

**Hannah Elliott**



**From:** Brent Bybee  
**Sent:** Friday, August 5, 2022 1:56 PM  
**To:** Plan  
**Subject:** FW: Empire Solar Proposal 217-22-000152-PLNG & 217-22-000153-PLNG

Hannah, can you please include this email in the record for Empire.

Thank you

**CROOK COUNTY**  
**AUG 05 2022**  
**PLANNING DEPT**



## Brent Bybee

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Crook County Community Development  
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**From:** Will VanVactor <Will.VanVactor@co.crook.or.us>  
**Sent:** Friday, August 5, 2022 1:37 PM  
**To:** BREWER Angie \* DLCD <Angie.BREWER@dlcd.oregon.gov>  
**Cc:** Brent Bybee <Brent.Bybee@co.crook.or.us>; HOWARD Gordon \* DLCD <Gordon.HOWARD@dlcd.oregon.gov>; JININGS Jon \* DLCD <Jon.JININGS@dlcd.oregon.gov>; John Eisler <John.Eisler@co.crook.or.us>  
**Subject:** Re: Empire Solar Proposal 217-22-000152-PLNG & 217-22-000153-PLNG

Hi Angie,

Thank you for the email. We appreciate DLCD's position and regret we let the PAPA notice slip through the cracks.

As we just discussed, under our Code, the County must conduct next weeks hearing (CCC 18.172.081(16)). As required in that code section, once notice has been provided, we do not have a mechanism to cancel a hearing.

However, regarding next weeks hearing, we will instruct the planning commission to continue the hearing to a date and time certain at least 35 days from when the PAPA notice was provided. With the continuance, the record will remain open to ensure DLCD can provide any necessary comment and an opportunity to participate.

Again, we're sorry we didn't get the notice out in a timely manner. Thank you.

**Will Van Vactor**

Director - Crook County Community Development

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**From:** BREWER Angie \* DLCD <[Angie.BREWER@dlcd.oregon.gov](mailto:Angie.BREWER@dlcd.oregon.gov)>

**Sent:** Friday, August 5, 2022 11:03 AM

**To:** Will VanVactor <[Will.VanVactor@co.crook.or.us](mailto:Will.VanVactor@co.crook.or.us)>

**Cc:** Brent Bybee <[Brent.Bybee@co.crook.or.us](mailto:Brent.Bybee@co.crook.or.us)>; HOWARD Gordon \* DLCD <[Gordon.HOWARD@dlcd.oregon.gov](mailto:Gordon.HOWARD@dlcd.oregon.gov)>; JININGS Jon \* DLCD <[Jon.JININGS@dlcd.oregon.gov](mailto:Jon.JININGS@dlcd.oregon.gov)>

**Subject:** Empire Solar Proposal 217-22-000152-PLNG & 217-22-000153-PLNG

Crook County File Nos. 217-22-000152-PLNG & 217-22-000153-PLNG

DLCD File No. Crook County 001-22; PAPA File No. 28545

Greetings, Director Van Vactor and Planning Commissioners of Crook County.

Please add this email to the record for File Nos. 217-22-000152-PLNG & 217-22-000153-PLNG

DLCD received notice of 217-22-000152-PLNG & 217-22-000153-PLNG yesterday, August 4, 2022. As the first evidentiary hearing is scheduled for August 10, 2022, the County has not met the timeline requirements of OAR 660-018-0020(1), which states:

*Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.*

In part, the notification timeline requirement ensures DLCD resource specialists and state agency partners that our database notifies have sufficient time to review the proposed changes and development for compliance with state law. Not providing 35-days carries procedural risk and the possibility of appeal for resource impacts.

DLCD encourages Crook County to cancel the hearing date of August 10, reschedule and re-notice the first-evidentiary hearing with a date that complies with the timeline requirements of OAR 660-018.

Thank you,  
Angie



**Angie Brewer, AICP**

Central Oregon Regional Representative | Community Services Division

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