



NOTICE OF PUBLIC HEARING

HEARING FORMAT

The Deschutes County Hearings Officer will conduct the public hearing described below by video and telephone. If participation by video and telephone is not possible, in-person testimony is available. Options for participating in the public hearing are detailed in the Public Hearing Participation section.

PROJECT DESCRIPTION

FILE NUMBER: 247-22-000497-NUV

**SUBJECT PROPERTY/
OWNER:**

Mailing Name: FAGEN, HARRY J & BEVERLY M
Map and Taxlot: 161226B000500
Account: 132963
Situs Address: 21280 TUMALO PL, BEND, OR 97703

APPLICANT: Harry & Beverly Fagen

REQUEST: Nonconforming Use Verification to determine whether the following uses were lawfully established in the Multiple Use Agricultural Zone and Rural Commercial Zone:

- Logging and trucking business.
- Welding, fabrication and alteration of trucking, logging, excavation, and drilling equipment.
- Storing, hauling, and selling excavation materials.
- Well drilling business.
- Storage, processing and recycling of masonry and concrete materials.
- Custom logging, peeled logs, sawed logs, logs for log structures, woodchips, firewood, and fence posts production and sales.
- Driveway access points to Tumalo Place

HEARING DATE: April 12, 2023

HEARING START: 6:00 pm

STAFF PLANNER: Audrey Stuart, Associate Planner
Audrey.Stuart@deschutes.org, 541-388-6679

RECORD: Record items can be viewed and downloaded from:
<https://www.deschutes.org/cd/page/247-22-000497-nuv-fagen-nonconforming-use-verification>

Record items can also be viewed and downloaded from:
www.buildingpermits.oregon.gov

STANDARDS AND APPLICABLE CRITERIA:

Title 18 of the Deschutes County Code, the County Zoning Ordinance:
Chapter 18.32, Multiple Use Agricultural Zone (MUA10)
Chapter 18.74, Rural Commercial Zone
Chapter 18.80, Airport Safety Combining Zone (AS)
Chapter 18.84, Landscape Management Combining Zone (LM)
Chapter 18.113, Destination Resorts Zone (DR)
Chapter 18.120, Exceptions
Title 22, Deschutes County Development Procedures Ordinance

PUBLIC HEARING PARTICIPATION

- If you wish to provide testimony during the public hearing, please contact the staff planner by 4 pm on April 11, 2023. Testimony can be provided as described below.
- Members of the public may listen, view, and/or participate in this hearing using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link: <https://us02web.zoom.us/j/89504956756> Using this option may require you to download the Zoom app to your device.
- Members of the public can access the meeting via telephone, dial 1-312-626-6799. When prompted, enter the following Webinar ID: 895 0495 6756.
- Written comments can also be submitted to the record. Please see the Document Submission section below for details regarding written submittals.
- If participation during the hearing by video and telephone is not possible, the public can provide testimony in person at 6 pm in the Barnes and Sawyer Rooms of the Deschutes Services Center, 1300 NW Wall Street, Bend.

All documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost at the Deschutes County Community Development Department (CDD) at 117 NW Lafayette Avenue. Seven (7) days prior to the public hearing, a copy of the staff

report will be available for inspection at no cost at CDD and on the websites listed above. Copies of all documents, evidence and the staff report can be purchased at CDD for (25) cents a page.

ALL INTERESTED PERSONS MAY APPEAR, BE HEARD, BE REPRESENTED BY COUNSEL, OR SEND WRITTEN SIGNED TESTIMONY. ANY PARTY TO THE APPLICATION IS ENTITLED TO A CONTINUANCE OF THE INITIAL EVIDENTIARY HEARING OR TO HAVE THE RECORD LEFT OPEN IN ACCORDANCE WITH SECTION 22.24.140 OF THE DESCHUTES COUNTY CODE.

Failure to raise an issue in person at a hearing or in writing precludes appeal by that person to the Land Use Board of Appeals (LUBA), and that failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please contact the staff planner identified above.

DOCUMENT SUBMISSION

Any person may submit written comments on a proposed land use action. Documents may be submitted to our office in person, U.S. mail, or email.

In Person

We accept all printed documents.

U.S. Mail

Deschutes County Community Development
Planning Division, Audrey Stuart
P.O. Box 6005
Bend, OR 97708-6005

Email

Email submittals should be directed to Audrey.Stuart@deschutes.org.

Limitations

- Deschutes County does not take responsibility for retrieving information from a website link or a personal cloud storage service. It is the submitter's responsibility to provide the specific information they wish to enter into the record. We will print the email which includes the link(s), however, we will not retrieve any information on behalf of the submitter.

- Deschutes County makes an effort to scan all submittals as soon as possible. Recognizing staff availability and workload, there is often a delay between the submittal of a document to the record, and when it is scanned and uploaded to Accela Citizen Access (ACA) and Deschutes County Property Information (DIAL).
- To ensure your submission is entered into the correct land use record, please specify the land use file number(s).
- For the open record period after a public hearing, electronic submittals are valid **if received by the County's server** by the deadline established for the land use action.
- IF YOU WISH TO BE NOTIFIED OF ANY DECISION RELATED TO THIS APPLICATION, YOU MUST PROVIDE A MAILING ADDRESS.

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.

This Notice was mailed pursuant to Deschutes County Code Chapters 22.20 and 22.24.

21280 TUMALO PL, BEND, OR 97703

File Number: 247-22-000497-NUV



Date: 6/28/2022

