

Re: Continuance - 217-23-001215-PLNG [IWOV-PDX.FID4923157]

Will VanVactor <Will.VanVactor@crookcountyor.gov>

Tue 11/7/2023 2:22 PM

To: Smith, Adam <asmith@schwabe.com>

Cc: Oswald, Bailey M. <BMOswald@schwabe.com>; Greg Huston <ghkingranch1962@gmail.com>; John Eisler <John.Eisler@crookcountyor.gov>; Tami MacLeod (tmacleod@lynchmurphy.com) <tmacleod@lynchmurphy.com>; carol@colw.org <carol@colw.org>; Katie McDonald <Katie.McDonald@crookcountyor.gov>

Hi Adam,

Thank you for the email. Your request will be presented to the Planning Commission and the email will be included in the record.

Staff will likewise postpone the staff presentation until the continued hearing date. As you note, per CCC 18.172.081(16), anyone who wishes to testify may do so.

The continued hearing date will be decided by the Planning Commission, but staff will recommend that it be at least 20 days from 11/8/23.

Thanks again.



Will Van Vactor, Director

Crook County Community Development

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From: Smith, Adam <asmith@schwabe.com>

Sent: Tuesday, November 7, 2023 12:11 PM

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

Cc: Oswald, Bailey M. <BMOswald@schwabe.com>; Greg Huston <ghkingranch1962@gmail.com>; John Eisler <John.Eisler@crookcountyor.gov>; Tami MacLeod (tmacleod@lynchmurphy.com) <tmacleod@lynchmurphy.com>; carol@colw.org <carol@colw.org>

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Katie & Will,

As you know, our firm represents the Applicants in the above-referenced matter. In that capacity, we reviewed the new exhibits added to the record in advance of the Planning Commission's public hearing currently scheduled

for tomorrow, November 8, 2023. Those exhibits include correspondence between Carol Macbeth representing COLW (CCed) and Tami MacLeod representing the Orrs (CCed). Ms. Macbeth's correspondence complains that COLW did not receive 20-days advance written notice of the public hearing. Similarly, Ms. MacLeod complains that although her clients received notice, she did not individually receive notice as well. In response, Will Van Vactor's correspondence clarifies that the County provided notice of the upcoming hearing as specifically required by the CCC and state law.

As stated therein, our clients submitted their subject application as a means to find common ground and resolve a long-standing dispute with their neighbors, the Orrs. The Applicants additionally have the same interest in resolving any objections and concerns that may be levied by COLW. In that same interest of cooperation, the Applicants request a continuance of tomorrow's public hearing to enable County staff to provide a courtesy notice to both Ms. Macbeth (on behalf of COLW) and Ms. MacLeod. Although we are prepared to proceed with the hearing tomorrow night, the Applicants want to ensure that both Ms. Macbeth and Ms. MacLeod are provided the same opportunity to thereby ensure that the public hearing helps resolve this long-standing neighborhood dispute.

Please note that this request for a continuance is specifically being submitted pursuant to CCC 18.172.081(16)(a)(i) which states that "[p]rior to the date set for an initial hearing, an applicant shall receive a continuance upon any request." Notably, our client's request for a continuance is intended to also nullify COLW's argument in its November 3, 2023 letter that tomorrow's hearing must be "cancelled and rescheduled." Also pursuant to CCC 18.172.081(16)(a)(i), "[i]f a continuance request is made after the published or mailed notice has been provided by the county, the hearing authority shall take evidence at that scheduled hearing date from any party wishing to testify at that time after notifying those present of the continuance." Based on those two provisions in CCC 18.172.081(16)(a)(i), our understanding is that the Planning Commission is obliged to open the currently scheduled hearing tomorrow night, allow any members of the public to testify, and then continue that hearing to a date certain at which time we expect that Ms. Macbeth and Ms. MacLeod will be more prepared to participate.

The Applicants request that the hearing be continued to the earliest possible date that allows for courtesy notice to be provided to both Ms. Macbeth (on behalf of COLW) and Ms. MacLeod 20 days prior to the continued hearing. Please also note that the Applicant intends to postpone offering any testimony in this matter until the continued public hearing. Last, please pass this request on to the Planning Commission and include the correspondence in the record.

Thanks,
-Adam

Adam Smith
Shareholder
Pronouns: he, him, his
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11/7/23, 4:48 PM

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