

NOTICE PUBLIC HEARING AFFECTING THIS AREA

Zone Change/Comprehensive Plan Change/Partition 19-005

PURPOSE OF HEARING: to receive testimony on a request to change the zone from SA (Special Agriculture) to AR-2 (Acreage Residential - 2 Acre Minimum) with an exception to statewide Goal 3 (Agricultural Land) and Goal 14 (Urbanization) on a 20.46 acre, and then a partition to divide the 20.46 acre parcel into three parcels containing 2 acres, 2 acres, and 16.46 acres each on property located in the 2400 block of 62nd Avenue SE, Salem. (T8S; R2W; Section 04A; tax lot 2800).

APPLICANTS: Lois M. Pfenning, Trustee of the Henry O. and Lois M. Pfenning Trust

DATE AND TIME OF HEARING: February 24, 2021; 9:30 a.m.

LOCATION OF HEARING: Senator Hearing Room, 1st floor, Courthouse Square Building, 555 Court St. NE, Salem

HOW TO PARTICIPATE: Any interested person (or representative) wishing to provide comments or testimony may attend the hearing, subject to any COVID - 19 protocols, or pre-register to comment or testify during the hearing by phone. Anyone wishing to testify over the phone must pre-register on the following website: <https://apps.co.marion.or.us/PublicHearingsRegistration/> no later than 4:00 pm on Tuesday, February 16, 2021. Hearings can be streamed at: <https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdF59Z5rXkEi5>

When it is time to testify, registrants will be called and their testimony heard. Written comments or testimony may be submitted prior to the hearing via US Mail or by email at: planning@co.marion.or.us and must be received at the Planning Division office by 5:00 p.m. the day before this public hearing. The application, documents and applicable criteria are available for review at no cost and copies are available. The staff report will be available at least 7 days prior to the hearing and can be viewed on the Planning Division website at: <http://www.co.marion.or.us/PW/Planning/Pages/PublicHearings.aspx>

After the close of the hearing the Board of Commissioners may approve or deny the application, may remand to the Hearings Officer or the Planning Director, 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 Board of Commissioners 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 Code:
 - 17.123, Zone Change Procedures
 - 17.128, Acreage Residential Zone
 - 17.137, Special Agriculture Zone
 - 17.172, Subdivision and Partition Requirements
- Marion County Comprehensive Plan:
 - Rural Residential Policies
 - Rural Services Policies
- Statewide Planning Goals, particularly Goals 2, 3, and 14
- Oregon Administrative Rules 660 Division 4 Goal Exception Process

For information regarding this application contact: Joe Fennimore, Planning Director, gfennimore@co.marion.or.us; (503) 566-4177; Marion County Planning Division; (503) 588-5038; 5155 Silverton Rd. NE, Salem, OR 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 OR the decision of a land use application for property in your area has been appealed. 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 Board of Commissioners 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 board will close the hearing. However, anyone may request additional time to present more evidence, argument or testimony. The board may grant the request by continuing the hearing to another date. Once the hearing is closed no further testimony or comments will be allowed. The board 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 board may ask questions to clarify your comments. Please note if the hearing is the result of an appeal by someone other than the applicant, the order of testimony may be altered to require that the appellant present testimony first.

How long will the hearing take?

The board's public hearings begin at 9:30 a.m. as indicated in the notice, however, more than one case may be scheduled as well as other county business items that will be on the agenda. You should plan to arrive at 9:30, but be aware that the hearing you are interested in may not begin until later.

When is a decision made?

After the public hearing is closed, the board will begin deliberations. However, there are instances when, for various reasons, the board postpones deliberating on a case to another meeting. Once the board has finished deliberating a decision will be made. The board may approve or deny the case, may remand it to the Hearings Officer or Planning Division, or approve a modified proposal.

How will I be notified of the decision?

A written order or ordinance is issued by the Board a week or so after the decision is made. If you attended the public hearing and/or requested a copy of the order or ordinance will be mailed to you. Please note the Board of Commissioners' decision can be appealed to the Land Use Board of Appeals. Details of the appeal process are included in the order.

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