

NOTICE PUBLIC HEARING AFFECTING THIS AREA

Conditional Use 25-014

PURPOSE OF HEARING: for a conditional use permit to operate a towing business as a home occupation on a 22.45-acre lot in an EFU (Exclusive Farm Use) zone located at 17644 Painter Loop RD NE

APPLICANTS: Brett Allen Fobert

DATE AND TIME OF HEARING: Tuesday, June 3rd, 2025; 6:30pm

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, 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 Planning Commission shall 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 Planning Commission 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 Planning Commission 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 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:

- MCC 17.128.040 Conditional use review criteria
- MCC 17.120.075 Conditional home occupations

For information regarding this application contact jspeckman@co.marion.or.us; (503)-566-4173
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. 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 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