

Issue Area 1 and Approval Criteria	Hearings Officer’s Decision	Opponent Positions	Applicant’s Position	Staff Comment	Board Determination
<p>Does the proposal comply with requirements for Off Street Parking?</p> <ul style="list-style-type: none"> <li>• DCC 18.116.030(G)(4) (Off Street Parking)</li> </ul> <p>Under this issue area, the applicant requests a change to two conditions of approval:</p> <ul style="list-style-type: none"> <li>• Condition of Approval L. A change in the number of required parking spaces.</li> <li>• Condition of Approval Q. A corresponding change in the required landscaping per parking space.</li> </ul>	<p>The Hearings Officer included the following conditions of approval:</p> <p><u>L. Available Parking.</u> This approval is conditioned upon the unqualified continuance and availability of the amount of parking and loading space required by DCC Title 18 as set forth in this Decision. The Applicant shall submit a revised and final site plan showing where the required parking spaces will be located, including the size of each parking stall.</p> <p>The Hearings Officer’s Decision requires a total of 21 off-street parking spaces to accommodate the tasting room, wine events, and employees. - 12 for wine events - 6 for the tasting room - 3 for employees</p> <p><u>Q. Parking Area Landscaping.</u> <i>Prior to the issuance of building permits</i>, the property owner shall submit a revised site plan depicting the parking area landscaping required by this Decision, which must note whether any trees are to be planted under overhead utility lines and, if so, show that the height of those trees has been taken into consideration.</p>	<p>No comments were submitted specific to DCC 18.116.030(G)(4).</p> <p><b>Condition of Approval L &amp; Q</b> No comments were received specific to the requested conditions of approval alterations.</p>	<p>Yes, the applicant has satisfied this standard. The revised site plan submitted with the Modification of Application is in response to the Hearings Officers condition of approval and demonstrates compliance with the required parking pursuant to DCC 18.116.030(G)(4).</p> <p><b>Condition of Approval L.</b> The applicant requests a change to the required parking. Wine tastings and wine events will not occur simultaneously. Therefore, 14 parking spaces will suffice. - 12 for wine events - 2 for employees</p> <p><b>Condition of Approval Q.</b> If the above reduction from 21 to 14 parking spaces in Condition of Approval N is approved, the corresponding landscaping condition of approval also should be modified for consistency. The request is for 525 sq. ft. of landscaping to be reduced to 300 sq. ft.</p>	<p>Staff concurs with the applicant’s analysis and requests that the Board make findings about compliance with this criterion.</p> <p>Staff also requests that the Board determine if the proposed alterations to parking and landscaping conditions of approval can be approved.</p> <p><b>Condition of Approval L.</b> Staff concurs with the applicant pertaining to the needed parking and request for a reduction in parking spaces. No agency comments were received that raised concerns. No specific evidence was submitted by the public demonstrating the need for more parking. The current site plan illustrates 14 parking spaces.</p> <p><b>Condition of Approval Q.</b> If the Board approves 14 parking spaces, a total of 350 square feet of landscaping would be required (14 x 25 sq. ft. = 350 sq. ft.) Staff concurs with the applicant that the change in required landscaping (per parking space) can occur. The current site plan illustrates 983 sq. ft. of delineated landscaping.</p>	<p>Yes: May be approved and the conditions of approval may be modified.</p> <hr/> <p>Yes: May be approved. However, one or both of the conditions of approval may not be modified as requested.</p> <hr/> <p>No: May be denied.</p>

Issue Area 2 and Approval Criteria	Hearings Officer’s Decision	Opponent Positions	Applicant’s Position	Staff Comment	Board Determination
<p>Does the proposal comply with requirements for Clear Vision Areas?</p> <ul style="list-style-type: none"> <li>DCC 18.116.020(A) (Clear Vision Areas)</li> </ul>	<p>The Hearings Officer included the following condition of approval:</p> <p><u>J. Clear Vision Areas on the Site Plan.</u> <i>Prior to the issuance of building permits, a revised and final site plan shall be submitted to the Planning Division which correctly illustrates the clear vision areas at all access points.</i></p>	<p>Appellant raised traffic safety issues on Bowery Lane. One outstanding criterion (Clear Vision Areas) would influence traffic safety on Bowery Lane. No other new issues were raised after the submission of the Modification of Application specific to Clear Vision Areas.</p>	<p>Yes, the applicant has satisfied this standard. The revised site plan submitted with the Modification of Application includes the required Clear Vision Areas at the south and east site entrances pursuant to DCC 18.116.020(A).</p>	<p>Staff concurs with the applicant’s analysis and requests that the Board make findings about the proposal and compliance with this criterion.</p>	<p>Yes: May be approved.</p> <hr/> <p>No: May be denied.</p>
Issue Area 3 and Approval Criteria	Hearings Officer’s Decision	Opponent Positions	Applicant’s Position	Staff Comment	Board Determination
<p>Does the proposal comply with the requirements for Service Drive Widths?</p> <ul style="list-style-type: none"> <li>DCC 18.116.030(F)(5) (Service Drive Width)</li> </ul>	<p>The Hearings Officer included the following condition of approval:</p> <p><u>T. Service Drive Width.</u> <i>Prior to the issuance of building permits, the property owner shall submit a revised site plan depicting service drives at a minimum width of twenty-four (24) feet for all two-way access aisles and a minimum width of twelve (12) feet for all one-way access aisles.</i></p>	<p>No specific comments to this approval criterion were submitted.</p>	<p>Yes, the applicant has satisfied this standard. The revised site plan submitted with the Modification of Application is in response to the Hearings Officer’s condition of approval and demonstrates compliance with the required service drive widths.</p>	<p>Staff concurs with the applicant’s analysis and requests that the Board make findings about the proposal and compliance with this criterion.</p>	<p>Yes: May be approved.</p> <hr/> <p>No: May be denied.</p>



Issue Area 5 and Approval Criteria	Hearings Officer’s Decision	Opponent Positions	Applicant’s Position	Staff Comment	Board Determination
<p>Does the proposal comply with the Site Plan Review requirements for Transportation Access?</p> <ul style="list-style-type: none"> <li>• DCC 18.124.060(K) (Transportation Access)</li> </ul> <p>Under this issue area, the applicant proposed two conditions to replace the one condition crafted by the Hearings Officer.</p>	<p>Conditions of approval imposed in the Decision must be satisfied by the applicant to ensure consistency with the code provisions cited therein.</p> <p>EE. <u>Evacuation of the Right of Way</u>. <i>Prior to the issuance of building permits</i>, the property owner shall cause for the removal of all private property, including fences, posts, walls, crops, landscaping, and other features, from the existing public right of way for Bowery Lane along the frontage to the subject property.</p>	<p>Numerous comments were received from December 11, 2025, to February 25, 2026, related to traffic safety and access to the site. These comments are included in the record.</p> <p>These comments include concerns specific to:</p> <ul style="list-style-type: none"> <li>• Rock pillars in the right of way along Bowery Lane.</li> <li>• Access from Highway 97</li> <li>• Access from Hunnell Road</li> </ul>	<p>Yes, the applicant has satisfied DCC 18.124.060(K). As conditioned in the Hearings Officer decision, and represented through the submitted traffic analysis, the proposal complies with this standard.</p> <p><b>Condition of Approval EE</b></p> <p>In the Modification of Application, the applicant proposes the following revisions to Condition of Approval EE, underlined below:</p> <p><u>Evacuation of the Right of Way</u></p> <p>EE (1) Prior to the issuance of building permits, the property owner shall cause for the removal of all private property <u>that does not support agricultural activities</u>, including fences, posts, walls, crops, landscaping, and other features, from the existing public right of way for Bowery Lane along the frontage to the subject property, and</p> <p>EE(2): <u>Private property that supports agricultural activities, including fences, posts, trellises, and vines shall be removed before April 30, 2027, and shall not delay the start of operations or obtaining building permits.</u></p>	<p>Staff confirms that traffic analysis and the proposal has been reviewed by the Road Department and Senior Transportation Planner. All comments and concerns are represented within the record and available for review.</p> <p>In coordination with the Road Department, staff concurs that timing of the applicant’s compliance with Condition of Approval EE can be tailored to protect crop production. However, the Senior Transportation Planner requested that the right of way evacuation condition apply to all private property. As such, the following revised Condition EE is proposed by staff:</p> <p><u>Evacuation of the Right of Way</u>  <i>Prior to April 30, 2027</i>, the property owner shall cause for the removal of all private property, including fences, posts, walls, crops, landscaping, and other features, from the existing public right of way for Bowery Lane along the frontage to the subject property.</p> <p>Staff requests that the Board make findings about the proposal and address the requested change in the condition of approval from the Hearings Officer decision.</p>	<p>Yes: May be approved and the condition of approval may be modified either as proposed by the applicant or as proposed by staff.</p> <p>Yes: May be approved. However, the condition of approval may not be modified as requested.</p> <p>No: May be denied.</p>

Issue Area 6 and Approval Criteria	Hearings Officer’s Decision	Opponent Positions	Applicant’s Position	Staff Comment	Board Determination
<p>During the review process, the applicant requested a Variance for the Winery Building as it was confirmed to not meet the required 20-foot front yard setback.</p> <p>Does the Winery Building comply with the required 20-foot front yard setback?</p> <ul style="list-style-type: none"> <li>• DCC 18.32.050(A)</li> </ul>	<p>To address the front yard setback for the Wine Storage Building, the following condition of approval was added to the Hearings Officer’s Decision:</p> <p>G. <u>Front Yard Setback for Wine Storage Building</u>. <i>Prior to the issuance of building permits</i>, the property owner will submit confirmation that the Wine Storage Building meets the front yard setback requirements.</p>	<p>Front setback not specifically addressed.</p>	<p>The Winery Building can be re-permitted through the Building Division for the necessary alterations to bring the structure into compliance with the front yard setback standards.</p> <p>Included with the Modification of Application the applicant withdrew the variance request for the nonconforming setback. The applicant now proposes to remove a portion of the building to comply with the 20-foot setback standard.</p>	<p>The Winery Building currently does not comply with the setback standards of the MUA10 Zone. Staff concurs with the applicant that the structure can be modified and new building permit(s) attained to meet the front setback requirement of 20 feet from Bowery Lane.</p> <p>In any decision approving the use, staff recommends modifying condition of approval G in the Hearings Officer Decision to read:</p> <p><i>Prior to the initiation of use</i>, the Winery Building shall receive approval from the Building Division for the required modification to meet the front setback of 20 feet.</p>	<p>Yes: May be approved, but only with a condition of approval requiring modification of the structure and obtaining any new permit(s) required by the Building Division.</p> <p>No: May be denied.</p>
Issue Area 7 and Approval Criteria	Hearings Officer’s Decision	Opponent Positions	Applicant’s Position	Staff Comment	Board Determination
<p>Can wineries only be sited on property in the Exclusive Farm Use Zone pursuant to ORS 215.452, and not in any other zone?</p> <ul style="list-style-type: none"> <li>• DCC 18.32.030(C) (Commercial Activity in Conjunction with Farm Use)</li> </ul>	<p>ORS 215.452 does not preclude the siting of commercial activities in other zone districts. Commercial activities in conjunction with farm use are an allowed use within the MUA10 Zone.</p>	<p>Wineries are only allowed on properties which are within the Exclusive Farm Use Zone (EFU) pursuant to ORS 215.452. The appellant argues that there is inconsistency between the Hearings Officer’s Decision on the subject applications and the previous approval under Deschutes County File nos. 247-22-000024-CU, 22-025-SP, 22-757-A, 22-914-A (Commercial Activity in Conjunction with Farm Use for a Meadery in the EFU Zone).</p>	<p>The proposed winery can be approved as a Commercial Activity in Conjunction with Farm Use under the provisions of the Multiple Use Agricultural Zone.</p>	<p>Staff concurs with the Hearings Officer’s analysis that a Commercial Activity in conjunction with Farm Use, including a winery, can be sited on properties other than those within the Exclusive Farm Use Zone.</p>	<p>No: May be approved.</p> <p>Yes: May be denied.</p>

Issue Area 8 and Approval Criteria	Hearings Officer's Decision	Opponent Positions	Applicant's Position	Staff Comment	Board Determination
<p>Did the Hearings Officer consider only a portion of the record when crafting the Hearings Officer Decision?</p>	<p>This issue was not raised before the Hearings Officer and only raised on appeal.</p>	<p>The Hearings Officer only considered testimony placed in the public record between the dates of 11/8/2023 and 11/18/2023.</p>	<p>The applicant concurs with the staff's recommendation on this issue.</p>	<p>Staff understands that Hearings Officers consider all relevant record materials when considering the approvability of any proposal.</p> <p>There is no evidence to suggest that the Hearings Officer only considered a portion of the record.</p> <p>Staff recommends the Board deny this appeal issue.</p>	<p>No: May be approved.</p> <hr/> <p>Yes: May be denied.</p>

Issue Area 9 and Approval Criteria	Hearings Officer’s Decision	Opponent Positions	Applicant’s Position	Staff Comment	Board Determination
<p>Is the site suitable for the proposed use based upon:</p> <ol style="list-style-type: none"> <li>1. Site, design, and operating characteristics of the use;</li> <li>2. Adequacy of transportation access to the site; and</li> <li>3. The natural and physical features of the site, including, but not limited to, general topography, natural hazards, and natural resource values.</li> </ol> <ul style="list-style-type: none"> <li>• DCC 18.128.015 (A) (Site Suitability)</li> </ul>	<p>The Hearings Officer found that, as conditioned, the subject proposal for a commercial activity in conjunction with a farm use complies with the criterion of DCC 18.128.015 (A).</p>	<p>During the course of the review, and open record periods, numerous record entries and testimony were received which challenge the proposal and site suitability. A summary of concerns raised which align with DCC 18.128.015 (A) include:</p> <ul style="list-style-type: none"> <li>• Traffic access and safety</li> <li>• Wastewater management</li> <li>• Aquifer contamination</li> <li>• Water usage</li> <li>• Scale of operations, and</li> <li>• “Scope creep”</li> </ul>	<p>The proposal complies with the standards of DCC 18.128.015 (A). The operations on the site are limited. The applicant has submitted a site plan which demonstrates compliance with parking standards in DCC 18.124 and DCC 18.116.030.</p> <p>The Modification of Application materials include a determination letter from the Oregon Department of Environmental Quality (DEQ) stating that the use is under the <i>de minimis</i> 6,000 case per year limit. Production of 1,500 cases per year does not require DEQ permitting.</p>	<p>Staff defers to the Board to assess whether the proposal meets DCC 18.128.015 (A) (site suitability).</p> <p>In the event that the Board approves the applications, staff recommends the Board include the conditions of approval from the Hearings Officer Decision that were not otherwise modified by the Board above..</p>	<p>Yes: May be approved.</p> <hr/> <p>No: May be denied.</p>

Issue Area 10 and Approval Criteria	Hearings Officer’s Decision	Opponent Positions	Applicant’s Position	Staff Comment	Board Determination
<p>Will the use be compatible with existing and projected uses on surrounding properties based upon the following factors:</p> <ol style="list-style-type: none"> <li>1. Site, design, and operating characteristics of the use;</li> <li>2. Adequacy of transportation access to the site; and</li> <li>3. The natural and physical features of the site, including, but not limited to, general topography, natural hazards, and natural resource values?</li> </ol> <ul style="list-style-type: none"> <li>• DCC 18.128.015 (B) (Compatible with Uses on Surrounding Properties)</li> </ul>	<p>The Hearings Officer found that, as conditioned, the subject proposal for a commercial activity in conjunction with a farm use complies with the criterion of DCC 18.128.015 (B).</p>	<p>A number of neighbors believe that the proposed winery will not be compatible with existing and projected uses on surrounding properties because it is in a residential neighborhood and the following issues show a lack of suitability and compatibility:</p> <ul style="list-style-type: none"> <li>• Land value degradation</li> <li>• Water usage</li> <li>• Environmental impacts (noise &amp; odor)</li> <li>• Scale of operations</li> <li>• Pollution of aquifer</li> <li>• Contrary to residential character</li> <li>• Off-site grapes required</li> <li>• Undermines statewide planning goals</li> <li>• Deteriorates local road which is maintained by neighbors</li> </ul>	<p>The proposal complies with the standards of DCC 18.128.015 (B).</p> <p>The applicant identifies the potential off-site impacts such as noise, odor, lights, traffic, and visual impacts. However, due to the size of the property, limited operating hours, and proximity to nearby properties, the proposal complies with the standards of DCC 18.128.015 (B).</p>	<p>Staff defers to the Board to assess whether the proposal meets DCC 18.128.015 (A) (site suitability).</p> <p>In the event that the Board approves the applications, staff recommends the Board include the conditions of approval from the Hearings Officer Decision that were not otherwise modified by the Board above.</p>	<p>Yes: May be approved.</p> <hr/> <p>Yes: May be approved, but only with the condition(s) of approval from the Hearings Officer’s Decision, except as modified by the Board.</p> <hr/> <p>No: May be denied.</p>