



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Accepting Review of Hearings                   \*  
Officer's Decision in File No. 247-23-000162-       \*                   ORDER NO. 2023-029  
CU.

WHEREAS, on June 14, 2023, the Hearings Officer denied File No. 247-23-000162-CU; and

WHEREAS, on June 26, 2023, Tumalo Lavender Farm, LLC, the Appellant, appealed (Appeal No. 247-23-000516-A) the Deschutes County Hearings Officer's Decision on File No. 247-23-000162-CU; and

WHEREAS, Sections 22.32.027 and 22.32.035 of the Deschutes County Code ("DCC") allow the Deschutes County Board of County Commissioners ("Board") discretion on whether to hear appeals of Hearings Officer's decisions; and

WHEREAS, the Board has given due consideration as to whether to review this application on appeal; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, HEREBY ORDERS as follows:

Section 1. That it will hear on appeal Appeal No. 247-23-000516-A pursuant to Title 22 of the DCC and other applicable provisions of the County land use ordinances.

Section 2. The appeal shall be heard *limited de novo*.

Section 3. Staff shall set a hearing date and cause notice to be given to all persons or parties entitled to notice pursuant to DCC 22.24.030 and DCC 22.32.030.

Section 4. Pursuant to Section 22.32.024, the Board waives the requirement that the appellants provide a complete transcript for the appeal hearing.

Section 5. Pursuant to DCC 22.32.035(D), to date the only documents placed before and considered by the Board are the notice of appeal, recommendations of staff, and the record

developed before the lower hearings body for File No. 247-23-000162-CU as presented at the following website:

<https://www.deschutes.org/247-23-000162-CU>

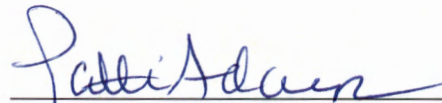
Going forward, all documents further placed before, and not rejected by, the Board shall be added to the aforementioned website, and that website shall be the Board's official repository for the record in this matter.

DATED this 12<sup>th</sup> day of July, 2023.

BOARD OF COUNTY COMMISSIONERS

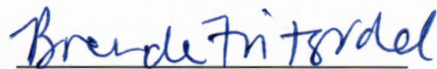


ANTHONY DEBONE, Chair



PATTI ADAIR, Vice Chair

ATTEST:



Recording Secretary



PHIL CHANG, Commissioner



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** July 12, 2023

**SUBJECT:** Consideration to hear an appeal of a Hearings Officer decision on a Conditional Use Permit to establish a secondary accessory farm dwelling in the Multiple Use Agricultural Zone

**RECOMMENDED MOTION:**

The Board will decide whether to hear an appeal of a Hearings Officer decision on a Conditional Use Permit to establish a secondary accessory farm dwelling in the Multiple Use Agricultural Zone (MUA10) – Deschutes County Land Use File Nos. 247-23-000162-CU, 23-516-A.

**BACKGROUND AND POLICY IMPLICATIONS:**

Staff referred the Conditional Use Permit application to a public hearing, which was held on May 16, 2023 before the Hearings Officer. On June 14, 2023, the Hearings Officer issued a decision which denied the proposal.

The applicant filed a timely appeal of the Hearings Officer's Decision (reference appeal No. 247-23-000516-A) and requests that the application be reviewed by the Board of County Commissioners. More detailed information is included in the staff memo.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Haleigh King – Associate Planner  
Jacob Ripper – Principal Planner