

From: [Christian Boenisch](#)
To: [Zeigler Samuel B](#); [Todd Sadlo](#)
Cc: [Posegate Stacy C](#)
Subject: RE: April 30 Remand Hearing
Date: Wednesday, May 20, 2020 10:51:02 AM

I would not be available at 10:00, I have union bargaining all day on Friday starting at 9:00am. However, I think you can proceed with the meeting, Todd can update me afterwards.

Thanks,

Christian

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

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From: Zeigler Samuel B <Samuel.B.Zeigler@doj.state.or.us>
Sent: Wednesday, May 20, 2020 10:49 AM
To: Todd Sadlo <sadlot@co.yamhill.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>
Cc: Posegate Stacy C <Stacy.C.Posegate@doj.state.or.us>
Subject: RE: April 30 Remand Hearing

[This email originated outside of Yamhill County]

Thanks, I'll circulate a Teams invite for 10 am Friday in that case. We look forward to talking then.

Sam

Sam Zeigler
Oregon Department of Justice

503.947.4487 (Mon., Tues., Thur.)
971.673.1982 (Wed., Fri.)

From: Todd Sadlo <sadlot@co.yamhill.or.us>
Sent: Wednesday, May 20, 2020 9:35 AM
To: Zeigler Samuel B <Samuel.B.Zeigler@doj.state.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>
Cc: Posegate Stacy C <Stacy.C.Posegate@doj.state.or.us>
Subject: Re: April 30 Remand Hearing

Sam,

I am generally available, for a Team or other meeting, including on Friday.

Todd Sadlo

From: Zeigler Samuel B <Samuel.B.Zeigler@doj.state.or.us>
Sent: Tuesday, May 19, 2020 4:42 PM
To: Todd Sadlo <sadlot@co.yamhill.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>
Cc: Posegate Stacy C <Stacy.C.Posegate@doj.state.or.us>
Subject: RE: April 30 Remand Hearing

[This email originated outside of Yamhill County]

Gentlemen, we're reaching out to see if there's a good time this week for us to do a call or, better yet, Teams meeting. We understand that you all may be under some BOC deadlines at the moment, so Friday works if that's better on your end. Just let us know your availability and we'll set it up.

Thanks,

Sam

Sam Zeigler

Oregon Department of Justice
503.947.4487 (Mon., Tues., Thur.)
971.673.1982 (Wed., Fri.)

From: Todd Sadlo <sadlot@co.yamhill.or.us>
Sent: Wednesday, April 29, 2020 9:42 AM
To: Posegate Stacy C <Stacy.C.Posegate@doj.state.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>
Cc: ZEIGLER Samuel B <Samuel.B.ZEIGLER@state.or.us>

Subject: Re: April 30 Remand Hearing

Thank you Stacy. I'll send you a PDF of what we submit.

Todd Sadlo

From: Posegate Stacy C <Stacy.C.Posegate@doj.state.or.us>
Sent: Wednesday, April 29, 2020 8:11 AM
To: Todd Sadlo <sadlot@co.yamhill.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>
Cc: ZEIGLER Samuel B <Samuel.B.ZEIGLER@state.or.us>
Subject: RE: April 30 Remand Hearing

[This email originated outside of Yamhill County]

Thanks Todd and good luck.

Stacy C. Posegate

Sr. Asst. Atty General | Government Services Section | General Counsel Division
503.947.4542 cel 971-718-7950

From: Todd Sadlo <sadlot@co.yamhill.or.us>
Sent: Tuesday, April 28, 2020 4:20 PM
To: Posegate Stacy C <Stacy.C.Posegate@doj.state.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>
Cc: ZEIGLER Samuel B <Samuel.B.ZEIGLER@state.or.us>
Subject: RE: April 30 Remand Hearing

Thursday is the deadline for written testimony. I'm hoping for a two week period for all rebuttal, and a much shorter period for my final word (as the applicant), review of all testimony received, and a decision, hopefully before the end of May. That would once again approve the bridge, mooting the stay.

I may also file a motion to lift the stay. We are not affecting any regulated wetlands and/or regulated habitat, and I have proof. Also, LUBA has made a decision that misconstrues applicable law in finding that there is an obligation of a property owner to accommodate, on land owned by the property owner, a pesticide spray buffer of a neighboring spray operator, without the consent of the property owner. The county has a right to be on its property even if it is not constructing a bridge, and cannot be compelled to vacate its own property to accommodate a neighboring spray operator. Ben Van Dyke should be managing his farm to contain all of his label-required spray buffers on his own property, unless he obtains the consent from his neighbor to do otherwise (after all, it is Gramoxone, (containing paraquat), which EPA started to ban last year and then w/drew the reg. There are less deadly alternatives available that have less severe buffer requirements).

ts

From: Posegate Stacy C <Stacy.C.Posegate@doj.state.or.us>
Sent: Tuesday, April 28, 2020 2:09 PM
To: Todd Sadlo <sadlot@co.yamhill.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>
Cc: ZEIGLER Samuel B <Samuel.B.ZEIGLER@state.or.us>
Subject: RE: April 30 Remand Hearing

[This email originated outside of Yamhill County]

Hi Todd,

Thanks for the info on getting into the meeting.

I didn't realize that tomorrow was just a deadline. Will there be any discussion? Is there going to be another meeting to set to make a decision on the CUP?

Stacy C. Posegate

Sr. Asst. Atty General | Government Services Section | General Counsel Division
503.947.4542 cel 971-718-7950

From: Todd Sadlo <sadlot@co.yamhill.or.us>
Sent: Tuesday, April 28, 2020 1:47 PM
To: Posegate Stacy C <Stacy.C.Posegate@doj.state.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>
Cc: ZEIGLER Samuel B <Samuel.B.ZEIGLER@state.or.us>
Subject: Re: April 30 Remand Hearing

Stacy,

The county's website, co.yamhill.or.us, has a green button labeled "Meetings." You should see a chart with all of the meetings. The line with the April 30 Board formal session should have an icon for the youtube streaming meeting. Be aware that the meeting is just a deadline for written submittals.

In the meantime, if you need any additional information regarding the stay or the remand, please feel free to call me at 503-804-4535. It is my personal cell, which has become a work cell for my home office.

Todd Sadlo

From: Posegate Stacy C <Stacy.C.Posegate@doj.state.or.us>
Sent: Tuesday, April 28, 2020 11:58 AM
To: Christian Boenisch <boenischc@co.yamhill.or.us>; Todd Sadlo <sadlot@co.yamhill.or.us>

Cc: ZEIGLER Samuel B <Samuel.B.ZEIGLER@state.or.us>

Subject: April 30 Remand Hearing

[This email originated outside of Yamhill County]

Dear Christian and Todd,

If you have your staff report ready for the April 30 hearing, would you mind sharing that with us so we have an idea what to expect from the hearing. I was able to pull the agenda and Board packet from the County's website.

Also, if ODOT wants to have a representative listen in, is that possible?

Thanks,

Stacy C. Posegate

Department of Justice

Sr. Asst. Atty General | Government Services Section | General Counsel Division

1162 Court Street, NE, Salem, OR 97301

503.947.4542 cel 971-718-7950

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