

YAMHILL COUNTY BOARD OF COMMISSIONERS

A G E N D A - ACTION LIST

September 24, 2020 10:00 a.m. Formal/Informal Session
Call to order; flag salute.

Room 32, Courthouse
535 NE Fifth St.

Welcome! Due to COVID-19 and physical distancing requirements, attending the meeting is discouraged. The public can view the meeting via the YouTube link on the Yamhill County Meetings page. <https://www.co.yamhill.or.us/meetings>. See below for instructions regarding submitting general public comment or comments on agenda items.

A. CALL TO ORDER

B. FLAG SALUTE

C. PUBLIC COMMENT: *Due to COVID-19 and physical distancing requirements, anyone wishing to submit general public comment or comments related to a specific agenda item may do so in written format via email at bocinfo@co.yamhill.or.us or by mail at 535 NE Fifth St., McMinnville, OR 97128. Any comments received prior to the meeting will be shared with the Board of Commissioners and submitted to the record.*

D. WORK SESSION: This time is reserved for topics of discussion scheduled for the Commissioners in advance. If a work session is not needed, the balance of the meeting will begin at 10:00 a.m. – None.

E. CONSENT AGENDA:

1. Minutes

- a. **B.O. 20-323** - April 2, 2020, Formal/Informal session,
- b. **B.O. 20-324** - April 9, 2020, Formal/Informal session,
- c. **B.O. 20-325** - April 16, 2020, Formal/Informal session,
- d. **B.O. 20-326** - April 23, 2020, Formal/Informal session; and
- e. **B.O. 20-327** - April 30, 2020, Formal/Informal session.

F. OLD BUSINESS: None

G. OTHER BUSINESS (Add-ons and non-consent items):

1. **B.O. 20-328** - Consideration of approval of Service Element Prior Authorization (SEPA) #39047837 under agreement #157846 between Yamhill County Health and Human Services and the Department of Human Services (B.O. 19-221) decreasing the amount by \$5,329.59 for the financing of Community Developmental Disabilities Services, retroactive to July 1, 2019 through June 30, 2021.

2. **B.O. 20-329** - Consideration of approval of Amendment #1 to an agreement between Yamhill County Health and Human Services and the Dayton School District (B.O. 20-235) to provide behavioral health counseling services for the 2020-21 school year, not-to-exceed amount of \$98,346.11, effective October 2020 through May 2021.
3. **B.O. 20-330** - Consideration of approval of Amendment #13 to agreement #159833 between Yamhill County Health and Human Services and the Oregon Health Authority (B.O. 19-222) in the amount of \$117,397 for Public Health Services, effective October 1, 2020 through June 30, 2021.
4. **B.O. 20-331** - Consideration of approval of intergovernmental agreement #DCA-DSA-12059-2020 between Yamhill County, Clackamas County, Multnomah County and Washington County to share Oregon Public Health Epidemiologists' User System (ORPHEUS) data.
5. **B.O. 20-332** - Consideration of approval of purchasing Windows 10 Enterprise licenses from TechHeads in the amount of \$36,008 for the 2020-21 fiscal year.
6. **B.O. 20-333** - Consideration of approval of Amendment #3 to agreement #149597 between Health and Human Services and the Department of Human Services Vocational Rehabilitation for job placement services (B.O. 15-398) increasing the maximum not-to-exceed amount to \$1,300,000 and extending the agreement through March 31, 2021.
7. **B.O. 20-334** - Consideration of approval of a license agreement between Yamhill County and the City of McMinnville to place an elections drop-box at the McMinnville Public Library, effective once fully executed.
8. **B.O. 20-335** - Consideration of authorizing Yamhill County Health and Human Services to submit an application for grant funding to the Oregon Department of Veterans' Affairs (ODVA) for veterans' services in the amount of \$25,000.
9. **B.O. 20-336** - Consideration of authorizing Yamhill County Health and Human Services to submit an application for grant funding to the Oregon Health Authority, Oregon Immunization Program for supplemental flu funding in the amount of \$23,302.
10. **B.O. 20-337** - Consideration of the adoption of Resolution 20-09-24-1 proclaiming October 2, 2020 as National Manufacturing Day in Yamhill County.
11. **B.O. 20-338** - Consideration of extending the emergency declaration in Yamhill County as previously approved (B.O. 20-93) for 30 days, through October 30, 2020.

H. PUBLIC HEARINGS:

1. Consideration of Planning Docket #C-22-19/SDR-35-19 a conditional use permit request and site design review to operate a flour processing facility; on-site bakery as a commercial activity in conjunction with farm use from within an existing, to be remodeled, agricultural building (granary). Applicant: Bram Yoffie; Appellants: 1000 Friends of Oregon and Friends of Yamhill County. *[Tentatively approved; final written decision, conditions, and findings to be adopted October 8, 2020].*

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, September 24, 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

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE FOURTH STREET □ McMinnville, Oregon 97128

Phone:(503) 434-7516 □ Fax:(503)434-7544 □ TTY 1-800-735-2900 □ Internet Address: <http://www.co.yamhill.or.us/planning>

September 24, 2020

MEMORANDUM

To: Board of Commissioners and Interested Parties

From: Ken Friday, Planning Director

Re: **Response to Jenny Backstrand e-mail of Tuesday, September 22, 2020**

As the Board of Commissioners is aware, the request for a marijuana processing facility on Jaquith Road was recently affirmed by the Land Use Board of Appeals (LUBA). The LUBA decision has been appealed to the Court of appeals by Jill Anderson, so this decision is still in litigation.

In her e-mail Ms. Backstrand states that she wants to have Yamhill County adopt Time, Place and Manner restrictions. However, that is not what is requested. Her first proposal is for "NO processing on EFU land. It is too dangerous for the residents." The processing of farm crops is a permitted use listed under ORS 215.283(1)(r). This restriction would require a legislative change to the statute as the Oregon Supreme Court has ruled in *Brentmar v. Jackson County* that counties are not allowed to be more restrictive than adopted state law. The Oregon Supreme Court stated: "In conclusion, under ORS 215.213(1) and 215.283(1), a county may not enact or apply legislative criteria of its own that supplement those found in ORS 215.213(1) and 215.283(1)." Therefore, the County does not have the authority to outright prohibit this use. Such a prohibition would need approval by the Oregon Legislature.

I also note in the e-mail that Ms. Backstrand believes our office purposely mishandled the application. What she has characterized is not accurate. Our building permit and land use records are open for inspection and I can provide those to the Board or the public upon request. I also should note that before this application will be granted final approval, it will have been reviewed by the Planning Commission, Board of Commissioners, Land use Board of Appeals and the Court of Appeals.

Lastly, and I do not relish saying this, I want to note that false accusations appear to be a tactic of Ms. Backstrand to embarrass, bully and intimidate. I have attached three e-mails Ms. Backstrand has sent me when decisions on the applications do not go the way she desires. I have noted where the application was in the process when the e-mails were received. I would comment further, but I believe her e-mails speak for themselves.

OFFENSIVE E-MAILS FROM JENNY BACKSTRAND

The following was sent after the Board of Commissioners voted to approve the request with the 19 conditions of approval.

From: Jenny Backstrand <kiddlekrazy@gmail.com>
Sent: Saturday, January 18, 2020 11:18 AM
To: Ken Friday <fridayk@co.yamhill.or.us>
Subject: Re: My husbands letter was not scanned in correctly at the County SDR-28-19

YOU deserve to be fired. YOU threw away my husband's letter, TWICE! On 2 different days! YOU put the FU in EFU. YOU are despicable and corrupt to the core. I hope you are visiting the Refinery when it blows up in the "ag building" garage with no engineered snow load or wind side load roofs with machines that aren't designed for ETHANOL. Letting them operate 24 hours a day, every day. You are the most despicable person at that County and that's saying A LOT because you're all crooked and probably getting \$\$ for "all your hard work for WAG". I hope karma finds you and you pay for what you've done, FU 😈 Ken Friday, you are evil. 🖐️🖐️🖐️🖐️🖐️🖐️🖐️🖐️🖐️🖐️🖐️

The following two e-mails were sent after the Land Use Board of Appeals decided to Affirm the decision.

From: Jenny Backstrand <kiddlekrazy@gmail.com>
Sent: Friday, August 21, 2020 1:34 AM
To: Ken Friday <fridayk@co.yamhill.or.us>
Subject: What goes around, comes around

SHAME ON YOU, you POS..... Can't wait until Karma catches up with you someday.....

--
Jenny :)

And the second:

From: Jenny Backstrand <kiddlekrazy@gmail.com>
Sent: Friday, August 28, 2020 11:47 AM
To: Ken Friday <fridayk@co.yamhill.or.us>
Subject: Hmmmmm.....????

Hey jerk, Is it true that you paid your property taxes in cash???? Just wondering how you spent your windfall ????? ...karma's a bitch.....