



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** February 14, 2024

**SUBJECT:** Consideration to hear an appeal of a Hearing's Officer decision involving commercial activity in conjunction with farm use at 20520 Bowery Lane, Bend

**RECOMMENDED MOTION:**

Move approval of Order 2024-006, an Order accepting review of Hearings Officer's Decision approving a Conditional Use Permit for commercial activities in conjunction with farm use at 20520 Bowery Lane, Bend, and establishing the review will be heard *de novo*.

OR

Move approval of Order 2024-006, an Order accepting review of Hearings Officer's Decision approving a Conditional Use Permit for commercial activities in conjunction with farm use at 20520 Bowery Lane, Bend, and establishing the review will be heard limited *de novo*.

OR

Move approval of Order 2024-006, an Order denying review of Hearings Officer's Decision in approving a Conditional Use Permit for commercial activities in conjunction with farm use at 20520 Bowery Lane, Bend.

**BACKGROUND AND POLICY IMPLICATIONS:**

The applicants have requested a Conditional Use Permit for commercial activities in conjunction with farm use to establish a winery with associated uses. The applications were submitted on June 7, 2022 and were referred to a public hearing on August 4, 2023. The initial public hearing before the Hearings Officer was scheduled for October 10th, 2023. On October 6, 2023, the applicant requested a 2-week continuance of the Public Hearing pursuant to DCC 22.24.140(A)(1). The Hearings officer opened the initial hearing, but no testimony was received, and a new hearing date was set for October 24, 2023.

The Hearings Officer conducted a full hearing on October 24, 2023, and testimony was received in support and in opposition to the proposal. A final decision approving the applicant's request for a Conditional Use Permit for the winery was issued on January 2, 2024.

The appellant (Toby Bayard) submitted a timely appeal of the Hearings Officer's Decision on January 9, 2024, requesting the application be reviewed by the Board of County Commissioners. More detailed information is included in the staff memo which is attached.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Nathaniel Miller – Associate Planner

Jacob Ripper – Principal Planner