

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE 4th STREET ! McMinnville, Oregon 97128

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

MEMORANDUM

Date: December 8, 2023

To: Board of Commissioners
Ken Huffer, County Administrator

From: Ken Friday, Planning Director

Re: Reappointment of Brett Veatch to the Planning Commission

On October 19, 2023, the Board of Commissioners reviewed the request for the reappointment of planning commissioner Brett Veatch. There were concerns about the number of absences of Mr. Veatch so, after discussion, the Board of Commissioners passed **Board Order 23-391** which states, "Consideration of approval to refer the matter of reappointment of Brett Veatch back to the Planning Commission." The Planning Commission discussed this issue at their November 2, 2023, hearing and passed the following motion:

Mark Gaibler motioned to reappoint Brett with the understanding that the Planning Commission will start tracking absences. Matt Dunckel seconded. Motion passed 4-2; Paulette Alexandria and Steve Belt voting no. (Brett Veatch abstained).

The minutes of the November 2, 2023, Planning Commission hearing are attached. Also attached is the memo that went to the Planning Commission which included Chair Berschauer's October 19, 2023, e-mail and the Planning Commission Bylaws.

Please let me know if you have any questions.

Accepted by Yamhill County
Board of Commissioners on
12/14/23 by Board Order
23-447

Planning Commission Minutes from November 2, 2023

B.O. 23-447
Exhibit "A"

YAMHILL COUNTY PLANNING COMMISSION

Thursday, November 2, 2023 - 7:00 p.m.

Yamhill County Courthouse, Room 32

535 NE Fifth Street

McMinnville, Oregon 97128

Roll Call: Mark Gaibler, Paulette Alexandria, Matt Dunckel, John Abrams; Christy Cooke; Steve Belt; Brett Veatch **Absent:** Alan Halstead, Craig Brown **Staff:** Ken Friday, Lance Woods, Stephanie Curran

Chair John Abrams opened the public hearing.

Approval of minutes from October 5, 2023, hearing. Mark motioned to approve as is, Christy seconded. Motion passed 7-0.

B.O. 23-391 Consideration of approval to refer the matter of the reappointment of Brett Veatch back to the Planning Commission.

Brett Veatch: I want to thank the staff and Commission members. I will break this down to why and what next. Absences started around covid, I tried to limit face to face as much as possible. At the same time, we had technical issues with zoom, etc. Where I live, I do not get good connectivity, so I wasn't able to participate. Shortly after, my employment expanded from Oregon to both Washington and Idaho. I was on the road I was in places without much connectivity. Also, I've skipped meetings when there has been a conflict of interest. Until last week, I was not aware there was an attendance requirement. If it would have been brought to my attention, I would have mitigated this. Moving forward, I enjoy serving on this committee, and I like giving back to my community. I've got the issue with my remote travel down, as of Jan 1, my travel will be limited as we have the outlying states covered. So, I will be available and in town for meetings. We also have added antennas at home and have much better digital connectivity. Also, now I am aware of the attendance requirement. I would like to continue my service, but if this that turns out not to be the case, I want to thank everybody.

Questions

John: I've known Brett for long time and consider him a friend. I think it is beneficial to have someone from real estate on this board.

Steve: What was your expectation of attendance at the time?

Brett: I don't think I had an expectation. This has all transpired since covid and the new job duties.

Kit Johnson: This came up because the chair of BOC brought this up. My position is, we as the Planning Dept asked if he wanted to be reappointed. I thought it was a done deal, but then his absences were brought up. It was after the reappointment was offered; chair had a problem with absences. My opinion is that as long as you address the underlying issue of absences from here on, then I would be ok with a reappointment of Brett and then we can take it from there.

Ken Friday: In reading the bylaws it talks about excused absence. This is considered that the commissioner notifies the chair 24 hours prior to the meeting. We have never done this, which is why Brett was probably unaware of this requirement. We should probably do this going forward.

John: That clarifies things. I kind of look at this as an educational session. It is our job to make recommendations, not to appoint anyone.

Matt: I was wondering if your absences had to do with conflicts of interest. I think you are a benefit overall to the committee.

Brett: I would say a small part of the absences were due to conflict of interest.

Christy: I called Brett earlier this week to see if he still wants to be on the board. Everybody has a busy year now and then. I think know that we all know the rules we move on from here. I would like to keep him on the board.

Steve Belt went through the list of absences listed in the e-mail from Commissioner Berschauer.

Kit: I agreed there were a lot of absences, but when I was on the Planning Commission, I was unaware of the requirements on absences in the Bylaws. The Board of Commissioners would like a recommendation, which is why we remanded back to the Planning Commission. For me, you've addressed the absences.

Motion and vote:

Mark Gaibler motioned to reappoint Brett with the understanding that the Planning Commission will start tracking absences. Matt Dunckel seconded. Motion passed 4-2; Paulette Alexandria and Steve Belt voting no. (Brett Veatch abstained).

KF: From here on out, if you do not let us know the day before the meeting, it will be considered an unexcused absence.

Secretary will now email PC members for quorum on Tuesdays before meetings to track absences.

Hearing Adjourned: 7:45 PM

Memo for the November 2, 2023 Planning Commission

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE 4th STREET ! McMinnville, OREGON 97128

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

MEMORANDUM

Date: October 27, 2023

To: Planning Commission

From: Ken Friday, Planning Director

Re: Reappointment of Brett Veatch to the Planning Commission

On October 19, 2023, the Board of Commissioners reviewed the request for the reappointment of planning commissioners, Brett Veatch, and Alan Halstead. They voted to reappoint Alan Halstead but decided to send the issue of reappointing Brett Veatch back to the Planning Commission. After discussion the Board of Commissioners passed **Board Order 23-391** which states, "Consideration of approval to refer the matter of reappointment of Brett Veatch back to the Planning Commission." The minutes of the October 19, 2023, Board hearing have not yet been approved, but you can watch the hearing and their discussion on the Board's YouTube channel at:

<https://www.youtube.com/watch?v=cxvKcz1orj8>

The Board starts talking about the reappointment issue around minute 38:00 of the video. In addition, Commissioner Berschauer sent the attached e-mail detailing Mr. Veatch's absences from the Planning Commission hearings and her opposition to his reappointment. Also attached are the Planning Commission Bylaws.

Please let me know if you have any questions.

Ken Friday

Subject: FW: 11/2 Planning Commission Meeting

From: Lindsay Berschauer <berschauerl@co.yamhill.or.us>
Sent: Thursday, October 19, 2023 2:14 PM
To: Ken Friday <fridayk@co.yamhill.or.us>
Cc: Ken Huffer <hufferk@co.yamhill.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>
Subject: 11/2 Planning Commission Meeting

Director Friday,

Please include this information/memo in the packet for the 11/2 PC Meeting.

Administrator Huffer,

Please share this information as an FYI with my colleagues.

10/19/23

On today's BOC agenda was the consideration of reappointment of Planning Commission members Alan Halstead and Brett Veatch. The Board unanimously approved the reappointment of Alan Halstead. While considering the reappointment of Brett Veatch, Commissioner Berschauer expressed concern over Mr. Veatch's attendance levels. After much discussion, Commissioner Johnston asked that the consideration of reappointment of Brett Veatch be sent back to the Planning Commission for them to weigh in.

Upon review of the Planning Commission's meeting minutes and audio recordings dating back to December of 2021, Mr. Veatch's attendance record is as follows:

Dec 2021 ABSENT
Jan 2022 ABSENT
Feb 2022 ABSENT
Mar 2022 No Record
Apr 2022 PRESENT
May 2022 No Record
June 2022 No Record
July 2022 ABSENT
Aug 2022 No Record
Sept 2022 ABSENT
Oct 2022 PRESENT
Nov 2022 ABSENT
Dec 2022 ABSENT
Jan 2023 ABSENT
Feb 2023 ABSENT
Mar 2023 ABSENT

Apr 2023 No Record
May 2023 PRESENT
Jun 2023 PRESENT
July 2023 PRESENT
Aug 2023 PRESENT
Sept 2023 ABSENT
Oct 2023 ABSENT

Of the 18 meetings that we have record of since December of 2021, Mr. Veatch has missed 12 of them, constituting a 66.6% absentee rate.

The Planning Commission's Bylaws state that 3 consecutive absences constitute non-performance. Mr. Veatch had 3 consecutive absences from Dec. 2021-Feb. 2022. Mr. Veatch also had 5 consecutive absences from Nov. 2022-March 2023.

The Bylaws also state that missing over 50% of meetings in a calendar year also constitutes non-performance. Mr. Veatch missed 6 of the 8 meetings of record in 2022, a 75% absentee rate. Mr. Veatch has also missed 5 of the 9 meetings of record in 2023, constituting a 55.5% absentee rate.

Commissioner Berschauer believes that it is imperative that we have a full planning commission board that is in compliance with the Bylaws due to the critical function of this committee. Respectfully, Commissioner Berschauer does not support the reappointment of Brett Veatch.

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BY-LAWS PLANNING COMMISSION

PLANNING COMMISSION BY-LAWS

YAMHILL COUNTY

Oregon



DEPARTMENT OF PLANNING &
DEVELOPMENT

RULES TO GOVERN THE CONDUCT OF BUSINESS OF THE YAMHILL COUNTY PLANNING COMMISSION

Pursuant to the provisions of ORS 215.040(4), the following rules were adopted at a meeting of the Yamhill County Board of Commissioners on August 27, 1980.

Amended December 17, 1980

ARTICLE I. AUTHORITY

The Yamhill County Planning Commission was created by an unnumbered Yamhill County Ordinance on November 6, 1957, in accordance with ORS 215.020.

ARTICLE II. MEMBERSHIP

1. The County Planning Commission shall consist of nine (9) members appointed by the County Board of Commissioners for four-year terms, or until their respective successors are appointed and qualified.
2. Any vacancy shall be filled by the County Board of Commissioners who may after hearing remove any member for misconduct or non-performance of duty. Unexcused absences from three (3) consecutive meetings, including regular and special work sessions, or unexcused absences from more than fifty percent (50%) of such meetings held during a calendar year constitutes nonperformance. An excused absence may be obtained by contacting the Chairman of the Planning Commission or the Planning Director, who shall communicate the request to the Chairman, at least twenty-four (24) hours prior to any scheduled Planning Commission meeting. No member of the Planning Commission may be excused from more than three (3) regular Planning Commission meetings during any calendar year.
3. Members of the Commission shall serve without compensation other than reimbursement for duly authorized expenses.
4. The Commission shall make recommendations to the County Board of Commissioners for appointing members to the Planning Commission. In considering new members the Commission shall strive for geographic balance. Three (3) members shall reside within the corporate limits of a city, five (5) members shall reside within the unincorporated areas of the County; and one (1) member may reside in either. No more than two (2) members shall be engaged in any facet of real estate, nor engaged in the same kind of business, trade or profession.

ARTICLE III. ORGANIZATION

1. The County Planning Commission shall elect a chairman and a vice chairman whose terms shall be for one year. The Commission shall elect a chairman and vice chairman, by ballot, during each December. The Commission members shall forward their ballots to the Secretary of the Planning Commission no later than the 31st day of December of each year. Said Secretary shall tabulate the results and inform the Commission at its first meeting in January each year. The newly elected officers shall assume office at the first meeting in January, and their terms shall commence on January 1 of said year and shall end on the 31st day of December in the year in which they took office.

The Planning Commission may also create and fill such other offices, for such terms as it may deem appropriate.

2. The Chairman of the Planning Commission shall be the presiding officer at all Planning Commission meetings. He is authorized to sign all documents for the Commission.
3. The Vice-Chairman shall be the presiding officer in the absence of the Chairman.
4. The Planning Director shall be requested to serve as Secretary to the Commission and shall keep an accurate, permanent and complete record of all proceedings of the Commission.
5. The Secretary to the Commission shall be responsible for the preparation of Commission minutes.
6. Subject to the direction of the Board of Commissioners, the Planning Director shall be requested to perform the following duties:
 - a. Conduct all correspondence of the Commission, send out all notices required by law or ordinance, attend all meetings and hearings of the Commission unless excused by the Chairman, keep the dockets and minutes of the Commission's proceedings, compile all required records, and maintain the necessary files and indexes.
 - b. Enter in the record the number of appeals or applications, the name of the appellant or applicant, a short description by street number and/or legal description of the premises, the nature of the appeal or application, and the final disposition after the case has been disposed of.
 - c. Enter in the record all continuances, postponements, date of sending notices, and other steps taken or acts don

- c. Enter in the record all continuances, postponements, date of sending notices, and other steps taken or acts done by the Commission or its officers on behalf of the Commission.
 - d. Enter in the minutes the decision relating to each case acted on by the Commission together with the vote of each member of the Commission, those absent or failing to vote being so marked, together with all other actions of the Commission.
 - e. Prepare the agenda for all meetings.
 - f. Coordinate functions with other departments, agencies and officers of the County that are related to planning for the use of lands within the County.
7. The Planning Commission may establish such committees or subcommittees as it deems advisable and assign each committee specific duties or functions. The Chairman shall designate the members of each committee, and shall name the chairman of each committee. The Planning Commission may designate both the chairman and the members by majority vote.

ARTICLE IV. MEETINGS

1. All Planning Commission meetings shall be open to the public.
2. The Planning Commission shall hold public hearings at such times and places as it deems necessary and appropriate, provided that the Planning Commission shall hold a public meeting at least once a month.
3. Special meetings may be held provided each member is notified at least three (3) days in advance. Where three-day notice is not given, eight (8) members shall constitute a quorum.
4. A quorum shall consist of five (5) members of the Commission. Should there not be a quorum present, the members present shall adjourn to the next regular meeting or an earlier date. In case of the absence of both the Chairman and the Vice-Chairman at any meeting, a quorum being present, the office of both or either of them shall be filled pro tem from the members present and the business shall be transacted as if the regular officers were present.
5. The presiding officer of the Commission may limit the time during which persons appearing before the Commission may speak, provided that the minimum limit shall not be less than one (1) minute per person and that said officer shall announce the time limit prior to opening the meeting to the particular items on the agenda to which the time limit applies.

6. The order of business at all meetings shall be as follows:
 - a. Except as provided in subsection (b) hereunder, the order of business shall be as follows:
 - i. Roll Call;
 - ii. Approval of minutes of previous meeting if correction approval is necessary.
 - iii. Communications from the County Board of Commissioners;
 - iv. Public hearings on:
 - (1) Variances;
 - (2) Conditional use permits;
 - (3) Road names;
 - (4) Zone Changes;
 - (5) General.
 - v. Adjournment.
 - b. The Secretary (Planning Director) may, in the preparation of agendas, alter the order of business as designated in subsection (a) (iv) above to better serve the convenience of applicants, officials of agencies who are called upon to testify, and the general public. Reasons for altering the order of business may include lengthy agendas, the need to call upon special or expert testimony, conflicts with other public meetings, special circumstances unique to a particular agenda item, or other conditions which in the opinion of the Secretary warrant the alteration of the order of business.
 - c. No item of business shall be considered unless it appears on the agenda sent to each member by the Secretary.
7. When the Planning Commission considers docket items within one (1) mile of any incorporated area or when the Planning Director considers the docket item to be of critical interest to that city, the chairman of that city's planning body, or his representative, shall be invited to participate in the Planning Commission's deliberations. He shall have all the privileges of Commission members with the exception of making motions, seconding motions, and voting.

8. Minutes of any meeting of the Planning Commission shall be automatically approved if no corrections are noted and reported to the Planning Department staff within seven (7) days of the date the minutes are mailed. If corrections or clarifications are requested, approval of the Minutes shall be an order of business at the next Planning Commission meeting.

ARTICLE V. VOTING

1. Voting on all docket items shall be by roll call. Votes on all procedural items shall be by voice vote or by a show of hands.
2. Each voting member of the Commission shall be entitled to vote at all regular and special meetings of the Commission, except member shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: The member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken. If a member wishes to abstain in a situation where there is no direct pecuniary conflict of interest but a conflict deriving from his relationship with the person involved, he may ask the Commission whether he may abstain. If the Commission says "no," he must vote. This provision is intended to relate to close relatives and to professional relationships as well as to friendships.
3. The Chairman of the Commission or the presiding officer, if another Commission member presides, shall vote with the other Commissioners in the transaction of any business and on all matters coming before the Commission.
4. When a matter is called for a vote, the presiding officer shall, before a vote is taken, state the question before the Planning Commission in exact terms and shall announce the decision of the Planning Commission after each vote.
5. The affirmative vote of at least five (5) members shall be required to pass a Resolution which would constitute a recommendation to the Yamhill County Board of Commissioners to adopt or amend any comprehensive plan prepared under ORS 215.050.
6. The affirmative vote of at least five (5) members shall be required to pass a resolution which would constitute a recommendation to the County Board of Commissioners on any proposed adoption or amendment of any zoning ordinance prepared under ORS 215.104 or 215.110.

ARTICLE VI. PARLIAMENTARY AUTHORITY

In cases not provided for by these rules, the Commission shall be governed by the law and practices laid down in the latest edition of Roberts' Rules of Order Revised.

ARTICLE VII. AMENDMENTS AND SUSPENSION OF BYLAWS

No rule shall be suspended without the concurrence of two-thirds of the members present. No additional rule or amendment shall be made without the concurrence of the Board of Commissioners, and no additional rule or amendment shall be made by the Board of Commissioners without giving at least thirty (30) days notice to the members of the Planning Commission.

APPROVED:

By: DAVE BISHOP
Dave Bishop, Secretary
Yamhill County Planning
Commission

Charles Heckman
Chuck Heckman, Chairman
Yamhill County Planning
Commission

August 27, 1980
Date

ADOPTED BY: YAMHILL COUNTY BOARD OF COMMISSIONERS

Ted Logunyszynski
John P. Macaulay
Colin Armstrong

August 27, 1980
Date

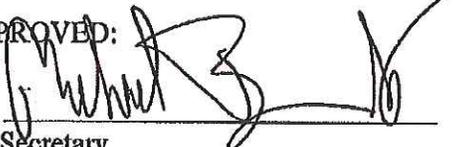
RULES TO GOVERN THE CONDUCT OF
BUSINESS OF THE YAMHILL COUNTY PLANNING COMMISSION
AMENDMENT

Article II, "Membership", §4, is amended to read as follows:

- "4. The Commission shall make recommendations to the County Board of Commissioners for appointing members to the Planning Commission. In considering new members the Commission shall strive for geographic balance. Two (2) members shall reside within the corporate limits of a city, five (5) members shall reside within the unincorporated areas of the county. No more than two (2) members shall be engaged in any facet of real estate, nor engaged in the same kind of business, trade, or profession."

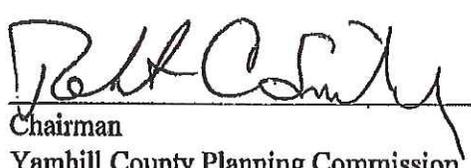
All other provisions adopted to govern the conduct of business on August 27, 1980, and as amended December 17, 1980, remain in full force and effect.

APPROVED:

By: 

Secretary

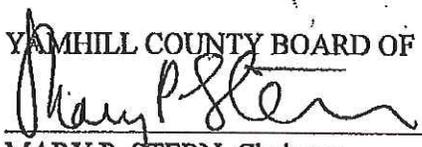
Yamhill County Planning Commission

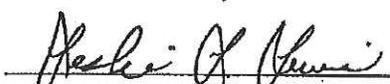

Chairman
Yamhill County Planning Commission

Date: 7-25-05

ADOPTED BY:

YAMHILL COUNTY BOARD OF COMMISSIONERS


MARY P. STERN, Chairman


LESLIE LEWIS, Commissioner


KATHY GEORGE, Commissioner

Date: 7/27/05

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B.O. 05-633

B.O. 23-447
Exhibit "A"