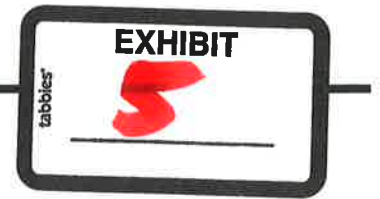


Hannah Elliott



**From:** Rory Isbell <rory@colw.org>  
**Sent:** Tuesday, April 4, 2023 5:09 PM  
**To:** Brent Bybee  
**Cc:** Plan; Will VanVactor; John Eisler  
**Subject:** Re: Application File No. 217-21-000321-PLNG - Motion to Admit Additional Testimony  
**Attachments:** COLW\_Motion\_TSRNorthSolar\_CountyCourt\_4.4.23\_wExhibits.pdf

Thanks, Brent. I realized I forgot to include a couple short attachments that are referenced in the letter I sent yesterday. Here is a version with those attachments. The letter content has not changed. Please replace what I sent yesterday with the attached.

Regards,

Rory

---

**Rory Isbell** (he/him)  
Staff Attorney & Rural Lands Program Manager  
**Central Oregon LandWatch**  
2843 NW Lolo Drive, Suite 200  
Bend, Oregon 97703  
541-647-2930 x804

**CROOK COUNTY**  
**APR 05 2023**  
**PLANNING DEPT**

On Mon, Apr 3, 2023 at 1:21 PM Brent Bybee <[Brent.Bybee@crookcountyor.gov](mailto:Brent.Bybee@crookcountyor.gov)> wrote:

Hello Rory,

Thank you for submitting this request. It has been distributed to the county court and posted as Exhibit 4. The request will be addressed during the hearing on Wednesday.

Please reach out if you have additional questions.



**Brent Bybee**

Planning Manager

Crook County Community Development

300 NE 3<sup>rd</sup> Street Room 12, Prineville, OR 97754

Office: (541) 447-3211 Ext. 245

E-mail: [brent.bybee@crookcountyor.gov](mailto:brent.bybee@crookcountyor.gov)

Website: [www.co.crook.or.us](http://www.co.crook.or.us)

Planning: [plan@crookcountyor.gov](mailto:plan@crookcountyor.gov)

**From:** Rory Isbell <[rory@colw.org](mailto:rory@colw.org)>

**Sent:** Monday, April 3, 2023 10:00 AM

**To:** Plan <[plan@crookcountyor.gov](mailto:plan@crookcountyor.gov)>; Will VanVactor <[Will.VanVactor@crookcountyor.gov](mailto:Will.VanVactor@crookcountyor.gov)>

**Subject:** Application File No. 217-21-000321-PLNG - Motion to Admit Additional Testimony

Hello Will,

Please find attached a precautionary Motion to Admit Additional Testimony in Application File No. 217-21-000321-PLNG, which is scheduled for a hearing before the Board on Wednesday morning at 9am.

Regards,

Rory

---

***Rory Isbell (he/him)***

Staff Attorney & Rural Lands Program Manager

**Central Oregon LandWatch**

2843 NW Lolo Drive, Suite 200

Bend, Oregon 97703

541-647-2930 x804

[CAUTION:This email originated from outside of the organization. DO NOT CLICK LINKS or open attachments unless you recognize the sender and know the content is safe]

Disclaimer: Please note that the information in this email is an informal statement and shall not be deemed to constitute final County action effecting a change in the status of a person's property or conferring any rights, including any reliance rights, on any person.

---

CONFIDENTIALITY NOTICE - This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

[CAUTION:This email originated from outside of the organization. DO NOT CLICK LINKS or open attachments unless you recognize the sender and know the content is safe]



2843 NW Lolo Drive, Ste. 200 | Bend, OR 97703  
Phone (541) 647-2930  
[www.colw.org](http://www.colw.org)

April 3, 2023

*Filed by email: [plan@co.crook.or.us](mailto:plan@co.crook.or.us), [Will.VanVactor@co.crook.or.us](mailto:Will.VanVactor@co.crook.or.us)*

Crook County Court  
Attn: Will Van Vactor  
Crook County Community Development Department  
300 NE 3rd Street, Room 12  
Prineville, OR 97754

**CROOK COUNTY**  
**APR 05 2023**  
**PLANNING DEPT**

**Re: Motion to Admit Additional Testimony; Application File No. 217-21-000321-PLNG;  
TSR North Solar**

Dear Judge Crawford, Commissioner Brummer, and Commissioner Barney:

Central Oregon LandWatch submits this written motion to admit additional testimony pursuant to CCC 18.172.110(12)(a)(vi). This code section governs the Court's scope and standard of review on appeal and provides that the appellate body may admit additional testimony and other evidence from a party of record:

"The appellate body may, at its option, admit additional testimony and other evidence from an interested party or party of record to supplement the record of prior proceedings. The record may be supplemented by order of the appellate body or upon written motion by a party. The written motion shall set forth with particularity the basis for such request and the nature of the evidence sought to be introduced. Prior to supplementing the record, the appellate body shall provide an opportunity for all parties to be heard on the matter. The appellate body may grant the motion upon a finding that the supplement is necessary to take into consideration the inconvenience of locating the evidence at the time of initial hearing, with such inconvenience not being the result of negligence or dilatory act by the moving party."

LandWatch does not seek to supplement the record with new evidence, but only written testimony. In fact, LandWatch already submitted its written testimony to the Court in the form of a comment letter dated August 16, 2022. Those written comments, which did not contain new evidence, were assigned an exhibit number and included in the meeting packet for the August 17, 2022 hearing, indicating that LandWatch's additional testimony was already admitted by the appellate body. See attached (screenshot of county website showing agenda for August 17, 2022 hearing and including "Exhibit 1 – COLW"). Those same August 16, 2022 written comments are again assigned an exhibit number and included in the meeting packet for this April 5, 2023 hearing. See attached (screenshot of county website showing agenda for April 5, 2023 hearing and including "Exhibit 1 – COLW").



WE DEFEND AND PLAN FOR CENTRAL OREGON'S LIVABLE FUTURE



2843 NW Lolo Drive, Ste. 200 | Bend, OR 97703  
Phone (541) 647-2930  
[www.colw.org](http://www.colw.org)

LandWatch is a party of record that participated in the proceedings below before the Planning Commission. LandWatch also received notice of this hearing from the County. As a precautionary measure, because LandWatch's August 16, 2022 comment letter has already been added to the record, we move the County Court to admit that additional testimony pursuant to CCC 18.172.110(12)(a)(vi).

We also note that LandWatch has a statutory right to participate in the hearing. ORS 197.763(7) requires that "[w]hen a local governing body, planning commission, hearings body or hearings officer reopens a record to admit new evidence, arguments or testimony, any person may raise new issues which relate to the new evidence, arguments, testimony or criteria for decision-making which apply to the matter at issue." In allowing the applicant and appellant to present new evidence, arguments, or testimony, the County must also allow "any person" to also participate in the hearing.

Thank you for your consideration of this motion.

Regards,

Rory Isbell  
Rural Lands Program Manager & Staff Attorney  
Central Oregon LandWatch  
2843 NW Lolo Drive, Suite 200  
Bend, Oregon 97703  
[rory@colw.org](mailto:rory@colw.org)  
(541) 647-2930



WE DEFEND AND PLAN FOR CENTRAL OREGON'S LIVABLE FUTURE



# Crook County

Oregon



## COUNTY ADMINISTRATION

- County Court Meetings
- Court Members
- Court Calendar
- Fee Schedule
- Request To Place Business Before The Crook County Court

## Crook County Court - TSR North Appeal Hearing

Wednesday, August 17, 2022 - 9:00am

Add to your calendar →

Back to calendar

### Meeting Information

- Packet:
- Notice of Hearing with Call-In Information (125 KB)
  - Staff Report 8.11.2022 (116 KB)
  - Request for Continuance - 8.17 Hearing (272 KB)
  - ODFW Consent to Continue - 8.17 Hearing (217 KB)
  - Exhibit 1 - COLW (214 KB)

### Contact Information

Physical: 203 NE Court St  
Prineville, OR 97754

Mailing: 300 NE 3rd St  
Prineville, OR 97754

Office Hours  
Monday-Thursdays  
8:00am-4:00pm  
Fridays  
8:00am-12:00pm

Phone  
(541) 447-6555

Email  
Contact Us

[View Full Contact Details](#)

COUNTY ADMINISTRATION

- County Court Meetings
- Court Members
- Court Calendar
- Fee Schedule
- Request To Place Business Before The Crook County Court

Contact Information

Physical: 202 NE Court St

Crook County Court - TSR North Appeal Hearing 4.5.2023

Wednesday, April 5, 2023 - 9:00am

Add to your calendar

Back to calendar

For complete record of this case please visit Oregon ePermitting online and search for records 217-20-000581-PLNG, 217-20-000887-PLNG (original) and 217-21-000321-PLNG (appeal to County Court). Guidance on accessing documents on Oregon ePermitting can be found here: Property Research Guide.

Meeting Information

- Agenda:
- Notice of April 5 Hearing (88 KB)
- Packet:
- Appeal Application (14 MB)
  - Staff Report 8.11.2022 (116 KB)
  - Exhibit 1 - COLW (214 KB)
  - Exhibit 2 - Department of Justice (558 KB)
  - Exhibit 3 - Newsun (1 MB)
  - Staff Report 3.29.2023 (481 KB)