



## MEMORANDUM

**TO:** Deschutes County Board of County Commissioners

**FROM:** Nathaniel Miller, AICP, Associate Planner

**DATE:** March 8, 2023

**RE:** Deliberations: A Commercial Activity in Conjunction with Farm Use (Meadery) in the Exclusive Farm Use Zone.

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The Board of County Commissioners (Board) is conducting deliberations on March 8, 2023, to consider a final decision for a commercial activity in conjunction with farm use to establish a Meadery. The applications and appeals are identified as file nos. 247-22-000024-CU, 025-SP, 757-A, 914-A.

### I. BACKGROUND

Staff issued an approval on September 7, 2022, which was appealed by Central Oregon LandWatch (COLW). A public hearing was conducted by a Hearings Officer on October 26, 2022. The Hearings Officer denied the applicant for failure to demonstrate compliance with the Farm Impacts Test, and demonstrating that the Meadery would be incidental and subordinate to the farm use on November 18, 2022. The applicant appealed the denial, and the Board conducted a public hearing on January 25, 2023. The hearing and record were closed on the same day.

The attached Decision Matrix (**Attachment B**) is designed to assist the Board in their deliberations. It focuses on the contested aspects of the application and that require Board determinations or interpretations. There are seven key issues identified in testimony and materials that are related to approval criteria for the subject application. There is one issue area for discussion (Item 4) which is a correction and is not an approval criteria.

### II. SUMMARY

Please see the Decision Matrix for Issue items and summaries.

## V. RECORD

At the hearing, the applicant submitted written testimony and provided oral testimony, but did not raise new issues. The applicant provided new evidence prior to the hearing that was not previously in the record through a letter from the applicant's attorney and a revised Burden of Proof. The appellant did not raise new issues, but reiterated their main objection topics during oral testimony. A new letter of objection from the opponent was also submitted prior to the hearing. One member of the public at the hearing testified in support of the applicant's proposal. These submittals can be accessed on the project website and record located at the link below.

The record for file nos. 247-22-000024-CU, 247-22-000025-SP (appeal file nos. 247-22-000757-A and 247-22-000914-A) is as presented at the following Deschutes County Community Development Department website:

<https://www.deschutes.org/cd/page/247-22-000024-cu-and-247-22-000025-sp-conditional-use-and-site-plan-review-meadery>

- Attachment A:** Location Map
- Attachment B:** Decision Matrix
- Attachment C:** Matt Cohen Email from January 25, 2023
- Attachment D:** Applicant's Proposed Conditions of Approval