

Hannah Elliott



From: Carol Macbeth <carol@colw.org>
Sent: Monday, November 6, 2023 3:23 PM
To: Will VanVactor
Cc: Tami MacLeod; John Eisler; Katie McDonald; Plan
Subject: Re: 217-23-001215-PLNG Hearing

CROOK COUNTY
NOV 06 2023
PLANNING DEPT

Thanks Will,

We have the statutory right to both 20 days' notice pursuant to ORS 197.797(3) and to have the record kept open for 7 days following the initial hearing pursuant to ORS 197.797(6)(a).

LandWatch was not mailed notice at all, let alone 20 days' in advance of the hearing. As explained in our letter of Nov. 3, what makes the right to a hearing substantial is the opportunity for response, rebuttal, and persuasion that it presents.

The Oregon Legislative Assembly has decided that those requesting to be made parties and entitled to notice are to be given 20 days' notice. Failure to provide the 20 days' notice to which LandWatch and the public have a substantial right is *per se* prejudicial to that right.

The idea that Crook County is free to substitute its own ideas about how much notice is enough, or that unless Crook County feels like sending notice to parties Crook County need not do so, is contrary to law.

The County is required by law to provide those entitled to notice with notice 20 days in advance of the hearing. At the first hearing, any party may make a request to leave the record open for at least 7 days and the request must be granted.

LandWatch repeats its request that Crook County reschedule the hearing so that the County can comply with the statutory 20 day notice requirement. This is a complex land use matter and LandWatch is entitled to the full 20 days' notice. Our mailing address is:

2843 NW Lolo Drive
Bend, Oregon 97703

Crook County has established a pattern and practice of disregarding the notice provisions of the land use laws and declining to abide by them even when requested to do so.

Best regards,
Carol

Le lun. 6 nov. 2023 à 14:58, Will VanVactor <Will.VanVactor@crookcountyor.gov> a écrit :
Hi Carol and Tami,

Thank you for reaching out.

We provide written notice of hearings to those entitled to such notice under statute and code. We also publish notice in the Central Oregonian. We direct others to check Oregon e-permitting. Additionally, the Planning Commission's website has agendas and calendars that make tracking applications easy.

While we do not believe our notice has prejudiced a party or anyone entitled to notice in this matter, per CCC 18.172.081(16), upon receiving party status (by testifying) at the initial hearing, a party can request a continuance. A party making such request is entitled to a continuance of the initial hearing. The earliest I can see a continued hearing being scheduled is the second week in December. Thus, there will be ample time to prepare for the continued hearing if such request is made at the Nov. 8 hearing.

We will enter both Carol's letter and Tami's email into the record.

Thank you.



Will Van Vactor, Director

Crook County Community Development

Phone 541.447.3211

Email will.vanvactor@crookcountyor.gov

300 NE 3rd Street, Prineville, Oregon 97754

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From: Tami MacLeod <tmacleod@lynchmurphy.com>

Sent: Monday, November 6, 2023 10:27 AM

To: John Eisler <John.Eisler@crookcountyor.gov>; Will VanVactor <Will.VanVactor@crookcountyor.gov>; Katie McDonald <Katie.McDonald@crookcountyor.gov>

Subject: RE: 217-21-001215-PLNG Hearing

Good morning –

I would like to add that I also never received notice on behalf of the Orrs. The Affidavit of Mailing indicates that they were mailed the notice directly, but I had specifically requested to be added to the list of parties to be notified back in August 2023 and did not receive anything. The only thing I received was an email in early October 2023 stating that I should check e-permitting but no mention of a hearing being scheduled or anything else.

If the County will be postponing the hearing, please advise when that decision is made.

Thank you,

Tami MacLeod
Lynch Murphy McLane LLP

Direct: 541.323.0174

----- Forwarded message -----

De : **Carol Macbeth** <carol@colw.org>

Date: ven. 3 nov. 2023 à 16:59

Subject: 217-21-001215-PLNG Hearing

To: John Eisler <John.Eisler@crookcountyor.gov>, Will VanVactor <Will.VanVactor@crookcountyor.gov>, Katie McDonald <Katie.McDonald@co.crook.or.us>

Attached please find a letter concerning lack of notice to Central Oregon LandWatch of the opportunity to participate in a hearing scheduled in the above matter.

Best regards,

Carol Macbeth

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Carol Macbeth (she/her)

Staff Attorney

Central Oregon LandWatch

On the ceded homelands of the Wasq'u (Wasco)

and Tana'nma (Warm Springs) people

Carol Macbeth (she/her)

Staff Attorney

Central Oregon LandWatch

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Carol Macbeth (she/her)

Staff Attorney

Central Oregon LandWatch

On the ceded homelands of the Wasq'u (Wasco)

and Tana'nma (Warm Springs) people

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