

# **NOTICE PUBLIC HEARING AFFECTING THIS AREA**

## **Subdivision 23-002**

**PURPOSE OF HEARING:** to subdivide a 9.27-acre parcel into four lots in an AR (Acreage Residential) zone located at 4200 Victor Point Rd NE, Silverton (T7S; R1W; Section 02D; Tax Lot 500).

**APPLICANTS:** Oran and Leslie Whitaker Living Trust

**DATE AND TIME OF HEARING:** September 12, 2023; 6:30 p.m. Please note the entrance doors will lock at 7:00 p.m. If you anticipate being late, contact Planning Division staff at the number listed below to make other arrangements.

**LOCATION OF HEARING:** Senator Hearing Room, 1<sup>st</sup> Floor, Courthouse Square Building, 555 Court St. NE, Salem.

**HOW TO PARTICIPATE:** Anyone desiring to speak either for or against the proposal may do so in person or by representative at the public hearing. Written comments may be filed, prior to 5:00 p.m. the day before the public hearing, with the Marion County Planning Division. The application, documents and applicable criteria are available for inspection at no cost and copies are available. The staff report will be available at least 7 days prior to the hearing. After the close of the hearing the Planning Commission may approve or deny the application or approve a modified proposal. Interested persons should become involved in the decision-making process. Failure to raise an issue, in person or by letter, or failure to provide sufficient specificity to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue. 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.

**LAND USE DECISION CRITERIA:** The criteria upon which the decision on this application will be based include:

Marion County Rural Zone:

- Chapter 17.128 (Acreage Residential Zone)
- Chapter 17.172 (Subdivision and Partition Requirements)
- Chapter 17.181 (Sensitive Groundwater Overlay Zone)

For information regarding this application contact Austin Barnes; [abarnes@co.marion.or.us](mailto:abarnes@co.marion.or.us) . Marion County Planning Division; (503) 588-4174; 5155 Silverton Rd NE, Salem Oregon 97305

**NOTE:** The scheduling of a hearing and the mailing of this notice should not be construed in any way as a determination that the application has been deemed complete under the provisions of ORS 215.428.

In order to accommodate persons with physical impairments, please notify the Planning Division of any accommodations you may need as far in advance of the hearing as possible.

## **LAND USE HEARINGS – FREQUENTLY ASKED QUESTIONS**

### **Why did I receive this notice?**

You received this public hearing notice because a property owner in your area filed a land use application that requires a hearing. State law requires that we provide notice of land use hearings to the applicant(s) and property owners within a certain distance of the subject property.

### **If I attend, do I have to testify? And what if I cannot attend?**

We encourage interested citizens to participate in the land use and hearing process. You may come and simply observe. You may also send comments in writing (hard copy or electronic mail) prior to the hearing or submit them during the hearing as noted below. Written comments will be included in the record.

### **What will happen at the public hearing?**

Planning Division staff will present their report and recommendation. The Planning Commission will then take testimony from the applicant, those in support, in opposition, and any general comments. The applicant will then be given an opportunity to present rebuttal. After all of the testimony, the Planning Commission will close the hearing. However, anyone may request additional time to present more evidence, argument or testimony. The Planning Commission may grant the request by continuing the hearing or leaving the written record open for at least seven days. Once the hearing and record is closed no further testimony or comments will be allowed. The Planning Commission will begin deliberations or may defer deliberations to another date.

### **How do I testify?**

In the hearing room you will find a sign-up sheet for those wishing to testify and/or receive notice of the decision. If you have written comments that were not submitted prior to the hearing, sign up to speak and submit them at that time. When it is your turn, you will be called to the table. State your name and address and remember to speak clearly into the microphone as your testimony will be recorded as part of the public record. Please be concise and limit your testimony to approximately three minutes. The Planning Commission may ask questions to clarify your comments.

### **How long will the hearing take?**

The Planning Commission meetings begin at 6:30 p.m. as indicated in the notice, however, more than one case may be scheduled, as well as other items that may be on the agenda. You should plan to arrive prior to 6:30 p.m., but be aware that the hearing you are interested in may not begin until later.

### **When is a decision made?**

After the public hearing and record is closed, the Planning Commission will begin deliberations. However, there are instances when, for various reasons, the Planning Commission will postpone deliberating on a case to another meeting. Once the Planning Commission has finished deliberating a decision will be made. The Planning Commission may approve or deny the case or approve a modified proposal.

### **How will I be notified of the decision?**

A written decision is issued a few days after the decision is made. If you attended the public hearing and/or requested a copy of the decision one will be mailed to you. Please note the Planning Commission's decision can be appealed to the Marion County Board of Commissioners. Details of the appeal process are included in the decision or available from the Planning Division.

For more information, please contact the Planning Division at (503) 588-5038 or [planning@co.marion.or.us](mailto:planning@co.marion.or.us)