

I. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to the county's website, <https://www.co.yamhill.or.us/content/board-commissioners-committees>, or call the Board of Commissioners' office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).
2. For questions regarding accessibility or to request an accommodation contact the Board of Commissioners' office at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at bocinfo@co.yamhill.or.us
3. Electronic versions of all meeting agendas and meeting information packets can be found at the county's website: <https://www.co.yamhill.or.us/meetings>

WRITTEN PUBLIC COMMENTS RECEIVED
PRIOR TO THE
BOARD OF COMMISSIONERS' SESSION
ON
THURSDAY, May 7, 2020
AT
10:00 A.M.

Questions, concerns or comments about these items can be directed
to staff or the Commissioners by contacting the Commissioners' office at

(503) 434-7501

OR

BOCINFO@co.yamhill.or.us

From: Lee Schrepel <lee@fruithillinc.com>
Sent: Friday, May 01, 2020 2:11 PM
To: Ken Friday; Planning; Casey Kulla; Mary Starrett; Rick Olson; BOC Info
Cc: Ken Huffer; Wendie Kellington; Sarah Mitchell
Subject: Public Hearing on Remand of Board Order 19-94 Yamhelas Westsider Trail

Importance: High

Follow Up Flag: Follow up

Flag Status: Flagged

[This email originated outside of Yamhill County]

Dear Commissioners,

As you discussed during your weekly session (and 'hearing') yesterday, April 30, creating the opportunity for one spokesperson for the 'farmers' to appear 'live' with you in the near future, you discussed the likelihood or probability of the attorney for the 'farmers', Wendie Kellington, being the speaker for the farmers. You also discussed how you could not select 'for' the farmers or 'direct' who that spokesperson would be.

Amidst your conversation, Ms. Kellington emailed your Counsel, Christian Boenisch, to tell him she has an unavoidable commitment on May 14. She even briefly explained to him the nature of the commitment. Observing your discussion on YouTube, it was clear to me what Mr. Boenisch had read and then related to you.

I do not speak 'for' all the farmers, but I do believe Ms. Kellington will be asked to continue to speak for them and to be present with you when the opportunity is offered. If I was the only 'farmer' involved, she would be my choice.

But, given that you chose to use the day she cannot be present to be that day to hear spokespeople, I have to wonder if you misunderstood Mr. Boenisch, or if you mistook what he said to refer to a different Thursday. I do not want to believe that you intentionally chose the day so the most likely spokesperson for the farmers could not be present.

You are not under pressure to complete remand proceedings until sometime in July, as was discussed during your session yesterday. It seems that a delay in favor of being more transparent and inclusive has no risk to your process. In my judgement, you should hope the farmers will offer a spokesperson who is most capable and qualified to speak to the matters at hand. You should hope the farmers send Ms. Kellington to represent them and you should be willing to 'pause' the process for a few days in order to make that possible.

The parties to this discussion, at this stage in the process, have each submitted extensive volumes of evidence and written testimony that is very pertinent to the remand from LUBA. Some of what the Applicant submitted was not even available or accessible for public review as of the end of the workday yesterday.

I know Ms. Kellington has communicated with you in writing subsequent to yesterday's meeting further explaining her conflicting commitment for May 14. She has suggested the process be delayed at least one more week to allow her to be involved as has been discussed.

I will appreciate your willingness to flex in favor of completing the record of this process in the best possible way. I think you have nothing to lose, whether you are the County or the Applicant, or both.

This matter is time-sensitive. I will appreciate being notified of your decision at the earliest possible time.

Lee

Lee Schrepel, **FRUITHILL, INC.**

6501 NE Hwy 240, Yamhill, OR 97148-8507

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Fax 503-662-4270

Email Lee@FruithillInc.com

www.FruithillInc.com

Email communitycantata@gmail.com

www.CantataChoir.org

"Quality Fruit For Generations!"

From: Lee Schrepel <lee@fruithillinc.com>
Sent: Friday, May 01, 2020 2:58 PM
To: Casey Kulla
Cc: Ken Friday; Planning; BOC Info
Subject: Public Hearing on Remand of Board Order 19-94 Yamhelas Westsider Trail

Importance: High

Follow Up Flag: Follow up

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I appreciate your response, Commissioner.

For your information, as of moments ago, Ms. Kellington has received no reaction from either Yamhill County Counsel or Planning.

It remains time-sensitive. Would you mind encouraging the staff to contact her this week to negotiate a suitable alternative to the plan-of-record per yesterday's session?

Thanks.

Lee

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On 5/1/2020 2:19 PM, Casey Kulla wrote:

Lee,

I connected Wendie with Planning Director and Counsel about this, right after we talked. Just an FYI (I just did not cc you).

From: Lee Schrepel <lee@fruithillinc.com>

Sent: Friday, May 1, 2020 2:11 PM

To: Ken Friday <fridayk@co.yamhill.or.us>; Planning <planning@co.yamhill.or.us>; Casey Kulla <kullac@co.yamhill.or.us>; Mary Starrett <starrettm@co.yamhill.or.us>; Rick Olson <olsonr@co.yamhill.or.us>; BOC Info <[cocinfo@co.yamhill.or.us](mailto:bocinfo@co.yamhill.or.us)>

Cc: Ken Huffer <hufferk@co.yamhill.or.us>; Wendie Kellington <wk@klgpc.com>; Sarah Mitchell <sm@klgpc.com>

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Importance: High

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"Quality Fruit For Generations!"

From: Lee Schrepel <lee@fruithillinc.com>
Sent: Monday, May 04, 2020 5:08 PM
To: Ken Friday; Planning; Christian Boenisch; BOC Info
Subject: EXTENSION for Public Hearing on Remand of Board Order 19-94 Yamhelas Westsider Trail

Importance: High

Follow Up Flag: Follow up

Flag Status: Flagged

[This email originated outside of Yamhill County]

Gentlemen,

From the way it appears, the 'BOC' cannot again 'continue' the above-referenced hearing until May 14. Am I correct?

So even if it might be your intent to recommend a further continuance, or perhaps the intent of a majority of the Commissioners (individually) to move further continuance, it cannot be said or done until May 14. Am I correct?

So all the interested players & parties must prepare for the May 14 date, even if we are successful in securing an extension to facilitate our spokesperson to be present. Am I correct?

Given that, during the BOC weekly session last Thursday, Ms. Kellington notified Mr. Boenisch, County Counsel, that she could not attend on May 14, with the BOC aware (as they discussed on the record) that she was a likely candidate to be spokesperson for the 'Petitioner Farmers', there is the appearance that the advisors to the BOC &/or the BOC chose to stack the situation against the Petitioners. Selection of May 14 was a very intentional action by the BOC.

If the BOC, or the advisors to the BOC, were aware that the spokesperson for the Applicant-County, Mr. Sadlo, could not be present, I very much doubt they would have chosen May 14 for the spokesmen-present hearing.

If the BOC hopes to change ordinances in order to dodge appropriate consideration of farm impacts, that is simply wrong! The answer to farm impact & conditional use permit impact standards that you cannot meet is not to change the standards! That would not at all address the problems & incompatibilities that have been accumulating for years in the record of this matter! If the standards now in place cannot be met, denial is the appropriate action.

This has the appearance of being malicious. It has the appearance of bias. It very strongly suggests insider-manipulation of your rules to benefit the Applicant-County.

It does not look good. I very strongly request that this matter be continued to such time as Ms. Kellington can be present. You have the opportunity every day to communicate & negotiate that with her.

Meanwhile, I suggest you consider meeting with the Petitioner Farmers to discuss a re-routing of the proposed trail.

Please bring this communication promptly to the attention of the BOC & make this email a part of the record in this matter.

Lee

Lee Schrepel, **FRUITHILL, INC.**

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From: Christian Boenisch
Sent: Thursday, May 07, 2020 7:30 AM
To: Ken Huffer; Keri Hinton; Carolina Rook; Ken Friday
Cc: Justin Hogue
Subject: FW: Date Change for Remand hearing

FYI, see below, this is being requested to be added to public comment for today's formal session.

Ken Friday, will you be sending Ben the standard no ex parte communication email?

Thanks,

Christian

Christian F. Boenisch
Yamhill County
County Counsel
(503) 434-7502
boenischc@co.yamhill.or.us

*****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.

From: Ben VanDyke <vandykeben@yahoo.com>
Sent: Thursday, May 7, 2020 6:39 AM
To: Planning <planning@co.yamhill.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>; Mary Starrett <starrettm@co.yamhill.or.us>; Rick Olson <olsonr@co.yamhill.or.us>; Casey Kulla <kullac@co.yamhill.or.us>
Subject: Date Change for Remand hearing

[This email originated outside of Yamhill County]

Commissioners, Ken and Christian,

I am requesting that at today's BOC you enter into the public comment area this request to change the final hearing date for the trail conditional use permit from the 14th of May until at least the 21st if not later. These are the following reasons

1. To allow Mrs. Killington to attend and represent our group
2. To allow additional time to process the applicants information that was only made available to us the evening before the meeting.
3. To review the record that was just posted on the county's web site a couple days ago, almost half a week past the submission timeline to the BOC.
4. Allow BOC to have adequate time to review the lengthy record.
5. May 14th is already a full meeting because of the proposed zoning changes in industrial zones.
6. It appears that the BOC did not have the proponents record in full (even though it was submitted on time) at the time the decision was made to hold the hearing on May 14th.

For all the reasons listed above, in a show of transparency, I think it would be prudent to push out the remand hearing date. I understand that this may not “formally” be done until the remand hearing is gaveled in on May 14th. However this does not preclude you from the discussion and decision to do so today so that we can all prepare.

Thanks for you time,
Ben VanDyke
15221 NW Westside Rd.
Yamhill, OR 97148

Sent from [Mail](#) for Windows 10

From: Ken Friday
Sent: Thursday, May 07, 2020 8:35 AM
To: Casey Kulla; Rick Olson; Mary Starrett
Cc: Christian Boenisch; Keri Hinton; Carolina Rook; Ken Huffer
Subject: FW: Request for delay in LUBA trail remand

From: C M <ryegrass.cm@gmail.com>
Sent: Thursday, May 7, 2020 8:31 AM
To: Ken Friday <fridayk@co.yamhill.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>
Subject: Request for delay in LUBA trail remand

Commissioners,

I would like to ask you to delay the LUBA remand hearing on May 14 until our legal representation can be present. This process has moved way past the lay persons ability to defend themselves. If the county's counsel was not available on that day you would certainly move the hearing to accommodate your representation. A one week delay will not change anything as far as timing goes and Mr. Friday has made that clear. This conundrum is an unintended consequence of having a closed door meeting that the public could not interact with the commission. Had that meeting been held when the public could attend a satisfactory date could have been achieved. Please offer the citizens of Yamhill County the same privileges that you would demand for yourself.

I would also like to get some clarification on my rights as a tax paying citizen of Yamhill county. If I understand correctly county counsel Christian Boenisch has told me that I **cannot** contact the county commissioners directly and that my emails or contact will need to flow through him. If this is correct why do I not have access to the commission but the applicant has unlimited access to the commission? This does not seem like a very fair process. I'm not sure that I am comfortable trusting the, if you will, "judges" counsel to make sure my emails get to the commission in a timely manner and intact. I would sure like the applicants emails to go to my counsel prior to getting disseminated to the commission. Could someone please clarify this issue for myself and other fellow citizens.

Please include this in the record and make sure this is sent to the commissioners prior to the May 14, 2020 meeting.

Thank you
Chris Mattson
Yamhill Oregon