

NOTICE PUBLIC HEARING AFFECTING THIS AREA

Conditional Use 24-028

PURPOSE OF HEARING: for a conditional use permit to operate a mulching service as a commercial activity in conjunction with farm use on a 9.72-acre parcel in an EFU (Exclusive Farm Use) zone located at 5711 Brooklake Rd NE, Salem

APPLICANTS: Marvin Klopfenstein

DATE AND TIME OF HEARING: Wednesday, July 23rd, 2025; 9:30am

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

HOW TO PARTICIPATE: Interested persons (or representative) may speak for or against the proposal in person at the public hearing or provide neutral comments. Written comments or testimony may be submitted prior to the hearing via US Mail or by email to: 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. Written comments may also be submitted at the 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>

Before the close of the initial evidentiary hearing any party may request an opportunity to present additional evidence, argument or testimony. The Board of Commissioners may grant the request by continuing the hearing or leaving the written record open for at least seven days.

Testimony presented at land use hearings conducted by the Board of Commissioners 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 Board of Commissioners 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 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:

- MCC 17.136 EFU (Exclusive Farm Use) Zone
- MCC 17.119 Conditional Uses

For information regarding this application contact: abarnes@co.marion.or.us; (503)-566-4174
(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 do not have to testify, you may come and simply observe. You may also send comments in writing (hard copy or email) prior to the hearing or submit them as noted on the front of this sheet. If you are submitting written comments prior to the hearing and cannot attend, please submit comments prior to 5pm the day before the hearing. 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