

NOTICE PUBLIC HEARING AFFECTING THIS AREA

Zone Change/Comprehensive Plan Change 20-003

PURPOSE OF HEARING: to change the zone from SA (Special Agriculture) to C (Commercial) and to change the Comprehensive Plan designation from Special Agriculture to Commercial, with an exception to Statewide Planning Goal 3 (Agricultural Lands) on 21 acres located at 5695-5775 Gaffin Road SE, Salem. (T8S; R2W; Section 4C; tax lots 800, 1100, 1101, 1200, 1300, and 1400).

APPLICANTS: M F Bakke Builders, Home Exit LLC, 25Years LLC, Jean M Miller Family Trust & Harlan R Miller Trust

DATE AND TIME OF HEARING: August 13, 2020; 2:00 p.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 Wednesday, August 12, 2020. When it is time to testify, registrants will be called and their testimony heard. Hearings can be streamed at: <https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>

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>

Testimony presented at land use hearings conducted by the Hearings Officer must be under oath. Witnesses giving oral testimony will be sworn in at the time testimony is given. Corporations, including governmental bodies that are the applicant must appear through an attorney (ORS 9.320). Licensed Oregon attorneys may make legal argument without being sworn, as long as facts on which the argument is based are supported by sworn oral testimony or written affidavit. After the close of the hearing the Hearings Officer may approve or deny the application, remand to the Planning Division, or approve a modified proposal. Failure to raise an issue, in person or by letter, or failure to provide sufficient specificity to afford the Hearings Officer 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 Code:
 - Chapter 17.123 Zone Change procedures
 - Chapter 17.137, Special Agriculture Zone
 - Chapter 17.145, Commercial Zone
- Marion County Comprehensive Plan Policies:
 - Rural Development Policies
 - Rural Commercial Policies
 - Agricultural Lands Policies
- Statewide Land Use Planning Goals, particularly Goal 3
- Oregon Administrative Rules 660 Division 4

For information regarding this application contact Lindsey King; lking@co.marion.or.us; Marion County Planning Division; (503) 588-5038; 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 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.

How to Participate

We encourage interested citizens to participate in the land use and hearing process. You may send comments in writing (hard copy or electronic mail) prior to the hearing. Written comments will be included in the record. Due to COVID-19, oral testimony may be given via telephone only. Pre-registration is required see “How to participate” for instructions.

What will happen at the public hearing?

Planning Division staff will present their report and recommendation. The hearings officer 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 hearings officer will close the hearing. However, anyone may request additional time to present more evidence, argument or testimony. The hearings officer will 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, and the hearings officer will take the case under advisement. Please note that Marion County hearing rules prohibit the hearings officer from discussing a case with interested parties after the close of the hearing.

How long will the hearing take?

The hearings begin at 2:00 p.m. as indicated in the notice; however, more than one case may be scheduled be aware that the hearing may not begin until later if two cases are scheduled. Most hearings are completed within an hour.

When is a decision made?

Approximately 4-6 weeks after the public hearing and record is closed, depending on the complexity of the case, the hearings officer will issue a decision. She may approve or deny the case, may remand it to the Planning Division, or approve a modified proposal. For zone change applications she will issue a recommendation to the Board of Commissioners.

How will I be notified of the decision?

If you submitted comments or provided testimony during the public hearing and/or requested a copy of the decision one will be mailed to you. Please note the hearings officer’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