maximum travel distance 75 feet. Fire extinguishers shall be mounted in an approved location with top of extinguisher no higher than 5' feet. 2022 Oregon Fire Code Section 906. Place an extinguisher in each classroom near one of the egress doors.
- H. Premise identification: Buildings or Street 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)
 - a. Please ensure each modular is lettered or numbered in sequence and placed in such a manner that they are visible from the roadway.
- I. Gates: Gates securing fire apparatus roads shall comply with all of the following: (2022 OFC D103.5)
 - a. Minimum unobstructed width shall be 16 feet.
 - b. Gates shall be set back a minimum of 30 feet from the intersecting roadway.
 - c. Gates shall be of the swinging type or sliding type.
 - d. Manual operation shall be capable by one person.
 - e. Electric gates shall be equipped with a means for operation fire department personnel.
 - f. Locking devices shall be approved
- J. Note: In case of an emergency, the fire district would like to make a recommendation for parents to stay in their vehicles in case they need to move to make way for incoming fire apparatuses. It is understood that this is common practice, but a reminder to parents is recommended.

All other commenting agencies stated no objection to the proposal.

- 7. Marion County Code Section 17.136.040 (D) regulates the establishment and expansion of schools within the EFU zone. In its current form, the code reads:

- A. *New schools primarily for the residents of the rural area in which the school is located:*
- a. *New schools may not be established on high-value farmland.*
 - b. *New schools not on high-value farmland may be established. Any new school within three miles of an urban growth boundary shall meet the following standards:*
 - i. *No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved, unless an exception is approved pursuant to OAR Chapter 660, Division 004.*
 - ii. *Any new enclosed structure or group of enclosed structures subject to this section shall be situated no less than one-half mile from other enclosed structures approved under OAR 660-33-130(2) on the same tract.*
 - iii. *For the purposes of this subsection, “tract” means a tract as defined in MCC 17.136.140(F) in existence on May 5, 2010.*
 - c. *New schools must be determined to be consistent with the provisions contained in MCC 17.136.060(A)(1).*

The proposed expansion is for an existing use. The criteria do not apply.

- B. *Existing Schools Primarily for the Residents of the Rural Area in Which the School Is Located.*
- a. *Existing schools on high-value farmland may be maintained, enhanced, or expanded on the same tract wholly within a farm zone.*
 - b. *Existing schools not on high-value farmland may be maintained, enhanced, or expanded consistent with the provisions contained in MCC 17.136.060(A)(1).*
 - c. *Existing enclosed structures within three miles of an urban growth boundary may not be expanded beyond the limits in subsections (D)(1)(b)(i) through (iii) of this section.*

The existing school is located on high-value farmland; therefore, it may be expanded on the current parcel. The school is situated within three miles of the Salem/Keizer Urban Growth Boundary, making subsection (B)(c) applicable. However, the criteria outlined in subsection 17.136.040(D)(1)(b)(i) through (iii) do not apply, as the school already has a total design capacity exceeding 100 people. Consequently, the proposal will not require a goal exception. Additionally, the increase in student population will be limited to the Kindergarten through 5th Grade range, with no new grades added, thereby minimizing the need for additional bus routes or class schedules. The Planning Director has confirmed that the criteria in (D)(1)(b)(i) through (iii) do not apply, as the schools design capacity for a substantial number of students predates this criterion, and the schools grade range will not be expanded. Therefore, the criterion is met.

- C. *Existing schools that are not primarily for residents of the rural area in which the school is located may be expanded on the tax lot on which the use was established or on a contiguous tax lot owned by the applicant on January 1, 2009; however, existing enclosed structures within three miles of an urban growth boundary may not be expanded beyond the limits in subsections (D)(1)(b)(i) through (iii) of this section.*

The applicants indicate that the existing school primarily serves the rural area of Salem/Keizer and that the expansion will occur within the existing parcel. As previously stated, the limits in subsections (D)(1)(b)(i) through (iii) do not apply. 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**, subject to conditions.

Brandon Reich
Planning Director

Date: May 23rd, 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): 062W33B001400

Owner Name: SALEM-KEIZER SCHOOL DIST 24J C/O
FACILITIES & PLANNING DEPT

Situs Address: 5774 HAZELGREEN RD NE

City/State/Zip: SALEM, OR, 97305


Land Use Zone: EFU

School District: SALEM-KEIZER

Fire District: MARION COUNTY NO.1

Legend

 Input Taxlots

 Lakes & Rivers

 Highways

 Cities



scale: 1 in = 387 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.