

# **NOTICE PUBLIC HEARING AFFECTING THIS AREA**

## **Zone Change / Comprehensive Plan 24-003**

**PURPOSE OF HEARING:** to change the comprehensive plan designation from Primary Agriculture to Rural Residential, with an exception to statewide planning Goal 3 (Agricultural Land) on a 2.0-acre parcel located at 11679 McClellan Rd SE, Aumsville.

**APPLICANTS:** Johnny C. Davidson

**DATE AND TIME OF HEARING:** Wednesday, February 19<sup>th</sup>, 2025; 9:30 a.m.

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

**HOW TO PARTICIPATE:** Interested persons may speak either for or against the proposal in person or by a representative at the public hearing. Written comments may be filed prior to 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. After the close of the hearing the Board of Commissioners may approve or deny the application, may remand to the Hearings Officer or Planning Division, 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 Rural Zone Code:
  - Chapter 17.123, Zone Change Procedures
  - Chapter 17.136, Exclusive Farm Use Zone
  - Chapter 17.128, Acreage Residential
- Statewide Land Use Planning Goals, particularly Goal 3
  - OAR 660-004-0028 Irrevocably Committed Exception Requirements
- Marion County Comprehensive Plan Policies:
  - Rural Residential Policies

For information regarding this application contact: [Choose an item.](#)

(503) 566-4174; 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](mailto:Planning@co.marion.or.us)