



**Board of Commissioners**

Office: (541) 766-6800

Fax: (541) 766-6893

4500 SW Research Way

Corvallis, OR 97333

co.benton.or.us

## AGENDA **REV1**

*(Chair May Alter the Agenda)*

### BENTON COUNTY BOARD OF COMMISSIONERS

**Tuesday, September 5, 2023, 9 AM**

#### How to Participate in the Board of Commissioners Meeting

In-Person	Zoom Video	Zoom Phone Audio	Facebook LiveStream
Kalapuya Building 4500 Research Way Corvallis, OR	<a href="#"><u>Click for Zoom link</u></a>	Dial 1(253) 215-8782	<a href="#"><u>Click for Facebook LiveStream link</u></a>
	Zoom Meeting ID: 857 1126 3008		
	Zoom Passcode: 469385		

#### 1. Opening

- 1.1 Call to Order
- 1.2 Introductions
- 1.3 Announcements

#### 2. Review and Approve Agenda

#### 3. Comments from the Public

*Time restrictions may be imposed on public comment, dependent on the business before the Board of Commissioners. Individual comment may be limited to three minutes.*

#### 4. Departmental Requests

- 4.1 90 minutes – Capital Improvement Program and American Rescue Plan Act Funds Discussion – Rick Crager, Interim County Administrator; Gary Stockhoff, Paul Wallsinger, Public Works; Sheriff Jef Van Arsdall, Bryan Lee, Sheriff's Office; Damien Sands, April Holland, Health; Debbie Sessions, Financial Services

#### 5. Work Session

- 5.1 40 minutes – Update from Corvallis-Benton County Economic Development Office – Jerry Sorte, Christopher Jacobs; Corvallis-Benton County Economic Development Office

**The Board may take a brief recess between the Work Session and Business Meeting**

*The Board of Commissioners may call an executive session when necessary pursuant to ORS 192.660. The Board is not required to provide advance notice of an executive session. However, every effort will be made to give notice of an executive session. If an executive session is the only item on the agenda for the Board meeting, notice shall be given as for all public meetings (ORS 192.640(2)) and the notice shall state the specific reason for the executive session as required by ORS 192.660.*

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the Board of Commissioners Office, (541) 766-6800.

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**BUSINESS MEETING**

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**6. Consent Calendar**

- 6.1 Appointment to the Corvallis-Benton Economic Development Coalition, Order D2023-069: Todd Nystrom
- 6.2 Approval of the August 15, 2023 Board Meeting Minutes
- 6.3 Approval of the August 1, 2023 Board Meeting Minutes
- 6.4 Approval of the June 27, 2023 Planning Commission Meeting Minutes
- 6.5 Approval of the July 19, 2022 Special Board Meeting Minutes

**7. Proclamations**

- 7.1 In the Matter of Proclaiming September as National Preparedness Month, Proclamation P2023-014 – *Bryan Lee, Sheriff's Office*
- 7.2 In the Matter of Proclaiming September 17, 2023, as Constitution Day in Benton County, Proclamation P2023-015 – *Chair Board Pat Malone*

**Public Hearings**

**Hearings are heard at 11:00 AM, time certain or as soon thereafter as the matter may be heard.**

*Those wishing to speak should sign the "Public Comment" sign-in sheet – Thank you.*

- PH 1 15 minutes – In the Matter of a Public Hearing Regarding the Vacation of a Portion of North 20<sup>th</sup> Place, County Road No. 26632, Resolution No. 2023-070 – *Joe Mardis, Public Works*
- PH 2 15 minutes – In the Matter of Amending the Benton County Comprehensive Plan and Zoning Map, Regarding the Adair Village Urban Growth Boundary, Ordinance 2023-0320 – *Pat Depa, Community Development; Pat Hare, Adair Village City Administrator*

**9. New Business**

- 9.1 5 minutes – Letter of Support for Alsea Community Effort and Hope Grange – *Commissioner Augerot*
- 9.2 5 minutes – Recognition of Service: Pat Depa, Community Development – *Board of Commissioners*

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## 10. Old Business

- 10.1 30 minutes – Sustainable Materials Management Plan: Final Draft Request for Proposals (RFP) and Recommended Next Steps – *Darren Nichols, Community Development*

## 11. Other

ORS 192.640(1)" . . . notice shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects."

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# **DEPARTMENTAL REPORTS AND REQUESTS**

## BOC Agenda Checklist Master

### Agenda Placement and Contacts

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**Suggested Agenda Date** 09/05/23

View [Agenda Tracker](#)

**Suggested Placement \*** BOC Tuesday Meeting

**Department \*** Finance

**Contact Name \*** Rick Crager

**Phone Extension \*** 6246

**Meeting Attendee Name \*** Gary Stockhoff, Bryan Lee, Sheriff Van Arsdall, Paul Wallsinger, April Holland, Damien Sands, Debbie Sessions

### Agenda Item Details



**Item Title \*** Capital Improvement Program and American Rescue Plan Act Funds

**Item Involves \*** Check all that apply

- Appointments
- Budget
- Contract/Agreement
- Discussion and Action
- Discussion Only
- Document Recording
- Employment
- Notice of Intent
- Order/Resolution
- Ordinance/Public Hearing 1st Reading
- Ordinance/Public Hearing 2nd Reading
- Proclamation
- Project/Committee Update
- Public Comment
- Special Report
- Other

**Estimated Time \*** 90 minutes

**Board/Committee Involvement \***  Yes  
 No

**Name of  
Board/Committee**

Capital Improvement Commitee

**Advertisement\***

Yes

No

## Issues and Fiscal Impact

### Item Issues and Description

#### Identified Salient Issues \*

At the July 11, 2023 Board of Commissioners (BOC) Goal Setting Meeting, discussion was held around multiple capital priorities. County staff was requested to complete additional research, analysis, and/or due diligence related to each of the following priorities:

Emergency Operations Center (EOC) – The county has secured \$6.3 million of resources. Different options need to be evaluated to determine the best strategy in providing the county with an effective EOC.

Children and Family Services Space Needs – The Health Department is quickly running out of space to provide adequate services for mental health services in the county.

2023-25 Capital Improvement Program (CIP) – County Departments have submitted \$4.52 million of capital needs for 2023-25. The CIP Committee needs to review all current applications to assess requests and evaluate against established criterion.

American Rescue Plan Act (ARPA) Grants – The county had planned to use ARPA resources for community grants similar to those provided in May 2022. The BOC requested that staff reach out to community partners to gain a better perspective on anticipated needs, particularly around infrastructure. Additionally, information was requested on the use of funds of existing ARPA grants.

Courthouse Replacement Project – The state and county continue to work toward reaching an agreement on final design for the Courthouse. The county has expressed concern that the previous design was resulting in an estimated cost beyond both the county and state resources.

Homeless Navigation Center – The original proposed project that was part of the 2023 State Legislative Request was not funded. However, the Corvallis Daytime Drop-in Center is still actively seeking alternative options. Staff was asked to gain more information on the status of this project.

Staff will provide an overview and have discussion with the Board to determine how they may wish to allocate the current \$7.2 million of unallocated resources.

#### Options \*

\* BOC can review information and accept the staff recommendation for resource allocation.

\* BOC can review information and propose a revised resource allocation.

\* BOC can choose to review information and defer any resource allocation decision to the next meeting.

#### Fiscal Impact \*

Yes

No

#### Fiscal Impact Description \*

Resources are built into the 2023-25 budget; however, they are not currently allocated to a specific use.

# 2040 Thriving Communities Initiative

**Mandated Service? \***  Yes  No

## 2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

### Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

**Core Values \*** Select all that apply.

- Vibrant, Livable Communities
- Supportive People Resources
- High Quality Environment and Access
- Diverse Economy that Fits
- Community Resilience
- Equity for Everyone
- Health in All Actions
- N/A

**Explain Core Values Selections \*** All capital projects support both the staff and services that focus on all core values.

**Focus Areas and Vision \*** Select all that apply.

- Community Safety
- Emergency Preparedness
- Outdoor Recreation
- Prosperous Economy
- Environment and Natural Resources
- Mobility and Transportation
- Housing and Growth
- Arts, Entertainment, Culture, and History
- Food and Agriculture
- Lifelong Learning and Education
- N/A

**Explain Focus Areas and Vision Selection \*** Capital projects proposed are related to at least one of the focus areas identified above.



# Recommendations and Motions

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## Item Recommendations and Motions

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### Staff

#### Recommendations \*

It is recommended the BOC consider the following allocations of its \$7.2 million of CIP and ARPA Funds:

\$2,500,000 in gap funding for a new EOC (Model 2) using Categorical ARPA Resources.

\$1,752,102 for Priority 1-3 CIP Projects using CIP resources.

\$200,000 in two-year funding to meet the community need for a warming/cooling center using Categorical ARPA resources and CIP resources.

\$350,000 for roof replacement for the historic courthouse using CIP resources.

\$2,397,898 in reserve resources to address ongoing cost escalation risk of current capital projects and for potential match or commitments necessary for leveraging additional funding to meet funding gaps of other key projects.

## Page 9 of 254

### Meeting Motions \*

I move to ...

...allocate \$4,802,102 of current unallocated resources from the 2023-25 budget to be allocated as follows:

\$1,752,102 to the Capital Improvement Program to support the recommendation of the CIP Committee.

\$2,500,000 to provide the gap funding necessary to construct a new Emergency Operation Center on the North Site.

\$200,000 to support the ongoing effort of providing a warming and cooling center for the homeless.

\$350,000 for a roof replacement for the historic courthouse.

# Attachments, Comments, and Submission

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## Item Comments and Attachments

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### **Attachments**

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

Capital Project 09.05.23.pdf

3.65MB

### **Comments (optional)**

If you have any questions, please call ext.6800

**Department  
Approver**

RICHARD CRAGER

1. Dept Approval

## Department Approval

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Comments

Signature



*Rick Crager*

2.

## Counsel Approval

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Comments

Signature



*Vance H. Chokey*

3.

## County Administrator Approval

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Comments

Signature



*Suzanne Hoffman*

4.

## BOC Final Approval

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Comments

Signature



*Hanna Kwiatkowski*

# Benton County

## Capital Improvement Program and American Rescue Plan Act Funds

Rick Crager  
Interim County Administrator

September 5, 2023



# Background

- The 2023-25 Benton County Adopted Budget includes \$7.2 million of resources from the Capital Improvement Program (\$3.0 Million) and the American Rescue Plan Act (\$4.2 Million).
- Of the \$4.2 million in American Rescue Plan Act (ARPA) funds, \$1.0 million may be used for any governmental purpose, but remaining can only be used for specific eligible ARPA purposes.
- In February 2023, the Board of Commissioners (BOC) suspended the use of these resources to assess the results of the County Bond Measure (Measure 2-140), the 2023 State Legislature, and the 2024 Federal Appropriations process.
- Measure 2-140 failed in May leaving the County in the position to re-strategize on how best to meet the unmet needs of the Justice Systems Improvement Program (JSIP).
- The 2023 State Legislature resulted in the County receiving a state bond allocation of \$13.8 million to provide the required match for the Courthouse Project (\$8.8 million) and gap funding for the construction a new Emergency Operations Center (\$5.0 million).
- Congress included \$3.1 in the 2024 federal appropriation bills to support three county capital projects.
  - ✓ Replacement modular for the Monroe Health Clinic
  - ✓ Capital improvements for the Alpine and Alsea Sewer District
  - ✓ Regional Public Safety Radio Infrastructure

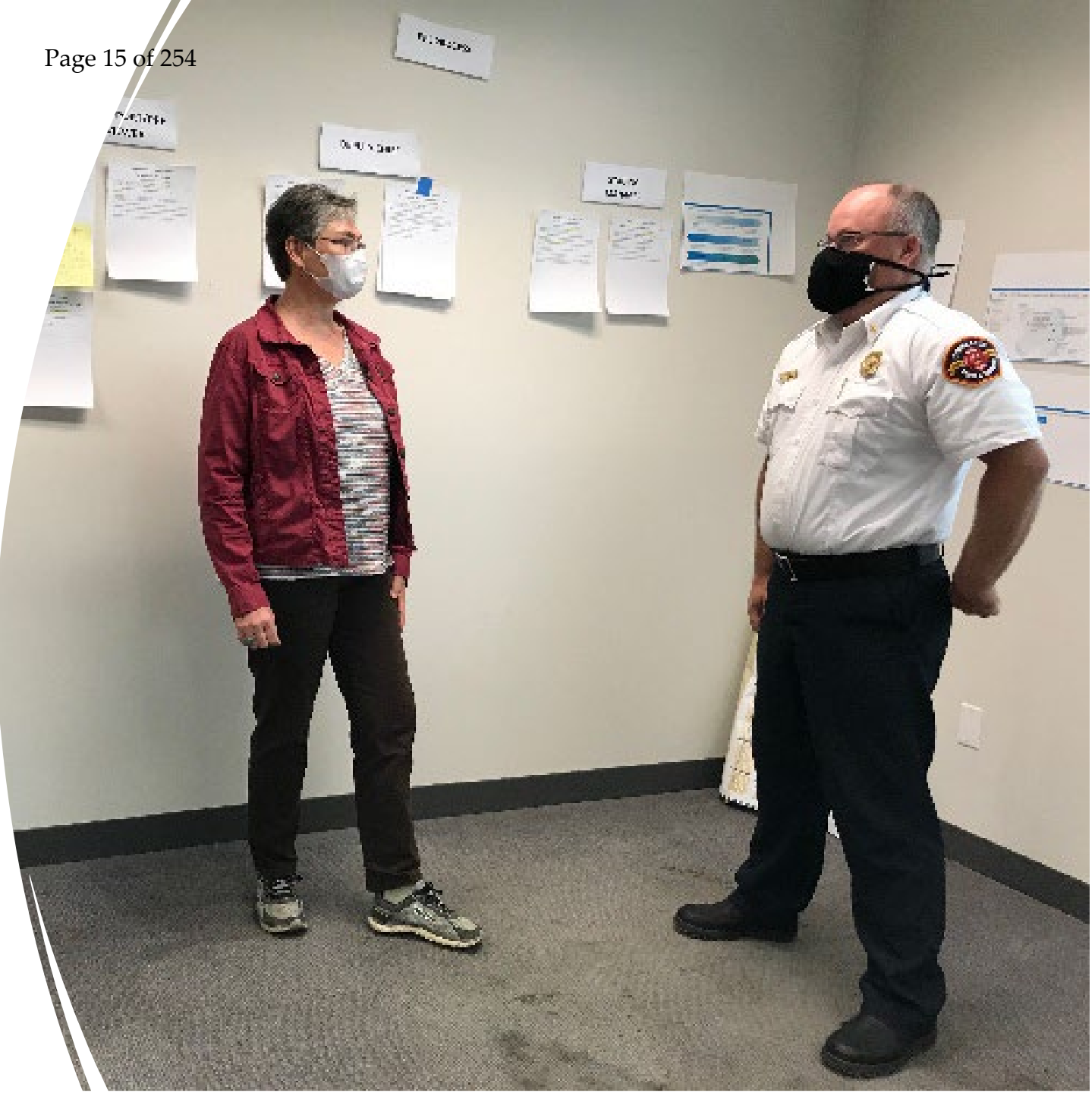
# Board of Commissioners

At the July 11th Board of Commissioners (BOC) Goal Setting Meeting, discussion was held around multiple capital priorities. County staff was requested to complete some additional research, analysis, and/or due diligence related to each of the following priorities:

- Emergency Operations Center (EOC) – The county has secured \$6.3 million of resources. Different options need to be evaluated to determine the best strategy in providing the county with an effective EOC.
- Children and Family Services Space Needs – The Health Department is quickly running out of space to provide adequate services for mental health services in the County..
- 2023-25 Capital Improvement Program (CIP) – County Departments have submitted \$4.52 million of capital needs for 2023-25. The CIP Committee needs to review all current applications to assess requests and evaluate against established criterion.
- American Rescue Plan Act (ARPA) Grants – The County had planned to use ARPA resources for community grants similar to those provided in May 2022. The BOC requested that staff reach out to community partners to gain a better perspective on anticipated needs, particularly around infrastructure. Additionally, information was requested on the use of funds of existing ARPA grants.
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- Homeless Navigation Center – The original proposed project that was part of the 2023 State Legislative Request was not funded. However, the Corvallis Daytime Drop-In Center is still actively seeking alternative options. Staff was asked to gain more information on the status of this project.

# Emergency Operations Center

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# EOC Funding Source

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- \$5.0 million – 2023 State Legislature appropriated Lottery Backed Bonds scheduled for issuance in March 2025
- \$1.0 million – Federal Fiscal Year 2022 Congressionally Delegated Spending Grant (Expires 9/30/24)
- \$333,333 – County General Fund Match





# Optimum EOC Features

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- Large main meeting room that can be split in half
  - Flexible/adaptable space
- Restrooms, Kitchen, and possibly a shower
- Multiple conference or multiuse rooms (4-6 is ideal)
  - Joint Information Center
  - Call Center
  - Command Staff
  - Briefing room
- Radio room
- Storage (for EOC activations supplies, tables, chairs, etc.)
- Office space
- ADA compliant
- Parking 40-70 spaces



# EOC Options for Consideration

1

Locate at Benton  
County  
Fairgrounds

2

Renovate old Board  
of Commissioners  
Office

3

Construct New  
Facility on North Site

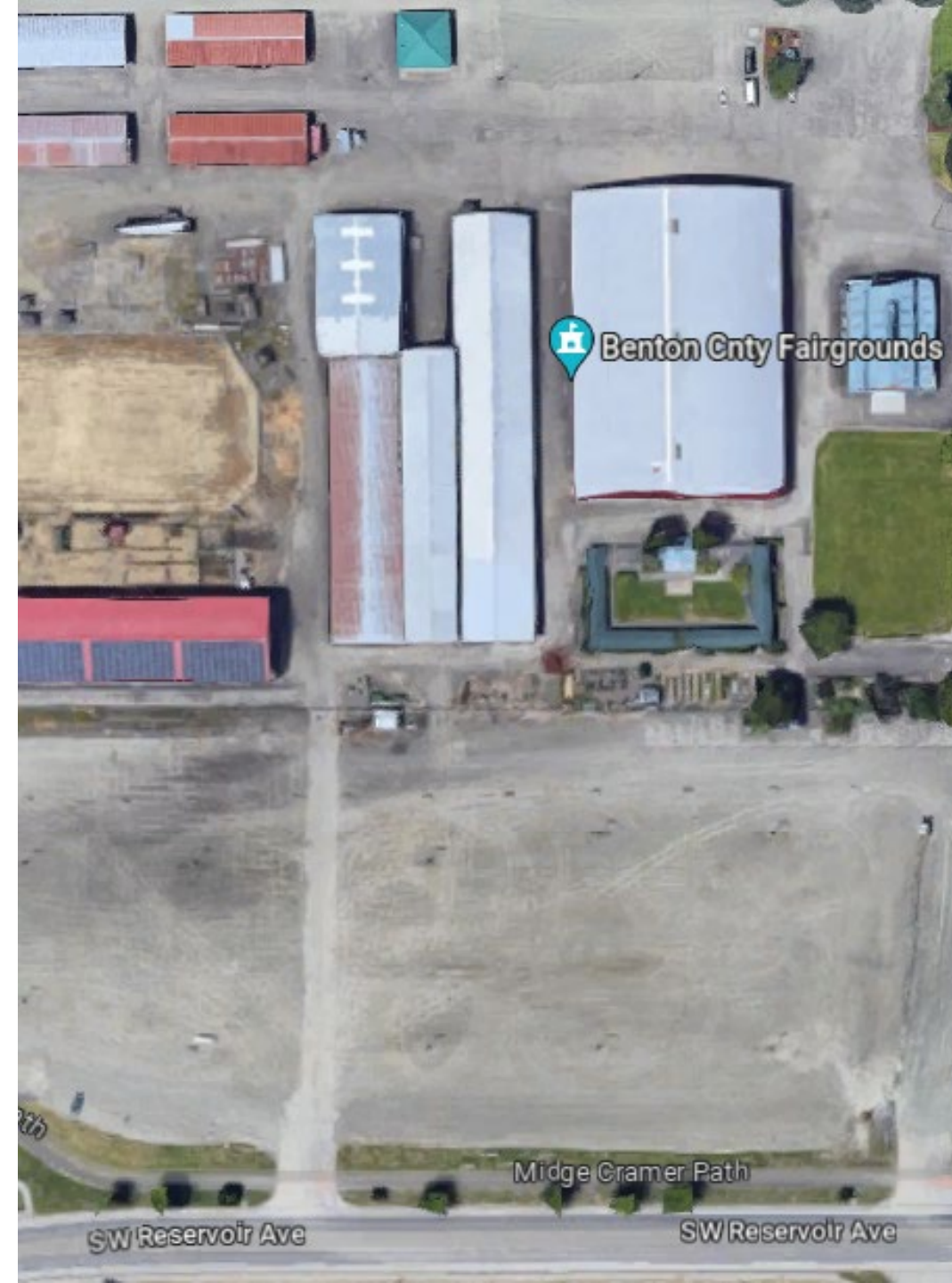
# Option 1: Locate at Benton County Fairgrounds

## Pros

- Land we own
- Co-located with other large event spaces
- Plenty of parking during non-events

## Cons

- Co-located where majority of population will “go” during emergency (both pro and con)
- Increased cost of drawing utilities to site/storm water improvements, site improvements
- Transportation/access issue (flooding at underpass)
- No real room for expansion or extra storage
- Lack of parking during events (e.g. OSU football, fair, carnivals, etc.)
- Impacts to bike path access
- Possible fiscal impacts since space cannot be rented out
- Not located close to BCSO, Dispatch, or any other operations
- Security of assets



# Option 2: Renovate old BOC building

## Pros

- Land we own
- Connectivity in place (fiber)
- Utilities in place
- Close to BCSO, Dispatch, Corvallis Fire, and CPD

## Cons

- ADA compliance/elevator needs
- Seismic retrofit needs
- Footprint of building (limited space and space is lost with improvement)
- Parking constraints
- No room for expansion
- No outdoor secure storage capabilities
- County asset to be used for something else, sold, etc.
- Would need office and storage space during construction
- Building footprint does not fit needs
- Likely \$10 million to renovate



# Option 3: Construct New Facility on North site



## Pros

- Land we own
- Building from ground up allows for customization of space and preplanning for future
- Space for expansion
- Plenty of parking
- Large multiuse spaces

## Cons

- Not centrally located with the Sheriff's Office based on current office locations
- Transportation
- Hazards (e.g. flooding and access, HP)
- Security if just courthouse and EOC
- Environmental and Historical Preservation (EHP) assessments can take time



# Key Considerations



SITE LOCATION



TIMELINE AND COST OF  
CONSTRUCTION



ADDITIONAL COUNTY  
INVESTMENT



TO INCLUDE ALL  
EMERGENCY SERVICES  
OFFICES IN DESIGN



PLANNING FOR THE  
FUTURE

# Preferred Option

## Option 3 - Construct New Facility on North Site

Tier	Estimate Cost	Approximate Sq Ft
Model 1	\$6.3M	4,300 – 5,100
Model 2	\$8.8M	6,100 – 7,200
Model 3	\$10.4M	7,400 – 8,500

\* Estimated Cost is based on \$870 per square foot for constructed cost with additional 30% for soft cost and site development

# Benton County Emergency Operations Center

## Model 1

Total Costs - 6.3M

Square Footage -  
4,300 to 5,100 SF



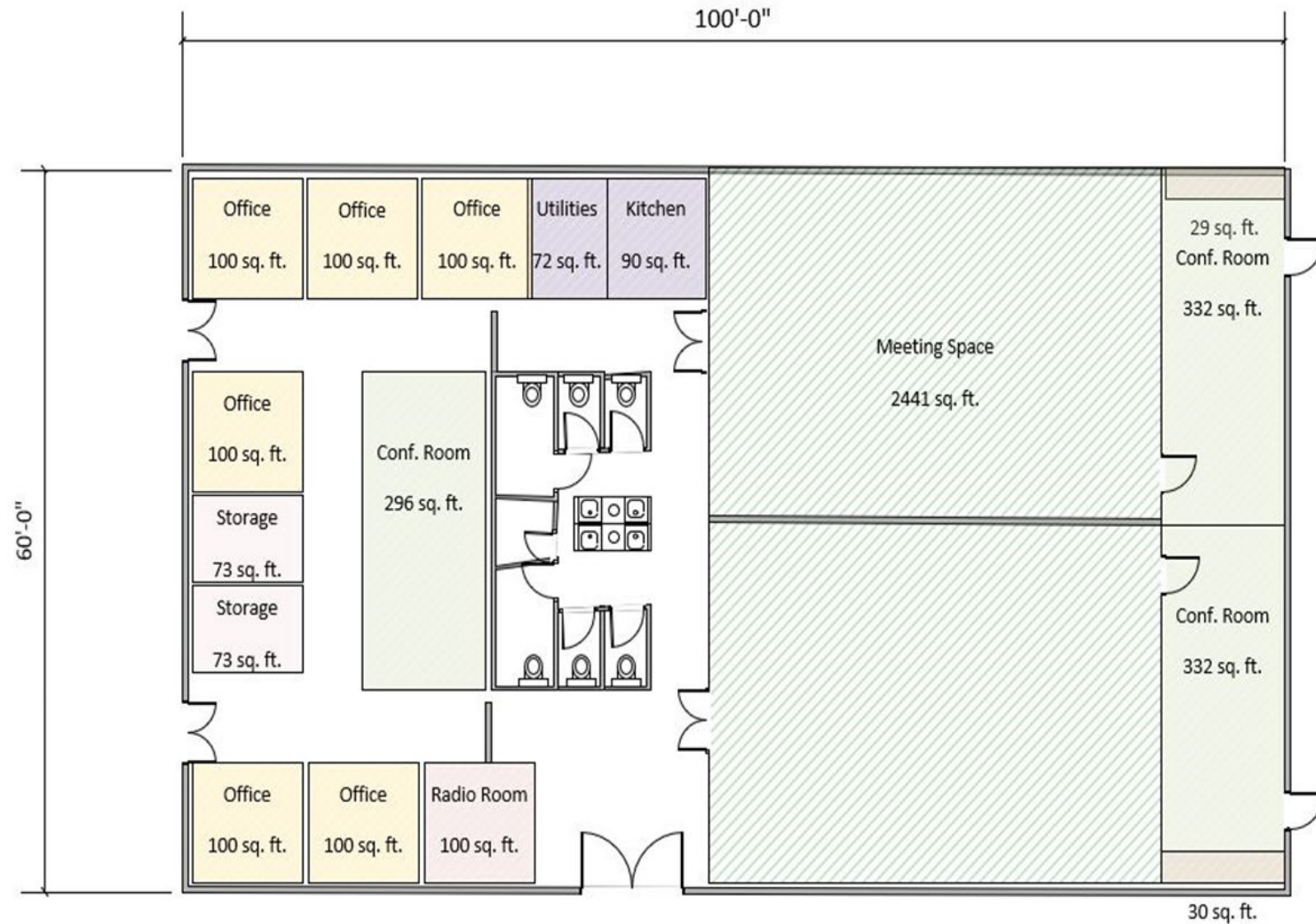


# Benton County Emergency Operations Center

## Model 2

Total Costs - 8.8M

Square Footage - 6,100 to 7,200 SF



# Benton County Emergency Operations Center

7400 Square Feet  
\$6.264M

- lacks storage needed for both EM, EOC, SAR
- no SAR Offices
- no room for expansion
- offices drop to 10x10

- 400sqft office space
- 292sqft storage
- 200 sqft kitchen/utility
- 60x60 EOC
- 913sqft conference rooms
- 5' hallways



## Model 3

Total Costs – \$10.4M

Square Footage – 7,400 to 8,500 SF

# Next Steps

- BOC and Sheriff to decide on preferred site location
- Rough funding Tier to focus planning effort
- RFP for Design and Engineering at site



# Children and Family Service Space Needs





# Project History

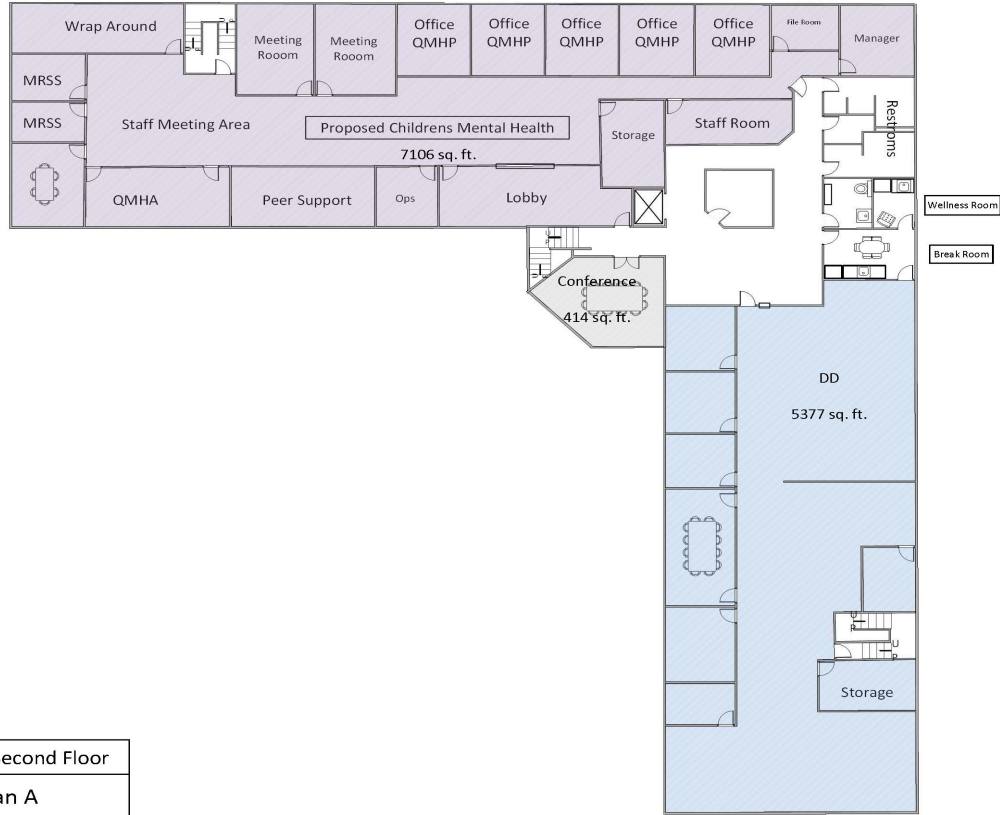
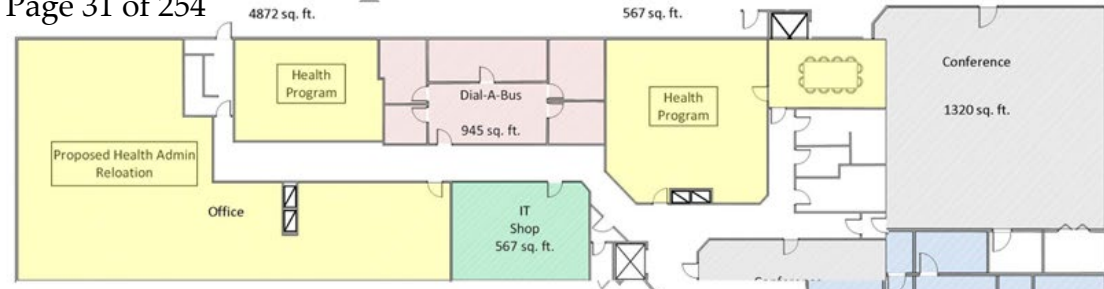
- The Health Department requires additional space for the Children and Families Mental Health Program.
- Staff has increased significantly in the last three biennia in meeting the growing mental health needs.
- Current 3,411 square foot of rented space is inadequate to provide the appropriate level of services.
- Measure 2-140 included \$1.5 million to rehabilitate the existing Sunset Building and provide additional space for the Program.
- While the estimate ensured staff would have adequate space for occupancy, it didn't address many of the specialized services needs.
- Over the last 45 days, staff have conducted a better estimate that more effectively addresses the needs of the Program.

# Revised Cost Estimate

- National averages for rehabilitation of existing facilities suggests a cost of \$350 per square foot.
- In discussion with Facilities Staff, it is recommended the County apply a \$450 per square foot estimated cost to Center address code requirements which the Sunset Building may not conform with.
- To adequately address the overall space needs and avoid costly building expansion, it will require the relocation of the OSU extension.
- Rehabilitation work will require ADA and restroom upgrades necessary for both staffing and patient utilization of the building for services.
- Based on the current 11,978 square footage at the Sunset Building and using \$450 per square foot as a basis, the construction estimate equals \$5,390,100.
- To mitigate the anticipated cost increase prior to construction beginning, an additional 10% contingency is applied bringing the total revised cost estimated to \$5,929,110.
- While this project would address the current needs of the Health Department, as well as put a plan in place that more effectively supports services, additional strategic discussions (and likely resources) will be necessary in assessing how best to meet all health service needs in the community.

# Sunset Building Remodel

Page 31 of 254



	Sunset Building Second Floor		
	CMH Plan A		
Paul Wallsinger	SCALE: 1 : 240	SHEET: 4 OF 6	REV: 01

# 2023-25 Capital Improvement Program





Department	Amount	# of Projects
Public Works - Fleet	\$55,000	1
Public Works – Facilities	\$710,750	20
Public Works – Roads	\$1,044,127	5
NAPE	\$1,930,000	5
Community Development	\$710,500	2
Sheriff's Office	\$43,173	1
Assessment	\$30,000	1
<b>Total</b>	<b>\$4,523,550</b>	<b>35</b>

# CIP Application Summary

County Departments submitted CIP applications in February equaling total of \$4,523,550. Requests were for 35 different projects sponsored by five different Departments – Public Works (Fleet, Facilities, and Road), NAPE, Community Development, Sheriff's Office, and Assessment. The BOC directed staff to convene the CIP Committee and to help establish funding priorities.

# CIP Committee Review

After discussing the project applications with Capital Improvement Program, the following actions and criteria were established.

- Review of estimates were conducted to determine accuracy and if other resources had been committed to the project.
- Committee established a maximum funding award of \$500K to ensure resources could meet multiple needs.
- Project sponsors with application in excess of \$500K were asked to determine if their project could be scaled. project sponsors to determine if a phased approach may work.
- In expanding on the direction and feedback provided by the BOC, the committee established the following criterion
  - ✓ Project demonstrates it is either preserving or replacing an existing asset that no longer able to adequately provide the support or services of the County.
  - ✓ Project demonstrates it is addressing a safety and/or health issues.
  - ✓ Project is providing a solution that either reduces greenhouse gas emissions and/or provide energy efficiency/sustainability solutions.
  - ✓ Project, if completed, will result in direct revenue generation.
  - ✓ Project is shovel ready and will be able to start or complete work within 12-month period.
  - ✓ Project request is for a match that is required to obtain additional funding commitment for the project



# Results of Analysis

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Under the direction of CIP Committee, staff began the process of review, analysis, and preliminary evaluation against established criterion. The following adjustments were made to the original application requests.

- Three Public Works projects totaling \$620,948 were eliminated due to resource commitments from either existing federal resources or previous CIP resources.
- Two projects (NAPE and Community Development) were reduced to the cap of \$500,000 and staff discussed with sponsor the idea of phasing these projects. NAPE project lends itself to phasing, but the Community Development project is for a new system estimated at \$660,500 so would be difficult to phase. Total reduction equaled \$1,100,500.
- Individual projects from Assessment, Community Development, and NAPE had updated estimated that resulted in a net increases of \$72,000.

These adjustments resulted in an updated estimated need of \$2,874,102 and 32 projects.

# Evaluation Results

Department	Location	Project Name	Priority 1	Priority 2	Priority 3	Priority 4	Grand Total
Assessment	N/A	2008 SUV	-	-	27,000	-	27,000
Community Development	N/A	Online Platform	-	-	75,000		75,000
Community Development	N/A	Permitting Program	-	-		500,000	500,000
Public Works - Facilities	Avery	Storage Barn - Siding, doors, windows	-	-	42,000	-	42,000
Public Works - Facilities	Avery	Trk Stg Barn Siding, gutters	-	-	35,000	-	35,000
Public Works - Facilities	Avery	Fuel System Blast wall	-	-	30,000	-	30,000
Public Works - Facilities	County-wide	Bike Lockers	-	-	28,000		28,000
Public Works - Facilities	County-wide	LED Upgrade	-	-	15,750	-	15,750
Public Works - Facilities	Historic Courthouse	Carpet Replace	-	-	63,000	-	63,000
Public Works - Facilities	Historic Courthouse	New Irrigation System	-	-	-	42,000	42,000
Public Works - Facilities	Historic Courthouse	State Courts Pool Funds	-	-	-	20,000	20,000
Public Works - Facilities	Courthouse Annex	HVAC	-	15,000	-	-	15,000
Public Works - Facilities	Humphrey-Hoyer	Exterior Paint	-	-	18,500		18,500
Public Works - Facilities	Humphrey-Hoyer	Roof Replace	84,000	-	-	-	84,000
Public Works - Facilities	Kalapuya	Bollards	-	-	26,000		26,000
Public Works - Facilities	Kalapuya	Vestibule	-	-	-	60,000	60,000
Public Works - Facilities	Kalapuya	Zero Cut Curb		17,000	-	-	17,000
Public Works - Facilities	Sunset	* Flooring	-	-	38,000	-	38,000
Public Works - Facilities	Sunset	* Gutters	-	-	40,000	-	40,000
Public Works - Facilities	Sunset	* Restroom Remodel	-	-	45,000	-	45,000
Public Works - Facilities	Health Service Bldg.	HVAC	-	48,000	-	-	48,000
Public Works - Facilities	Monroe Clinic	* Roof Replacement	16,500	-	-	-	16,500
Public Works - Facilities	Monroe Clinic	* Roof Siding	-	-	27,000	-	27,000
Public Works - Fleet	N/A	Portable Lifts	-	-	55,000	-	55,000
Sheriff's Office	Humphrey-Hoyer	Transition Center Upgrade	-	43,173	-	-	43,173
NAPE	Fairgrounds	Telehandler forklift	-	-	150,000	-	150,000
NAPE	Jackson Frazier	Boardwalk	-	-	-	500,000	500,000
NAPE	N Albany	Park & Restroom	-	-	310,000		310,000
NAPE	Salmonberry	Boat Launch retaining wall	-	40,000	-	-	40,000
NAPE	Salmonberry	Well	-	-	40,000	-	40,000
Public Works - Road	N/A	Cor-Alb path (Hickory)	-	-	123,179	-	123,179
Public Works - Road	N/A	Surface Preservation	-	300,000	-	-	300,000
<b>Grand Total</b>			<b>100,500</b>	<b>463,173</b>	<b>1,188,429</b>	<b>1,122,000</b>	<b>2,874,102</b>

\* Projects will be delayed to determine if other funds become available to address capital improvement need.

# Committee Recommendation

After reviewing the projects against the established criterion and ranking them in accordance too the number criterion each project met, the CIP Committee recommended the following:

- ✓ Allocate \$1,752,102 for CIP projects ranked as Priority 1, 2, and 3.
- ✓ Delay the actual start of five Public Works Facilities projects related to the Sunset Building and Monroe Clinic to determine if other state and/or federal is approved (Total funds equal \$187,500). Estimated March 2024.
- ✓ All Priority 4 projects (\$1,122,000) will remain on the waiting list to reassess both readiness and available resources for Fiscal Year 2025.



# AMERICAN RESCUE PLAN ACT OF 2021

**American Rescue Plan Act (ARPA) Grants**

# ARPA Survey Information

Staff sent requests for information to community partners to assess needs and/or interest in utilizing ARPA resources

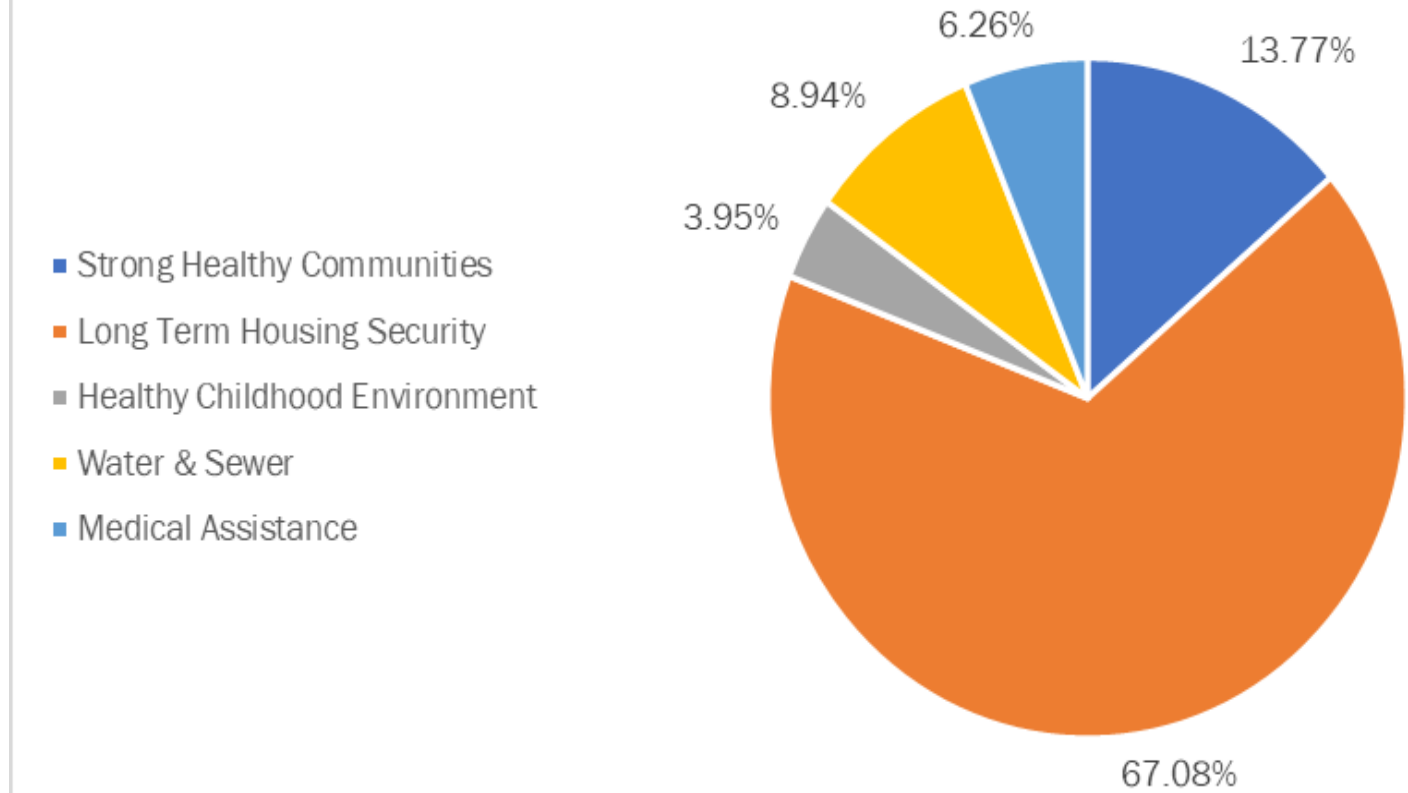
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Alsea Community Effort	3
CASA-Voice	1
Community Outreach	1
Jackson Street Youth Activities	3
Oregon Valley Futbol Alliance	1
The ARC	2
Unity Shelter	7
Whiteside Theatre Foundation	1

# Proposed Use of Resources

- Total estimated funding need for 21 projects equals \$5.03 million.
- Largest category of proposed funding was \$3.37 million (67.08%) for Long Term Housing Security
- Estimated 56 percent of the funds are related to infrastructure projects.

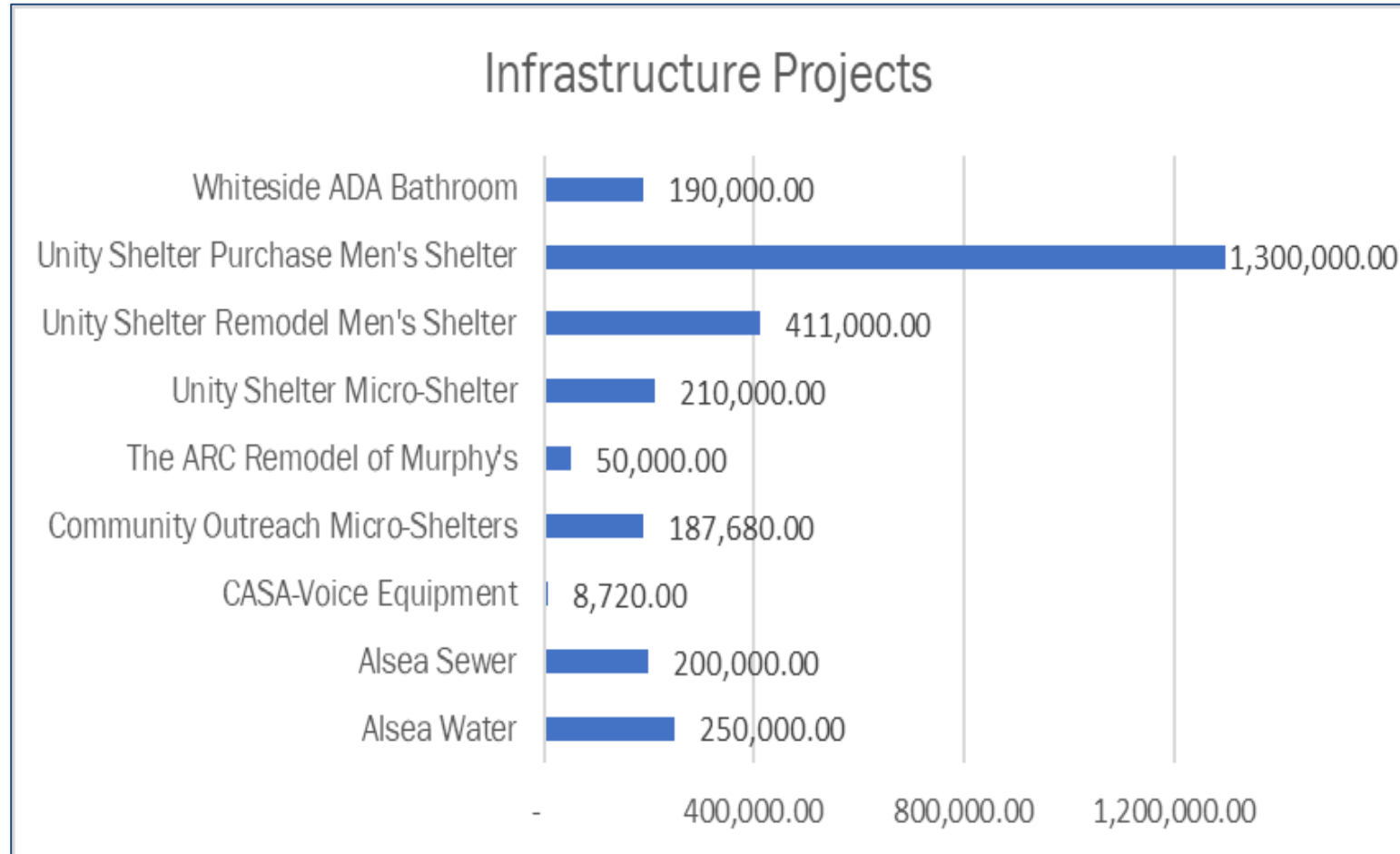
Estimated Project Funds by Category





# Proposed Infrastructure Projects

- Included in the \$5.03 million of proposed ARPA projects was \$2.81 million for 9 infrastructure projects.
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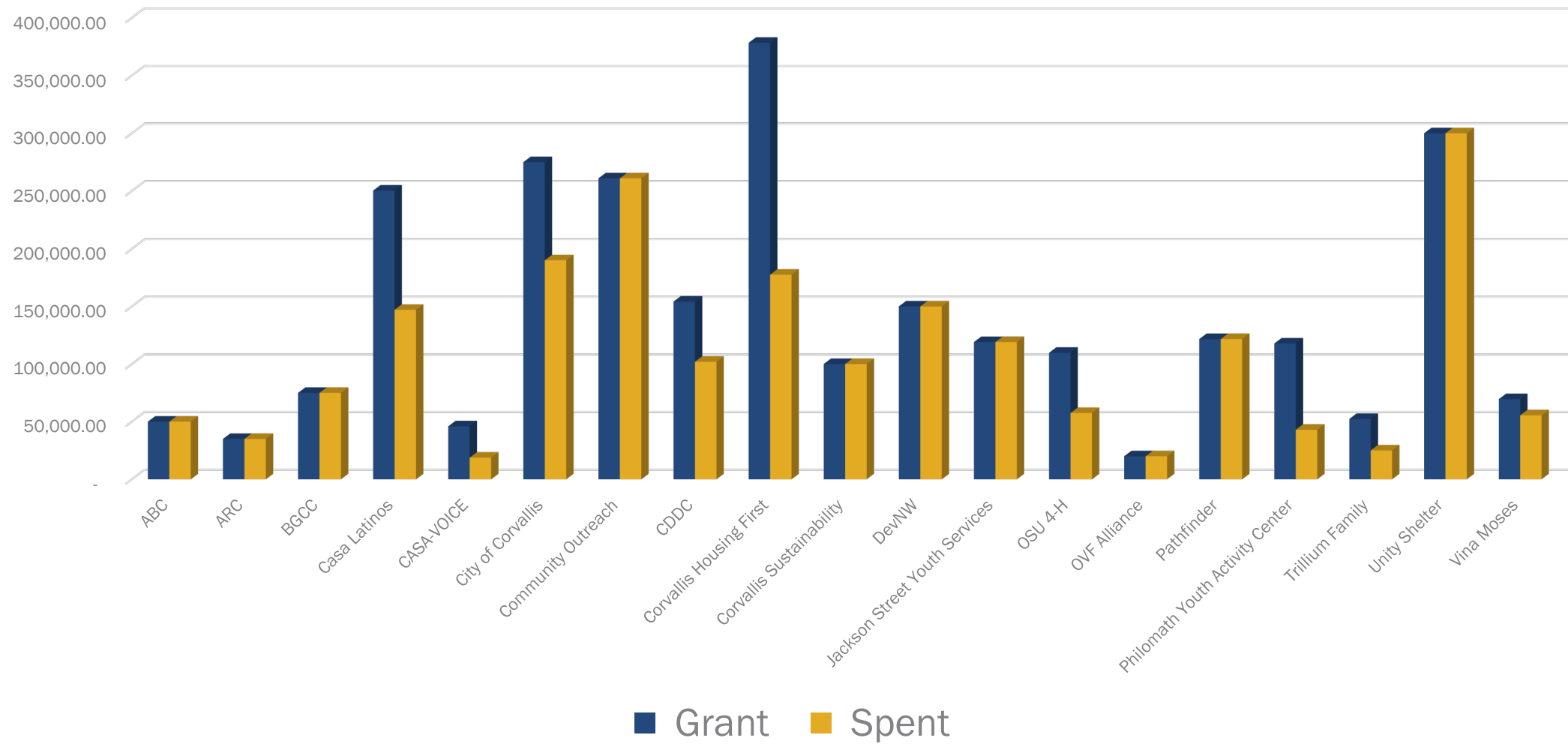
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- As of the June 30, 2023 reporting period, 10 of the 19 grant recipients have expended 100% of their grant award.
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- Four grant recipients have expended less than 50% of their funding award as of the end of the fiscal year.



## Organizations Granted Funds



# Courthouse Replacement Project



# Project Status

- ✓ County continues to support the co-location of the courthouse and district attorney office which represents best practices and is both operationally and cost efficient.
- ✓ Currently revisiting schematic design to confirm design can meet the needs of the state court.
- ✓ Discussions between county and state have been slow, but very collaborative with a confirmed design by mid-September.
- ✓ State and county officials have reached tentative agreement on a 50/50 cost share for site development costs.
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The County is currently looking at a significant investment (nearly \$90 million) and workload in capital projects over the next 2-3 years, as well as continued efforts to fund a jail replacement. While we should always be aggressive in seeking out new resource for future capital projects, it's important to recognize both the capacity necessary to deliver these projects, as well as the growing risk of cost escalation.

**Recommendation:** It is recommended that the BOC consider the following allocations of its \$7.2 million of CIP and ARPA Funds:

- \$2,500,000 - Gap funding for new EOC (Model 2) using Categorical ARPA Resources
- \$1,752,102 - Priority 1-3 CIP Projects using CIP Resources
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*every day.*



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Benton County



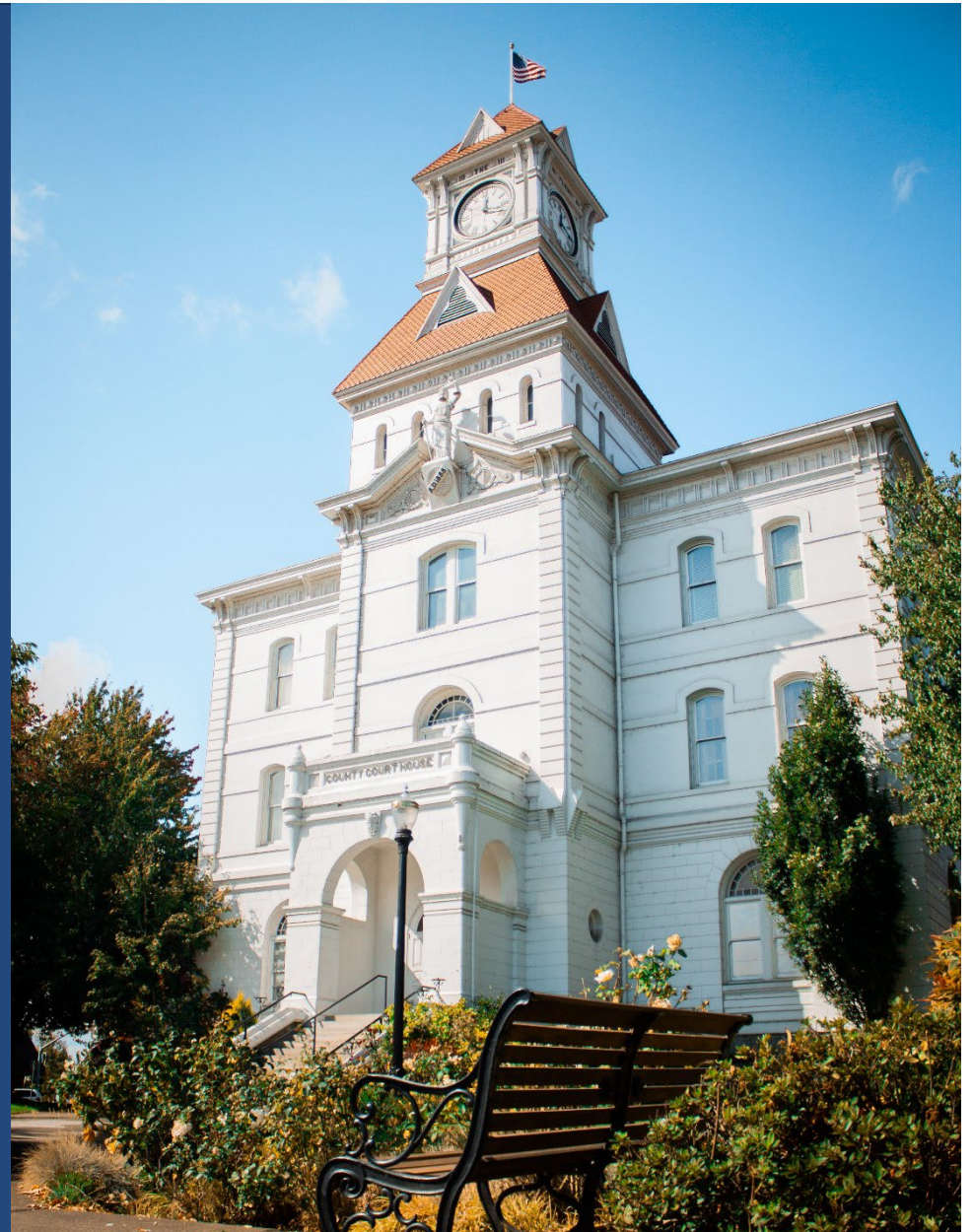
# Benton County

## Capital Improvement Program and American Rescue Plan Act Funds

Rick Crager  
Interim County Administrator



September 5, 2023



# Background

- The 2023-25 Benton County Adopted Budget includes \$7.2 million of resources from the Capital Improvement Program (\$3.0 Million) and the American Rescue Plan Act (\$4.2 Million).
- Of the \$4.2 million in American Rescue Plan Act (ARPA) funds, \$1.0 million may be used for any governmental purpose, but remaining can only be used for specific eligible ARPA purposes.
- In February 2023, the Board of Commissioners (BOC) suspended the use of these resources to assess the results of the County Bond Measure (Measure 2-140), the 2023 State Legislature, and the 2024 Federal Appropriations process.
- Measure 2-140 failed in May leaving the County in the position to re-strategize on how best to meet the unmet needs of the Justice Systems Improvement Program (JSIP).
- The 2023 State Legislature resulted in the County receiving a state bond allocation of \$13.8 million to provide the required match for the Courthouse Project (\$8.8 million) and gap funding for the construction a new Emergency Operations Center (\$5.0 million).
- Congress included \$3.1 in the 2024 federal appropriation bills to support three county capital projects.
  - ✓ Replacement modular for the Monroe Health Clinic
  - ✓ Capital improvements for the Alpine and Alsea Sewer District
  - ✓ Regional Public Safety Radio Infrastructure



# Board of Commissioners

At the July 11th Board of Commissioners (BOC) Goal Setting Meeting, discussion was held around multiple capital priorities. County staff was requested to complete some additional research, analysis, and/or due diligence related to each of the following priorities:

- Emergency Operations Center (EOC) – The county has secured \$6.3 million of resources. Different options need to be evaluated to determine the best strategy in providing the county with an effective EOC.
- Children and Family Services Space Needs – The Health Department is quickly running out of space to provide adequate services for mental health services in the County..
- 2023-25 Capital Improvement Program (CIP) – County Departments have submitted \$4.52 million of capital needs for 2023-25. The CIP Committee needs to review all current applications to assess requests and evaluate against established criterion.
- American Rescue Plan Act (ARPA) Grants – The County had planned to use ARPA resources for community grants similar to those provided in May 2022. The BOC requested that staff reach out to community partners to gain a better perspective on anticipated needs, particularly around infrastructure. Additionally, information was requested on the use of funds of existing ARPA grants.
- Courthouse Replacement Project – The state and county continue to work on reaching an agreement of final design for the Courthouse. The County has expressed concern that the previous design were resulting in estimate cost that was beyond both the County and State resources.
- Homeless Navigation Center – The original proposed project that was part of the 2023 State Legislative Request was not funded. However, the Corvallis Daytime Drop-In Center is still actively seeking alternative options. Staff was asked to gain more information on the status of this project.

# Emergency Operations Center

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# EOC Funding Source

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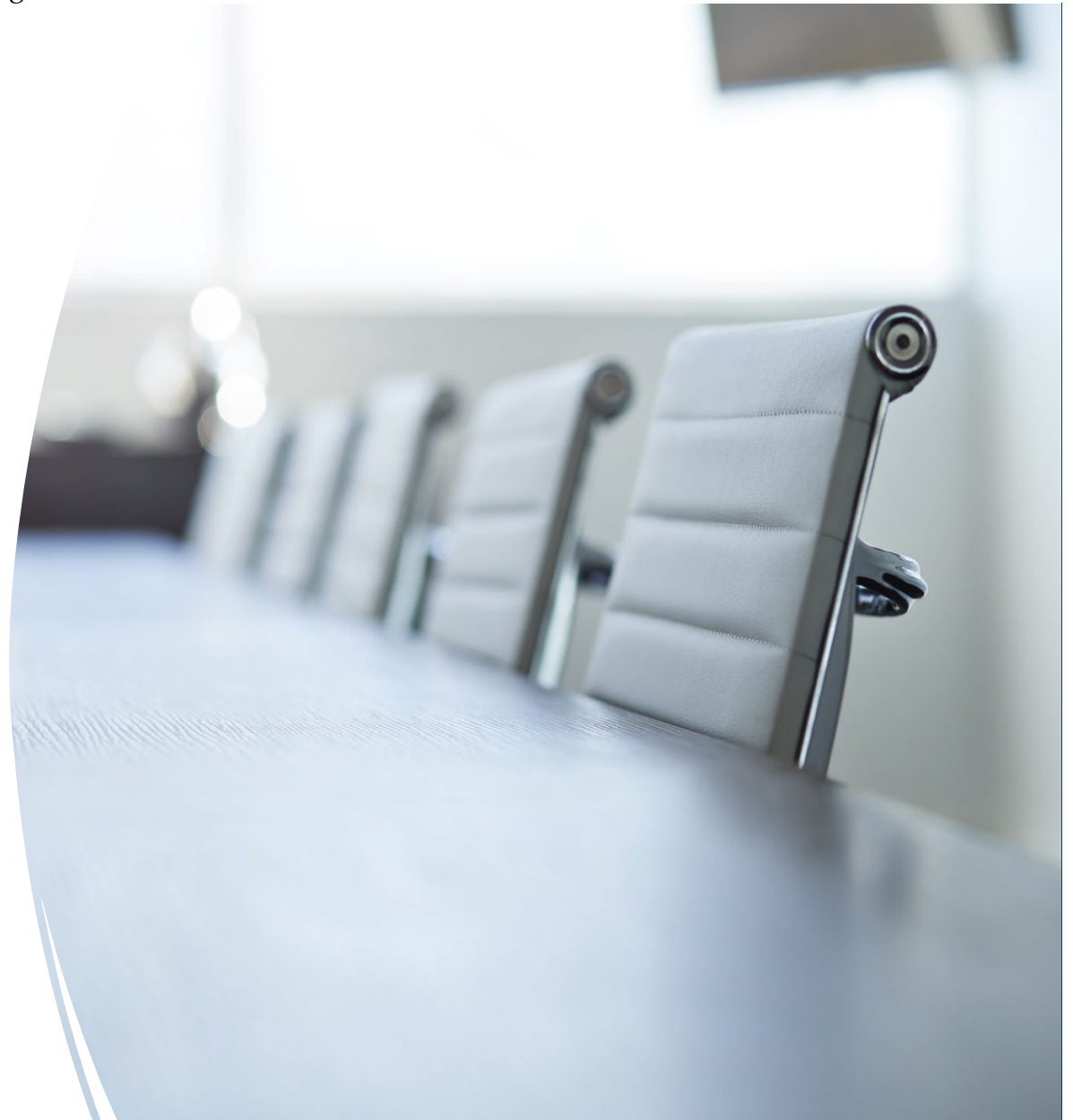
- \$5.0 million – 2023 State Legislature appropriated Lottery Backed Bonds scheduled for issuance in March 2025
- \$1.0 million – Federal Fiscal Year 2022 Congressionally Delegated Spending Grant (Expires 9/30/24)
- \$333,333 – County General Fund Match



# Optimum EOC Features

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- Large main meeting room that can be split in half
  - Flexible/adaptable space
- Restrooms, Kitchen, and possibly a shower
- Multiple conference or multiuse rooms (4-6 is ideal)
  - Joint Information Center
  - Call Center
  - Command Staff
  - Briefing room
- Radio room
- Storage (for EOC activations supplies, tables, chairs, etc.)
- Office space
- ADA compliant
- Parking 40-70 spaces



# EOC Options for Consideration

1

Locate at Benton  
County  
Fairgrounds

2

Renovate old Board  
of Commissioners  
Office

3

Construct New  
Facility on North Site

# Option 1: Locate at Benton County Fairgrounds

## Pros

- Land we own
- Co-located with other large event spaces
- Plenty of parking during non-events

## Cons

- Co-located where majority of population will “go” during emergency (both pro and con)
- Increased cost of drawing utilities to site/storm water improvements, site improvements
- Transportation/access issue (flooding at underpass)
- No real room for expansion or extra storage
- Lack of parking during events (e.g. OSU football, fair, carnivals, etc.)
- Impacts to bike path access
- Possible fiscal impacts since space cannot be rented out
- Not located close to BCSO, Dispatch, or any other operations
- Security of assets





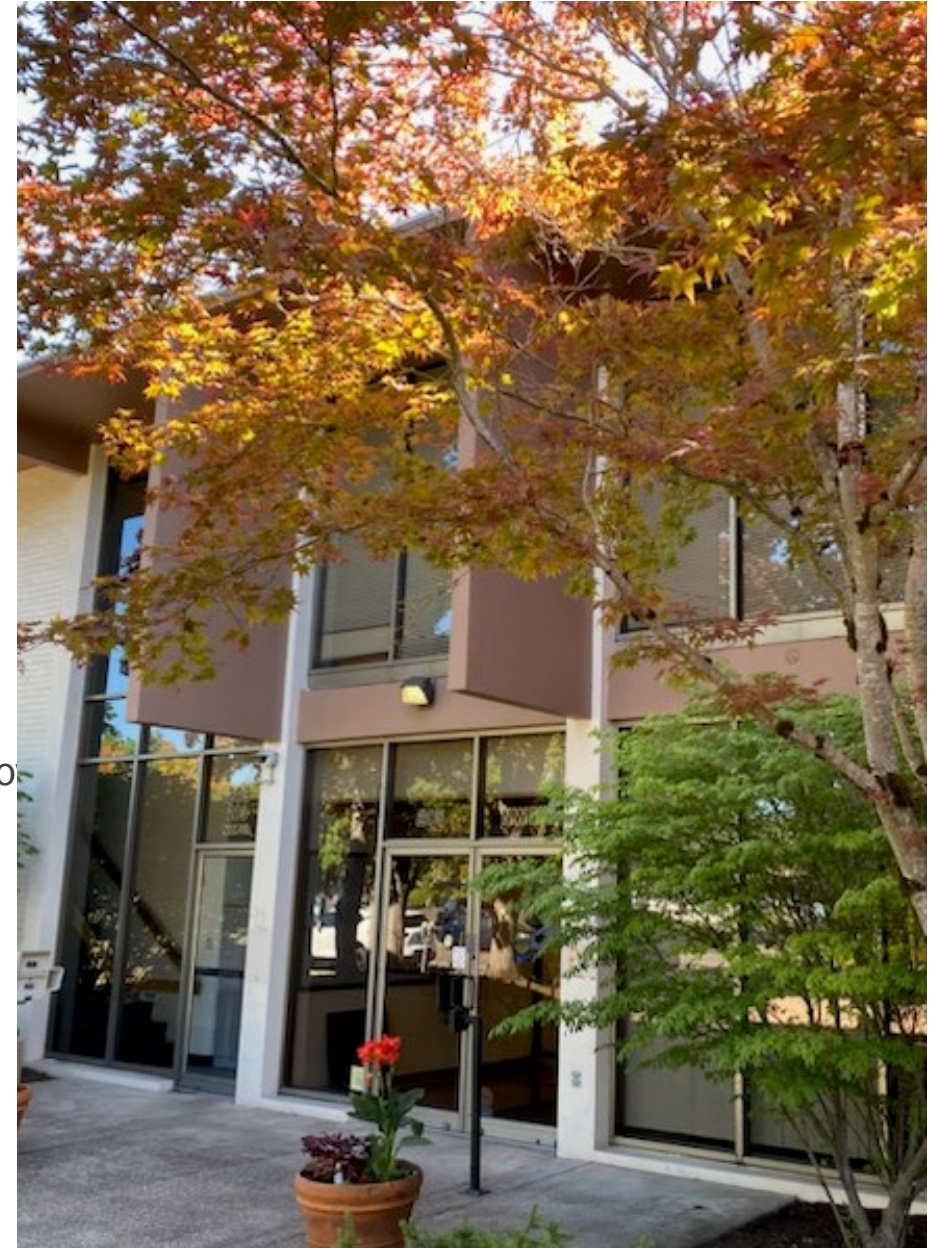
# Option 2: Renovate old BOC building

## Pros

- Land we own
- Connectivity in place (fiber)
- Utilities in place
- Close to BCSO, Dispatch, Corvallis Fire, and CPD

## Cons

- ADA compliance/elevator needs
- Seismic retrofit needs
- Footprint of building (limited space and space is lost with improvement)
- Parking constraints
- No room for expansion
- No outdoor secure storage capabilities
- County asset to be used for something else, sold, etc.
- Would need office and storage space during construction
- Building footprint does not fit needs
- Likely \$10 million to renovate





## Option 3: Construct New Facility on North site

### Pros

- Land we own
- Building from ground up allows for customization of space and preplanning for future
- Space for expansion
- Plenty of parking
- Large multiuse spaces

### Cons

- Not centrally located with the Sheriff's Office based on current office locations
- Transportation
- Hazards (e.g. flooding and access, HP)
- Security if just courthouse and EOC
- Environmental and Historical Preservation (EHP) assessments can take time



# Key Considerations



SITE LOCATION



TIMELINE AND COST OF  
CONSTRUCTION



ADDITIONAL COUNTY  
INVESTMENT



TO INCLUDE ALL  
EMERGENCY SERVICES  
OFFICES IN DESIGN



PLANNING FOR THE  
FUTURE

# Preferred Option

## Option 3 - Construct New Facility on North Site

Tier	Estimate Cost	Approximate Sq Ft
Model 1	\$6.3M	4,300 – 5,100
Model 2	\$8.8M	6,100 – 7,200
Model 3	\$10.4M	7,400 – 8,500

\* Estimated Cost is based on \$870 per square foot for constructed cost with additional 30% for soft cost and site development

Benton County Emergency Operations Center

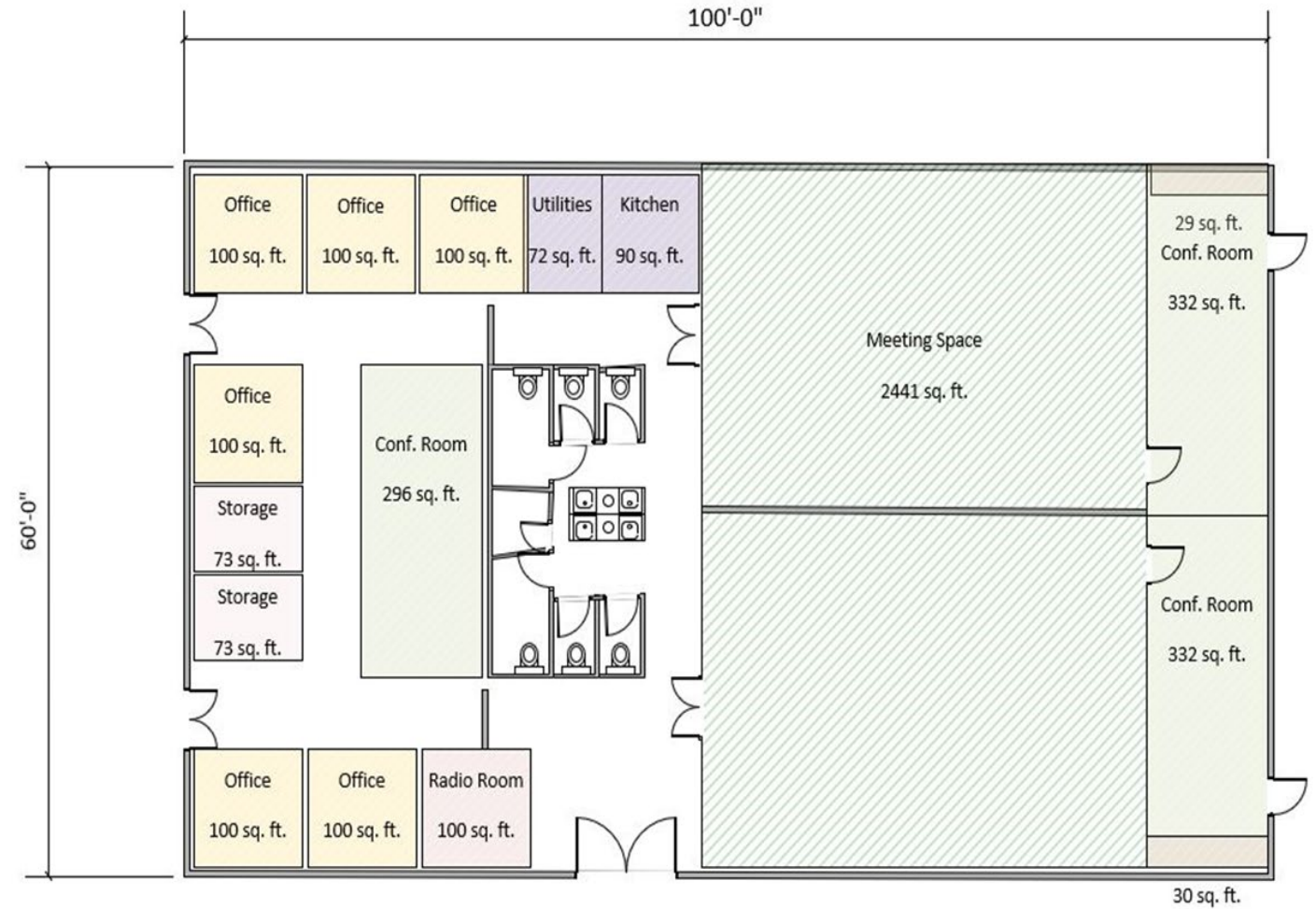
# Model 1

Total Costs - 6.3M

Square Footage -  
4,300 to 5,100 SF



Benton County Emergency Operations Center



# Model 2

Total Costs - 8.8M

Square Footage -  
6,100 to 7,200 SF

**Model 3**  
**Total Costs - \$10.4M**  
**Square Footage - 7,400 to 8,500 SF**

Benton County Emergency Operations Center

7400 Square Feet  
\$6.264M

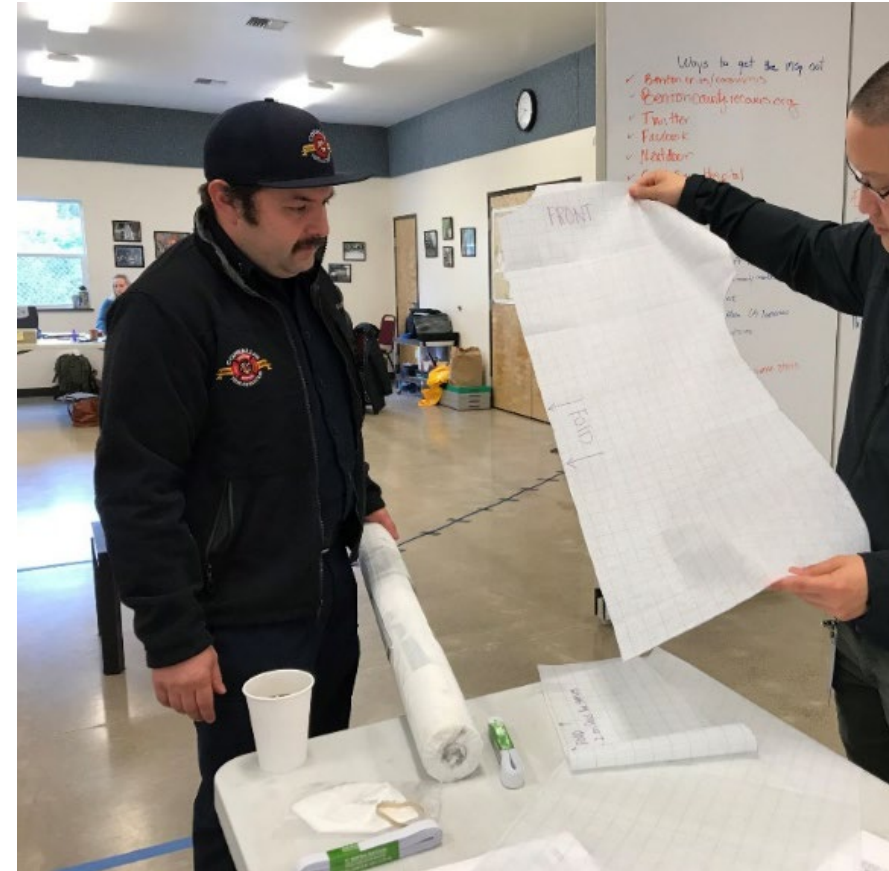


- lacks storage needed for both EM, EOC, SAR
- no SAR Offices
- no room for expansion
- offices drop to 10x10

- 400sqft office space
- 292sqft storage
- 200 sqft kitchen/utility
- 60x60 EOC
- 913sqft conference rooms
- 5' hallways

# Next Steps

- BOC and Sheriff to decide on preferred site location
- Rough funding Tier to focus planning effort
- RFP for Design and Engineering at site





# Children and Family Service Space Needs





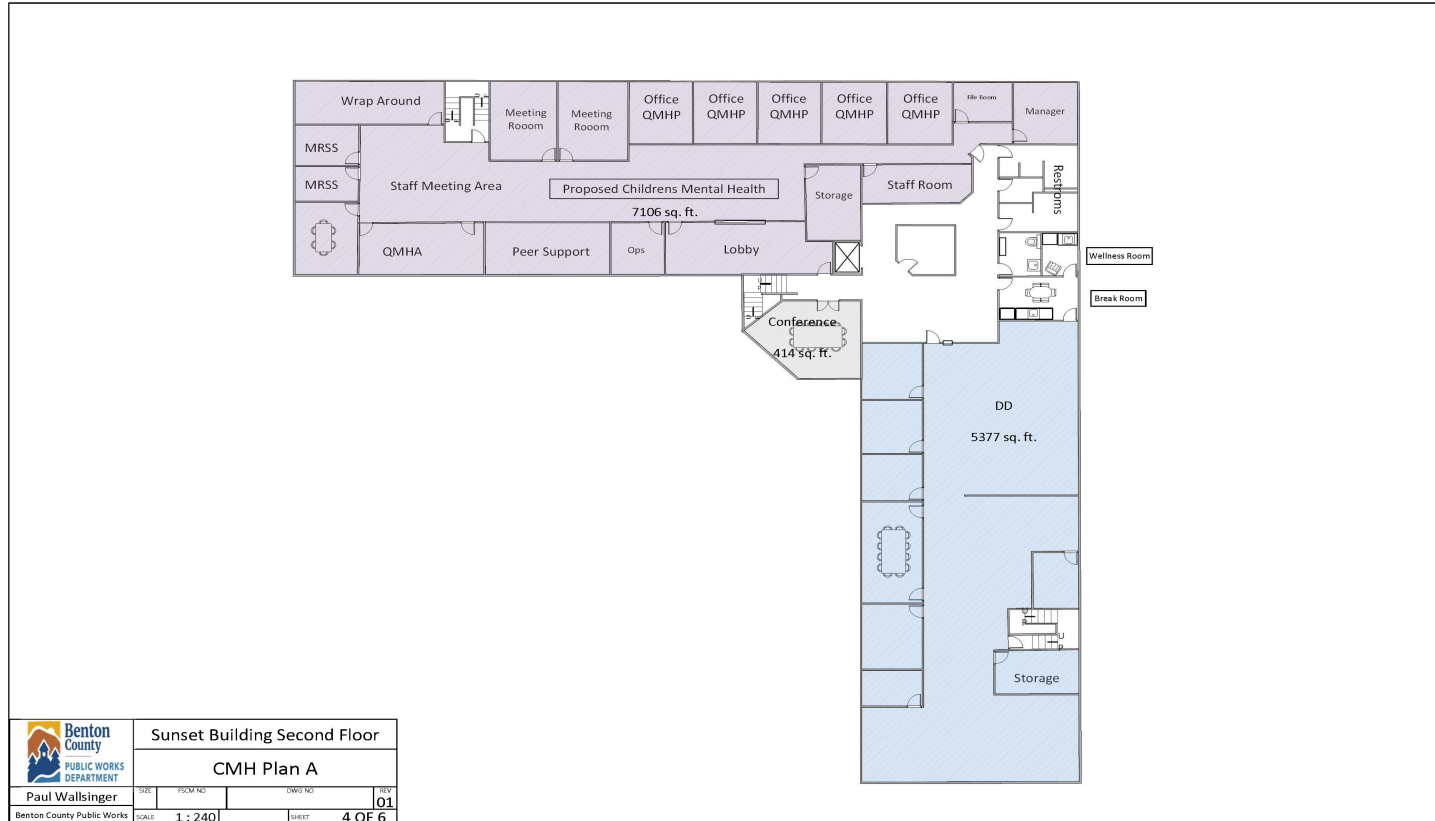
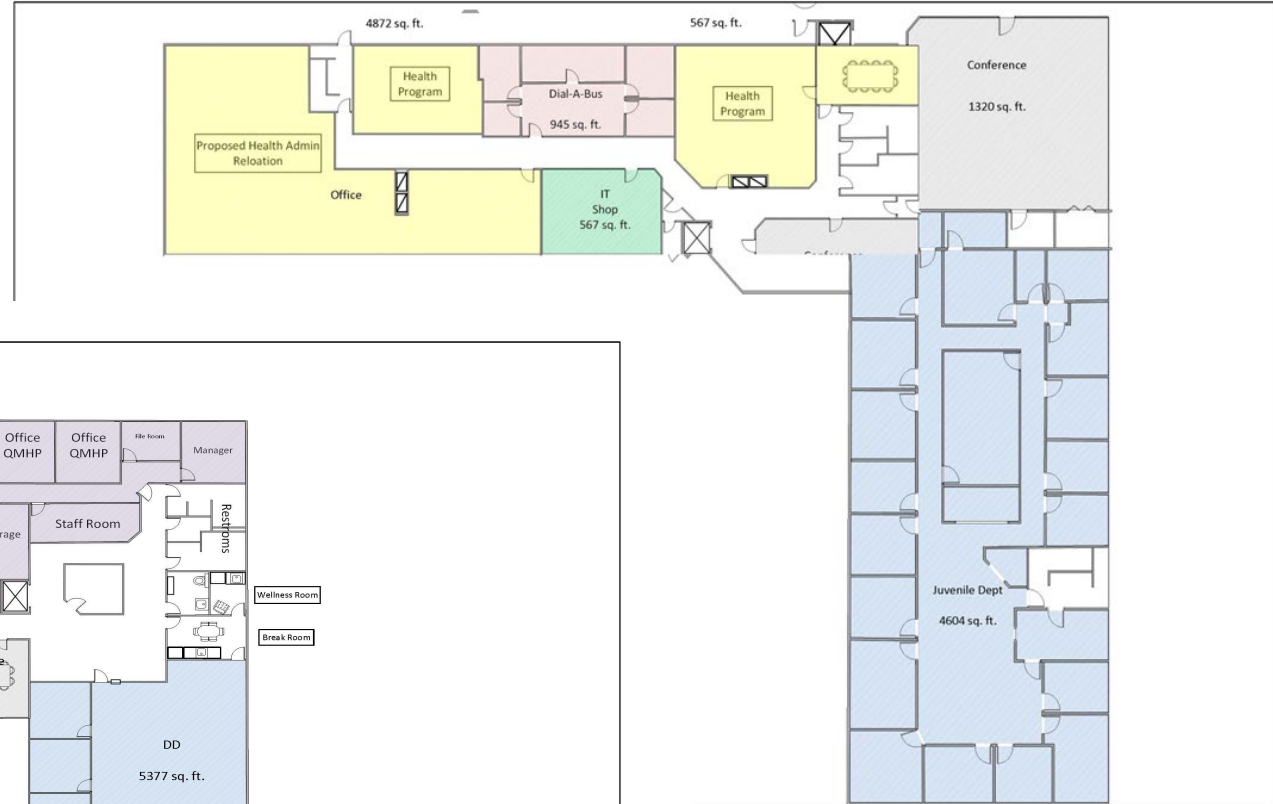
# Project History


- The Health Department requires additional space for the Children and Families Mental Health Program.
- Staff has increased significantly in the last three biennia in meeting the growing mental health needs.
- Current 3,411 square foot of rented space is inadequate to provide the appropriate level of services.
- Measure 2-140 included \$1.5 million to rehabilitate the existing Sunset Building and provide additional space for the Program.
- While the estimate ensured staff would have adequate space for occupancy, it didn't address many of the specialized services needs.
- Over the last 45 days, staff have conducted a better estimate that more effectively addresses the needs of the Program.

# Revised Cost Estimate

- National averages for rehabilitation of existing facilities suggests a cost of \$350 per square foot.
- In discussion with Facilities Staff, it is recommended the County apply a \$450 per square foot estimated cost to Center address code requirements which the Sunset Building may not conform with.
- To adequately address the overall space needs and avoid costly building expansion, it will require the relocation of the OSU extension.
- Rehabilitation work will require ADA and restroom upgrades necessary for both staffing and patient utilizing the building for services.
- Based on the current 11,978 square footage at the Sunset Building and using \$450 per square foot as a basis, the construction estimate equals \$5,390,100.
- To mitigate the anticipate cost increased prior to construction beginning, an additional 10% contingency is applied bringing the total revised cost estimated to \$5,929,110.
- While this project would address the current needs of the Health Department, as well as put a plan in place that more effectively supports services, additional strategic discussions (and likely resources) will be necessary in assessing how best to meet all health service needs in the community.

# Sunset Building Remodel



 Benton County PUBLIC WORKS DEPARTMENT	Sunset Building Second Floor			
	CMH Plan A			
Paul Wallsinger	DATE	DCM NO.	OWP NO.	REV
Benton County Public Works	SCALE	1 : 240	SHEET	4 OF 6

# 2023-25 Capital Improvement Program



Department	Amount	# of Projects
Public Works - Fleet	\$55,000	1
Public Works – Facilities	\$710,750	20
Public Works – Roads	\$1,044,127	5
NAPE	\$1,930,000	5
Community Development	\$710,500	2
Sheriff’s Office	\$43,173	1
Assessment	\$30,000	1
<b>Total</b>	<b>\$4,523,550</b>	<b>35</b>



## CIP Application Summary

County Departments submitted CIP applications in February equaling total of \$4,523,550. Requests were for 35 different projects sponsored by five different Departments – Public Works (Fleet, Facilities, and Road), NAPE, Community Development, Sheriff’s Office, and Assessment. The BOC directed staff to convene the CIP Committee and to help establish funding priorities.

# CIP Committee Review

After discussing the project applications with Capital Improvement Program, the following actions and criteria were established.

- Review of estimates were conducted to determine accuracy and if other resources had been committed to the project.
- Committee established a maximum funding award of \$500K to ensure resources could meet multiple needs.
- Project sponsors with application in excess of \$500K were asked to determine if their project could be scaled. project sponsors to determine if a phased approach may work.
- In expanding on the direction and feedback provided by the BOC, the committee established the following criterion
  - ✓ Project demonstrates it is either preserving or replacing an existing asset that no longer able to adequately provide the support or services of the County.
  - ✓ Project demonstrates it is addressing a safety and/or health issues.
  - ✓ Project is providing a solution that either reduces greenhouse gas emissions and/or provide energy efficiency/sustainability solutions.
  - ✓ Project, if completed, will result in direct revenue generation.
  - ✓ Project is shovel ready and will be able to start or complete work within 12-month period.
  - ✓ Project request is for a match that is required to obtain additional funding commitment for the project



# Results of Analysis

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Under the direction of CIP Committee, staff began the process of review, analysis, and preliminary evaluation against established criterion. The following adjustments were made to the original application requests.

- Three Public Works projects totaling \$620,948 were eliminated due to resource commitments from either existing federal resources or previous CIP resources.
- Two projects (NAPE and Community Development) were reduced to the cap of \$500,000 and staff discussed with sponsor the idea of phasing these projects. NAPE project lends itself to phasing, but the Community Development project is for a new system estimated at \$660,500 so would be difficult to phase. Total reduction equaled \$1,100,500.
- Individual projects from Assessment, Community Development, and NAPE had updated estimated that resulted in a net increases of \$72,000.

These adjustments resulted in an updated estimated need of \$2,874,102 and 32 projects.



**Evaluation Results**

Department	Location	Project Name	Priority 1	Priority 2	Priority 3	Priority 4	Grand Total
Assessment	N/A	2008 SUV	-	-	27,000	-	27,000
Community Development	N/A	Online Platform	-	-	75,000	-	75,000
Community Development	N/A	Permitting Program	-	-	-	500,000	500,000
Public Works - Facilities	Avery	Storage Barn - Siding, doors, windows	-	-	42,000	-	42,000
Public Works - Facilities	Avery	Trk Stg Barn Siding, gutters	-	-	35,000	-	35,000
Public Works - Facilities	Avery	Fuel System Blast wall	-	-	30,000	-	30,000
Public Works - Facilities	County-wide	Bike Lockers	-	-	28,000	-	28,000
Public Works - Facilities	County-wide	LED Upgrade	-	-	15,750	-	15,750
Public Works - Facilities	Historic Courthouse	Carpet Replace	-	-	63,000	-	63,000
Public Works - Facilities	Historic Courthouse	New Irrigation System	-	-	-	42,000	42,000
Public Works - Facilities	Historic Courthouse	State Courts Pool Funds	-	-	-	20,000	20,000
Public Works - Facilities	Courthouse Annex	HVAC	-	15,000	-	-	15,000
Public Works - Facilities	Humphrey-Hoyer	Exterior Paint	-	-	18,500	-	18,500
Public Works - Facilities	Humphrey-Hoyer	Roof Replace	84,000	-	-	-	84,000
Public Works - Facilities	Kalapuya	Bollards	-	-	26,000	-	26,000
Public Works - Facilities	Kalapuya	Vestibule	-	-	-	60,000	60,000
Public Works - Facilities	Kalapuya	Zero Cut Curb	-	17,000	-	-	17,000
Public Works - Facilities	Sunset	* Flooring	-	-	38,000	-	38,000
Public Works - Facilities	Sunset	* Gutters	-	-	40,000	-	40,000
Public Works - Facilities	Sunset	* Restroom Remodel	-	-	45,000	-	45,000
Public Works - Facilities	Health Service Bldg.	HVAC	-	48,000	-	-	48,000
Public Works - Facilities	Monroe Clinic	* Roof Replacement	16,500	-	-	-	16,500
Public Works - Facilities	Monroe Clinic	* Roof Siding	-	-	27,000	-	27,000
Public Works - Fleet	N/A	Portable Lifts	-	-	55,000	-	55,000
Sheriff's Office	Humphrey-Hoyer	Transition Center Upgrade	-	43,173	-	-	43,173
NAPE	Fairgrounds	Telehandler forklift	-	-	150,000	-	150,000
NAPE	Jackson Frazier	Boardwalk	-	-	-	500,000	500,000
NAPE	N Albany	Park & Restroom	-	-	310,000	-	310,000
NAPE	Salmonberry	Boat Launch retaining wall	-	40,000	-	-	40,000
NAPE	Salmonberry	Well	-	-	40,000	-	40,000
Public Works - Road	N/A	Cor-Alb path (Hickory)	-	-	123,179	-	123,179
Public Works - Road	N/A	Surface Preservation	-	300,000	-	-	300,000
<b>Grand Total</b>			<b>100,500</b>	<b>463,173</b>	<b>1,188,429</b>	<b>1,122,000</b>	<b>2,874,102</b>

*\* Projects will be delayed to determine if other funds become available to address capital improvement need.*

# Committee Recommendation

After reviewing the projects against the established criterion and ranking them in accordance to the number criterion each project met, the CIP Committee recommended the following:

- ✓ Allocate \$1,752,102 for CIP projects ranked as Priority 1, 2, and 3.
- ✓ Delay the actual start of five Public Works Facilities projects related to the Sunset Building and Monroe Clinic to determine if other state and/or federal is approved (Total funds equal \$187,500). Estimated March 2024.
- ✓ All Priority 4 projects (\$1,122,000) will remain on the waiting list to reassess both readiness and available resources for Fiscal Year 2025.



# AMERICAN RESCUE PLAN ACT OF 2021

**American Rescue Plan Act (ARPA) Grants**

# ARPA Survey Information

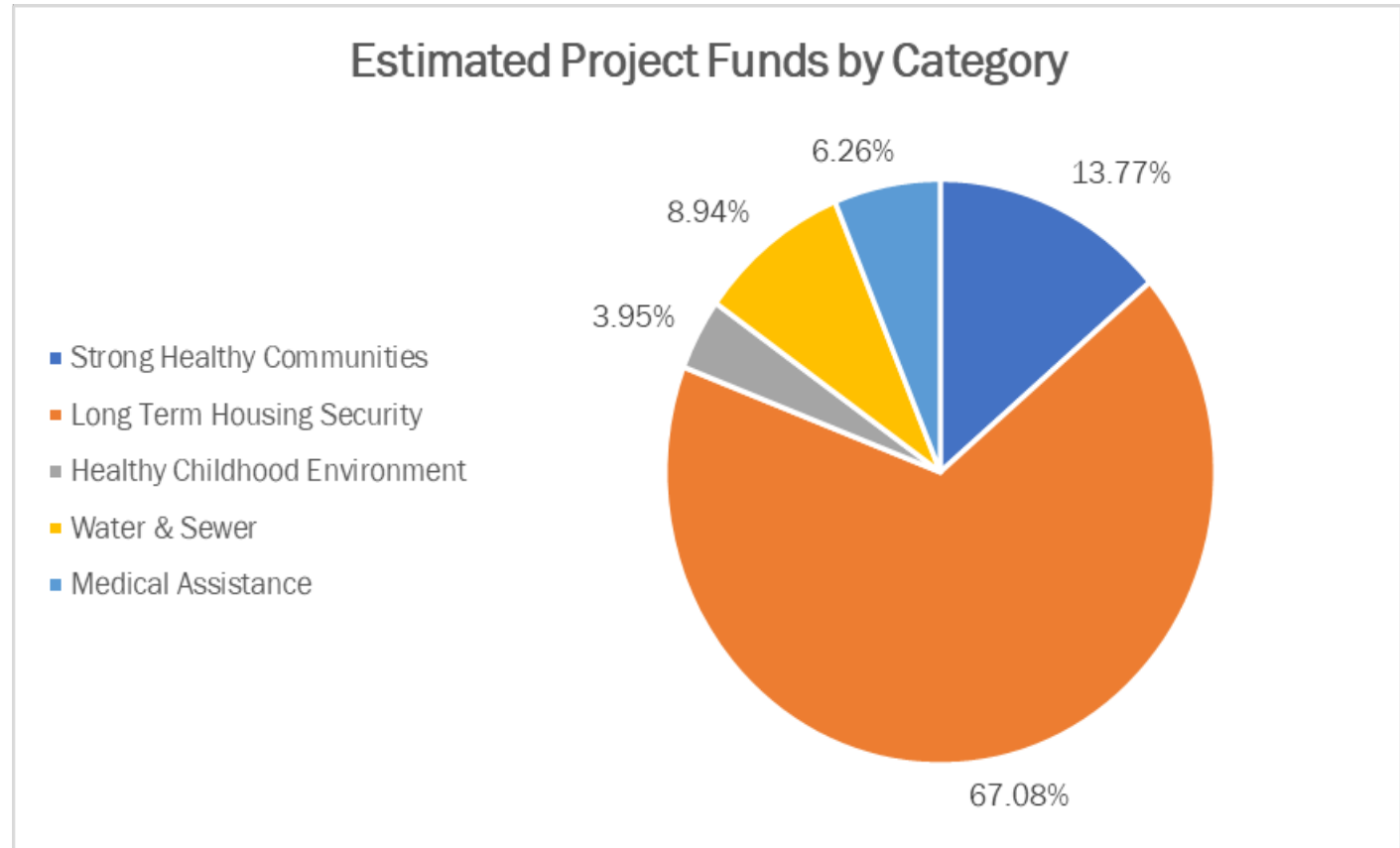
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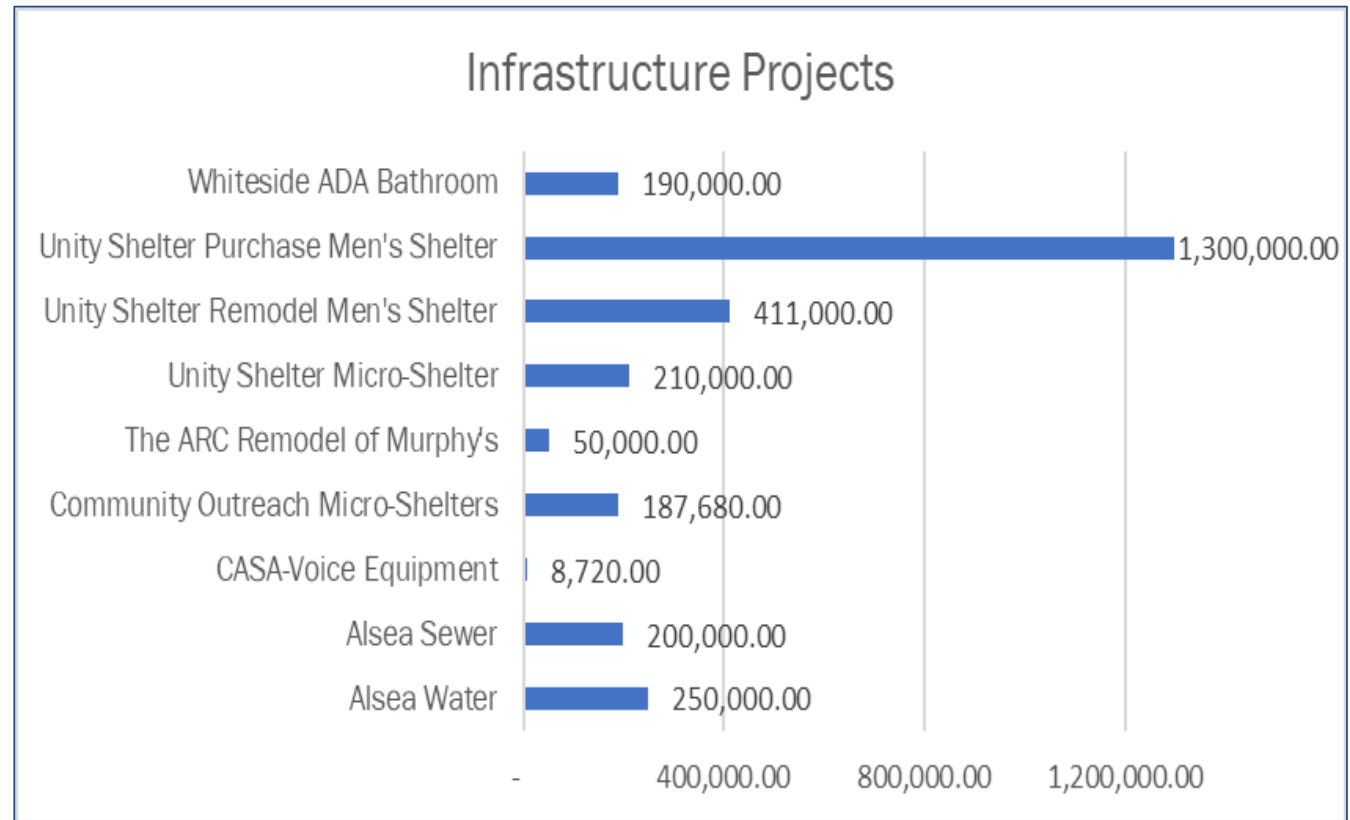
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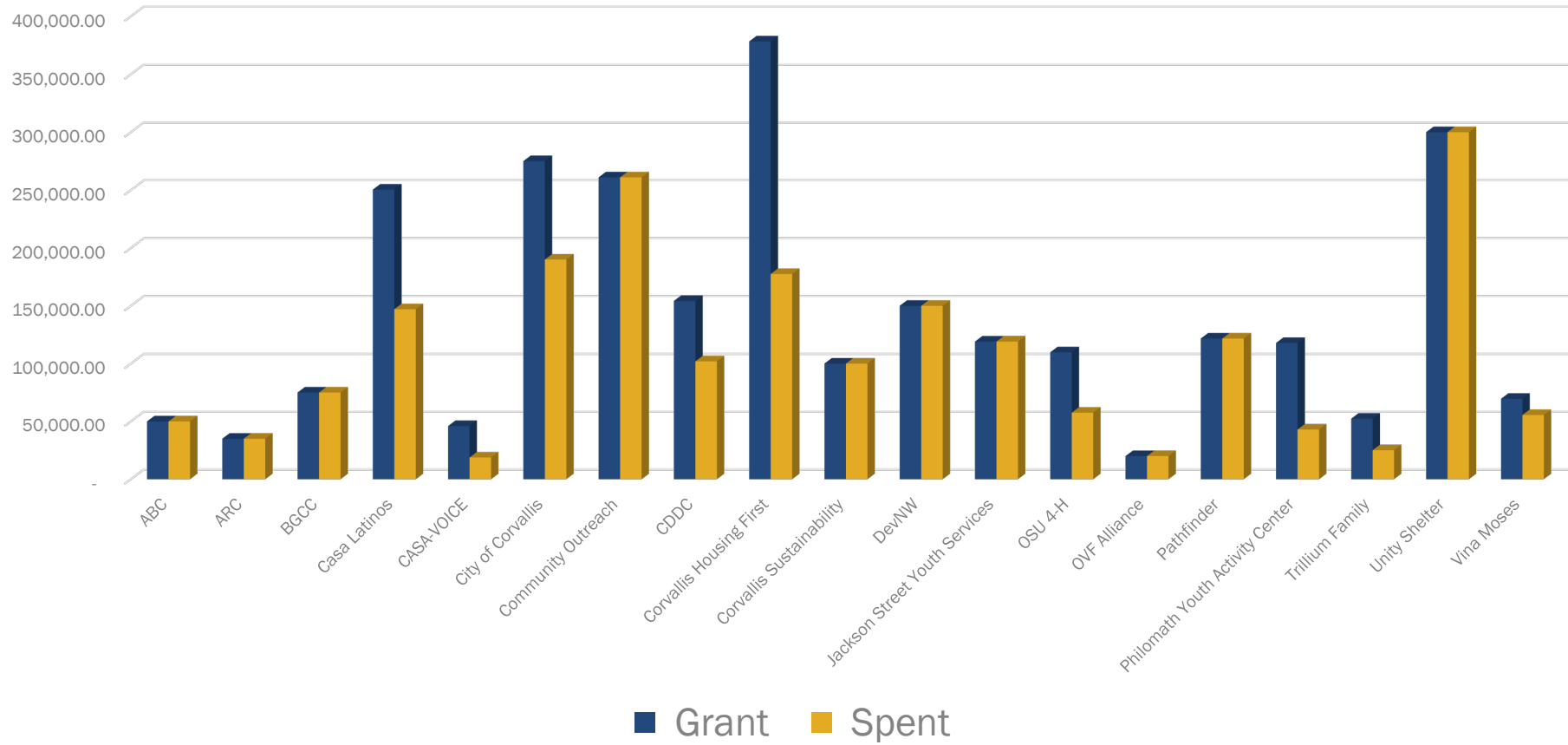
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At your service,  
*every day.*



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Benton County

# CONSENT CALENDAR

**BEFORE THE BOARD OF COMMISSIONERS  
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

**In the Matter of Reappointment to the )      **ORDER No. D2023-069**  
ECONOMIC DEVELOPMENT )      (Corrects and supersedes Order #D2023-060)  
COALITION )**

THE ABOVE-ENTITLED MATTER COMING NOW FOR THE CONSIDERATION  
OF THE BOARD AND,

IT APPEARING TO THE BOARD

WHEREAS on August 15, 2023, it was recorded an incorrect name to be reappointed.  
The correct name should be Todd Nystrom and is hereby retroactive as of July 1, 2023.

THAT the following qualified and knowledgeable individual has indicated a willingness  
to serve on this board:

<u>Name</u>	<u>Appointed &amp; Position</u>
Todd Nystrom	Begins: 07/01/23 Expires: 06/30/26 County Representative

NOW, THEREFORE, IT IS HEREBY ORDERED that the above individual is hereby  
appointed to the Economic Development Coalition.

Adopted this 5<sup>th</sup> day of September, 2023.

Signed this 5<sup>th</sup> day of September, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Pat Malone, Chair

\_\_\_\_\_  
Xanthippe Augerot, Vice Chair

\_\_\_\_\_  
Nancy Wyse, Commissioner

**MINUTES OF THE MEETING  
BENTON COUNTY BOARD OF COMMISSIONERS**

**Livestream:** <http://facebook.com/BentonCoGov>

**Tuesday, August 15, 2023  
11:00 a.m.**

- Present:** Pat Malone, Chair; Xanthippe Augerot, Commissioner; Nancy Wyse, Commissioner; Vance Croney, County Counsel; Suzanne Hoffman, Interim County Administrator
- Staff:** Rick Crager, Finance; Dawn Dale, Jeff Van Arsdall, Sheriff's Office; Cory Grogan, Public Information Officer; April Holland, Damien Sands, Health; Amanda Makepeace, BOC Staff; Sean McGuire, Sustainability; Erika Milo, BOC Recorder; Darren Nichols, Daniel Redick, Community Development
- Guests:** Ken Eklund, Joel Geier, Carrie Gilbert, Alcyon Lord, Becky Merja, Debbie Palmer, Mandy Place, Marge Popp, Edward Wienhoff, Mark Yeager, residents; John Harris, Horsepower Productions; Scott Palmer, Samaritan Health Services; Alex Powers, Mid-Valley Media

**1. Opening:**  
**1. Call to Order**

Chair Malone called the meeting to order at 11:03 a.m.

**2. Introductions**  
**3. Announcements**

No announcements were made.

**2. Review and Approve Agenda**

No changes were made to the agenda.

**3. \*Comments from the Public**

Mandy Place, resident, Corvallis Daytime Drop-in Center (CDDC) volunteer, commented on homelessness in the community. CDDC serves about 250 unduplicated guests per month and about 900 per year. The Street Outreach Team helps many additional people off site. Place highlighted data from the CDDC July 2022-June 2023 annual report. CDDC has outgrown its current space. With a larger space, CDDC could house more service providers, offer respite sheltering, and partner to provide inclement weather sheltering. CDDC received a \$550,000 capital grant from the City of Corvallis to create a Homeless Navigation Center (HNC). Place asked the Board to partner its discretionary County funds with the Corvallis grant to help purchase an HNC space before the grant expires on December 1, 2023.

**{Exhibit 1: Mandy Place Public Comment}**  
**{Exhibit 2: CDDC CDBG Annual Report}**

Mark Yeager, resident, asked the Board: How does the proposed Sustainable Materials Management Plan (SMMP) Request for Proposals (RFP) answer key questions about the future of Coffin Butte Landfill (CBL)? With no regulatory authority, how will the County implement an SMMP? How does a landfill-based SMMP result in anything but a larger forever landfill? Is it



worth \$400,000 to develop a plan that will not be implemented? Is the Solid Waste Advisory Council (SWAC) being dissolved to silence existing members asking hard questions, as happened to several Benton County Talks Trash Work Group members? How can the Board take this action in violation of Benton County Code (BCC) 23.020?

Camille Hall, resident, urged the County to emphasize diverting material from CBL in the SMMP RFP. CBL operator Republic Services (RS) is capable of handling waste in ways that do not add to air and groundwater pollution, but will not do so unless asked. The RFP must address the need for additional sorting of waste through existing transfer stations within the CBL hauling area. Since 70% of CBL waste comes from outside Linn-Benton Counties, that trash can be processed before going to CBL, without Benton having to build its own transfer station.

Ken Eklund, resident, Chair of the Solid Waste Advisory Council (SWAC), commented on the upcoming staff recommendation to dissolve SWAC and have some of its functions transferred to an ad hoc committee. Eklund asked Nichols: Will the new committee address the SWAC work backlog? What public outreach has been conducted about this change? Since a core function of SWAC is to connect the public and the County, the public should be able to comment. What notification of this change did Nichols give to SWAC volunteers? RS will file a new application soon; SWAC normally would play a key role, but SWAC will be dissolved when the next application is received. Eklund stated that staff recommend abolishing SWAC because it is a place where the public can get answers from the County. The County has great public engagement, yet County staff seem set on having an adversarial relationship with the public, including Eklund. BCC requires the County to have an Advisory Council and shows who should be on SWAC. This proposal goes against code, represses public access, and destroys transparency in government.

#### **4. Work Session**

##### **4.1 Monthly COVID Update from Health Services – April Holland, Health Services**

Holland reported that COVID-19 hospitalizations have risen across Oregon for a number of weeks, currently at 173, up 50% from 113 at the July 2023 update. There have been three COVID-19 hospitalizations in the last week in Benton, up from two. Statewide test positivity is 10.9%, up from 7.6% in July 2023. Health and Human Services Region 10 has 10.3% positive tests; Oregon has 11%. There are few sustained increases in wastewater signals in Oregon, but the Cities of Eugene and Woodburn do have increases. The dominant United States COVID strain is EG.5, another Omicron sub-variant. EG.5 is closely related to the XBB variants that have dominated for the last six months or so. So far, EG.5 has not been more virulent or severe than previous variants. So far, Oregon and the US have seen increased hospitalizations but not increased deaths; about 1% of deaths of all deaths this week are attributed to COVID-19. Many of the hospitalizations are incidental (patients hospitalized with a condition other than severe COVID-19).

The Centers for Disease Control (CDC) met August 3, 2023 and was expected to discuss COVID-19 vaccine dosing, but instead talked about new Respiratory Syncytial vaccine. The new COVID-19 vaccine is expected by late September or early October 2023, to combine with the annual influenza vaccine. The new vaccine will be monovalent, based on variant XBB1.5, which is closely related to EG.5. The new vaccine will replace the original primary series, streamlining and simplifying the vaccine supply. In addition to Pfizer and Moderna vaccines, Novavax may produce a traditional protein-based vaccine. The new vaccine still must be approved by the Food & Drug Administration, CDC, and Oregon Health Authority. No information is available yet on

dosage, age group recommendations, or timing between shots or after infection. This community has considerable capacity for COVID-19 vaccine delivery through providers and pharmacies. Staff anticipate enough capacity for demand. The timing is good, in alignment with the influenza season; there is no contraindication to receiving both vaccines at once, so staff will urge providers to take advantage of that.

Malone asked about the recommended interval between boosters or after COVID-19 infection.

Holland replied that the CDC will issue a recommendation, then encourage people to confer with providers. The timing depends on each person's individual health needs.

Malone asked if Holland would recommend waiting for the new vaccine to become available, unless one has special circumstances.

Holland confirmed in general, though it depends on individual circumstances. Someone with no immune-compromising conditions who received the previous booster might not need the new vaccine. Someone who travels might need it.

Malone asked if COVID-19 levels parallel influenza, with fewer cases in summer and more in fall and winter.

Holland replied that influenza season officially "starts" when a certain number of positive tests is reached, usually in October or November through May. COVID-19 does not yet have a typical seasonal pattern, but it will be possible to find those thresholds.

#### **4.2 Samaritan Treatment and Recovery Services (STARS) – Scott Palmer, STARS**

Malone explained that when the STARS facility was starting in 2020, Benton County contributed \$250,000; Malone requested an update on the project.

Palmer reported all that funds went into building the current 16-bed facility, which houses eight men and eight women, and also provides out-patient services and Driving Under the Influence education. Since opening in 2020, the facility has served 150 people, with a 28% completion rate (positive outcome) for men and 37% for women. The total completion rate is 46.4%, higher than the 42% national average. STARS is currently building a facility in the City of Newport, to open in summer-fall 2024. STARS continues to provide as many services as possible. There is usually a wait list for the residential program. Sometimes staff have to find additional resources, or put the client in the STARS intensive outpatient group while waiting for a bed.

Augerot noted that STARS cannot turn people away who are not from Linn/Benton Counties; the Board debated this when contributing capital funds. Augerot asked if Palmer had any numbers on clients' geographic origin.

Palmer did not have numbers, but most patients are from east Linn and Benton Counties, with some from Marion, Lincoln, and Lane Counties.

Augerot asked about the length of the waiting list and how long it takes clients to enter facilities.

Palmer replied two weeks at longest, but prior to that, staff try to put clients into services, such as an area Detoxification Center, then straight to STARS. STARS would like to offer more services specifically in Benton County.

Augerot asked if STARS offered its own detoxification services. Palmer replied no. Augerot asked if that component had been a bottleneck.

Palmer replied it was not; it is usually fairly easy to get people in quickly. Staff can usually call Bridgeway Recovery Services and get the client in the same or next day. The issue is getting the client into a bed right away.

Augerot asked if clients were primarily dealing with alcohol, and/or other substances.

Palmer replied the primary substances are alcohol, methamphetamine, heroin, and fentanyl. Xylazine abuse is making its way here.

Malone asked if the Newport facility would also have 16 beds.

Palmer confirmed the facility would have the same model, providing all three levels of service: residential, intensive outpatient, and outpatient. There is a possible space nearby to add a Detoxification Center, creating more of a one-stop shop.

Malone asked how people find or get referred to the facility.

Palmer explained that County peer supports meet individuals at the Emergency Room and refer them to STARS; family physicians also refer patients. The person makes an appointment and receives a two-hour assessment with a counselor to determine level of care needed and enroll in an available level. Clients meet with a primary counselor at least once a month. Outpatient clients meet with a counselor more often than in-patient clients, and visits are more structured. Ideally, a client has three months at each level of care; hopefully by then the client has the skills to be successful and has found housing.

Augerot asked about the most common reason to fail out of the program.

Palmer replied that treatment and recovery do not always stick the first time; the individual must be committed to making that change. Relapse is part of recovery.

Augerot asked if housing is part of that.

Palmer confirmed. Treatment can stabilize people in a structured environment, but if they are sent out and go back to no or unsafe housing, they end up in the same dangerous situations.

Wyse asked Palmer to describe positive completion.

Palmer replied this applies to individuals who have gone through all three programs and have found stable housing and jobs. Two STARS staff members are graduates of the program. The program is working; it just needs more resources, including staff.

Augerot asked if staffing was reducing the program's capacity.

Palmer replied no, STARS can run with full beds using current staff. For each level of service, there is usually a male and a female counselor. The program currently lacks a male residential and male outpatient counselor. The remaining counselor must do most of the work.

Malone asked why facilities are limited to 16 beds.

Hoffman commented that there are limitations on what kind of funding can be provided.

Augerot added that the limit is Federal law, part of the deinstitutionalization movement. Above 16 beds, an institution is deemed to be more like a state hospital. This is not very functional, and needs to change.

Palmer agreed. Even if there were a residential facility or a STARS in Benton County, all three facilities would likely be full.

Hoffman observed that advocates for patients and clients would say those rules are there for good reason, but the landscape has changed, and maybe more options are needed.

Palmer concurred and understood the point of the cap; that is why more resources and buildings are needed.

Hoffman thanked Palmer for mentioning prevention; fewer facilities might be needed if more prevention could be done.

Chair Malone recessed the meeting at 11:56 a.m. and resumed at 12:01 p.m.

#### **4.3 Adult Drug Treatment Court (DTC) Next Steps Update – Judge Matthew Donohue, Benton County Circuit Court**

Donohue explained that the DTC was suspended (no active participants) in June 2023. The DTC Steering Committee will meet tomorrow. The goal is to reorganize the program, restart it, and be ready to develop a Criminal Justice Commission (CJC) implementation grant application for September 2024, which coincides with other CJC grants. The critical work before then is to find a treatment provider for the program (DTC discharged its active participants due to lack of a provider). Another goal in reconstituting the program is to use robust best practices, so between now and September 2024, Donohue will perform substantial public outreach. DTC does not have an advisory board, another administrative best practice; representation is needed not only from community stakeholders and resources, but from groups that may be served by the DTC. For CJC and most Federal grants, the grant application process needs to happen outside the court, usually with the County, although the DTC coordinator can provide assistance. Most DTC grants include an administrative cost offset up to 10%. The Court needs to discuss grant application and administration with the County soon to ensure there is a point in doing the work. The Courts will approach treatment providers in the Benton County area; if not those, outside providers, non-profits, or startup providers will be considered.

Augerot asked if the County would manage the provider contract as well as grant application and administration.

Donohue confirmed that the contract is part of grant administration, rolled into the 10% offset.

Augerot asked if it is an Oregon Justice Department (OJD) limitation that keeps courts from being both grantee and manager, or a Federal one.

Donohue replied that OJD is working on grant-writing capacity, but most grants require the application from entities other than the court, which ensures collaborative participation between

counties and courts. Even if OJD developed full grant-writing capacity, some capacity would still be required so the grants are administered by a third party, a government. Donohue asked if the County has that grant-writing capacity. If not, the Court will lack a necessary part of the implementation grant resources. Several options for the program have been discussed; earlier this year, District Attorney John Haroldson provided the Board with information on program census. Best practices for admission are to prioritize the highest-risk groups and use objective criteria to admit. Numbers were improving for a while, but issues arose such as Oregon Measure 110 (Drug Addiction Treatment & Recovery Act), COVID-19 docketing, and the public defender shortage. Hopefully some of those issues will be resolved by then. The County has a high-risk population that Probation cannot provide services for. If sent to the Department of Corrections, that population will return to the community with the same substance problems and fall into the recidivist cycle. DTC is a positive investment. The County Sequential Intercept Model (SIM) now has a significant gap in post-conviction diversion programs, so the DTC program must be revived as soon as possible. September 2024 is the earliest that the Courts could prepare a feasible grant application.

Malone asked how often implementation grants are available.

Donohue recalled these being biennium grants, on a different schedule from sustainability grants.

Malone asked if the County and Courts would have another chance to apply if not ready for the September 2024 grant.

Donohue will find out whether September 2025 is an option. Donohue will talk to the Policy Committee, determine DTC resources, then return to the Board in a few months to confirm that the grant-writing resources will be available. Donohue has heard much enthusiasm for reviving the program.

Augerot opined that grant-writing expertise is less of a challenge than ongoing grant administration. The County needs to discuss this topic more.

Donohue mentioned the 10% overhead is usually available for grant administration costs. Without County resources to apply for the grants, there will not be a DTC program.

Hoffman asked Crager to comment on the matter.

Crager confirmed that CJC grants include the 10% maximum for administration, which is usually not enough to cover true cost. It depends on the total amount of direct services. Crager speculated that the Federal grant would likely fall a little short on covering costs, so the County would have to subsidize some costs, but it is hard to know how much at this time. Many programs offer 15-20% offsets for these costs.

Malone asked if the County has the staff to apply for and administer the grant.

Crager could not determine that until more grant details are known. A contractor would probably be used instead of direct staff, requiring some contract administration. Under the old model, County Financial Services successfully provided core grant management responsibilities with existing staff, so Crager anticipated the County would be able to serve, but more information is needed.

Malone concluded that regardless of staff, the County would be subsidizing the cost.

Crager stated this was his best professional opinion. Usually the offset is not enough to cover actual costs. Staff are a factor that influences indirect cost; the old model used many Behavioral Health staff. Using a contractor would reduce overhead cost.

Augerot added that the Federal grant would only cover those costs for the life of the grant, which is what led to this situation.

Donohue agreed that sustainability should be addressed. The DTC will contract with a provider. The Substance Abuse and Mental Health Services Administration grant was a contract service, though it was part of the Law Enforcement budget. That grant would provide information on administrative costs for a Federal grant for a contract services provider. The bigger issue is that both the Federal and CJC grants are designated for implementation, so sustainability must be considered. Previously, the County provided the Mental Health and DTC services; that did not work, hence the CJC sustainability grant being the stopgap for the program. One goal of the Advisory Committee is to identify and develop community resources. This would broaden the program's reach by identifying high-risk participants, and develop a deeper resource pool including possible wraparound services, which could offset long-term costs. DTC costs versus reimbursement rates are a CJC limitation in general, but CJC is moving towards having Oregon Health Plan cover the cost of services. So the County and the Courts also need to discuss how to set this model up for a third-party contract treatment provider, understanding that there would be OHP and possibly CJC cost recovery. Donohue would also like to have a Mental Health treatment component (a separate issue), which would likely remain a County referral system for the foreseeable future.

Malone requested more information about progress on future opportunities from Donohue, and more about capacity from staff.

Crager expected to participate with the Policy Committee and Donohue on cost analysis.

Donohue agreed with Crager that the County will need to subsidize part of the grant-writing and administration. Startup and implementation costs will be higher than for other programs due to front-loaded treatment services and wraparound services, which hopefully will reduce Criminal Justice Program costs.

Wyse supported the adult DTC returning as a Benton County service and looked forward to learning more.

The Board agreed that Donohue would return in late fall 2023 for further discussion of the County's role and resources in DTC grant writing and grant administration.

## **5. Consent Calendar**

### **5.1 Application for New Outlet, Off-premises Liquor License for Bellfountain Country Store**

### **5.2 Approval of the July 25, 2023 Information Sharing Minutes**

### **5.3 Approval of the July 11, 2023 Goal Setting Minutes**

### **5.4 Approval of Appointments to the Following Advisory Boards and Committees:**

<u>Board/Committee</u>	<u>Order Number</u>	<u>Appointees</u>
Property Tax Appeals	D2023-058	Nick Fowler, Andrew Freborg, Kathleen Hutchinson, David Coulombe
Corvallis-Benton County Library	D2023-059	Gabriel Ledger, Cleo Sandler
Economic Development Coalition	D2023-060	Tim Weber
Enterprise Zone	D2023-061	Charlie Mitchell
Environment & Natural Resources	D2023-062	Robert Swan, Mike Hughes
Food Service	D2023-063	Travis Allen
Historic Resources	D2023-064	Autumn Peterson, Jay Sexton
Mental Health, Addictions & Developmental Disabilities	D2023-065	Gabi Ford, Mikayla Heston, Ashley Mahan, Patty Koker, Dharma Mirza
Natural Areas & Parks	D2023-066	Ben Watts, Miles Phillips
Benton County Planning Commission	D2023-067	John Wilson
State Transportation Improvement Fund	D2023-068	Janece Cook, Hal Brauner

**MOTION:** Wyse moved to approve the Consent Calendar of August 15, 2023. Augerot seconded the motion, which **carried 3-0.**

## 6. Departmental Reports & Requests

### 6.1 Sustainable Materials Management Plan (SMMP): Draft Request for Proposals (RFP) – Update and Recommended Next Steps – *Darren Nichols, Daniel Redick; Community Development; Sean McGuire, Sustainability*

Nichols discussed next steps to implement recommendations from the Benton County Talks Trash (BCTT) Solid Waste Process Work Group and direction from the Board to draft an RFP, which will recruit a consultant to advise on development of a long-term SMMP. Staff will recommend next steps throughout SMMP development. This is part of a shift in how the County thinks about solid waste and materials. Solid waste implies end-of-life care for materials in a landfill or similar. The County wants to shift to a holistic, cradle-to-cradle approach with lifecycle analysis, similar to the State’s approach in Senate Bill 582, which emphasizes producer responsibility and alternative ways to handle materials. Taking pressure off the landfill is one of the biggest ways to improve the situation at CBL. Nichols described the suggested motions:

1. Motion one asks the Board for input on the revised RFP. The draft incorporates feedback from the temporary committee which met in July and early August 2023.

2. Motion two authorizes appointment of an ad hoc Sustainable Materials Management Committee. This will expand levels of expertise and regional representation, providing a more robust group to advise on developing the SMMP.
3. Motion three dissolves SWAC in its current form, while keeping the Disposal Site Advisory Committee (DSAC), which is the statutory responsibility relating to CBL. At least during the SMMP process, staff feel it is vital to have a much wider range of voices advising the County. The RFP asks the consultant to recommend a long-term interim governance structure for sustainable materials. Staff will also develop a charge for the ad hoc committee that is consistent with existing DSAC and SWAC roles, weaving those into the SMMP process. Nichols felt confident that this could be done seamlessly.
4. Motion four directs staff to develop a listening session, to be held in September or early October 2023. The session will focus on how best to use community feedback and the SMMP process over the next few years to build the plan and increase transparency, visibility, and community input. Staff will bring the final draft RFP on September 5, 2023 for Board approval to release the RFP and begin interviewing for the consultant.

Augerot was pleased with the shape of the RFP. It is easy to see how ad hoc committee comments were integrated, showing that the County is listening to the community. Augerot noted that in the graphic on draft page five (packet page 79), 'regularity control' should be corrected to 'regulatory control'. Augerot praised adding a disposal section as part of a life cycle, and placing more emphasis on alternative approaches to materials management. It is very challenging to develop life-cycle analysis for a single product, let alone the whole suite; Augerot's biggest question was how the County will select the products to be analyzed in order to get the best results from the investment, and how to prioritize the most actionable products that will make the biggest difference. The biggest waste streams called out in the draft are construction/ demolition debris (which is bulky) and food waste (a methane producer). It is also good to see the callout on medical and other types of toxic waste; it is important to be more aware of those types. As the landfill franchisor, the County should have some control of what waste streams it will or will not receive; that is where Augerot envisioned the County leveraging the SMMP. Some materials just should not be here. Augerot requested some clarification that RFP respondents need to propose how to prioritize the work and how to class and cluster the life-cycle analyses.

Nichols concurred. The first step is to work with the preferred contractor on a scope of work: how to strategically address the biggest and most urgent needs. The graphic on page five illustrates that the County's regulatory control is fairly finite, not enough to address the scope of the challenges and opportunities. This work will allow the County, as franchisor, to leverage collaborative relationships with other counties to work on these issues. Benton will accomplish much more that way than with codes and regulations. The community is asking the County to look forward and make the biggest dent possible in the collective responsibility to manage material more responsibly.

Wyse thanked staff and group volunteers for these efforts. This has been a learning exercise for everyone; we have been examining and learning, and therefore changing and growing.

Malone thanked staff and volunteers for helping to define the problem and next steps. The time since the end of BCTT has been well spent on developing the next stages. Malone also praised the page five graphic, which shows the County's limited authority. The authority that the County receives from residents and partners is much stronger and will have more influence.



Nichols credited Redick for the graphic and noted that Redick, Counsel, and McGuire have worked hard to prepare the draft. Nichols also credited Public Works Director Gary Stockhoff and staff for sharing insight on RFPs.

**MOTION 1:** Augerot moved to accept the revised Request for Proposals and direct staff to incorporate the Board's discussion into a revised final draft Request for Proposals for the Board to consider and authorize the release of the final Request for Proposal at its regularly scheduled meeting on September 5, 2023. Wyse seconded the motion, which **carried 3-0.**

**MOTION 2:** Wyse moved to authorize the creation of an ad hoc Sustainable Materials Management Committee and direct staff to prepare and present to the Board of Commissioners a list of proposed ad hoc committee members, including for consideration as appropriate, current members of the Solid Waste Process Work Group and Disposal Site Advisory Committee, and to draft a formal committee charge. Augerot seconded the motion.

Augerot noted that by retaining DSAC, the County is in compliance with State law, and some realignment of the work of SWAC and DSAC is needed; some SWAC work can be passed to DSAC. Augerot asked Counsel to discuss code relating to SWAC.

Counsel stated that BCC does not need to be amended to accomplish the recommended proposals. The County is most constrained regarding DSAC, a statutory committee. With County committees, the Board has authority to delegate functions that might originally have been delegated to SWAC. In past conversations, it was proposed that some of the responsibilities in BCC be delegated to the ad hoc committee, and some to DSAC; the charge or the agenda checklist for that item should describe which elements of code go to which body, and which might not be fulfilled in the interim.

Augerot noted that the charge is mentioned in the third motion, and expressed satisfaction with the discussion.

**The second motion carried 3-0.**

Augerot acknowledged that this is challenging for some community members to hear, but in light of the discussion and the documentation provided, the Board does not intend to remove any opportunity for community engagement. The intention is to not have three committees for staff to manage during this process. DSAC and the ad hoc committee will each pick up some SWAC work.

**MOTION 3:** Augerot moved to dissolve the Benton County Solid Waste Advisory Committee effective immediately and direct staff to develop a committee charge consistent with the roles of the Solid Waste Advisory Council and the Disposal Site Advisory Committee. Wyse seconded the motion.

Wyse stated that this is not an attempt to squash public engagement; the County is just finding new ways to be more effective.

Malone noted that the County has had more public engagement than ever. Motion four discusses that. If anything, the County is trying to have more and wider public engagement in future. Staff should be commended for that approach.

Augerot added that the area on the graph labeled ‘collaborative influence’ cannot be obtained without a larger ad hoc Sustainable Materials Management Advisory Committee.

**The third motion carried 3-0.**

**MOTION 4:** Wyse moved to direct staff to develop a “listening session” concept and present options to the Board for consideration at its September 5, 2023, meeting. Augerot seconded the motion, which **carried 3-0.**

Nichols emphasized that the County is moving from a focus on CBL as a disposal site, to a much bigger table where the County has new partners and much stronger influence over the entire waste-shed of Oregon. There is some fear in the community that CBL may get lost in the conversation; Nichols reassured the community that the County will not lose sight of the importance of addressing CBL. The County is totally committed to this goal.

**6.2 Service Recognition for Interim County Administrator Suzanne Hoffman –  
Benton County Commissioners**

The Board thanked Hoffman for delaying her retirement to serve as Interim County Administrator for the past six months while a new County Administrator was selected. Malone praised Hoffman’s engagement. Augerot expressed gratitude for the honor and privilege of working with Hoffman during an active time. Wyse thanked Hoffman for her much appreciated dedication and service to the County, and for leading by example.

Hoffman thanked the Board and shared that working for Benton County has been the most satisfying experience of her career. The County has a great team and has one of the most engaged communities in Oregon.

Van Arsdall thanked Hoffman for exhibiting grace and patience. Van Arsdall presented Hoffman with a Sheriff’s Office challenge coin.

Malone also recognized the next Interim County Administrator, Rick Crager, who will serve in September 2023, to be followed by new County Administrator Rachel McEneny in October 2023.

Hoffman thanked Crager and her supportive spouse.

**7. Other**

No other business was discussed.

**8. Adjournment**

Chair Malone adjourned the meeting at 1:13 p.m.

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Pat Malone, Chair

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Erika Milo, Recorder

*\* NOTE: Items denoted with an asterisk do NOT have accompanying written materials in the meeting packet.*

**MINUTES OF THE MEETING  
BENTON COUNTY BOARD OF COMMISSIONERS**

**Zoom link:**

<https://us06web.zoom.us/j/88396604394?pwd=d1ZWYUNaWm1uRzVCYm5Ud3RXcExNQOT09>

**Livestream:** <http://facebook.com/BentonCoGov>

**Tuesday, August 1, 2023**

**9:00 a.m.**

- Present:** Pat Malone, Chair; Nancy Wyse, Commissioner; Vance Croney, County Counsel; Suzanne Hoffman, Interim County Administrator
- Excused:** Xanthippe Augerot, Commissioner
- Staff:** Jef Van Arsdall, Benton County Sheriff; Laurel Byer, Owen Millehrer, Public Works; Cory Grogan, Public Information Officer; Amanda Makepeace, BOC Recorder
- Guests:** Andy Bennett, Resident; Anne Foltz, Resident; Wendy Burn, Resident; Meredith Wadlington, Unite Oregon; Marriah de la Vega, Administrative Specialist; John Harris, Horsepower Productions

**1. Opening:**

**1. Call to Order**

Chair Malone called the meeting to order at 9:00 a.m.

**2. Introductions**

**3. Announcements**

No announcements were made.

**2. Review and Approve Agenda**

No changes were made to the agenda.

**3. Comments from the Public**

Andy Bennet

Bennett is attending today representing residents who live on NW Scenic Drive. Bennet has lived there for 34 years and is the second owner of a home built in 1938; raised four children and has seven grandchildren. Traffic has become intolerable on Scenic Drive over the years. According to a speed study done in February 2023, some vehicles on Scenic Drive registered a speed of up to 80 miles per hour (mph). Several speed studies have been conducted in the last ten years; the one from February 2023 was the most recent requested of Oregon Department of Transportation (ODOT). As a resident, today Bennett is requesting a speed limit of 45 mph; back in 2019, Bennet had asked for it to be set at 35 mph. There are curves, bends, and a long straightaway on Scenic Drive, which is a four- to five-mile-long major connecting route between Route 20 and Springhill Road.

There used to be children, bikes, adults, and horses along the roadway, but currently people are afraid to go out walking or riding on the road. Bennett requested the commissioners look at the study and is feeling frustrated that while the speed limit is in compliance with the law, the law is not serving residents well. Safety is a paramount concern for the residents of Scenic Drive.

Bennett had prior successes working with State Representative Jeff Gilmore on permanent funding for the Buena Vista Ferry in the 1980s, and helped lower a speed limit in South Salem despite a state traffic engineer who claimed it would not be possible. Bennet wants to seek a lower speed limit for NW Scenic Drive, and today is asking for postponement of the decision in order to gather more information about wildlife corridors, one of which is adjacent to his property. Bennet is concerned as the community was not involved in the speed limit process; the law specifically says that residents have input.

Wyse asked Bennett if he had reached out to the current state representative for that area, Shelly Boshart Davis.

Bennett replied that he contacted everyone he could think of and received no response. He is willing to take his own time to work with the Commissioners and the civil engineers to avoid a future hit-and-run vehicular accident; additionally, is also asking for speed cameras that could be paid for through a federal infrastructure act that was passed a year ago. Bennet has received feedback that the speed camera approach is not in line with Oregon Revised Statutes but noted that statutes can be amended.

Malone commented on the presence of Public Works staff in the meeting room and the sheriff online during this meeting; Bennet responded with a hope to find common ground.

#### Anne Foltz

Foltz thanked the Board for the opportunity to make public comment. Yesterday, July 31, 2023, Foltz wrote an email to the Commissioners. Foltz is here as a representative of her neighborhood and her family with concerns about the increase in traffic at the intersection of 53<sup>rd</sup> Street and Country Club Drive. Foltz said it is her understanding there is going to be some conversation around putting in two traffic circles further north on 53<sup>rd</sup> Street and is attending today's meeting to request a traffic circle for the intersection with Country Club Drive. It is an increasingly dangerous intersection which is currently a two-way stop on Country Club. People coming north out of Philomath into Corvallis are moving at a high rate of speed typically above the posted speed limit of 35 mph. She and her family have lived two blocks north of the intersection for 17 years; it has become more and more dangerous. With the development of the housing flats at the intersection, visibility along the roadway has greatly diminished. Foltz stated a desperate need for some infrastructure in that area as more housing is going in and slated for future development. Foltz' husband has seen three accidents in the last six months. Drivers are observed going through the intersection in excess of 60 mph and it is dangerous due to the housing on all four corners of the intersection. Foltz feels frustrated that development has been allowed to happen without infrastructure to match. Foltz drives north on 53<sup>rd</sup> to Walnut Drive on a daily basis but doesn't understand the proposal for a putting in a traffic circle at Willow as those neighborhoods are established with no new developments planned; Foltz guesses that drivers are tired of waiting to turn. Foltz has also heard there might be a traffic circle put in at Reservoir despite an already-functioning traffic light there. Foltz shared a quote from her email to the Commissioners, stating "you might save commuters a couple of minutes by putting in those traffic circles, but if you put in one at Country Club, you will be saving lives; I have no doubt." Foltz invited all of the Commissioners and the Sheriff to observe traffic at that intersection on a daily basis. When walking the intersection several times a week, it feels as if she is taking her life into her hands even with the blinking crosswalk lights. If Foltz slows her walking speed when crossing the intersection as a reminder to drivers, she is often honked and yelled at by motorists coming from Philomath. It seems like an obvious location for some great action on the part of the Commissioners because it is a corridor that connects the two largest cities in the county.

Wyse noted that conversations can be held after the meeting, perhaps looking back through the Transportation Safety Plan (TSP) and seeing what options are possible. Wyse thanked Foltz for bringing it to the Commissioners' attention.

Foltz said she heard a rumor when the apartment houses were being built that there was going to be a circle and wondered if it was said to placate the neighbors, but Foltz hasn't ever seen anything in writing.

Wyse clarified for the record that she was on the Corvallis City Council when the property was re-zoned but did not have any personal connection to the subsequent development, and followed with a statement that Corvallis does need housing.

Foltz agreed and noted as a public school teacher, working with students navigating poverty and seeing teachers who cannot afford to live in Corvallis, she has no problem with the housing that has gone in, but wants it to be a safe environment.

Wendy Byrne (online)

Byrne saw on today's Agenda that Public Works is requesting to apply for the safety action plan, which dovetails nicely with the last two commenters. It is apparent that roadway safety is on everyone's mind. Byrne would love to see the county take every opportunity to apply for grants to improve safety for all roadway users in the county, as well as set a good example for other counties and for Corvallis if this grant is successful, so she hopes Commissioners will support the request. Byrne also noted that she will no longer ride her bike in the areas the two previous commenters mentioned. It is not that the roads are in bad shape, it's that drivers are unsafe and something needs to be done. Byrne thanked the Commissioners for listening and expressed appreciation at the opportunity to speak.

Meredith Wadlington (online)

Wadlington identified herself as a policy coordinator at a statewide non-profit called Unite Oregon, which is partnering with the health justice recovery network to ensure that Measure 110 (M110) is implemented the way voters intended it to be. Wadlington is attending today to provide an update. This is the year that M110 is really on firm footing, with new data showing a dramatic increase in the number of people receiving addiction services funded by M110; tens of millions of dollars are going to direct services instead of the revolving door of the prison system. This results in more stable families and communities. There are more resources available now that were not available prior to M110. This session Oregon passed the Hope and Recovery Act, House Bill 2513, which corrects the implementation challenges seen in the M110 rollout, making it more effective, transparent, and accountable. Last month the Oregon Health Authority (OHA) released a second quarter report of the number of Oregonians receiving services through M110 instead of entering the criminal justice system. The report can be found on OHA's website; Wadlington stated she would email it to the Commissioners. Substance abuse treatment increased by 44%, employment services increased by 136%, and housing services increased by 125%. Wadlington believes the state is heading in the right direction and is enthusiastic about the future of M110. Wadlington offered to coordinate the attendance of colleagues from the health justice recovery alliance at a future meeting, along with some of Benton County's healthcare providers to make a presentation. Wadlington also invited the Commissioners to a site visit to take a tour of the facilities and to meet with providers.

**4. Consent Calendar**

**4.1 Approving the July 18, 2023 Board Meeting Minutes**

**4.2 Approving the January 11, 2022 Goal Setting Minutes**

**MOTION:** Wyse moved to approve the Consent Calendar of August 1, 2023. Malone seconded the motion, which **carried 2-0.**

**5. Departmental Reports and Requests**

**5.1 Notice of Intent to Apply for Safe Streets and Roads for All Grant – Safety Action Plan – Laurel Byer, Public Works**

In 2019 Benton County (BC) adopted an update to the Transportation System Plan (TSP). As part of that process, it was highlighted that the county needed to go back and review freight routes versus multimodal routes as there are no identified, specific freight routes in BC. One of these opportunities is through a federal grant from the United States Department of Transportation called Safe Streets and Roads for All, which will create a Safety Action Plan (SAP) for all of BC. The county would look not only at freight routes but at all roads, including Scenic Drive and 53<sup>rd</sup> Street, determine what kind of safety countermeasures could be provided, and then put that in a plan for later. The hope is once the SAP is in place, then BC would return to the Safe Streets and Roads for All grant and look for implementation funding. This grant was put together as part of the infrastructure package at the federal level and is supposed to have five years of funding allocated; this is Year 2. BC had previously submitted a letter of intent to apply for a Transportation Growth Management (TGM) grant, but state feedback indicated that BC would not be successful with the TGM process and should look for funding opportunities. BC decided to apply for the Safe Streets and Roads for All grant instead, but with a short turnaround the county had to act quickly. This does tie critically to safety issues in the county and is an excellent opportunity; \$320k in funding was requested with an \$80k match required which would likely come from the Public Works road fund.

Malone asked about the timeline for approvals of the grant application.

Byer replied that the first recommendations will come in October 2023, with the funding coming in 2024. BC will apply for the federal implementation grant in October 2024.

Malone approved and noted several examples where planning led to opportunities for funding implementation of the plan.

Byer commented that no implementation grant would be forthcoming without a safety action plan or something comparable in place; BC really needs to complete the planning step first.

Malone asked Byer to provide updates as needed and supported the idea that this is the first step in covering some gaps in current planning.

**MOTION:** Wyse moved to approve the Notice of Intent to Apply for funding through the Safe Streets and Roads for All discretionary grant program for a Benton County Safety Action Plan. Malone seconded the motion, which **carried 2-0.**

**5.2 Notice of Intent to Apply for Multimodal Project Discretionary Grant: SW 53rd Street Improvements – Laurel Byer, Public Works**

The Multimodal Project Discretionary Grant (MPDG) application is due on August 21 and is another solicitation from a pool of three grants classified as Mega, INFRA, and Rural. The MPDG covers planning, permitting, and preliminary engineering, as well as construction. A long-awaited project first considered prior to 1985 is the SW 53rd overcrossing project. It alone does not rise to the level of a \$25m project, so that is why BC considered roundabouts to be installed on Reservoir Avenue and Willow Avenue. The roundabout at Willow Avenue is intended to proactively address future traffic that will be part of the Marys Annexation. The existing traffic signal that is at Reservoir Avenue was intended to be temporary in nature, with a longer-term plan to install a roundabout if warranted at that intersection. The idea with this grant application is to apply not only for the SW 53<sup>rd</sup> overcrossing improvement funding but also to include those intersection improvements. These are intended as proactive changes before development happens as BC does not usually have the funds to complete such projects. This grant would include upgrading SW 53<sup>rd</sup> to meet city standards as well as upgrading the rail overpass bridge; it naturalizes Dunawi Creek, so BC would restore the creek by removing it from the culvert that currently passes underneath 53<sup>rd</sup> and making it an amenity; and probably allow for some landscaping and benches along the old SW 53<sup>rd</sup> Street alignment. Existing 53rd would turn into cul-de-sacs to ensure that through-traffic would not go under the railroad crossing but also make sure to keep the multiuse path so that way people could still ride their bikes along the lower section of the old 53<sup>rd</sup>. Byer is looking for guidance on which grants to apply for. The SW 53<sup>rd</sup> Overcrossing Project could qualify for the INFRA grant as well as the Rural grant; the INFRA grant is a 40% match, meaning the county would have to provide \$10m in funds; the county road fund does not have anything near that amount, In fact, even to qualify for the match for the Rural grant, which would be \$5m, BC would need to look at getting a loan from the state as BC does not have that kind of cash reserve to meet even that lower Rural match.

Wyse asked about the benefit to or the impact on the county in applying for a \$10m loan as opposed to a \$5m loan from the Oregon Transportation Infrastructure Bank.

Byer replied that she is unsure; that is more of a Financial Services question, if the county could qualify for a \$10m or a \$5m loan, in addition to all the other projects that the county is trying to fund.

Wyse asked if Financial Services has looked into the possibility of applying for the \$5m grant.

Byer replied that Rick Crager signed off on putting forward the grant application but did not discuss specific amounts.

Wyse asked Byer if it possible to apply for both grants; Byer confirmed. Wyse wondered about the downside of applying for both grants; Byer replied that there would be no conflict and no potential negative effects in applying for both as they are actually from two different pools of grant funds, although BC would have to come up with the extra matching funds.

Byer communicated that in prior conversations with Gary Stockhoff of Public Works, she was unsure if the SW 53<sup>rd</sup> Street project would ever take place unless the county is successful in obtaining a grant of this size because the out-of-pocket costs would have long-term effects on other county projects for 20 to 30 years. Byer stated it is very important for the county to pursue applying for these federal grants.

Wyse asked about services provided by CFM Advocates (CFM) that would cost the county \$10k.

Byer confirmed CFM has done these grant applications before, coordinating with other jurisdictions. CFM services could be applied toward another grant opportunity that is opening up in the fall under the same grant information.

Wyse noted that if CFM assisted in applying for both grants named on today's Agenda, as well as the future grant opportunity, with the flat charge of \$10k, it seems worthwhile to explore every grant opportunity avenue. Wyse is in favor of trying to go for both grants.

Malone cautioned that there would be a significant cost to the county in the amount of staff time required for the application process that might be larger than the \$10k CFM would charge to complete and submit the grant application. The benefit is that CFM may have some expertise in using grant language that leads to successful outcomes.

Byer agreed and noted that CFM's services have led to successful outcomes for other jurisdictions and expressed the hope that CFM's services could lead to success for BC.

Malone concurred and stated that it seems like a worthwhile investment. BC hasn't done anything of this nature with CFM previously; the working relationship with the county is less than a year old. One of the additional aspects of hiring CFM is receiving help with grant writing; part of their work is advocacy in Washington, DC, but also to help jurisdictions find funding sources and then helping to access those sources. Malone indicated that he was not ready to decide right now about CFM's services but wondered from where that \$10k could be pulled.

Byer said Public Works could fund CFM under consulting services as it is directly related to specific road projects.

Malone noted that Commissioner Wyse had asked if there were any disadvantages to applying for multiple grants and there did not seem to be any. Malone was interested in knowing more about how competitive the grant application is and how much funding might be available.

Byer did not have access to that information immediately but felt confident that these are significant funding sources. Byer looked at trying to get the financial project estimate up to \$25m because 90% of the funding particular Rural grant pool program is going toward infrastructure versus 10% toward planning. Byer's intent was to meet the threshold as it makes BC more competitive with grant opportunities from a pool of funds in the billions of dollars, leading to a better ability to sustain a \$25m project.

Malone stated that this project been planned for over four decades and BC hasn't yet been able to fund it. Malone recommends moving forward as these funds are limited duration, over a five-year period, but expressed doubts about the relying on the renewal of the funding source. There is wisdom in considering these as one-time funds, as opposed to farm bills that are renewed every five years.

Malone asked Byer for confirmation that the grant opportunity is in its second year, with 2024 being the second year.

Byer confirmed and noted this is the second grant announcement; there will be three more opportunities to apply.

Malone stated that applications may not always be successful the first time and it doesn't cost much more to reapply; an investment has already been made.



**MOTION:** Wyse moved to approve the Notice of Intent to apply for the Multimodal Project Discretionary Grant: SW 53rd Street Improvements in the Infra and Rural categories. Malone seconded the motion, which **carried 2-0.**

Byer asked to comment about the roundabout at SW Country Club and 53<sup>rd</sup>; that project was actually funded through the Corvallis Area Metropolitan Planning Organization (CAMPO) and last year the county completed a study to determine if a roundabout would be the proper treatment at that intersection. A roundabout is a safer approach there versus a traffic signal and thus the survey work in that traffic corridor has already been completed, so the roundabout is currently under design and Owen Millehrer is the project engineer on that project.

Wyse confirmed the organization's name and mentioned a TSP report that recommended a roundabout versus her experience with community members who requested a traffic light in its place. Wyse was pleased that the situation is being resolved.

Malone noted the learning curve of roundabouts and that they work better in series. Bend, Oregon has shown that it is possible to have many of them and drivers are able to get around. Malone asked Byer for clarification of the difference between traffic circles and roundabouts; Byer replied that while both go around, traffic circles are much smaller and are not meant to move traffic nor be multimodal-friendly; they are mostly obstructions in the middle of the roads to force people to slow down.

Malone thanked Byer for the explanation and noted that he had heard both terms.

### **5.3 Imposition of Traffic Control on NW Oak Creek Drive, County Road No. 15500, Order No. D2023-056 – Owen Millehrer, Public Works**

Millehrer had a speed zone limit order for Commissioner review. The first is Oak Creek Drive from 53<sup>rd</sup> Street to Cardwell Hill Drive. This issue was brought forth by residents who are concerned about speeds and safety on the roadway. Oak Creek is posted at 50mph. A speed study was completed and an application made to the state to reduce it to 45 mph, bringing it into line with surrounding roads: 53<sup>rd</sup> Street, Walnut Boulevard, and Harrison Boulevard. The state did their own independent analysis and agreed with the county's recommendation to lower it to 45 mph. There is a heavy use of multimodal access to recreation and a number of neighborhoods that this road services.

Millehrer asked if the Commissioners had any questions.

Wyse asked Millehrer for a high-level overview of what is entailed in the process of changing a speed limit.

Millehrer replied that ODOT has authority over speed zones; the county can request a change or to establish a establish speed zone on our facilities, then BC looks at the roadway speed limit in the Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OARs), which sets procedures on how to determine limits and at what number. The county follows that guideline,

Previously, the speed limit change process looked at a number of different things, including the usage of the road, curves, and schools zones, but primarily it was based on the 85<sup>th</sup> percentile speed, or the speed at which 85 percent of vehicles are traveling at or below. Recently the state changed the process to allow for more context, and, depending on the classification of the road, it is possible to post it based on the 50<sup>th</sup> percentile of the road speed, so a slower speed limit. This

process change has been a helpful change in bringing today's Orders to the Board, as well as for pending and future speed limit changes.

The state will do its own review and give a recommendation and then BC agrees with it or requests a reconsideration of the recommendation. If no consensus is reached, it can be brought to a review panel to determine the appropriate action.

Malone asked Millehrer if the use of 'state' was a reference to ODOT; Millehrer confirmed.

Malone noted the state has a lot of authority but it sounds like they are becoming more flexible by going from the 85<sup>th</sup> percentile to the 50<sup>th</sup> percentile in making decisions.

Millehrer agreed and noted the state is simply enforcing what is already in the ORS and OARs.

Malone stated part of the goal is to have speed limits be set consistently according to the type of roadway, no matter where it is located, and to have it work well with the surrounding roadways. Malone noted the reason why the state wanted to set consistent speed limits was due to a small town on 99W that in the past had set the speed limit at 15 mph as a revenue generator. Drivers should be able to expect the limits are similar between roadways. Malone thanked Millehrer for the background on the speed limit change process. During the last legislative session, even a large municipality like Portland had to negotiate with ODOT to be granted authority to change residential neighborhood speed limits from 25 mph to 20 mph.

Millehrer confirmed that OARs states cities can apply for 5 mph below statutory speed limit, but the county does not have that option.

Malone said other part of the issue is enforcement of speed limits; if not observed, then the sheriff is needed for enforcement with the mobile speed indicator units strategically placed around. If drivers slow down for a while, then the mobile unit goes away; when driving speeds begin to exceed the posted limits, then enforcement of the accurate speed encourages drivers to observe them.

**MOTION:** Wyse moved to approve the order imposing traffic control on NW Oak Creek Drive, County Road No.15500, and direct staff to erect the traffic devices necessary to post a 45 MPH speed limit in accordance with the state speed zone order and the Manual on Uniform Traffic Control Devices. Malone seconded the motion, which **carried 2-0.**

**5.4 Imposition of Traffic Control on NW Scenic Drive, County Road No. 14410, Order No. D2023-057– Owen Millehrer, Public Works**

BC is looking to reduce the speed limit on NW Scenic Drive, which goes from Gibson Hill Road to Spring Hill Drive. Currently, this section of road is under basic rule, which means motorists have to drive a safe and prudent speed for the conditions of the roadway and are not to exceed 55 mph, so this change would essentially be reducing the maximum speed limit from 55 mph to 45 mph. This process was initiated when Andy Bennet reached out to the country with concerns about safety on the roadway. The county did a number of speed limit studies on the roadway and based on the data and the current speed zoning rules, BC applied to the state for a 45 mph speed zone. The state did their own independent review and study and their recommendation, based on the data, is for a 50mph speed limit; higher than BC requested. One of the options is to challenge that recommendation; BC asked the state to reconsider due to the characteristics of the road, as

there are a number of curves, a lot of driveways, and schools on either end of the proposed speed zone. The state reconsidered and then agreed with the 45 mph limit, which is 5 mph below the 50<sup>th</sup> percentile speed and as low as it can go under current laws.

Millehrer noted that Bennet asked for a postponement of the Order; Millehrer will leave that up to the Commissioners. The limit is as low as it can go following the law, and Millehrer said he was unfamiliar with the time involved in the process to change the law.

Millehrer recommended moving forward with the 45 mph speed limit to get it established and then explore the process of how to get an even lower limit.

Millehrer shared some pertinent data from the Scenic Drive study: 61% of cars are traveling between 45 and 54 mph; there were four reported accidents between January 2017 and December 31<sup>st</sup>, 2019, meaning a crash rate of 1.04; the statewide comparable rate is 2.5. Roadway safety improvements are always important, but the county believes a 45 mph speed limit is appropriate, based on analysis and for that classification of roadway. The county is looking at other ways to improve safety, such as updating striping on the road and looking at signage outside of the speed limit.

Wyse commented that BC has managed to bring the speed limit down lower than the state's initial recommendation then queried if it would still be possible to challenge the limit yet again and ask for an even lower speed limit.

Millehrer indicated with a non-verbal head shake that it would not be possible for BC to challenge the 45 mph limit.

Wyse asked staff if there were traffic calming or other safety measures besides striping and signage that could be implemented and noted that it would be appropriate to have further conversations on this topic.

Byer stated the county struggles with rural road speeds and safety; many of the countermeasures for controlling speed are better applied in urban settings. If the county is successful in applying for this grant, the Safety Action Plan will provide the opportunity to address these concerns and look for other tools, including placing delineators on the road. The most effective approach would be designing curves in the road as they slow down drivers, but it is very expensive when there is an big straight stretch of road. A cost-effective option would be narrowing the driving lanes, giving drivers the perception that they are going too fast and causing them to slow down. The Safety Action Plan might have other tools to lower driver speeds as behavioral science does not always work as intended.

Wyse had a question for Sheriff Van Arsdall and the Benton County deputies, asking if they had opportunities to get out to Scenic Drive; is it considered a problem area, and asked about their feedback on the experience.

Sheriff Van Arsdall reported a lot of pedestrians and minimal sidewalks. It seems like the pedestrian numbers are increasing, plus a new neighborhood is going in on Gibson Hill Road which will further increase those numbers.

North Albany is the second largest community in Benton County and there are a significant number of residents. Cutting across to Spring Hill would necessitate taking Buena Vista or the Independence Highway. The county recently had mobile radar trailers out on Spring Hill, which

is probably the most difficult area for speed enforcement in North Albany, followed by Independence Highway.

As far as close connectors such as Scenic Drive, motorists drive much too fast on Scenic and the sheriff's deputies spend a good deal of time out there. A significant number of Sheriff's Office staff live in North Albany and spend some patrol time in that area. The Sheriff was unable to recall any recent crashes on Scenic but agreed motorists drive too fast on Scenic Drive.

Malone asked Millehrer if today's decision were postponed, would the speed limit stay at 55 mph, under basic rule.

Millehrer replied that when a speed limit is determined under basic rule, it is much harder to enforce.

Wyse asked if implemented today, with neighborhood groups or individuals working to get the laws changed, could the county revisit the topic in accordance with any new law created. For now, setting the speed limit at 45 mph is a step in the right direction, though perhaps it is not the end of the issue.

**MOTION:** Wyse moved to approve the order imposing traffic control on NW Scenic Drive, County Road No. 14410, and direct staff to erect the traffic devices necessary to post a 45 MPH speed limit in accordance with the state speed zone order and the Manual on Uniform Traffic Control Devices. Malone seconded the motion, which **carried 2-0.**

Malone thanked Millerher for the information and hard work and noted that cars drive too fast, there are too many cars, and a multimodal grant will encourage people to get out of their cars and use other types of transit, including walking and biking, in this relatively small community.

Hoffman hopes there might be an opportunity during the planning effort to take into account Bennet's concerns. The current data measures what has been happening but it is more challenging to measure what is not happening, and why. One of the data points Hoffman hoped would be considered was the mention of the number of adults and children who may not be walking, riding bikes, or exercising their horses because of the fears and concerns related to roadway safety and speeds. The planning process typically involves community engagement, which takes some time. Hoffman is hopeful that one or more of the grants mentioned by Byer in the previous items would allow for collecting data that measures what is not happening, or no longer happening, on the roads due to excessive speed.

Malone thanked Byer and Millehrer and hoped to hear good news on the grants.

## **6. Other**

Wyse attended Monroe city council on July 31, 2023, and one of the topics discussed was that the council and the city are attempting their own speed study, but they do not have a qualified engineer. The Monroe city administrator had mentioned that he reached out to somebody here at the county but had yet to hear back. Wyse wondered if there might be something the Board could do to provide assistance.

Millehrer requested that the interested parties be directed to him at Public Works.

**10. Adjournment**

Chair Malone adjourned the meeting at 9:58 a.m.

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Pat Malone, Chair

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Amanda Makepeace, Recorder

*\* NOTE: Items denoted with an asterisk do NOT have accompanying written materials in the meeting packet.*

**MINUTES OF THE JOINT MEETING  
BENTON COUNTY BOARD OF COMMISSIONERS & PLANNING COMMISSION**

**Zoom link:** <https://us06web.zoom.us/j/83401120292?pwd=UEpxb1pIZVp2cy9uY05FU2s0UVdXQT09>

**Tuesday, June 27, 2023  
9:00 a.m.**

- Present:** Pat Malone, Chair; Xanthippe Augerot, Commissioner; Nancy Wyse, Commissioner; Vance Croney, County Counsel; Suzanne Hoffman, Interim County Administrator; Nick Bauer, Catherine Biscoe, Ed Fulford, Greg Hamann, Elizabeth Irish, Evelyn Lee, Andrew Struthers, Planning Commission
- Staff:** Shannon Bush, Toby Lewis, Darren Nichols, Linda Ray, Daniel Redick, Maren Schermer, Inga Williams, Community Development; Sean McGuire, Sustainability; Erika Milo, BOC Recorder; Jef Van Arsdall, Sheriff
- Guests:** Robert Biscoe, Cornelia Levy-Bencheton, S. Martin, Andy Sterling, residents; Chris Harris, Horsepower Productions; Alex Powers, Mid-Valley Media; Bob Richardson, Oregon State University

**1. Opening:**  
**1. Call to Order**

Chair Malone called the meeting to order at 9:03 a.m.

**2. Introductions**  
**3. Announcements**

No announcements were made.

**2. Review and Approve Agenda**

No changes were made to the agenda.

**3. \*Work Session**

**{Exhibit 1: Quarterly BCTT Planning Presentation}**

**3.1 Direction Following the Benton County Talks Trash (BCTT) Workgroup Report and Look Ahead to the Sustainable Materials Management Plan (SMMP)**

Nichols explained that the meeting goal is to discuss next steps for the Planning Commission (PC) on the BCTT results and solid waste in general, and to discuss long-range planning. The latter conversation started in February 2022. The Board asked the PC, Solid Waste Advisory Committee (SWAC) and Disposal Site Advisory Committee (DSAC) to pause solid waste/disposal discussions while the BCTT Workgroup was active, so there could be “one table” for community discussion of these issues. Current questions include: How does the Board of Commissioners (BOC) and the PC resume the work? What is the role of the PC? How does the County manage the multiple roles of Planning Commissioners? How do officials and staff respect ex parte contact and bias concerns?

The first chapter of the BCTT final report talks about developing an SMMP to guide decisions and policies. This will usher in a complete change in how the County thinks about solid waste. The report asks who should be at the table, lays out findings and recommendations (including an emphasis on community involvement), and recommends forming an advisory body. A consultant may help define the scope of public engagement, but ultimately that is up to the community. Many counties impact solid waste and sustainable materials in Benton. The PC did not have a chance to review the final version of the report, which does not answer the big questions about roles going forward. Will the PC and members be asked to support the SMMP? In what capacity or roles, for what purpose? How best can the PC support the BOC and the community?

Bauer stated this topic is a nexus which stemmed from a request to expand Coffin Butte Landfill (CBL), which falls under the PC's quasi-judicial role, then developed into an opportunity to create an SMMP. The PC is charged to act as advisor to the BOC. This PC has an excellent range of expertise and geographic diversity.

Augerot noted that because the PC has a dual role, the review of land use applications and the policy and Board guidance role, the latter needs to consider community values and how the BOC should engage the community. All must be careful about using personal values because of possible conflicts with application review. Augerot was comfortable with the PC helping the BOC to hear multiple community perspectives and to be both future-looking and retrospective in decision-making, not too blinded by the current situation.

Nichols observed that it sounds like the PC will be involved in the SMMP process.

Augerot affirmed; perhaps a liaison role, as with BCTT. An active role, helping to ensure that the SMMP process fulfills the needs of the BOC and looks at history and into the future.

Malone stated that diversity on the PC is important; the BOC always needs diverse input and advice. The BOC tends to hear from people who are passionate about a subject, but other input is needed to represent all of Benton County. The PC should have a role in the SMMP, but Malone was not sure yet what that role is. Malone sees the PC having a significant role in the advisory committee process, determining who is on the committee and what perspectives are represented. The PC would modify and build around that.

Wyse stated the PC should absolutely be asked to support the SMMP, but Wyse was not sure in what capacity. How best can the PC support the BOC and the community: the PC has done a good job of handling land use applications and being reactive; Wyse would like to have regular PC meetings where everyone is working proactively.

Bauer noted that the PC had C. Biscoe, Irish, and Struthers participate in BCTT. The PC gave feedback to the BCTT Workgroup on the mid-draft report, but did not provide that directly to the BOC. The PC liaisons to BCTT did not have separate PC meetings, so were offering expertise mainly in a personal capacity. This should be considered if the BCTT process is used as an early outline for the SMMP process.

Wyse asked if others thought that did or did not work well, and should the approach be different.

Speaking as a newer PC member, Hamann liked the comment about the importance of a sense of context. On the role of advising: as the PC faces complicated land use decisions, there is extensive input. To keep decisions connected to Benton's history, future, and goals, those must

be reflected in policy, an ongoing process. How does the PC take individual experiences and provide advisory feedback into how policy should be modified?

Augerot replied that happens when the County updates the code, the decision-making criteria, and the comprehensive plan. That is the PC's dual role, looking at guidance and framework documents and making those decisions as applications come in. It is difficult to create a larger plan without having those framework positions. The SMMP will be an opportunity, but not a law.

Nichols shared that the roles came up during the Adair Village Urban Growth Boundary (UGB) expansion, which was a legislative process. A number of Planning Commissioners asked if they could talk to people about the UGB; the County affirmed. Officials are trained to be careful with quasi-judicial applications and to be reactive, so when there is an opportunity to be proactive, there is sometimes uncertainty.

Lee shared that her most urgent question from reading the BCTT final report was whether there would be another Coffin Butte Landfill (CBL) application for expansion. If not, Lee felt that the PC should work on the SMMP and other issues. If yes or unknown, the PC's highest priority should be working on code, and the SMMP is a distraction. The public has major concerns about health, safety, and land use at CBL. In that case, the role of the PC is clear. Revising the landfill code alone will take months to a year; whatever code is in place at time of application is used in the land use decision. Lee assumed there would be another application in the foreseeable future. Others say the situation is different now.

Wyse noted that at the June 15, 2023 Goal Setting Meeting, the representative for Republic Services (RS) was very clear that RS would submit another application, but did not say when.

Irish agreed with Lee that the PC needs to address code regarding future Conditional Use Permits (CUPs) from RS. Irish felt the PC should work simultaneously on both, because how Benton manages trash is a huge priority for the public. Code as written requires some interpretation, so that project can be more direct, whereas with the SMMP, there will be a lot to learn, with new laws coming in such as Senate Bill 582.

Lee agreed that would be ideal, but if resources are limited, code should be the highest priority.

Augerot noted that the regulations have been written; the County is waiting for implementation. Much depends on how many other states do this. Augerot's preference would be a dual track, the SMMP (which provides eventual leverage over other counties' trash) and Benton County Code (which provides leverage on CBL). The County controls the size of the CUP. The SMMP might be able to affect the amount of materials coming in.

Nichols summarized that there is a role for the PC to be determined, but that needs to align with the PC's dual quasi-judicial and legislative recommendatory roles to the BOC.

Lee asked if considering new or changed code would be quasi-judicial or legislative.

Nichols replied that could be either. An application for code change is quasi-judicial, but more often comes from a perceived need by the BOC and PC to update an area, which is a legislative matter. Part of staff's role is to help manage ex parte conflict, perceptions of bias, and communications around that. It is possible that the County will be involved in a legislative code update or SMMP policy discussion, then also get a landfill-related application that will challenge



those dual roles. When that happens, staff will work to ensure the PC stays safely in the lanes. It is part of the inherent challenge of serving the PC.

C. Biscoe observed that code changes or comprehensive plan changes are a big project, but it would be remiss not to look at the BCTT report and the recent community feedback from a code perspective. Biscoe supports both approaches, and felt that electeds and staff had enough capacity and resources. It is important to take the next steps recommended in the feedback and consider where to start engaging.

Struthers agreed with C. Biscoe, but was concerned about overlap between multiple roles and keeping the lanes clean.

Malone emphasized keeping up the BCTT momentum and working on the code and SMMP where appropriate. The SMMP must be a critical part of the discussion going forward. The PC has a medium-sized role.

Bauer mentioned that the PC and related groups were asked to suspend work specific to BCTT outside of that process. That moratorium expired with final report delivery, so can the PC take an initiative in this area if it chooses? On potential code changes, is the BOC charging the PC with picking up the work of Irish and her sub-committee, as well as the broader context of examining and clarifying the code? Irish's team worked on many fronts, but that area was specific to land use code.

Nichols explained that the Board asked staff to issue a revised Request for Proposals (RFP) to the community; the RFP will help select a consultant to create the SMMP, and will also identify roles for the PC, one or more advisory committees, and the BOC.

Bauer clarified that his questions addressed the code side, not the SMMP.

Nichols replied that the BOC asked for the RFP, but also requested a strategy for re-engaging all the elected bodies.

Augerot affirmed Bauer's understanding that both approaches are important, and the PC should take on code updates and the community feedback that has been received. Augerot did not see that as interfering with staff's process on the RFP for the SMMP.

Wyse did not want to lose momentum, but asked if staff capacity was sufficient for both projects.

Nichols agreed that sustainable materials and code must be coordinated. The County needs a strategy to harness the PC, SWAC, BOC, the entire community, and surrounding counties towards one goal, which includes needed code updates and a plan for the future.

Wyse asked whether that recommendation would come directly to the BOC, PC, or a joint meeting, and what it would look like.

Nichols replied that would depend on the BOC's preferences. The recommendation would probably be vetted iteratively with the Board, at least.

Augerot hoped this meeting would produce a consensus so staff can proceed. Time is of the essence. Augerot did not want to take several months to issue the RFP.

Nichols noted that the RFP would be issued in several weeks or less.

Redick shared that staff are incorporating the BOC's feedback on the early draft RFP, and will return soon with the revised draft.

Nichols anticipated having a strategy for the BOC to react to in July 2023.

C. Biscoe asked if the intent was a holistic revision of land use code, or staying narrowly focused on code for a CUP application.

Nichols replied that Benton is long overdue for a code update, and because of the complexity, Nichols would encourage a holistic look. However, if the group feels that some urgent changes are needed regarding the landfill site zone, a narrow focus is possible. Nichols sensed some urgency from the group. The County has been in reactive mode for a long time, and needs to look forward and make the strategic decisions to reach its goals.

Bauer did not want to start too big with an SMMP process. The PC might look at this not as a code change, but an internal framework of precedent that can be applied to any future CUP application, not just CBL. Key phrases that Irish's committee considered which are ambiguous include 'not an undue burden' and 'changing character.'

Irish concurred that the way the PC approaches the process and puts conditions on an approved CUP can apply to everything, not just landfills. How does the PC know which CUP conditions were followed through on and which were not? What does code say? The group needs to learn more about that.

Lee expressed concern about timing: the broader the work, the less time there is to make the SMMP effective in the ways described in BCTT. The PC might take some high priority steps in code that respond to public concerns, only looking at specifics in the landfill chapter of code. That opens the door to broader, more holistic changes. The PC should finalize any code changes before another CUP application, otherwise the lessons learned will be lost.

C. Biscoe emphasized the need for work sessions, rather than formal meetings. The Benton County Thriving Communities Initiative intersects with the 2040 Vision and community values; how does the PC reflect that in the code? There are gaps. Federal discussions about environmental risk, landfills, and waste will also intersect with these discussions. How should the PC move forward?

Nichols asked if the BOC wanted the PC to start on the work, and how they should start.

Augerot wanted the PC to move forward and help clarify the order of operations. For code updates, the PC could start with the landfill chapter and proceed to land use applications, but the work should begin.

Malone concurred. Rather than worrying about what RS will do, determine what the County wants to do. Staff and PC capacity is an issue. Identify the tasks and figure out small pieces.

Wyse would be most comfortable having a big-picture plan in place before the County moves forward with anything, to avoid splitting resources too much. Define what each group will do and make sure staff has the capacity to support.

Nichols felt that staff could do both approaches.

Struthers agreed with Wyse. The PC can start looking at some codes, but Struthers did not want to backtrack if the County starts the SMMP and then realizes that code adjustments are needed.

Nichols commented that if the BOC is comfortable, the PC can recommend what to work on and how much, while the BOC considers big-picture strategy and resources. Nichols expressed concern about staff getting spread too thin or having to backtrack, but still felt that staff can do this work. Nichols concluded there was a consensus for the PC to start recommendations to the BOC about what to do, while the BOC works on the big picture and roles. Redick and Nichols have been working on a strategy.

Bush suggested that given the urgency around another possible RS application, the County could pause new applications until there is time to address code updates and the SMMP.

Nichols recommended asking Counsel about the legality of a pause.

Chair Malone recessed the meeting at 10:05 a.m. and reconvened at 10:15 a.m.

Counsel joined the meeting.

Nichols asked if the BOC can put a moratorium on applications at CBL or related CUPs in order to allow time for the County to update code.

Counsel replied no. The same options and rights obtain for a landfill operator as for any other land owner. As long as a CUP is an option in that zone, the property owner determines the timing of the application.

Nichols noted that a moratorium is sometimes an option, but would require more cause than a code update.

Counsel concurred. Benton County has never imposed a moratorium, which usually happens in response to a scarcity of resources, a pending threat to the environment, or an emergency.

Nichols added that a moratorium is for a finite time, typically due to a lack of staff to respond or an urgent environmental challenge, such as water.

### **3.2 Long-range Planning**

Nichols asked the group to work on consensus building for the next steps and response to community needs, continuing the 2022 discussions between the PC and BOC. The group can review existing lists of BOC planning priorities, confirming 2023-25 priorities and beyond. Nichols showed a list from 2019, updated 2021 (see Exhibit 1). Some work has been completed, some is in progress, but many items need attention. The County has received a commitment from the Army Corps of Engineers and the Federal Emergency Management Agency to expand its floodplain mapping. The top five PC priorities are transportation, outdoor recreation issues, wildfire/fire, water availability and quality, and water-related data collection. The first three are grouped together.

List of other administrative needs flagged as needing action:

- Create one unified zoning map (Benton currently has two, which do not align; one was last adopted in 2004).
- Overhaul development code (code is not clear and objective; the County has not included legislative updates; 53 pages of interpretations are not codified).
- Update the Comprehensive Plan (created 20 years ago; most counties update every 5-10 years)
- Determine process for the SMMP
- Staffing/ restructure (additional staff will be brought on)
- Community engagement
- Regional planning needs, including housing, climate resilience, and transportation.

Nichols recommended that the group coordinate systematically over the next three-to-five years and commit to addressing all the priorities. Bush was brought on to help with work plans. Nichols asked if the group still approved of the priorities.

Irish stated that housing/workforce housing/homelessness should be at the top of the list given Governor Tina Kotek's stance on homelessness; aligning County priorities with the State will be more efficient.

Wyse agreed that housing is a critical issue. Cities have the most responsibility, but what is the County's role in supporting incorporated areas, then to a lesser extent unincorporated areas, which will have less development?

Augerot noted the housing discussion has some code overlap with the topics of rural accessory dwelling units, home businesses, and agricultural operations versus agrotourism. The group should also consider some unincorporated communities such as Alsea, where zoning has constrained housing such that the community cannot attract teachers, threatening community viability. The Alsea population is so small that it would be burdensome to incorporate, so what is the solution? The County has a direct role there.

Nichols replied to Wyse that the County's role is partly rural housing. Unincorporated communities have an unincorporated community boundary much like a UGB, which is intended to be adjustable. The County is the decision-maker for those communities, which rarely need to grow or change unless they are ready to incorporate. But in this case, where Alsea has not incorporated and there is a need, the County has the direct responsibility to do that planning and help address that need. Another County role is coordination across a regional base (hence getting back in alignment with the State is timely). In the past, the State relied on counties to perform population forecasts and allocations, deciding where growth would happen. That rule changed in 2018, but there is still a need for counties to help coordinate the wishes of communities and support a regional growth strategy, which could be Benton County-wide, or include Linn, Benton, Lincoln, and possibly Polk or Lane Counties. This would facilitate understanding of where jobs are, what utilities and transportation are needed, and would continue to protect working landscapes. Counties provide a regional balancing role.

Malone liked the holistic approach of tying transportation to housing.

Wyse asked how feasible it would be for the County to do urban renewal for unincorporated areas. How can the County support communities such as Alsea or Alpine, which have many underutilized buildings in disrepair? Would tax-increment financing be a good tool?

Lee noted some regions have natural resource limitations that constrain housing opportunities; those limitations need to be acknowledged and mapped.

Nichols added that is why water and water data are at the top of the list. In the past, housing was a top priority, but because it is such a big topic, the County moved to easier topics such as water and wildfire. This list does not indicate a lack of importance for housing affordability. Oregon State University (OSU) needs 800 housing units just to meet its basic workforce needs.

C. Biscoe commented on a lack of data on water resources and limitations. The PC needs to know the capacity for housing. At the Local Officials Advisory Council meeting, the Department of Land Conservation and Development (DLCD) gave land use presentations. In 2019, DLCD discussed the State offsetting system development charges (SDCs). Philomath's SDCs are \$30,000, a great burden. The State can prioritize housing, but the cost of development in small communities is prohibitive. Are there non-traditional ways to explore housing? The County needs a common understanding of differences between county and municipal housing and how to leverage the County's position on types of housing. A PC priority is countywide communication; Benton has taken a different approach to communication, which is getting positive feedback, but local newspapers are declining, so other options include small local office publishers, podcasts, posters, and small local news publishers. The County could financially incentivize these sources to build a trusted community resource, perhaps using a Community Development Block Grant model. Communication on every topic is essential for community engagement and involvement.

Irish asked if a traveling PC meeting in each community is still planned.

Nichols confirmed that listening roadshows are planned. Nichols summarized that the group still agrees on these being the top priorities, with housing and communication probably on top. Nichols asked if other aspects had changed since the preliminary conversations.

Augerot commented the biggest challenge is that all the topics are interconnected, which returns to the need to look at the Comprehensive Plan and code overall. Water, housing, and solid waste issues are at the top of the list. Augerot agreed with Malone that housing cannot be discussed without transportation. Benton approved the Transportation Master Plan several years ago, but has not updated code to reflect it.

Lewis noted that the County cannot respond to one topic without taking care of the overarching parts. Addressing items one at a time is all right if it is in the context of a bigger picture.

Nichols shared that staff are working on the Community Development (CD) mission, vision, and values. This is a new role for Benton CD, which mostly just processed permits in the past. Now the department is examining how to address housing pressures, protect water resources, and protect working lands. Should the scope of approach be narrow or comprehensive?

Augerot would prefer comprehensive; narrow is what the County has been doing. But that has to be managed with resources. Benton residents tend to be well educated and ask connectivity questions. Take a comprehensive approach as long as the County can provide resources to do so in a timely fashion.

Lee felt the County can take more than one approach at the same time, because there are multiple priorities. If the County focuses on code changes while also moving forward comprehensively, the County can use those changes as a lesson on how to approach the rest in terms of

communication, outreach, and resources. Lee agreed with the need for a comprehensive approach, but Benton risks losing a huge opportunity if it does not focus on continuing the results of BCTT.

Augerot agreed, and did not mean discontinuing BCTT work. Augerot was not sure the 'narrow or comprehensive' question was accurate; the group has already agreed to pursue code amendments in that more narrow area.

Nichols perceived disagreement on importance from the group. Does the group want to address one top priority, or build a framework for thinking about issues, then address those narrower single issues, but in the comprehensive context? The group is saying that it all needs to be done, it is all connected, and the County needs to approach the work in a prioritized fashion.

C. Biscoe shared that early on, this PC intended to visit the community, which can lead to the comprehensive discussion. To start building an engagement process, the PC could tell the community what topics are being discussed. Feedback will affect how the County prioritizes. Involving incorporated and unincorporated communities might provide a better sense of community opinion and whether to amend code in pieces or large segments. This all needs to happen at the same time.

Wyse wanted to see a plan to address these items, including how to do the work and considering priorities. This should be a flexible plan that can be changed depending on what resources arise. For instance, getting State funds for a Comprehensive Plan would raise that item's priority.

Malone concurred. Malone was not comfortable yet saying what the County should do next and would like a road map/plan of what CD thinks is the highest priority that also is doable. Housing could be high priority, but the County may not have the capacity to address it, whereas other topics might be easier to address.

Nichols asked if staff should seek resources and then plan, or establish priorities, listen to the community, and then seek resources. Either way will involve listening to the community, but Nichols expressed concern about setting expectations too high. Nichols is gauging the group's appetite for change before listening starts.

Augerot noted that the 2040 Vision process involved exhaustive listening, which provides a starting road map. The County often gets better input when offering something for the community to react to. Augerot preferred to start with a framework; the community can still add items.

Wyse wanted public input and outreach to be meaningful for people and somewhat structured. Just a list would be difficult to respond to. Plan, then input.

Lee shared that public input in south Benton County is reflecting the national trend towards polarization. Public meetings have some consistent, very negative, sometimes threatening voices. The BOC's vision of outreach and its effectiveness may need to adjust. The PC is facing a monolith of opposition at all public meetings. Ways to enable effective communication with other community members need to be considered.

Bauer agreed with Augerot that the Benton community is well-informed, motivated, and mobilized, but also issue-driven. Staff and the BOC have good insight on the top three-to-five narrow-focused topics that could be tackled without compromising Comprehensive Plan

amendments and are consistent with previous community input. The County can do both; there can be a strategic Comprehensive Plan of plans.

The participants expressed general agreement.

Nichols noted that CD's in-house staff capacity is very limited now. That will improve in the next few months with additional staff, but the County will still need more expertise such as colleagues in other departments and consultants. Using existing staff for most of the work would take a long time. The County could fund external expertise, but that is costly. Or the County could work with city or regional joint funding, pursue State and Federal grants, or use a hybrid strategy of providing some funds to leverage other investment to gain State or Federal interest. And/or the County could voluntarily work with DLCD to develop a periodic review work plan, which is intended to help counties update their comprehensive plans. Scheduled periodic review was the tool intended for updating comprehensive plans, but that did not occur. The State has made review voluntary and has prioritized grant funding for communities willing to take on periodic review. DLCD has encouraged Nichols to submit a proposal and is saving some funding for Benton County. This would provide resources to start and would bind the County to a commitment to complete the work, ensuring that Benton's commitment to long-term planning is a top priority for the State. Nichols used to run the State program; the program has become more flexible and could allow the County to engage with the Water Resources Department, Oregon Department of Transportation, and the Governor's Office and Regional Solutions.

C. Biscoe asked if that agreement would give the County access to DLCD staffing resources and financial offset.

Nichols confirmed. DLCD has consultants on retainer that could help set priorities, build strategy, and find resources. The County's willingness to commit would be well-received by the State. Nichols recommended starting the conversation. Wasco County underwent a similar process, so staff can ask about that experience.

Malone wanted to know if other jurisdictions were pleased with the process, and asked if DLCD would like local jurisdictions to apply.

Nichols confirmed. The old process did not go well. This approach is better, more reasonable, and more helpful in relationship-building. Jurisdictions that went through the process recently were pleased.

Augerot favored this idea. Comprehensive plan updates happen infrequently, so a lot of expertise is lost between times. This is also a way to get attention from Regional Solutions, which tends to focus on the Portland Metro area.

Nichols had very preliminary conversations about what help might be available. What resonated with DLCD was the emphasis on water planning, the need for housing, and the 2040 plan that could be woven into a comprehensive plan.

Wyse asked about the downsides.

Nichols replied this is a regulatory commitment to a work plan; there is a (low) enforcement risk. The process comes with some constraints. Benton would need to decide if it is ready. One downside is potential negative public perception of working with the State. Thus it is important

to hear from other counties who have done this. Wasco felt the process was very valuable. When Nichols worked for the State, staff helped bogged-down jurisdictions get through a process.

Malone noted that Wasco has a significant landfill also.

Bush commented that some people have hesitation about the usefulness of comprehensive plans. Bush opined the plan creates a tool for the group to think about each big project in a thorough way, identify needs, and develop grant planning. Applications for State or Federal funding would be stronger if the Comprehensive Plan discusses the need. This would be a smart way to use limited resources.

Richardson stated that OSU is definitely ready to engage in partnership conversations. Nichols and Richardson have participated in workforce housing groups, addressing the problems every community is facing with attracting people to live and work here, such as childcare and affordability. In the past, transportation through the Corvallis Area Metropolitan Planning Organization was discussed. OSU has a great deal of land in unincorporated areas and is similar to the County in needing to consider the relationship of urbanized land on natural resource land. OSU is often focused on the same issues as the County and would be interested in exploring grant funding.

Lewis asked about the timeframe of voluntary periodic review.

Nichols replied the County would distill its needs and DLCD would offer suggestions on how to approach that. Conversation would include the POC and PC about developing a periodic review work plan. Once a plan is agreed upon, it is set. It is unusual to complete all this work in one biennium. Benton would continue to be top-tier eligible for grants.

Wyse asked what financial commitments the County would need to make.

Nichols replied that depends on the size and scope of Benton's efforts. Putting in some funds is a way to demonstrate commitment.

Malone felt more comfortable taking on these big topics with a significant partner with financial resources. This expands the scope of what the County can do.

Nichols noted this forces the County to make those choices and develop strategy, prioritizing the list. Nichols would like to indicate interest to DLCD and set up a meeting including some other partners such as Richardson, some City planners, and surrounding counties. Nichols would ask DLCD about resources and recommendations.

Attendees expressed general agreement with that approach; the group is ready to have that conversation.

Malone asked that the group start the conversation, then bring information back to the BOC.

Chair Malone recessed the meeting at 11:29 a.m. and reconvened at 12:03 p.m.

### **3.3 Planning Commission's Role as an Advisor to the Board of Commissioners**



Nichols explained that PC bylaws lay out quasi-judicial and policy advisor roles, and asked how best to fulfill the latter. The bylaws also say the PC shall serve as the Committee for Citizen Involvement (CCI). What does the first role mean? How should that work?

Wyse viewed the roles as a spectrum, from suggesting possible changes to requesting a code change.

Fulford added that usually an issue comes up; code amendments are tactical requests to address a gap. Benton needs to address this in a smarter way. The PC's role is to recognize policy gaps.

Wyse sees the PC as keepers of the code and appreciates the PC bringing a change to the BOC.

Hamann assumed that the logic to grouping these topics reflects the hope that the PC, in the process of its quasi-judicial and citizen work, learns information that informs the group where policy and code are working or not, and that the BOC is interested in that kind of information.

Augerot liked that way of putting it.

Nichols stated that the PC attests whether the code works or not. Public hearings test the code.

Lee noted that simultaneously, staff and the BOC have expertise to follow new State rules. Regarding BCTT, the Department of Environmental Quality has standards for landfills. Is that a minimum standard Benton can exceed, or is that the standard? For that, the PC turns to staff.

Nichols responded that the County is far behind on incorporating legislative updates into code; now staff have the capacity for this necessary task. The Association of Oregon County Planning Directors is setting aside time to review the legislative sessions because directors cannot keep up with all the changes.

Wyse expressed trust in the PC and staff and did not want to micromanage the work.

Nichols asked what else the group would improve or change regarding PC roles and functions, how the PC approaches its work, the relationship with the BOC, or other areas.

Wyse would love for the PC to have the ability to do more proactive work.

Lee concurred.

Wyse asked if the BOC receives PC updates. Nichols replied only on appeal.

Augerot asked about updates on long-range planning goals.

Wyse noted that some jurisdictions, boards, or commissions give annual updates.

Augerot commented those updates have been piecemeal depending on which board or committee; this is an area that needs work.

Wyse asked if the PC and/or the BOC would like to provide such updates.

Bauer noted this meeting could be considered one of the joint BOC/PC quarterly discussions. Is a quarterly discussion of long-term planning and goals the right format? If so, the group can continue to improve; if not, this can be changed.

Augerot and Wyse preferred this type of meeting over a report to the Board.

C. Biscoe suggested a broader look at the goal of the PC. Do average residents really understand what land use is? Is this an opportunity to explore that more for better understanding? The role of the PC is an extension of support for the County, the BOC, and their initiatives and priorities. The PC takes a public face in a different way than in other committees. How could that be leveraged to make local government/land use more accessible, and how does the PC leverage the limited resources of the BOC, who can only be in so many places? Having other officers and board members visit communities creates more opportunity to engage. PC members can go to more remote places than the BOC to engage, which leads into the CCI. But how does the CCI relate to the goal? So explore what roles have been traditionally, how to create more land use experience and exposure, but also being the bridge to the County.

Lee, a south rural resident, still felt that many of these activities sound urban, which overlaps many other jurisdictions. Lee lives outside the City of Monroe and can only vote in County elections. This has been a point of confusion: is the County everything outside the city limits? Is the PC here to represent those people? No conversation has clarified that. Address how the PC works and how County decisions are brought to it; the planning role is regional and involves the cities, but the people with no other opportunity to have government representation need to feel they are in focus, and do not necessarily feel that now.

Wyse said that was the impetus for her urban renewal suggestion; in this case, it would not mean urban as in Corvallis. How can the BOC do better? Wyse is the BOC liaison to Monroe. The Commissioners could work more on outreach to small unincorporated areas.

Nichols noted that the BOC represents people inside and outside of cities, so it is a balancing act. Nichols asked if Lee meant that there is less of a representative forum for people outside of UGBs.

Lee replied there is no other forum.

Nichols opined that the role of the PC is to be stewards of natural resources, and also help with urban coordination such as transportation and housing. The value of a comprehensive plan is that it lays out a unique vision showing how the County thinks of itself and how it intends to engage. That could be better articulated.

Augerot summarized that there is a dual role; the County has rural lands under its direct development code, but also a regional/countywide coordinating/vision role. Transportation systems and water do not stop at jurisdictional boundaries. That is not necessarily clear in how the PC works, so maybe that does need to be made more explicit. Augerot hoped that people who live outside cities will come to any Commissioner at any time; that is the BOC's role.

Wyse emphasized viewing the list of priorities with an equity lens, considering what impacts rural residents more, not just what impacts the most people.

Irish grew up in the rural Community of Merlin. Area residents are happy to only have County representation. Those residents do not want too much government or interaction with officials.

So there is a balance between representation and invading this rural entity. Irish did not think there is a heavy need for communication to rural residents; the County should provide opportunity and outreach, but not expect much comment in return.

Lee agreed. People in cities can vote in both county and city elections. Urban issues spill into rural areas; there is pressure to develop/use resources.

Irish stated that in her experience, rural residents generally do not want to develop; there is a desire to “keep it how it is.”

Nichols summarized that exploring what representation looks like should be part of the conversation. Every community is different.

Lewis agreed that the County should examine how to ensure that rural residents feel represented and understand available options.

### **3.4 Candidate Attributes for Planning Commission Vacancies**

Nichols asked about ideal candidates for PC vacancies. This relates to representation, skill sets, experiences, backgrounds, diversity of thought, and diversity of background. How does the County ensure it is being inclusive and representative of residents? There are two PC vacancies. Who might the group ask to join the conversation? How can the group build opportunities for community members to engage and be willing to serve on the PC or other boards?

Augerot asked if there was a two-page handout describing the PC, its role, how often it meets, and the job description.

Nichols was not aware of one. There is a website blurb.

Wyse noted the blurb has not been updated.

Augerot requested such a handout.

Nichols to follow up. The BOC could hand the flyer out to social networks.

Augerot commented it would be useful to have a PC member from the agricultural or timber community, although that schedule makes it difficult to participate on boards; perhaps a retired individual. That perspective is very different, especially on stewarding natural resource lands.

Fulford stated there should be one position labeled ‘agriculture/forestry’ so people know what that is.

Malone recommended developing a checklist of geographic representation, then considering work experience.

Wyse recommended doing so in an unofficial way, not in the bylaws. Geographic diversity is important, as are other forms of diversity. A good candidate would be a balanced decision-maker who uses facts and criteria, but is also willing to listen to people. This is hard to determine with the current interview process. Wyse has been brainstorming other questions to ask candidates.

Nichols summarized that the criteria include regional representation, skills, experience, diversity, and knowledge of community needs. The group needs to increase community awareness and build capacity in the community by inviting people to work with the County on these projects. Meeting monthly on a topic allow more chances to get to know each other.

Augerot suggested using sub-committees to promote potential candidates to the full committee, providing two ways to give people an experience with the work.

Wyse suggested talking to people who were interested but did not end up serving, in order to find out what was difficult (such as the meeting schedule) and find ways to overcome those objections.

Lee shared feedback from a volunteer who was concerned about the time commitment. The BCTT report is wonderful, but encyclopedic; there is an opportunity to create an executive summary to allow people to get started on that topic. The time commitment on top of other roles can be overwhelming. The PC is talking about taking on more work, but that needs to be clearly stated to potential candidates, or there need to be ways for people to participate fully and effectively amid other needs.

Augerot responded this is why she wants a document with clear expectations. As the PC talks about taking on long-range planning and a comprehensive plan update, consider the minimum level of role that is valuable; the County does not want to lose valuable people due to the workload.

Bush loved the flyer concept, which could include clarification that PC members can offer training for new members. Any member of the public who has interest in governance can participate meaningfully.

Wyse agreed. It is valuable to have the average community member serving as well as those with a long history of service.

C. Biscoe noted that some State programs have barriers to participation, such as meetings during the workday, need for childcare, and transportation cost. Online access does not provide as much communication with colleagues as in-person attendance. The State created the Equitable Engagement Compensation Program, which offers offsets this time hourly or as a stipend, allowing the County to tap into other resources. There are grants specifically to fund childcare for people doing community engagement. Also consider a PC seat dedicated towards youth representation. Biscoe liked the sub-committee idea; the PC can take that model and engage with the community on specific topics to determine who is interested/involved in which issues. Sub-committees allows the County to expand capacity and build the pipeline for future candidates, particularly from multi-cultural partners such as the Multi-cultural Literacy Program and NAACP. Those voices are not often represented here. Is the County looking for people already involved in workforce housing? Who is missing in the room? Should the PC target those areas specifically?

Malone stated that a preferred qualification is someone who works well with others. Malone liked the sub-committee idea to show how the individual works with the group. That would separate people who are single-issue focused from those with an open-minded community service approach.

Lee suggested considering people who are already volunteering in other areas.

Augerot noted that when the BOC interviews candidates, a staff person is sometimes included, which has been helpful. A Community Development staffer would be good.

Nichols has asked Teresa Larson, Board's Office, to participate. Nichols agreed that including staff is critically important.

### **3.5 Final Comments**

Nichols asked how this meeting process worked for attendees.

Lee and Irish felt this was a good meeting.

Fulford found the meeting informative, and would like the next one to focus more in-depth on one topic.

Hamann shared that this helped clarify the working relationships of the BOC.

Wyse mentioned that having Nichols' questions in advance would be helpful.

Malone stated that this format is much better than a report at a regular Board Meeting, and is very worthwhile. A quarterly schedule can be flexible as needed.

Hoffman found the meeting very informative.

Lewis stated it was exciting to see both groups having this dialogue, especially as the role of the PC is determined.

Bush felt the open dialogue was very helpful.

Redick appreciated the joint meeting and the setup with large wall screens and a circle of tables.

C. Biscoe agreed with previous comments. It was good having access to the entire BOC. Staff resources are very valuable. Biscoe prefers evening meetings.

Augerot thanked Nichols for the structured agenda and having a clear sense of the type of outcome desired from each discussion. Augerot felt the group made progress today.

Bauer thanked Nichols for background work and facilitation. The meeting had a good blend of structured agenda and the ability to flow. Planning around discrete items is excellent. The PC is a CCI, and PC members interact with many residents, so if the BOC desires informal feedback, a meeting like this would be one opportunity. Everyone present has strong opinions on why Measure 2-140 failed, even though there was consensus about recognition and need. So the PC is a resource for broader community projects as well as planning-specific projects.

### **3.6 Next Joint Meeting**

Nichols stated that staff will schedule a meeting with DLCD soon, probably in July 2023.

## **4. Other**

No other business was discussed

**5. Adjournment**

Chair Malone adjourned the meeting at 12:45 p.m.

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Pat Malone, Chair

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Erika Milo, Recorder

*\* NOTE: Items denoted with an asterisk do NOT have accompanying written materials in the meeting packet.*



**Board of Commissioners**

Office: (541) 766-6800  
Fax: (541) 766-6893

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[co.benton.or.us](http://co.benton.or.us)

## MINUTES

### BENTON COUNTY BOARD OF COMMISSIONERS SPECIAL MEETING

Tuesday, July 19, 2022, 1 PM

**Present:** Nancy Wyse, Chair; Pat Malone, Vice Chair; Xanthippe Augerot, Commissioner; Joe Kerby, County Administrator Tracy Martineau, Acting County Administrator; Vance M. Cronney, County Counsel; Jef Van Arsdall, Sheriff; John Haroldson, District Attorney

**Staff:** Maura Kwiatkowski, Meeting Recorder; Nick Kurth, Justice System Improvement Program; Bryan Lee, Sheriff's Office; Matt Wetherell, Juvenile; Cory Grogan, Public Information Officer; Rick Crager, Financial Services

**Guests:** Mitch Hein, Lori Coppenrath, DLR Group; Chris Edmonds, Coastline Public Relations; Brenda Downum, Downum Consulting

#### 1. Opening

Chair Wyse called the meeting to order at 1:06 PM, and introductions were made. There were no announcements

#### 2. Comments from the Public

There were no comments from the public.

#### 3. Review and Approval of Agenda

There were no changes to the agenda, and the agenda was approved.

#### 4. **New Business**

##### 4.1 **Discussion and Action Regarding the Justice System Improvement Program (JSIP) Facilities Preliminary Package** – *Nick Kurth, JSIP Program Manager; Lori Coppenrath, DLR Group; Chris Edmonds, Coastline PR, LLC*

Kurth advised the Board of the three meeting topics: two for discussion and decision (bond funding for the new courthouse and collocation of the Emergency Operations Center) and one informational topic: JSIP space design standards.

Edmonds opened the discussion regarding whether to include funding for the new courthouse in the bond measure. In terms of process, Coastline took outputs from the criminal justice assessment for the JSIP program and community engagement. Community engagement included a scientific community survey conducted by DHM Research at the end of May. The question to be addressed is how the priorities identified through these work products align with community expectations and priorities in terms of funding decisions and a proposed bond measure in May 2023. The goal is to achieve alignment and present the best possible bond measure to the community that also addresses county needs.

Edmonds reviewed the results of the May 2022 community survey. Top priorities are homelessness, housing affordability, and crime and safety. Most responders recognized the relationships between the three priorities. Support for a new crisis center and corrections facility is high, while there is moderate support for new Sheriff's offices and an emergency operations center (EOC). Courthouse investments do not rank as high as the others.

Edmonds suggested a mental health and community safety bond measure with a target of \$95 million that includes a crisis center, corrections facility, Sheriff's office, EOC, and potentially investments in HOPE-identified homeless prevention and crisis response. Further research focused on mental health and community safety will be conducted in September and October 2022. Edmonds did not recommend pursuing the new courthouse through a bond and asked whether alternative funding sources could be used for that project.

Regarding the recommended bond amount, Malone asked how that related to the average estimated annual cost of \$230 per household. Is that number as important as the total dollar amount? Edmonds indicated the survey results did not indicate individual affordability was a concern. The amount tested was \$137 for the median homeowner per year. Interestingly, bond measure support was highest among individuals aged 65 or greater, who are most likely to be on a fixed income and be concerned about additional property taxes. Only six percent



of those opposing the bond measure said taxes were already too high. Cost is not likely the driver; what is most likely to influence support or opposition is what is included in the bond and how the information is presented. Kurth indicated the survey coming up in August would home in on affordability. Edmonds final thought was community feedback was positive at this point, and it was clear JSIP was matching the community's priorities in some significant ways, with the understanding the courthouse did not necessarily fit the bond measure.

Kurth indicated the agenda checklist language was specific to pursuing funding for the new courthouse by means other than the bond measure, which would be borrowing. Options would continue to be refined with the decision-making point being December 2022. Kurth acknowledged the District Attorney's Offices are inextricably linked to the courthouse, and the Board had previously indicated its preference for collocation on the Community Safety and Justice Campus (CSJC). District Attorney Haroldson has communicated his strong preference for offices within new courthouse. It is more cost effective to build the two as a single envelope; therefore, the decision before the Board is only for the courthouse. Location of the District Attorney's Office is scheduled for discussion by the Board the week of July 25.

Kurth pointed out that JSIP and its facilities are about the facilities and the outcomes tied to them; therefore, the historic courthouse was not included for discussion in the current meeting. Kurth proposed waiting for the Historic Courthouse Advisory Committee (HCAC) to complete its work and then testing some of its recommendations further with the public.

Wyse asked whether Kurth had spoken with Natural Areas, Parks, and Events Director Lynn McKee since the last meeting of the HCAC; Kurth indicated he had not. Wyse suggested Kurth follow up with McKee about that meeting.

Augerot noted the Board previously discussed including the courthouse in the bond measure in different ways. The intent for some time has been to try to pursue borrowing rather than inclusion in the bond, which still seems to be the best approach.

**MOTION:** Malone moved to exclude funding for the new courthouse from the May 2023 bond measure. The motion was seconded by Augerot, **which carried 3-0.**

Kurth introduced the second meeting topic: the proposed EOC in the context of the CSJC and relative to other potential options for an EOC. The two decision points are location and form factor. In light of the community's experiences with

the COVID-19 pandemic and the previous summer/fall wildfires, the county began searching in earnest for options for an EOC. Some federal funding was pursued, and a conceptual proposal to construct an interim EOC at the Fairgrounds with county and federal funding was considered. That set the stage for JSIP decisions regarding building design and location. The space designed for the EOC was planned to use as a training and meeting space when not operationalized to respond to a specific emergency. Once alignment on the campus property was achieved, the question was how the EOC fit and in what form. Another relevant element was the floodplain issue; federal funding and disaster reimbursement are tied to the 500-year floodplain. The 500-year floodplain discussion can now occur since topography work was completed on June 24. DLR will present this information later in the current meeting.

Coppenrath indicated DLR did look at the EOC as a standalone facility. If the EOC and Sheriff's Office were not collocated, the Sheriff would need to build 8,600 square feet of training and support space. An "EOC lite" would have the seismic standards of a typical EOC, but it may not have resilient mechanical, electrical, and other systems. Human factors include recognition of stress levels; and a one-week supply of food, kitchen and shower facilities, radio rooms for outside communications, respite areas, and daylight for human cognition would need to be included.

Hein discussed the selected north site and the 100- and 500-year floodplains. The FEMA map seems to imply the entire site is in the 500-year floodplain. However, the west and east side elevations of the site are different. Hein reviewed the floodplain events related to the property and to access to the property. The majority of the property is above the 500-year level, a small portion is not.

Malone noted there seemed to be some doubt on some of the elevations. Will county staff provide additional information; and if so, what is the timing for that information. Mitchell indicated the information is now available and can be provided to the Board. Augerot noted it was difficult to look at the map of the 100-year floodplain and feel comfortable having facilities anywhere; however, Augerot acknowledged the one percent chance of a 100-year flood event and pointed out the climate is changing. She noted the largest flood event in the area occurred in 1964 when the Corvallis landscape was not as fragmented and compartmentalized as it is currently. Augerot also highlighted that the road through property would be a key issue. Kurth indicated that staff and consultants are talking with the City of Corvallis about its transportation systems plan; and in terms of priority investments, that road would be a high priority.

Coppenrath presented cost estimates for a standalone EOC versus building an EOC at the same time as the Sheriff's Office. If the EOC is not constructed on the

same site as the Sheriff's Office, the cost would be an additional \$8 million because redundant spaces would need to be built. The EOC, generally speaking, is not used regularly so the ability to use that space for other purposes would be very helpful. Kurth noted that DLR is working on the site master plan for the campus; and once a draft master plan is complete, DLR and county staff would open dialog with the City of Corvallis Planning Department to determine whether the plan is in alignment with the potential collector road.

Coppenrath indicated DLR brought in civil engineers and landscape architects, as well as their own specialist, to explore the site needs for development of a site master plan. Hein noted that DLR's consultants are well experienced in Corvallis and navigating jurisdictional requirements. The consultants noted that with all the earth to be moved around on the site, there is an opportunity to avoid the floodplain issue without employing drastic measures. Augerot advised she was previously approached by the Marys River Watershed Council, which expressed interest in a collaborative planning effort on the small waterway. Wyse was glad to learn the 500-year floodplain would not be a significant challenge.

Lee advised the Board that Benton County has one of the most robust EOC's in Oregon. It is an integrated model for other counties and jurisdictions. Lee indicated there is a much greater need across the state for dedicated EOC spaces and facilities. During the pandemic and wildfire response, Benton County's EOC operations team location was moved four times. That was far from ideal and resulted in significant operational and human strain. A new EOC facility is very important for the future. The planned EOC would provide a dedicated space for regional EOC and Incident Command System (ICS) training. Regarding construction in a 500-year floodplain, Lee indicated it is regulated through executive order; essentially do not build in a floodplain using federal funding. The county applied for a \$1 million grant for a new EOC facility; and in order to accept that funding, the EOC must be out of the floodplain. Lee reported there is a major expansion from federal government to state government pushing down funding to local governments to grow EOC's. Lee's recommendation, considering access concerns and possible hazards, would be to include the EOC with the Sheriff's Office. Collocation, a multiuse training space, good stewardship of tax dollars, and allowing EOC to have direct connections with first responders for information sharing are all factors in this recommendation. Augerot noted the proximity of the city's emergency training center, which is beneficial. Lee agreed it provides opportunities for leveraging. It also provides opportunities for infrastructure redundancies.

In response to a question from Wyse regarding potential EOC location at the Corvallis Airport, Lee indicated the airport has many benefits, but it does not have a model of where the EOC would go there. The disconnect from first

responders would again be an issue. Communications and support infrastructure cost would not be included at that site, so the EOC would cost more. Malone noted that the Fairgrounds as an EOC site would not include much extra space, and Lee agreed. Lee did discuss this potential location early in the development process with McKee; locating at the Fairgrounds would definitely be a squeeze and would impact the bike path. Parking, staging, and security would also be concerns.

**MOTION:** Augerot moved to proceed with planning for an EOC at the Community Safety and Justice Campus with construction consistent with FEMA requirements and best practice standards as an integral part of the Sheriff's Office complex. The motion was seconded by Malone, **which carried 3-0.**

Kurth presented the JSIP space planning guidelines specific to office and workspaces, as well as Oregon Judicial Department (OJD) space requirements for the new courthouse. OJD requirements must be followed for their space pursuant to the funding agreement. It is important to note office space within the courthouse is \$1,000 per square foot (total project cost, not just construction cost). Coppenrath noted these standards are DLR's best practices across the country, and they align well with State of Oregon standards and best practices for taxpayer dollars as defined by Oregon Department of Administrative Services.

Augerot noted during a tour of the Kalapuya Building before construction was completed, Facilities Manager Paul Wallsinger indicated many office spaces were constructed to provide space for additional future growth, i.e., larger offices may become two smaller offices to address workspace needs. Augerot asked how long-term growth was considered for the new facilities. Coppenrath indicated the design is for a 20-year horizon. That trajectory tends to be 10 percent growth over the 20-year period. Some components exceed that, some may shrink. Coppenrath noted teleworking does not reduce square footage need if employees work in the office three or more days per week, and the majority of EOC employees are working in the office at least three days each week.

Chair Wyse adjourned the meeting at 2:35 PM.

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Nancy Wyse, Chair

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Maura Kwiatkowski, Recorder

# PROCLAMATIONS



**BEFORE THE BOARD OF COMMISSIONERS  
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

**In the Matter of Proclaiming September as )  
National Preparedness Month in Benton County ) PROCLAMATION P2023-014**

**WHEREAS**, National Preparedness Month, occurring annually in September since 9/11, creates an ideal opportunity for community members, businesses and visitors of Benton County, Oregon to join other community members across the United States in preparing their homes, businesses, and communities for any type of emergency, including natural disasters; and

**WHEREAS**, The U.S. Department of Homeland Security and other federal, state and local officials and the private sector are working to prevent and respond to all types of emergencies; and

**WHEREAS**, When individuals take responsibility for preparing their families and their communities, the chance of survival and return to normalcy following a disaster is greatly increased; and

**WHEREAS**, The United Nations climate study and other research indicates that the impact of climate change will lead to significantly more frequent and more severe disasters; and

**WHEREAS**, The Benton County Sheriff’s Office – Emergency Management Division partners with federal, state, local, tribal, territorial, private, and volunteer agencies to inform individuals on how to take action, through our public education campaigns, and our local volunteer programs, such as Community Emergency Response Team, American Red Cross, Law Enforcement Volunteers, Amateur Radio Services and comprehensive planning and coordination efforts; and

**WHEREAS**, Residents, businesses and visitors of Benton County, Oregon are urged to plan ahead for disasters and encourage their family and their friends to also do so by participating in neighborhood preparedness activities, registering their contact information in the local emergency notification system, Linn-Benton Alert and participating in annual readiness events; and

**NOW, THEREFORE, BE IT PROCLAIMED** the Benton County Board of Commissioners hereby proclaims September 2023 as National Preparedness Month, and encourage all community members, businesses, and visitors to develop their own emergency preparedness plan.

Adopted this 5<sup>th</sup> day of September, 2023.

Signed this 5th day of September, 2023.

**BENTON COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Pat Malone, Chair

\_\_\_\_\_  
Xanthippe Augerot, Vice Chair

\_\_\_\_\_  
Nancy Wyse, Commissioner



**BEFORE THE BOARD OF COMMISSIONERS  
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

**In the Matter of Proclaiming September 17, )  
2023, as Constitution Day in Benton County )     **PROCLAMATION P2023-015****

Our founding fathers ordained and established a constitution for the United States of America and signed it on September 17, 1787.

At the time of adopting the Constitution, States expressed a desire for further declaratory clauses to be added known as the Bill of Rights (Amendments 1–10, December 15, 1791). Subsequent amendments enacted throughout the years strengthened the rights of citizens and ensured their right to vote.

Amendment 13, Section I. declared that neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to its jurisdiction (December 6, 1865).

Amendment 14, Section I. declared that all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. (July 9, 1868).

Amendment 15, Section I. declared the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude (February 3, 1870).

Amendment 19 declared the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex (August 18, 1920).

Amendment 24 declared the right of citizens of the U.S. to vote in any primary or other election without denial or abridgement by the U.S. or any State for failure to pay any poll tax or other tax (January 23, 1964).

It is of great importance that all citizens fully understand the provisions and principles in the Constitution, the Bill of Rights and subsequent Amendments.

The 236<sup>th</sup> Anniversary of the signing of the original Constitution provides an opportunity for all U.S. residents to reflect on the rights and privileges of citizenship, as well as its responsibilities.

**NOW THEREFORE, BE IT PROCLAIMED** that September 17, 2023, is recognized as Constitution Day in Benton County and citizens are urged and encouraged to reflect on the benefits of our Constitution, the Bill of Rights, and subsequent Amendments and the privileges and responsibilities of American Citizenship.

Adopted this 5<sup>th</sup> day of September, 2023.

Signed this 5<sup>th</sup> day of September, 2023.

**BENTON COUNTY BOARD OF COMMISSIONERS**

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Pat Malone, Chair

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Xanthippe Augerot, Vice Chair

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Nancy Wyse, Commissioner



# **PUBLIC HEARINGS**

## BOC Agenda Checklist Master

### Agenda Placement and Contacts

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**Suggested Agenda Date** 09/05/23

View [Agenda Tracker](#)

**Suggested Placement \*** BOC Tuesday Meeting

**Department \*** Public Works

**Contact Name \*** Joe Mardis

**Phone Extension \*** 6285

**Meeting Attendee Name \*** Joe Mardis

### Agenda Item Details

**Item Title \*** In the Matter of a Vacation of a Portion of North 20th Place, County Road No. 26632, Order #D2023-070

**Item Involves \*** Check all that apply

- Appointments
- Budget
- Contract/Agreement
- Discussion and Action
- Discussion Only
- Document Recording
- Employment
- Notice of Intent
- Order/Resolution
- Ordinance/Public Hearing 1st Reading
- Ordinance/Public Hearing 2nd Reading
- Proclamation
- Project/Committee Update
- Public Comment
- Special Report
- Other

**Estimated Time \*** 15 min

**Board/Committee Involvement \***  Yes  
 No

**Advertisement\***

Yes

No

**Names/Dates of  
Publications**

List each publication name and date

Gazette Times: 8/16/23 and 8/26/23

## Issues and Fiscal Impact

## Item Issues and Description

**Identified Salient Issues \***

On July 18, 2023, the Benton County Board Commissioners declared its intent to vacate a portion of North 20th Place, County Road No. 26632. A county road officials report was prepared (See Exhibit "C") as requested by the Benton County Board Commissioners. The owners abutting the proposed vacation of North 20th Place are Glorietta Bay LLC, and the Daniel J. McCabe and Reitha Pauline McCabe Trust. The vacation of the street right of way of 20th Place will provide a safer location of an existing driveway near the railroad crossing of North 19th Street, a better site distance along N. 19th Street for a new proposed driveway and allow a structure to be built within the vacated area. There is no physical road built within said portion of the area proposed to be vacated. The westerly 48 feet should be reserved for existing and future utility easements to the City of Philomath and public franchise utilities. At the owners request the areas shown on the map as Exhibit "A" and described in the petition as Exhibit "A-1" should be vacated. Benton County Public Works sees no future need for the proposed portion of right of way, which will not be detrimental to the public or adjacent landowners and will not deprive any abutting owner's access to their property.

**Options \***

- 1) Approve the vacation of the said portion North 20th Place, County Road No. 26632.
- 2) Deny the vacation of the said portion North 20th Place, County Road No. 26632 and direct staff accordingly.

**Fiscal Impact \***

- Yes  
 No

# 2040 Thriving Communities Initiative

**Mandated Service?\***  Yes  No

## 2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

**Mandated Service Description\*** If this agenda checklist describes a mandated service or other function, please describe here.  
The vacation of the right of way will make the transportation network safer and more livable for the surrounding communities.

## Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

**Core Values\*** Select all that apply.  
 Vibrant, Livable Communities  
 Supportive People Resources  
 High Quality Environment and Access  
 Diverse Economy that Fits  
 Community Resilience  
 Equity for Everyone  
 Health in All Actions  
 N/A

**Explain Core Values Selections\*** The vacation of way will make the transportation network safer and more livable for the surrounding communities.

**Focus Areas and Vision\*** Select all that apply.  
 Community Safety  
 Emergency Preparedness  
 Outdoor Recreation  
 Prosperous Economy  
 Environment and Natural Resources  
 Mobility and Transportation  
 Housing and Growth  
 Arts, Entertainment, Culture, and History  
 Food and Agriculture  
 Lifelong Learning and Education  
 N/A

**Explain Focus Areas and Vision Selection\*** The vacation of the right of way will make the transportation network safer and more livable for the surrounding communities.

# Recommendations and Motions

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## Item Recommendations and Motions

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**Staff Recommendations\*** Pursuant to ORS 368.326 to 368.341, staff recommends vacation of a portion of North 20th Place, County Road No.26632, as described in Order #D2023-070.

**Meeting Motions\***  
I move to ...  
....pursuant to ORS 368.326 to 368.341 to vacate a portion of North 20th Place, County Road No.26632 as described in Order #D2023-070.

# Attachments, Comments, and Submission

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## Item Comments and Attachments

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**Attachments**

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

4266\_001.pdf

4.33MB

**Comments (optional)**

If you have any questions, please call ext.6800

**Department**

GARY STOCKHOFF

**Approver**

Comments

Signature



*Gary Stockhoff*



# BOC Initial Approval

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**Approvals Required**  Counsel  
 Finance  
 HR

**Counsel Approver** VANCE CRONEY

**County Administrator Approver** SUZANNE HOFFMAN

**Comments**

# Counsel Approval

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Comments

Signature



*Vance H. Croney*

# County Administrator Approval

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**Comments**

**Signature**

A rectangular box containing a cursive signature that reads "Suzanne Hoffman".

# BOC Final Approval

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Comments

Signature



*Amanda Makepeace*

**BEFORE THE BENTON COUNTY BOARD OF COMMISSIONERS  
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

**In the Matter of Vacation of a portion )                    ORDER #D2023-070  
of N. 20<sup>th</sup> Place, County Road No.26632 )**

**THE ABOVE ENTITLED MATTER COMING NOW FOR THE CONSIDERATION OF  
THE BOARD AND,**

**IT APPEARING TO THE BOARD**

**THAT;** pursuant to ORS 368.341 a Resolution No. R2023-020 declares Benton County Board of Commissioners intent to initiate proceedings to vacate a portion of N. 20<sup>th</sup> Place, County Road No. 26632 and

**THAT;** the County Road Official did prepare and file a written road official's report (See EXHIBIT "B") pursuant to ORS 368.346 (1) recommending vacating a portion of N. 20<sup>th</sup> Place, County Road No. 26632, that 48.00 feet of the westerly proposed vacation be reserved as an easement to the City of Philomath and public franchise utilities; and

**THAT;** pursuant to ORS 368.346 (3), public notice has been provided under ORS 368.401 to 368.426; and

**THAT;** pursuant to ORS 368.346 (2) a Public Hearing was held on September 5, 2023, in the Benton County Board of Commissioners / Kalapuya Holmes and Shipley Meeting Room 4500 SW Research Way, Corvallis, Oregon 97333 where the Benton County Board of Commissioners will decide if the vacation of said road is in the public interest.

**NOW, THEREFORE, THIS BOARD FINDS THAT:**

1. The vacation proceeding has been initiated by Benton County Board of Commissioners by said Resolution No. R2023-020.
2. The County Road Official pursuant to said written county road official's report (See Exhibit "B") recommends that the vacation of the described portion herein of N. 20<sup>th</sup> Place, County Road No. 26632 and that it is in the best interest of the public.
3. The vacation of the portion of said county road right of way would not be detrimental to the public.
4. A notice was provided to all the owners abutting the road and all utility companies to respond to any easement needs or concerns.

**NOW, THEREFORE IS IT HEREBY ORDERED AS FOLLOWS:**

The following described portion of N. 20<sup>th</sup> Place, County Road No. 26632 shall be vacated in accordance with ORS 368.356 as described in the following description, and map and the westerly 48.00 feet of said vacation shall be retained as a utility easement to the City of Philomath and for public franchise utilities.

**See Attached Map EXHIBIT “A” and EXHIBIT “A-1” for the legal description.**

The signed order shall be recorded at the Benton County Records Office and a recorded copy filed with the County Surveyor and County Assessor.

Adopted this 5th day of September 2023.

Signed this 5th day of September 2023.

Approved as to form:

BOARD OF COMMISSIONERS

\_\_\_\_\_  
County Counsel

\_\_\_\_\_  
Pat Malone, Chair

\_\_\_\_\_  
Xanthippe Augerot, Vice Chair

\_\_\_\_\_  
Nancy Wyse, Commissioner

**PETITION TO VACATE**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

In the Matter of the Vacation of a portion of )  
N. 20<sup>th</sup> Place County Road No. 26632 )  
Benton County, Oregon )

I, the owner of, Gloietta Bay LLC, an Oregon Limited Liability Company, petition the Board of County Commissioners of Benton County, Oregon, to vacate a portion of N. 20<sup>th</sup> Place, more particularly described as follows:

See Exhibit "A" (see attached map)

The particular circumstances that justify granting a vacation of the described property are: (i.e. how the property is currently being used, condition of the property, reasons for requesting the vacation.)

See Exhibit "B"

Petitioners request that after the giving of notice as required by law, a hearing be held on this petition before the Board of County Commissioners, and that an order be entered vacating the said road more particularly described above in Exhibit "A".

Names and addresses of all persons owning any real property abutting County right -of -way proposed to be vacated: (Any property on either side of a public roadway from the property proposed to be vacated is also considered to be abutting property.)

Name and Address	Map and Tax Lot Number	Deed Reference
<u>Glorietta Bay LLC</u> <u>100 Ferry ST. NW</u> <u>Albany, OR 97321</u>	<u>12512 TL 200</u>	<u>2019-583369</u>

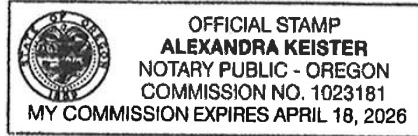
Petitioners Signature



STATE OF OREGON     ) ss  
COUNTY OF BENTON    )

Personally appeared the above named Scott Lepman as Managing Member, of Glorietta Bay LLC acknowledged the foregoing instrument to be their voluntary act and deed.

Alexandra Heister  
Notary Public of Oregon



Petitioners request that after the giving of notice as required by law, a hearing be held on this petition before the Board of County Commissioners, and that an order be entered vacating the property more particularly described above.

Dated this 9th day of May, 2023



Name and Address	Tax Lot Number	Deed Reference
Daniel J. McCabe and	12612 TL 501	2020-599478
<u>Reitha Pauline McCabe, co-Trustees of the Daniel J. McCabe and Reitha</u>		
<u>Pauline McCabe Revocable Living Trust</u>		
12960 NW Blackberry LN Seal Rock, OR 97376		

Petitioners Signature

*[Handwritten Signature]*

---

*Reitha Pauline McCabe*

---

STATE OF OREGON     ) ss  
COUNTY OF BENTON    )  
                    *Lincoln*

Personally appeared the above named Daniel J. McCabe and Reitha Pauline McCabe as co-Trustees of the Daniel J. McCabe and Reitha Pauline McCabe Revocable Living Trust acknowledged the foregoing instrument to be their voluntary act and deed.

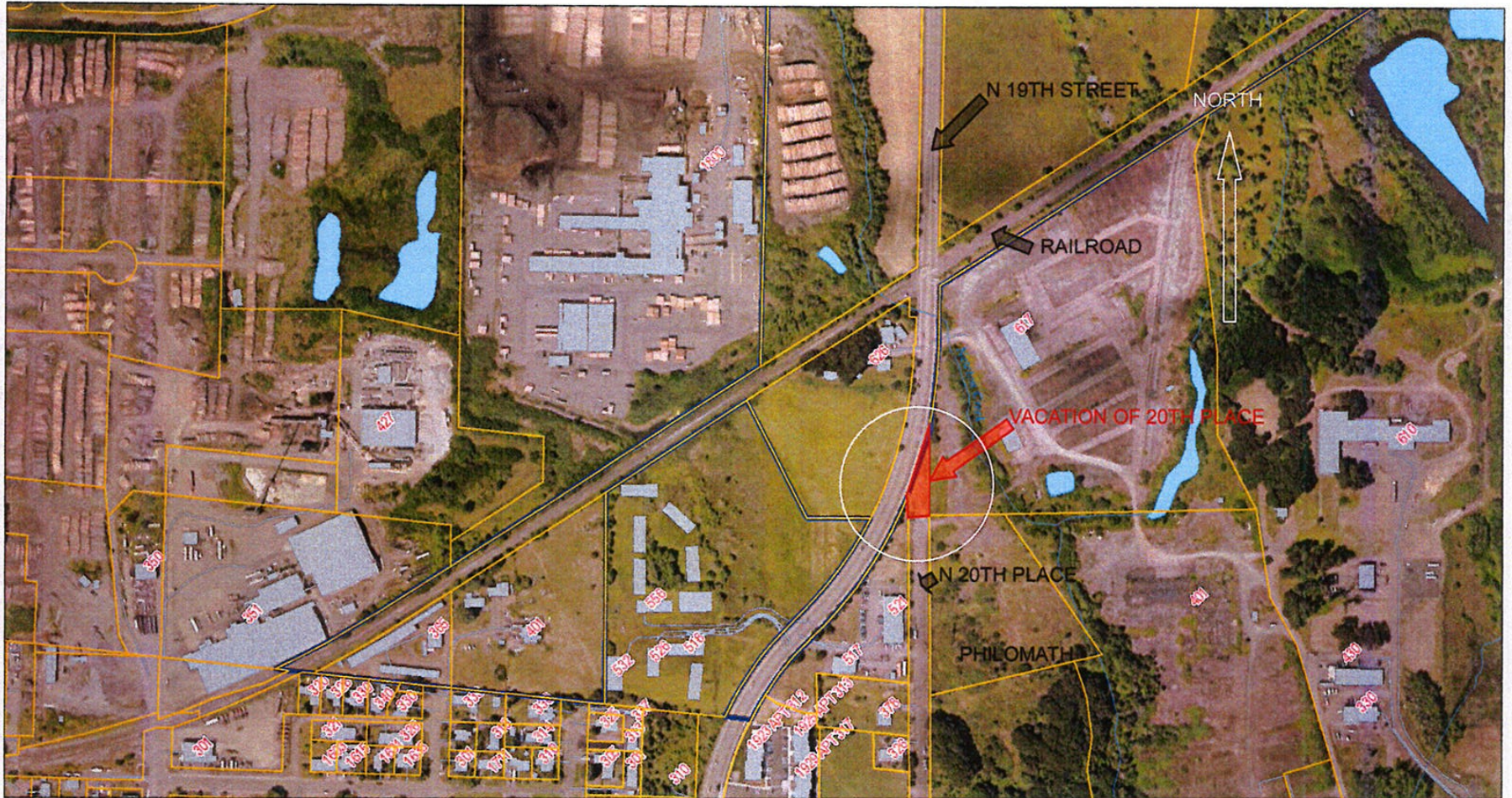
*[Handwritten Signature]*  
Notary Public of Oregon



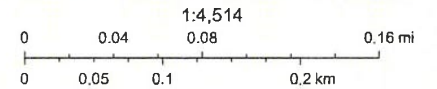
Petitioners request that after the giving of notice as required by law, a hearing be held on this petition before the Board of County Commissioners, and that an order be entered vacating the property more particularly described above.

Dated this MAY day of 19, 2023.

### VACATION OF 20TH PLACE



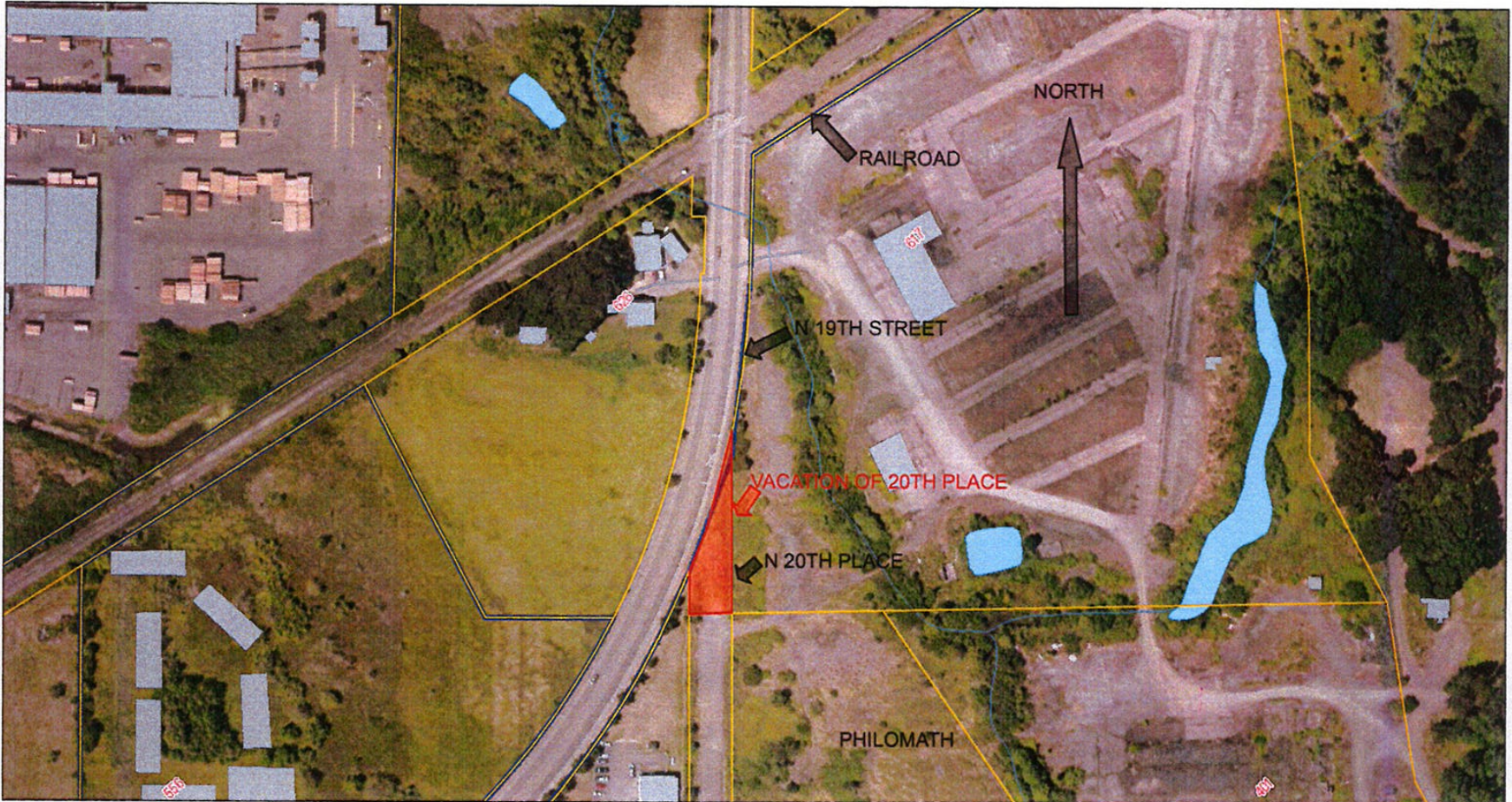
6/14/2023, 10:08:38 AM



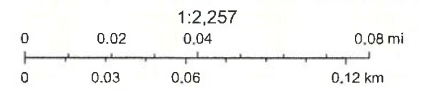
Benton County Public Works - County Surveyor, Benton County, Oregon, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, County of Benton, Bureau of Land

Benton County, Oregon  
MAY NOT BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES

### VACATION OF 20TH PLACE

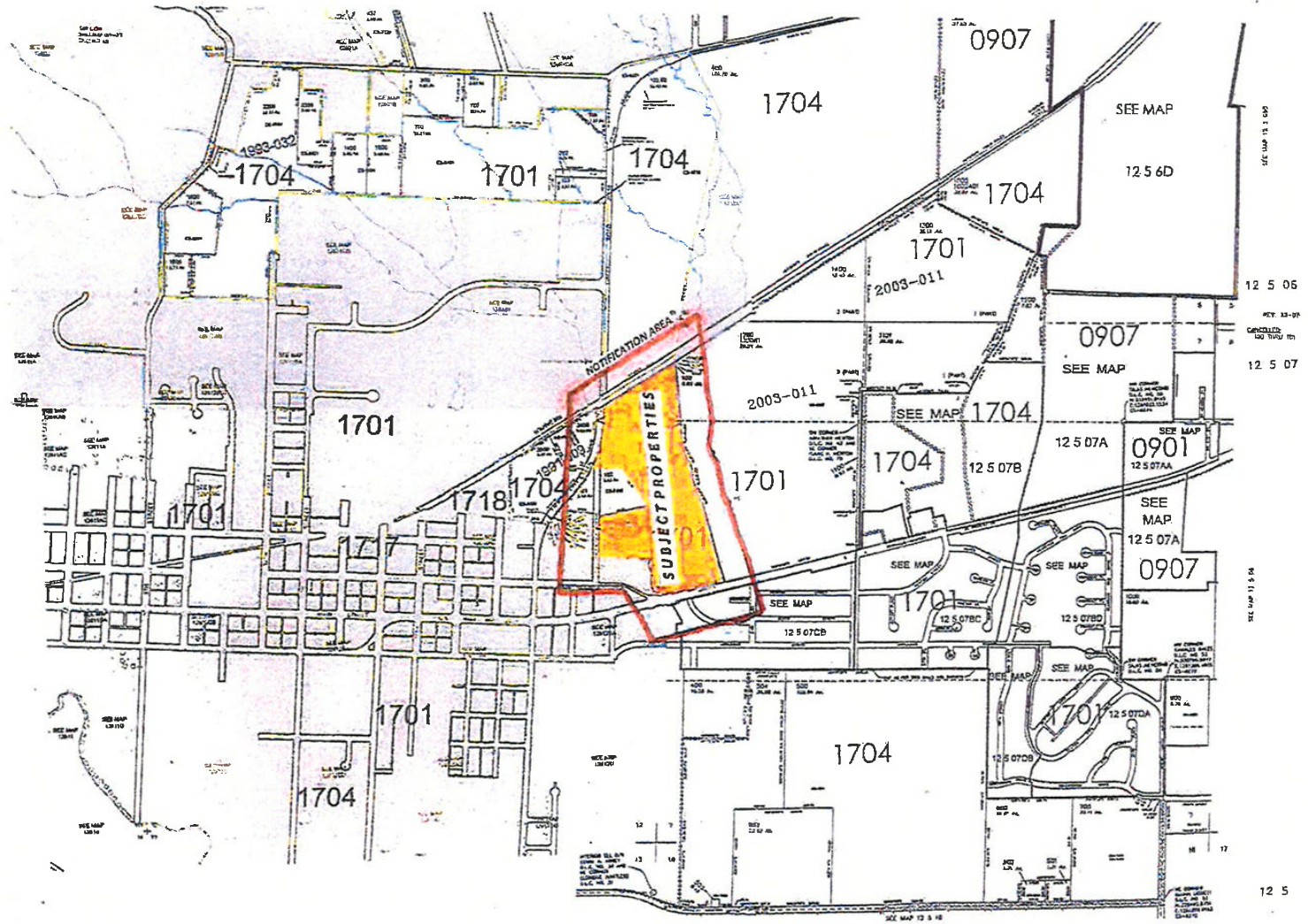


6/14/2023, 9:56:17 AM

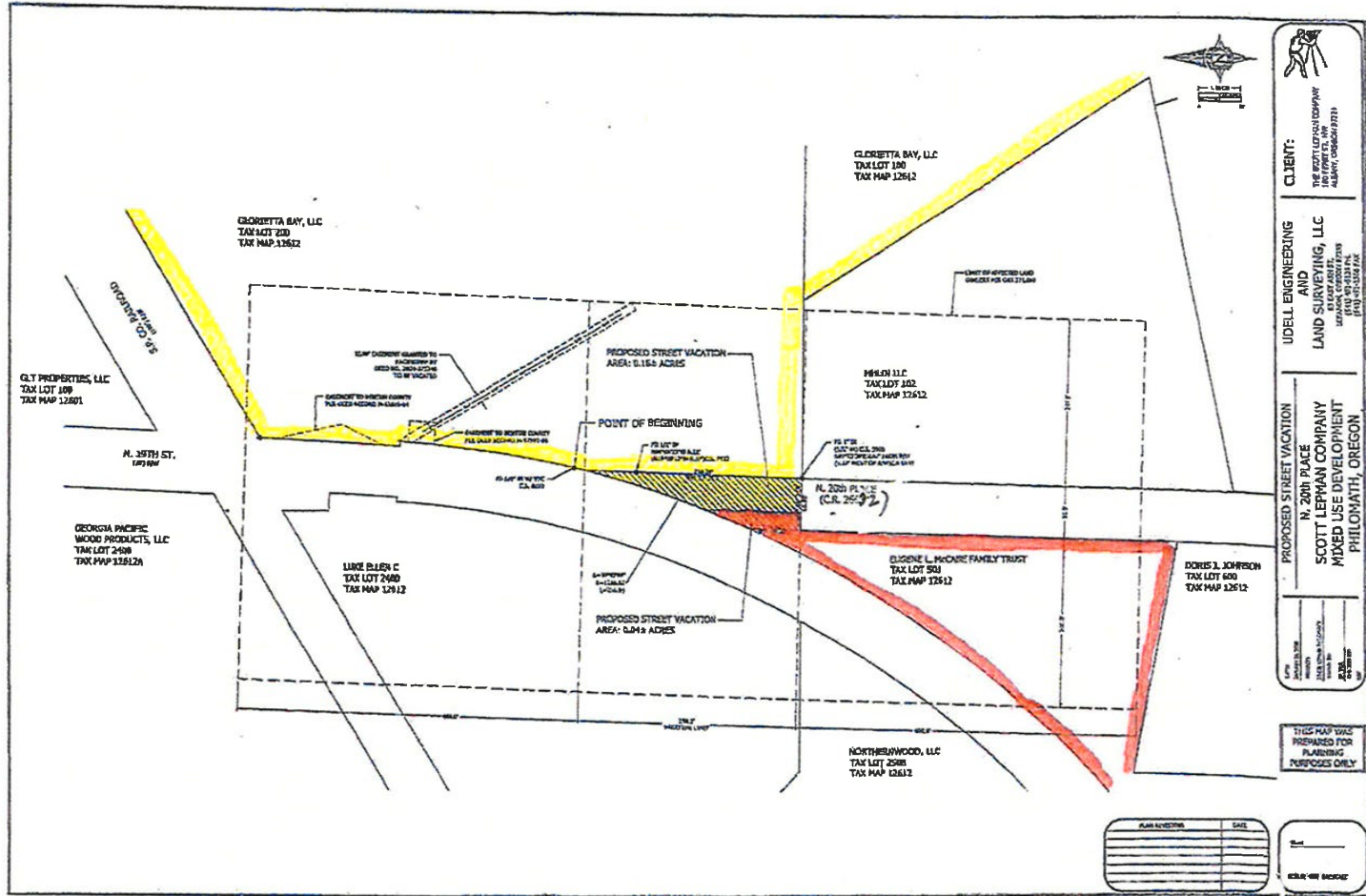


Benton County Public Works - County Surveyor, Benton County, Oregon, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, County of Benton, Bureau of Land

Benton County, Oregon  
MAY NOT BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES



**Exhibit 'A-2'**  
**Composite Assessor's Tax Maps**  
**For Entire Glorietta Bay Project**



**Exhibit 'A-3a'**  
**Proposed Street Vacation**  
**with Affected Properties**  
**(Civil Drawing W-1)**

**Exhibit 'B'**

**FINDINGS APPLYING TO THE  
BENTON COUNTY DEVELOPMENT CODE CRITERIA  
FOR STREET VACATION APPROVAL FOR THE VACATION OF  
APPROXIMATELY 8,712 SQUARE FEET OF NORTH 20<sup>TH</sup> PLACE**

**Applicants:** Scott Lepman dba Glorietta Bay LLC; 100 Ferry Street NW; Albany, OR 97321 and Daniel J. and Reitha Pauline McCabe co-trustees of the Daniel J. and Reitha Pauline McCabe Revocable Trust; 12960 NW Blackberry Lane; Seal Rock, OR 97376

**Applicants' Primary Contact:** Candace Ribera, Development Coordinator for Scott Lepman Company; 100 Ferry Street NW; Albany, OR 97321

**Civil Engineer:** Brian Vandetta, Udell Engineering and Surveying; 63 East Ash Street; Lebanon OR 97355

**Surveying.** David Schlosser, Northstar Surveying; 720 NW 4<sup>th</sup> Street; Corvallis OR 97330 and Kyle Latimer, Udell Engineering and Surveying; 63 East Ash Street; Lebanon OR 97355

**Reason for Proposed Vacation.** The Vacation of 0.20 acre (8,712 square feet) of street right-of-way of North 20th Place is to provide for the relocation of the current existing access driveway location to a safer location from the railroad track crossing and providing better sight-distance on the curve of the street (see Exhibit 'D-1' - Enlargement of Existing Conditions Tax Lot 200 In Area of Proposed Street Vacation and Exhibit 'F' - Proposed Site and Dimensioning Plan for Recreational Vehicle Park).

**Proposed Planned Development Access and Circulation:** Proposed vehicular and pedestrian access to the property containing the Self-Storage Facility, the Recreational Vehicle and Boat Storage Facility and the Industrial Flex Space development will be from Southwest Main Street (Corvallis Newport Highway)(see Exhibit 'G' - Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development) with secondary access from the southern private easement accessway to a future public road located within the abutting property to the east [REDACTED]. Vehicular and pedestrian access to the property containing the Recreational Vehicle Park will be from North Nineteenth Street with a secondary gated fire access drive from the proposed northern private accessway easement on Tax Lot 100 to a future public road located on the abutting property to the east (Tax Lot 1200, Benton County Assessor's Map 12507).

**Abutting Properties to the Proposed Vacated Area.** (See Exhibit 'E' - Proposed Street Vacation with Affected Parties.) Tax Lot 200, Benton County Assessor's Map 12612 (Glorietta Bay, LLC - signature obtained) containing 15.30 acres and currently addressed as 617 North 19<sup>th</sup> Street; Tax Lot 102, Benton County Assessor's Map 12507 (MHLIN LLC - signature obtained) containing 3.82 acres with an unassigned address on North 20<sup>th</sup> Place; and Tax Lot 501, Benton County Assessor's Map 12612, Tax Lot 501 (Daniel J. McCabe and Reitha Pauline McCabe Revocable Living Trust - signatures obtained) containing 2.18 acres and addressed as 517 to 521 North 19<sup>th</sup> Street.

**Properties Within 200 Feet Parallel and 400 feet from Terminus of Proposed Vacation.** (See Exhibit 'E' – Proposed Street Vacation with Affected Parties.) Tax Lot 200, Benton County Assessor's Map 12612 (Glorietta Bay, LLC – signature obtained) containing 15.30 acres and currently addressed as 617 North 19<sup>th</sup> Street; Tax Lot 501, Benton County Assessor's Map 12612, Tax Lot 501 (Daniel J. McCabe and Reitha Pauline McCabe Revocable Living Trust – signatures obtained) containing 2.18 acres and addressed as 517 to 521 North 19<sup>th</sup> Street. Tax Lot 102, Benton County Assessor's Map 12507 (MHLIN LLC – signature obtained) containing 3.83 acres with an unassigned address on North 20<sup>th</sup> Place; Tax Lot 2400 Benton County Assessor's Map 12612 (Ellen C. Luke – signature obtained) containing 4.08 acres and addressed as 626 North 19<sup>th</sup> Street; Tax Lot 2400, Benton County Assessor's Map 12612A (Georgia Pacific Wood Products, LLC – signature obtained) containing 10.38 acres with an unassigned address on North 19<sup>th</sup> Street; Tax Lot 100, Benton County Tax Map 12601 (GLT Properties LLC – signature obtained) containing 58.42 acres with an unassigned address on North 19<sup>th</sup> Place; and Tax Lot 2500, Benton County Assessor's Map 12612 (Northernwood, LLC – signature obtained) containing 9.32 acres with an unassigned address on North 19<sup>th</sup> Street.

**Submitted Attachments.**

1. Exhibit 'A-1' Legal Description for Area of Street Vacation
2. Exhibit 'A-2' Composite Assessor's Tax Maps for Entire Glorietta Bay Project
3. Exhibit 'A-3a' Composite Assessor's Maps with Notified Properties and Applicants' Properties
4. [REDACTED]
5. Exhibit 'B' Findings Document for the Vacation of 8,712 Square Feet of North 20<sup>th</sup> Place
6. Exhibit 'C' Existing Philomath Comprehensive Plan and Zoning Map
7. Exhibit 'D' Existing Conditions Tax Lot 200 Prior to Construction of Underground Utilities
8. Exhibit 'D-1' Enlargement of Existing Conditions Tax Lot 200 In Area of Proposed Street Vacation
9. Exhibit 'E' Proposed Street Vacation with Affected Properties
10. Exhibit 'F' Proposed Site and Dimensioning Plan for Recreational Vehicle Park
11. Exhibit 'G' Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development
12. Exhibit 'H' Recreational Vehicle Park Public Easements and Location of Private Trail Within RV Park

**Reason for Requested Street Vacation.** The requested street vacation is to provide a safe entry from North 19<sup>th</sup> Street, a designated Minor Arterial Street to the proposed Recreational Vehicle Park (see Exhibit 'D-1' – Enlargement of Existing Conditions Tax Lot 200 in Area of Proposed Street Vacation). Twentieth Place lies within the City of Philomath but the right-of-way is under the jurisdiction of Benton County, as 20<sup>th</sup> Place has not been improved to City Standards. The proposed Recreational Vehicle Park will be constructed in one Phase and will consist of 175 RV spaces, a 3,904 square foot Office/Manager's Quarters, a 7,142 square foot Community Center, and 2 detached 247.5 square foot restroom buildings (see Exhibit 'F' - Proposed Site and Dimensioning Plan for Recreational Vehicle Park).

A private walking/biking trail that encircles the Park will be provided (see Exhibit 'H' -- Proposed Site and Dimensioning Plan for Recreational Vehicle Park) for the tenants of the proposed RV Park. A 16-foot-wide easement will be dedicated to the City of Philomath for the future construction of a public trail that will run from North 19<sup>th</sup> Street, a Minor Arterial Street, to the City Park located adjacent to North 20<sup>th</sup> Place and Southwest Main Street, a Principal Arterial Street (see Exhibit 'G' – Composite Site Plan for Self-

Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development).

A public sidewalk will be constructed adjacent to North 19<sup>th</sup> Street from the west right-of-way line of the proposed vacation area of North 20<sup>th</sup> Place and a public easement will be dedicated to Benton County for the construction of the joint use pedestrian/bikeway that lies to the north of the intersection of the public trail easement granted to the City of Philomath (see Exhibit 'H' – Recreational Vehicle Park Public Easements and Location of Private Trail Within RV Park).

**SUPPORTIVE FINDINGS:**

1. The proposed right-of-way vacation includes the right-of-way from the northeast corner of the intersection of North 20<sup>th</sup> Place with North 19<sup>th</sup> Street to a point 258.28 feet south along the east right-of-way line and 60.61 feet along the west right-of-way line (see Exhibit 'A-1' – Legal Description for Area of Street Vacation).
2. The subject right-of-way is currently owned by Benton County and North 20<sup>th</sup> Place has not been constructed to City Standards.
3. A Utility Easement will be retained over the entire or a part of the vacated area for access to existing and future public and private utilities that are or will be located in the area of the right-of-way vacation.
4. The western 20-feet of the vacated area will revert to the abutting Tax Lot 501, Benton County Assessor's Map 12612 (see Exhibit 'E' – Proposed Street Vacation with Affected Properties).
5. Philomath's Transportation Plan does not identify North 20<sup>th</sup> Place as being part of the city's arterial/collector street system, nor is it identified as a critical local street. The street is currently barricaded at its connection to North 19<sup>th</sup> Street, a designated Minor Arterial Street on the Benton County Transportation Plan and a Major Collector Street on the City of Philomath's Transportation Plan.
6. The proposed Recreational Vehicle Park will take access from North 19<sup>th</sup> Street, a recently improved Minor Arterial Street under the jurisdiction of Benton County. The street was recently improved to Benton County standards but does not have sidewalks. A sidewalk and a pedestrian/bikeway will be provided adjacent to North 29<sup>th</sup> Avenue as part of the development of the Recreation Vehicle Park (see Exhibit 'H' - Recreational Vehicle Park Easements). In the future, the public pedestrian/bikeway will go from North 19<sup>th</sup> Street to the City Park located adjacent to Southwest Main Street (see Exhibit 'G' – Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development).
7. The following existing and possible future public and private utility locations are relevant to the proposed right-of-way vacation (see Exhibit 'D' - Existing Conditions Tax Lot 200):
  - a. Public Sanitary Sewer. Sanitary sewer utility maps indicated that there is no sanitary sewer mains in the right-of-way. However, the area to the north of North 19<sup>th</sup> Street needs to be served and the possibility of use of this right-of-way for an extension of a public sanitary

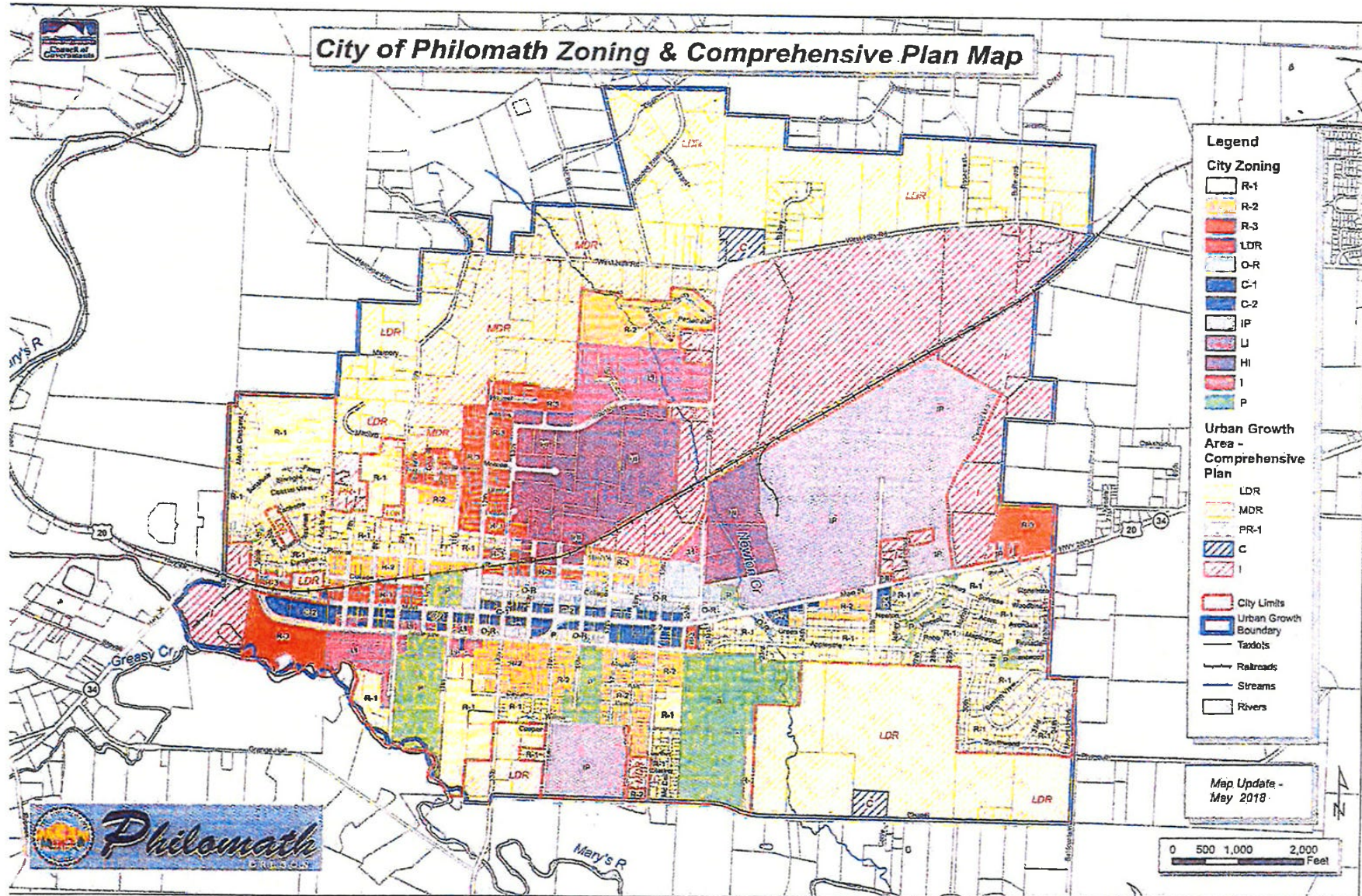


line requires that a utility easement over almost the entire right-of-way being vacated be retained in order to accommodate a future public 24" diameter trunk sanitary sewer line.

- b. Public Water. There is an existing 12-inch water line within the west side of the existing right-of-way. The City will need to retain a utility easement over this line.
- c. Public Storm Drainage. There is no public storm drainage within the existing right-of-way to be vacated. There is a public storm drainage system in the North 19<sup>th</sup> Street right-of-way that will provide drainage in the vicinity. It is the applicant's belief that no easement provision is necessary for public storm drainage.
- d. Private Underground Power. The one call utility-locate showed no evidence of buried private power in the vicinity of the proposed street vacation. However, an 8-foot-wide utility easement will be dedicated adjacent to the east side of North 19<sup>th</sup> Street as part of the proposed Planned Development occurring on Tax Lots 100 and 200 owned by Glorietta Bay, LLC.
- e. Private Overhead Power. The private overhead power is along the west side of 20<sup>th</sup> Place.
- f. Private Gas Line. There is a 4-inch-high-pressure gas line according to the NW Natural Gas maps that is 15 feet east of the centerline of North 20<sup>th</sup> Place.
- g. Private Phone Line. The one call utility-locate showed a buried phone line just west of the west right-of-way of North 20<sup>th</sup> Place.

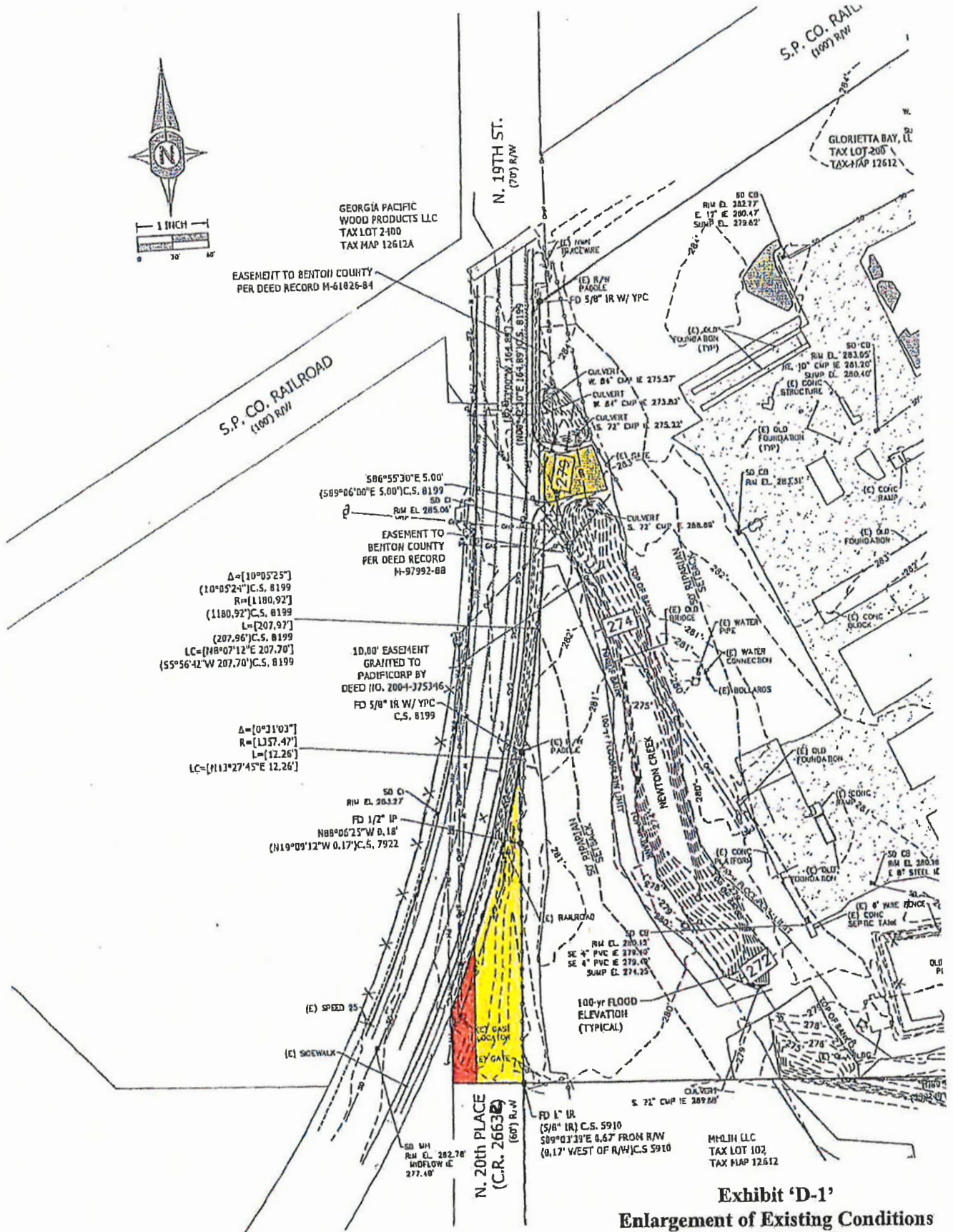
**SUPPORTIVE CONCLUSIONS:**

- 1. Private utilities exist within both sides of the area proposed for vacation. The City will retain a utility easement over much of the right-of-way being vacated to accommodate existing and future private utility needs. Maintaining a utility easement benefitting the City of Philomath for much of the vacated area proposed to be vacated will assure that the proposed vacated area will not have a negative effect on any existing or future public or private utility. This can be assured by a condition of approval.
- 2. The proposed vacation does not conflict with Benton County's or the City of Philomath's Transportation System Plan. Public sidewalks will be provided adjacent to the east right-of-line of North 19<sup>th</sup> Street in compliance with Benton County and/or City of Philomath Standards. This can be assured by a condition of approval.

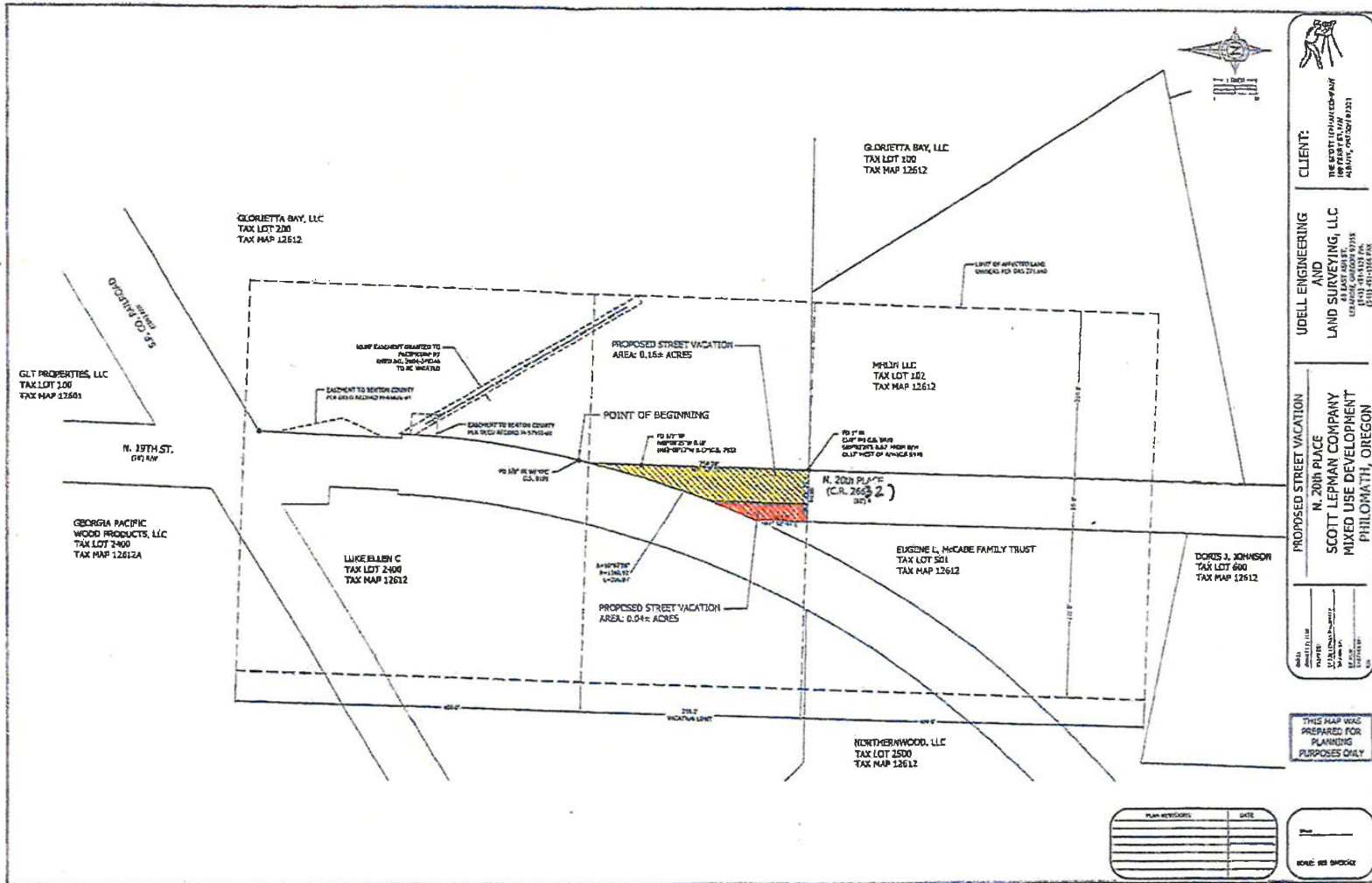


**Exhibit 'C'**  
**Existing Comprehensive Plan**  
**and Zoning Map**

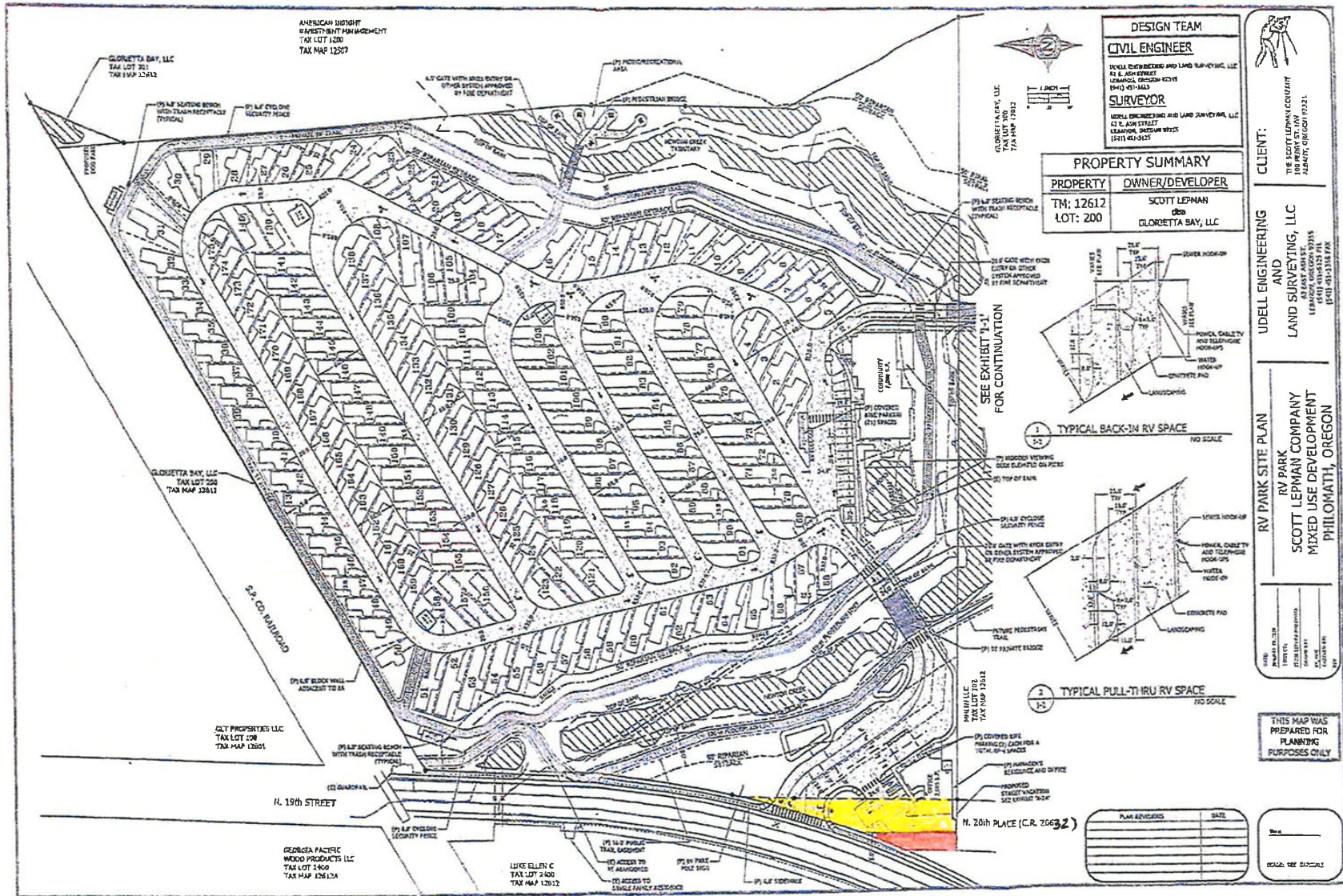




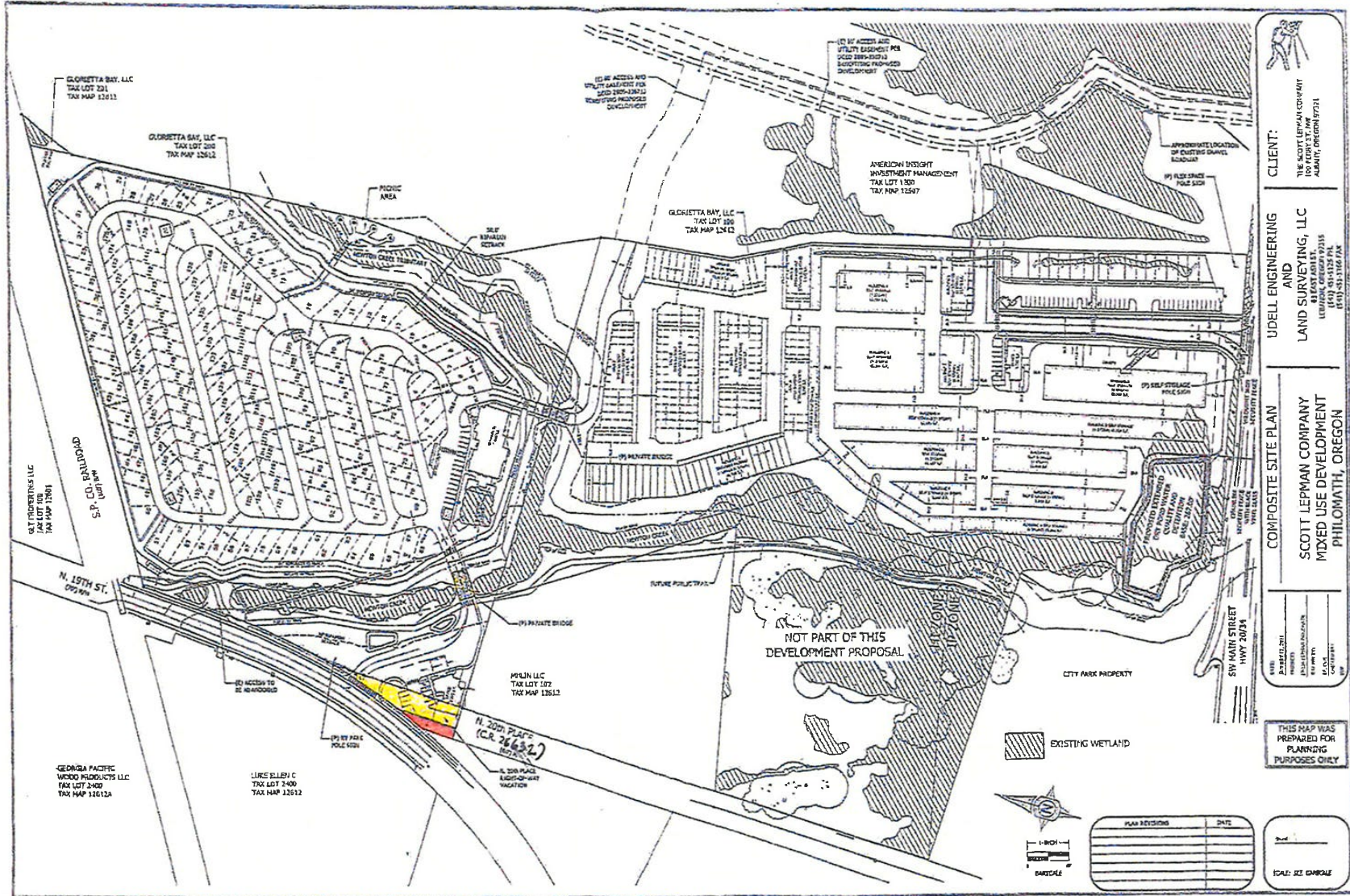
**Exhibit 'D-1'**  
**Enlargement of Existing Conditions**  
**Tax Lot 200 In Area of Proposed**  
**Street Vacation**



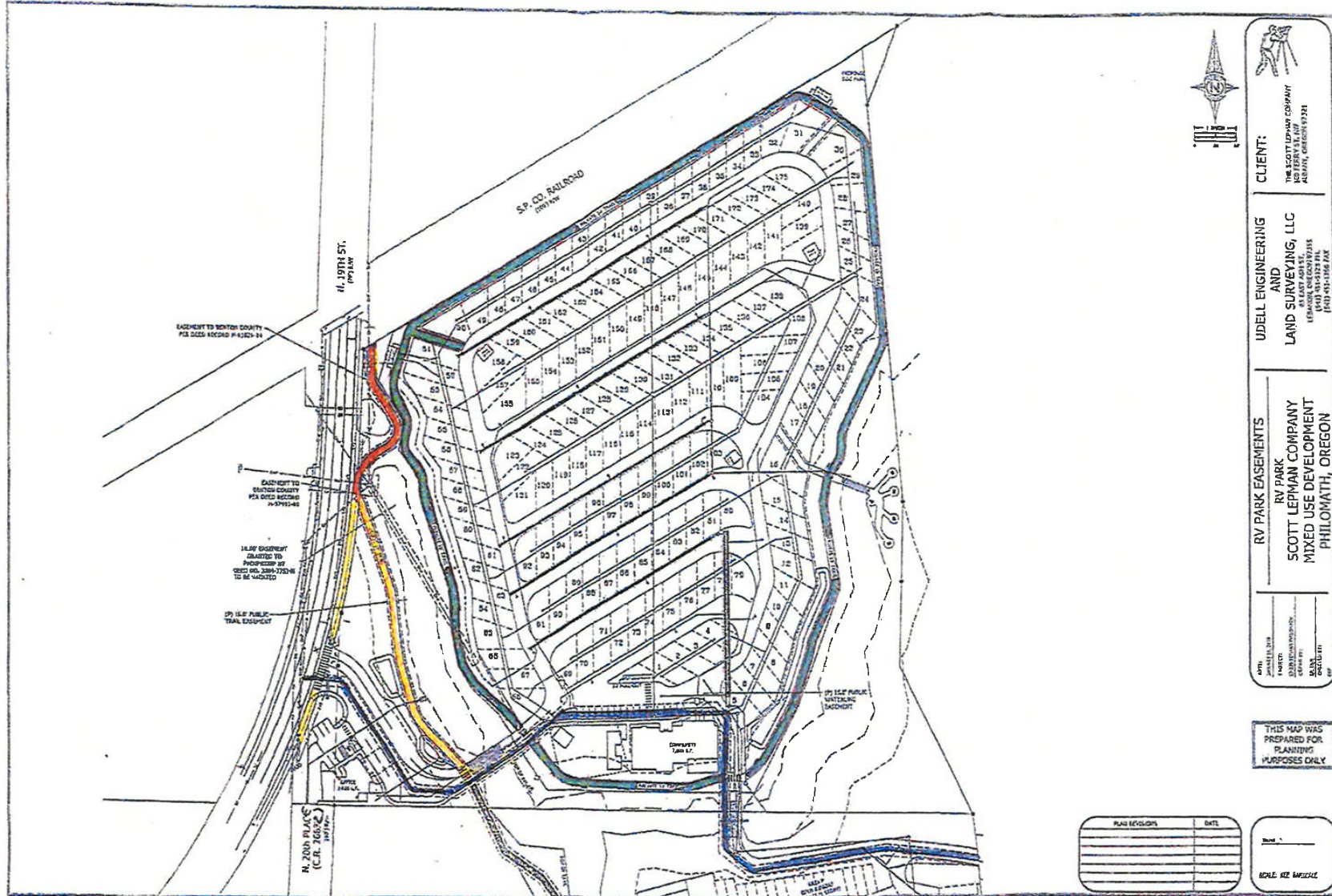
**Exhibit 'E'**  
**Proposed Street Vacation**  
**with Affected Properties**



**Exhibit 'F'**  
**Proposed Site and Dimensioning Plan**  
**for Recreational Vehicle Park**



**Exhibit 'G'**  
**Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development**



**Exhibit 'H'**  
**Recreational Vehicle Park Public Easements and Location of Private Trail Within RV Park.**



## BOC Agenda Checklist Master

### Agenda Placement and Contacts

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**Suggested Agenda Date** 09/05/23

View [Agenda Tracker](#)

**Suggested Placement \*** BOC Tuesday Meeting

**Department \*** Community Development

**Contact Name \*** Darren Nichols

**Phone Extension \*** 6394

**Meeting Attendee Name \*** Patrick Depa, Pat Hare

### Agenda Item Details

**Item Title \*** Amendment of Adair Village Urban Growth Boundary to include 0.12 acres

- Item Involves \*** Check all that apply
- Appointments
  - Budget
  - Contract/Agreement
  - Discussion and Action
  - Discussion Only
  - Document Recording
  - Employment
  - Notice of Intent
  - Order/Resolution
  - Ordinance/Public Hearing 1st Reading
  - Ordinance/Public Hearing 2nd Reading
  - Proclamation
  - Project/Committee Update
  - Public Comment
  - Special Report
  - Other

**Estimated Time \*** 30 minutes

**Board/Committee Involvement \***  Yes  No

**Name of Board/Committee** Benton County Planning Commission, Adair Village City Council

**Advertisement \***  Yes  
 No

**Names/Dates of Publications** List each publication name and date  
Corvallis Gazette-Times - August 24, 2023

# Issues and Fiscal Impact

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## Item Issues and Description

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**Identified Salient Issues\*** Residential land supply, land use planning, and interjurisdictional coordination

**Options\*** Accept the Benton County Planning Commission recommendations and approve the proposed Urban growth Boundary Amendment; or  
  
Reject the Benton County Planning Commission recommendations and deny the proposed Urban growth Boundary Amendment.

**Fiscal Impact\***  Yes  
 No

# 2040 Thriving Communities Initiative

**Mandated Service?\***  Yes  No

## 2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

**Mandated Service Description\*** If this agenda checklist describes a mandated service or other function, please describe here.  
Benton County and the City of Adair Village must act independently to implement this proposed amendment.

## Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

**Core Values\*** Select all that apply.  
 Vibrant, Livable Communities  
 Supportive People Resources  
 High Quality Environment and Access  
 Diverse Economy that Fits  
 Community Resilience  
 Equity for Everyone  
 Health in All Actions  
 NA

**Explain Core Values Selections\*** Urban planning and development, including the development of housing, are issues that impact every member of the Benton County community. Under Oregon law, when a city identifies a need for housing over the next 20 years, that city (and the county/ies within which it sits, must add sufficient land to meet that need. This coordinated process touches on or directly impacts nearly every value outlined in the 2040 Thriving Communities initiative.

**Focus Areas and Vision\*** Select all that apply.  
 Community Safety  
 Emergency Preparedness  
 Outdoor Recreation  
 Prosperous Economy  
 Environment and Natural Resources  
 Mobility and Transportation  
 Housing and Growth  
 Arts, Entertainment, Culture, and History  
 Food and Agriculture  
 Lifelong Learning and Education  
 NA

**Explain Focus Areas and Vision Selection\*** Urban planning and development, including the development of housing, are issues that impact every member of the Benton County community. Under Oregon law, when a city identifies a need for housing over the next twenty years, that city (and the county/ies within which it sits, must add sufficient land to meet that need. This coordinated process touches on or directly impacts nearly every value outlined in the 2040 Thriving Communities initiative.

# Recommendations and Motions

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## Item Recommendations and Motions

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**Staff Recommendations \*** The Benton County Planning Commission recommended approval of the proposed amendment at its July 18, 2023 public hearing. Please see the attached memorandum for additional details on the recommendation.

**Meeting Motions \*** I move to ...  
Option A:  
I move that the Board of County Commissioners direct staff to prepare an ordinance to accept the County Planning Commission's recommendation to APPROVE the Comprehensive Plan amendment and Zoning Map amendment proposed in legislative File No. LU-23-029, with the following specifications: [identify; for example: inclusion of 0.12 acres].

- OR -

Option B:  
I move that the Board of County Commissioners direct staff to prepare an ordinance REJECTING the County Planning Commission's recommendation to approve the Comprehensive Plan amendment and Zoning Map amendment proposed in legislative File No. LU-23-029, based on the following findings: [identify].

# Attachments, Comments, and Submission

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## Item Comments and Attachments

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**Attachments**

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

- 1. BOC MEMO - RE PC23-04 & LU-23-029.pdf 176.24KB
- 2. BOC MOTION - PC23-04 & LU-23-029 - PC Staff Report.pdf 1.39MB
- 3. DRAFT BOC Ordinance 2023-0320 Adair Village UGB Amendment.pdf 490.74KB

**Comments (optional)** If you have any questions, please call ext.6800

**Department Approver** MAURA KWATKOWSKI

1.

## Department Approval

---

Comments

Signature

*Maura Kwiatkowski*

2.

## Counsel Approval

---

Comments

Signature

*Vance H. Chokey*

3.

## County Administrator Approval

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Comments

Signature

*Suzanne Hoffman*

4.

## BOC Final Approval

---

Comments

Signature

*Amanda Makepeace*



## **M E M O R A N D U M**

**TO: Benton County Board of Commissioners**

**FR: Darren Nichols, Community Development Director**

**DT: August 22, 2023**

**RE: Adair Village urban growth boundary amendment/map correction – including 0.12 acres**

### **Background**

In 2022, Benton County Board of Commissioners and City of Adair Village City Council jointly initiated an urban growth boundary amendment to expand the Adair Village urban growth boundary to meet an identified need for residential lands over the next twenty years. In 2022, County and City planning commissions recommended approval and both the County Board and City Council adopted the proposed boundary expansion.

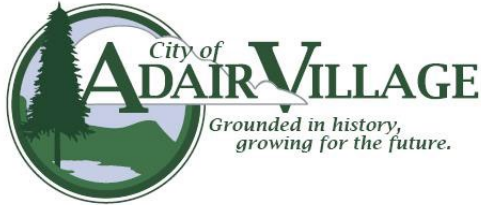
In adopting the amended boundary, however, a small portion of land owned by the State of Oregon was inadvertently omitted from the boundary amendment, thereby isolating a 0.12-acre strip of land along the south side of Ryals Road, immediately west of Oregon Highway 99. The affected landowners and the City recognized the need to correct the unintentional mapping error and now propose to complete an amendment to adjust the boundary and map as proposed in the attached materials.

Because Oregon law does not provide a mechanism for minor boundary corrections or mapping errors, the City of Adair Village asked Benton County to initiate this new comprehensive plan amendment to correct the error.

### **Recommendation**

At its hearing July 18, 2023, the County Planning Commission recommended that the Board approve the amendment. The City planning commission also recommends that the City Council approve the amendment. On the evening of September 5, 2023, the City Council is expected to approve the amendment at its regularly scheduled Council meeting.

Staff have prepared a packet in support of the amendment, including a joint staff report prepared for both the Board of Commissioners and the City Council. That report, a draft implementing ordinance, and additional supporting materials are included in the Board's packet for its hearing September 5, 2023.



**STAFF REPORT TO THE ADAIR VILLAGE CITY COUNCIL AND BENTON COUNTY BOARD OF COMMISSIONERS**

<b>AFFECTED PROPERTY:</b>	<p><b>A small portion of one property is being considered for addition to the Adair Village UGB. It is zoned Exclusive Farm Use. See map on Page 2.</b></p>		
<b>PROPOSED ACTION:</b>	<p>0.12 acres of Assessment Map &amp; Tax Lot No. 104300001400 located at the SE corner of Ryals Avenue and Hwy 99W is proposed for residential development.</p> <p><b>Legislative Amendment to the Urban Growth Boundary (UGB) of the City of Adair Village.</b></p> <p><u>City of Adair Village</u> is reviewing an amendment to the Comprehensive Plan to change the Urban Growth Boundary. Review criteria: Land Use Development Code Section 2.700; Comprehensive Plan Sections 9.290, 9.490, 9.590, 9.890.</p> <p><u>Benton County</u> is reviewing an amendment to the Comprehensive Plan to change the Urban Growth Boundary, and an amendment to the Zoning Map to change the zoning of the subject properties from Exclusive Farm Use to Urban Residential – 50-acre Minimum Parcel Size. Review criteria: Comprehensive Plan Section 17.3; Development Code Section 53.505.</p>		
<b>STAFF CONTACTS:</b>	<p>Adair Village/Benton County: Pat Depa, Planner <a href="mailto:Patrick.Depa@co.benton.or.us">Patrick.Depa@co.benton.or.us</a> 541-760-2993</p>		
<b>PLANNING COMMISSION RECOMMENDS</b>	<p>The Benton County planning commission recommends approval of the proposed urban growth boundary amendment to correct the map of the Adair Village urban growth boundary by 0.12 acres.</p>		
<b>APPLICANT:</b>	<p>None (Legislative)</p>		
<b>PROPERTY OWNERS:</b>	<p>State of Oregon – Department of Fish &amp; Wildlife (ODFW)</p>		
<b>ZONING:</b>	<p>Exclusive Farm Use</p>	<b>COMPREHENSIVE PLAN DESIGNATION:</b>	<p>Agriculture</p>
<b>CAC PLANNING AREA:</b>	<p>North Benton (not active)</p>		
<b>ADAIR VILLAGE FILE NUMBER:</b>	<p><b>PC23-04</b></p>	<b>BENTON COUNTY FILE NUMBER:</b>	<p><b>LU-23-029</b></p>

## NATURE OF THE PROCEEDINGS

The proposed 0.12-acre amendment of the Urban Growth Boundary includes property inadvertently excluded from a larger Urban Growth Boundary amendment adopted December 6, 2022. This legislative action is being brought back through this process because there is no State-authorized remedy in cases like this to modify the original adoption.

When Ryals Avenue was previously realigned, the road realignment isolated this small portion of the ODFW property on the south side of Ryals Avenue. The proposed amendment is a map correction to bring this property, currently owned by the State of Oregon ODFW, into the urban growth boundary and realign the boundary with Ryals Avenue and Hwy. 99W (See Figure 1).

This piece was intended to be included in the future growth of Adair Village as part of the 2022 amendment (See Figure 2) but was missed during the map analysis. The State of Oregon – Department of Fish & Wildlife has authorized the City of Adair Village and Benton County to include this portion of the state’s property within the Urban Growth Boundary and ODFW intends to sell the 0.12 acres to RST Weigel LLC, a partner in the existing Calloway Creek Subdivision.

The Board of County Commissioners formally initiated a legislative urban growth boundary amendment process to correct the Adair Village urban growth boundary as proposed July 5, 2023. The City separately initiated a legislative process to similarly correct the urban growth boundary. As a legislative matter, City and County reviews are not constrained by the 120/150-day time limit that applies to decision-making for applicant-driven (quasi-judicial) proposals. **The County planning commission held an initial public hearing on the proposal July 18, 2023, and recommended the Board of Commissioners approve the amendment.**



*Figure 1: Proposed UGB Expansion Map - SE corner of Ryals Avenue & Hwy. 99W (0.12 Acres)*

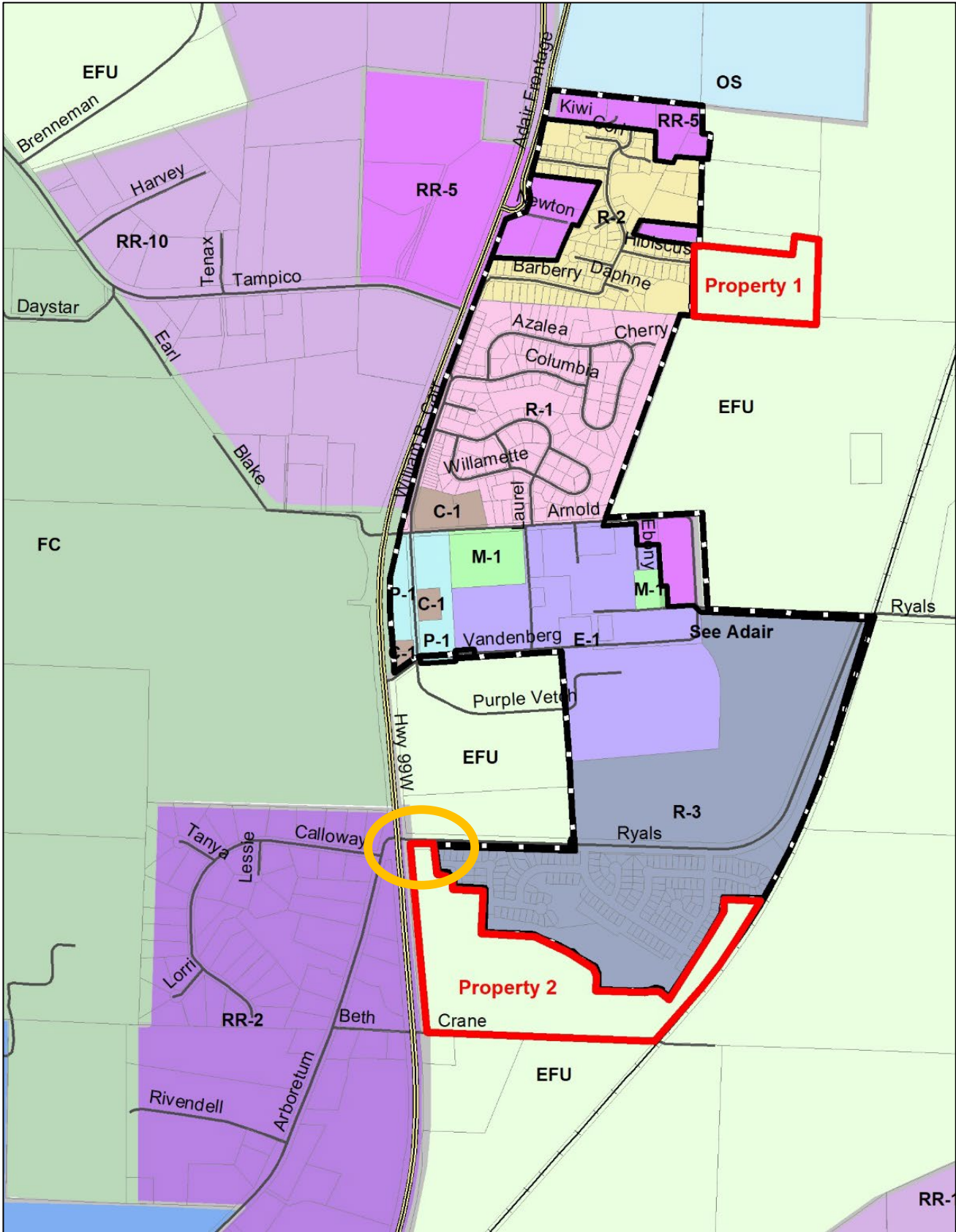


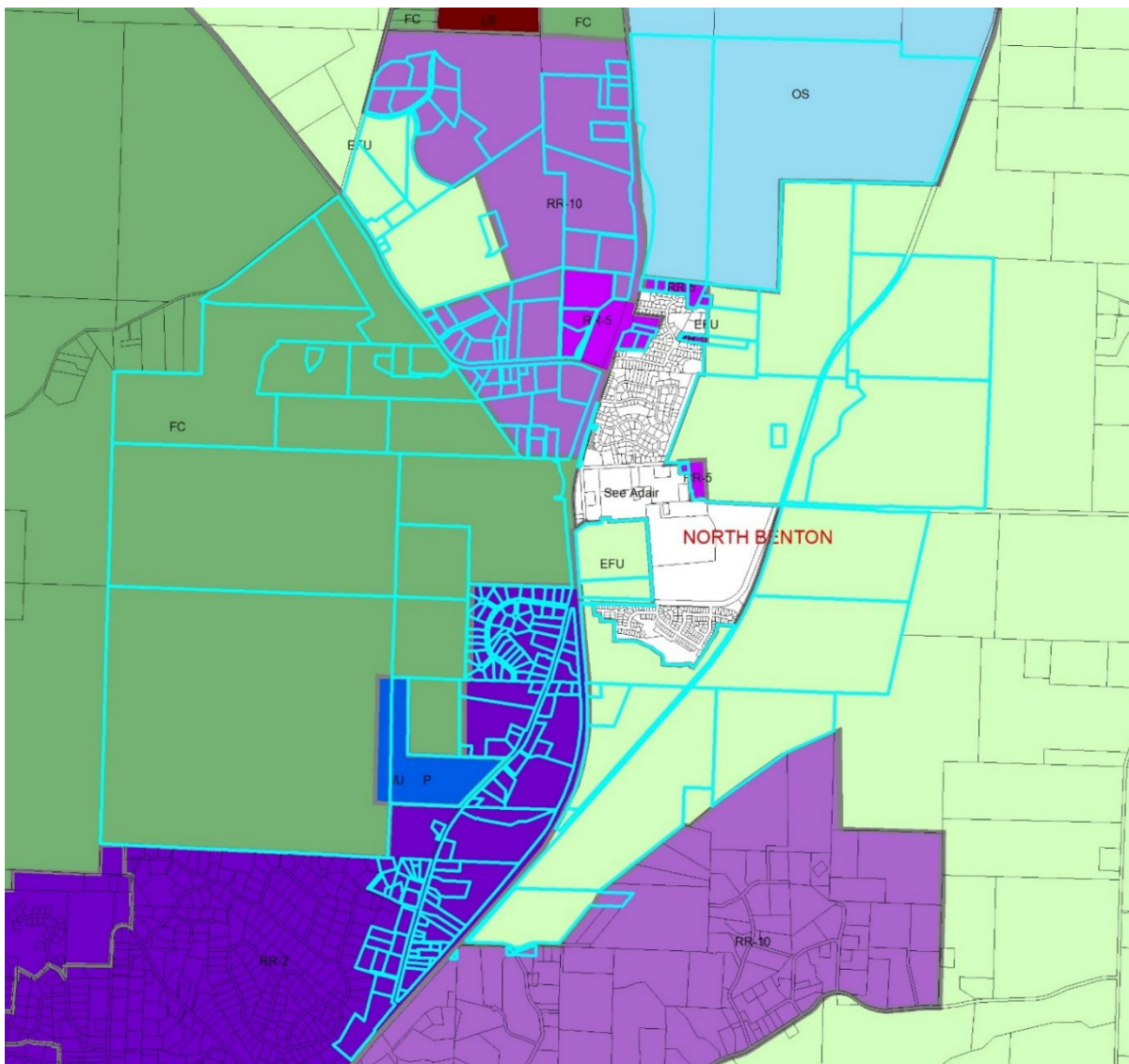
Figure 2: Properties adopted in 2022 Adair Village UGB Expansion (subject property in yellow oval).

## NOTIFICATION

Benton County notified the Oregon Department of Land Conservation and Development of the proposed UGB amendment 35 days prior to the Planning Commission’s initial hearing, as required by state rules.

The County also posted a legal notice in the *Corvallis Gazette-Times*, pursuant to BCC 51.610(3).

The City and County mailed notification to owners of property outside city limits located within 2,000 feet of the current UGB (farther in neighborhoods—see Figure 3 below for notification area) and was mailed/emailed to agencies and other interested parties on July 6, 2023. Mailed notifications: 201; emailed notifications: 88. **No objections to the UGB amendment from outside agencies or any written testimony was received by the deadline or prior to the staff report.**



**Figure3: Properties mailed notification are outlined in blue.**

## ORGANIZATION OF DOCUMENT

The City and Benton County compiled an expanded staff report titled “**Adair Village & Benton County Comprehensive Plan and UGB Amendment – Justifications and Findings**” dated September 2022. Additionally, the city and county used the Buildable Lands Inventory (BLI) to determine the deficit in land needed to support a 20-year supply of residential land. These reports thoroughly address the analyses required to establish findings that adhere to the Oregon Administrative Rules (OAR) that qualify a UGB expansion. These reports are not included in your hard copy packets but can be viewed on The City of Adair Village’s home website using this link:

<http://adairvillage.org/urban-growth-boundary-expansion/>

This review will follow the “Justification and Findings” document and reference the key findings that support the inclusion of the subject 0.12-acre piece of property into the urban growth boundary.

### **1. LAND NEED:**

This section summarizes the residential land needs for Adair Village, based on the results of the 2022 Buildable Lands Inventory (BLI), contained in Appendix 1. This section addresses Goal 14 need factors 1 and 2 for residential lands.

#### **Need Factor 1: Population Growth (Page 7 of the Justification and Findings document)**

Goal 14 Need Factor 1 requires cities to demonstrate need to accommodate population growth:

Exhibit 1 shows that Adair Village is expected to grow from 1,416 residents in 2022 to 2,541 residents in 2042, an increase of 1,125 new residents over the 20-year period.

Exhibit 1. Forecast of Population Growth, Adair Village UGB, 2022 to 2042

Source: Oregon Population Forecast Program, Portland State University, Population Research Center, June 2018.

1,416	2,541	1,125	80% increase
Residents in 2022	Residents in 2042	New residents 2022 to 2042	4.0% AAGR

#### **Need Factor 1 Findings:**

**The Buildable Lands Inventory found that Adair Village will grow by 1,125 new residents between 2022 and 2042 based on PSU’s Population Research Center coordinated population forecast for Adair Village. Adding the 0.12-acre piece of property to the 55 acres last year is consistent with state requirements for expected growth.**

#### **Need Factor 2: Land Need (Page 8 Justification and Findings document)**

Goal 14 Need Factor 2 requires that cities demonstrate need for lands proposed for inclusion in a UGB:

*Factor 2: Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2). In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.*

This section documents land need for housing to be included in the Adair Village UGB expansion proposal.

### **Need Factor Findings:**

The Buildable Lands Inventory identified that the city has a deficit of approximately 13.25 acres to accommodate 20-years of residential growth. Applying the efficiency methods, the city found that it has an additional 13 acres inside its urban growth boundary that are not suited for development at this time (See page 31). The adding of 0.12 acres of land supports the result that the city still needs land to meet state requirements to accommodate future housing.

## **2. ALTERNATIVE ANALYSIS FOR ESTABLISHMENT OF THE UGB EXPANSION STUDY AREA:**

The Land Need section concluded that Adair Village has insufficient land to accommodate projected growth for residential land. The alternatives analysis required by OAR 660-024-0060 established seven study areas for inclusion (See Figure 4 next page). ORS 197A.320 Prioritization presents a priority list of lands to be included within an urban growth boundary for evaluating alternative boundary locations (Pages 33-45 of the Justification and Findings document).

### **Findings:**

Subareas 4, 6, and 7 were given higher priority due to the higher levels of Class III and IV soils. Other subareas in the analysis had greater proportions of Class I and II soils, which are more productive for agriculture and, therefore, a lower priority for inclusion in the urban growth boundary.

To summarize the prioritization analysis under ORS 197A.320, there are no lands of first, second or third priority within the study area. Therefore, the EFU subareas 1-7 can be included as fourth priority lands. Under ORS 197A.320 (2), subareas 4, 6, and 7 are considered higher priority due to the higher levels of less productive soils.

The 0.12-acre piece of property is adjacent to subarea 7 and contains a similar concentration of less productive soils and should be considered for inclusion before the rest as subarea 7.

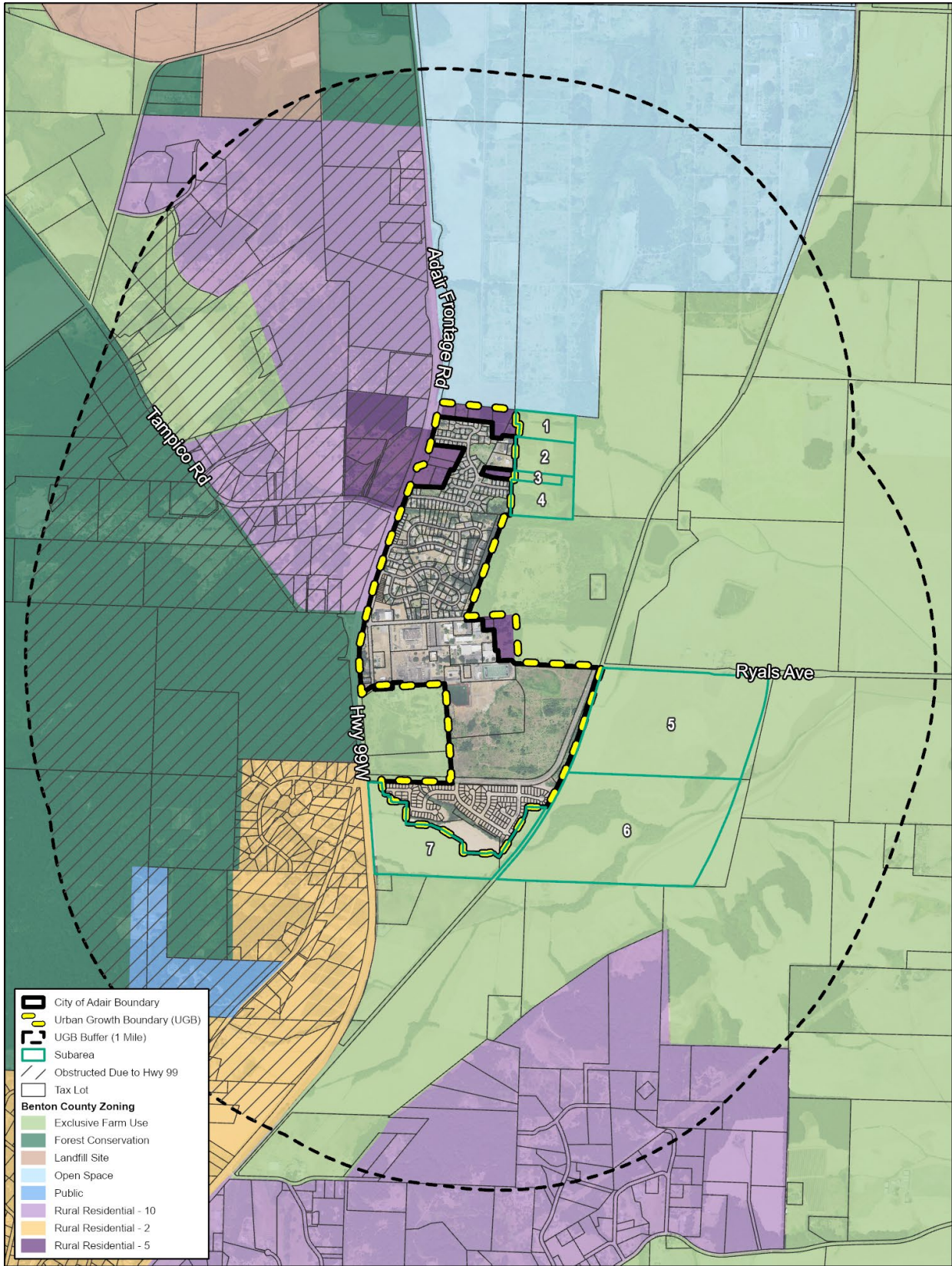


Figure 4: Comparative Analysis Study Area Map



### **3. GOAL 14 LOCATIONAL FACTORS:**

The findings and analysis in Sections 1 and 2 demonstrate that insufficient land exists in the UGB to meet identified future residential land needs.

Section 3 includes additional findings demonstrating compliance with Goal 14 locational factors.

Goal 14 establishes four boundary location factors that must be considered when reviewing alternative boundaries:

*The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197A.320 and with consideration of the following factors:*

- a. Efficient accommodation of identified land needs;*
- b. Orderly and economic provision of public facilities and services;*
- c. Comparative environmental, energy, economic and social consequences; and*
- d. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.*

#### **Findings:**

**As indicated in the findings and conclusion section of the four locational factors, subarea 7 (Weigel property) best meets the criteria for an urban growth expansion when compared with other subareas relative to the four urbanization factors. The proposed 0.12-acre piece is surrounded by and contains the same high score as subarea 7 for inclusion over other subareas studied.**

**The proposed 0.12-acre piece is essentially part of subarea 7 and is identified in the comprehensive plan as a logical location for UGB expansion and has the most efficient provision of public facilities. The subject 0.12 acres is an isolated property surrounded by urban infrastructure and is too small to cultivate for agriculture. Because of its location adjacent to an existing urban roadway, and its alignment with a planned urban sidewalk, the property is best suited to support the orderly and economic development of public facilities and services.**

**Based on this analysis (Pages 48-62 of the Justification and Findings document), the proposed 0.12-acre site along with subarea 7 provide the lowest cost and are the easiest sites to develop.**

#### **4. STATEWIDE GOAL CONSISTENCY ANALYSIS:**

Each chapter of the Adair Village Comprehensive Plan corresponds with a Statewide Planning Goal. In the 2022 UGB amendment, Subarea 7 or the Weigel Property was compared to the Statewide Planning Goals. The analysis demonstrates compliance with both the Comprehensive Plan goals and policies and the corresponding Statewide Planning Goals.

#### **Findings:**

**Due to the proximity and shared property lines with the Weigel property, the proposed 0.12-acre piece of property should be viewed as consistent with the responses on pages 79-86 of the Justification and Findings document. All responses indicate compliance with the Statewide Planning Goals for inclusion into the Adair Village urban growth boundary.**

#### **5. CITY REQUIREMENTS FOR UGB EXPANSION:**

##### **I: Compliance with City of Adair Village Land Use Development Code**

Section 5 of this staff report contains a series of the responses to the Adair Village Development Code that demonstrate how the proposed project meets the applicable standards and criteria for a comprehensive plan amendment and zone change. Sections of the code that are not applicable are generally not included here unless necessary for context.

#### **ARTICLE 2 APPLICATION PROCEDURES**

##### **SECTION 2.700 AMENDMENTS**

*It is recognized that this Code or the Comprehensive Plan, may require amendments to adjust to changing circumstances. Amendments may be a Text change or addition or a Map change or addition. A Zone Change is an example of a Map Amendment. An amendment shall require a Legislative Decision as defined in Section 3.200 (2) if it applies to the Code or Plan in general, or a Quasi-judicial Decision as defined in Section 3.200 (3) if it applies to a specific property or use.*

*(1) Amendment Application. An Amendment may be initiated by the City Administrator, the City Council, the City Planning Commission or by an Applicant. A request by an Applicant for an amendment shall be accomplished by filing an application with the City using forms prescribed in Section 2.130.*

**Response:** The proposed amendment is being initiated by the City Administrator and is being processed as a legislative comprehensive plan amendment.

*(2) Decision Criteria. All requests for an amendment to the text or to the Zoning/ Comprehensive Plan Map of this Code may be permitted upon authorization by City Council in accordance with the following findings:*

*(a) The proposed amendment is consistent with the intent of the Comprehensive Plan.*

**Response:** Applicable Comprehensive Plan goals and policies are addressed in Part II of this narrative.

*(b) There is a need for the proposed amendment to comply with changing conditions or new laws.*

**Response:** The proposed amendment will facilitate annexation of the site into the city for future urban residential development. The BLI identifies a need for an additional 26 acres of buildable residential land in the city to accommodate projected housing demand over the next 20 years. As the population of Adair Village continues to grow, the city will need additional residential land to accommodate new homes. The 2022 PRC population forecast data estimated the population of Adair Village to be 1,416 people. The proposed 0.12-acre UGB expansion would add to the 55 acres of residential land already approved in last year's UGB amendment to the city to help ensure the city is able to accommodate additional growth and provide ample housing opportunities for its residents.

*(c) The amendment will not have an undue adverse impact on adjacent areas or the land use plan of the city.*

**Response:** Areas adjacent to the sites include residential development and an Oregon Department of Fish and Wildlife Park. This property is adjacent to existing roads and a developed subdivision and therefore will not impinge on or threaten any nearby agricultural uses or any incompatible uses.

*(d) The amendment will not have an undue adverse environmental impact.*

**Response:** No wetlands or other sensitive lands have been identified in this area of proposed expansion.

*(e) The amendment will not have an undue adverse impact on public facilities.*

**Response:** Road and utility stubs are readily available to this property making extension of public infrastructure very easy without an undue adverse impact on the local system.

Area parks, directly north of the site, is a large regional wildlife preserve and can accommodate additional use by residents of the future development.

The impact on local schools will also be minimal as this property will be intergraded into the current development plans for housing.

*(f) The amendment will not have an undue adverse impact on transportation.*

**Response:** The proposed comprehensive plan amendment would change the zoning to UR-50, a large lot holding designation that is intended to limit future development until such time as a site is incorporated into a city and up-zoned to allow for residential development. As a consequence, no direct adverse impacts to transportation would result from this request.

*(g) The amendment will not have an undue adverse impact on the economy of the area.*

**Response:** The proposed comprehensive plan amendment will allow for new residential areas that can be developed with minimal new public infrastructure and will generate new tax revenues to augment the existing tax base.

*(h) The amendment is consistent with the intent of the applicable Statewide Planning Goals.*

**Response:** Applicable Statewide Planning Goals are addressed in Section 4 of this document.

*(3) Decision Process.*

*(a) Text amendments or map amendments that affect a group or class of properties within the City requires a "Legislative Decision" by the City Council with recommendation by the Planning Commission in conformance with the Legislative Public Hearing procedures of Section 3.520.*

**Response:** The proposed comprehensive plan amendment will affect only one 0.12-acre piece of the property and is being processed as a legislative update.

*(b) Map amendments initiated by an Applicant for a specific property within the City requires a "Quasi-judicial Decision" by the City Council with recommendation by the Planning Commission in conformance with the Quasi-judicial Public Hearing procedures of Section 3.510.*

**Response:** As noted above, the proposed comprehensive plan amendment involves only one small piece of property and is being processed as a legislative update.

*(c) The City Council upon recommendation of the Planning Commission may approve, deny or approve with conditions to attain compliance with the intent of this Code or with the applicable standards of the zoning district.*

*(d) The City is not required to justify denial of a proposed legislative change.*

*(e) A written record of the findings and action of the Planning Commission and City Council shall be maintained by the City in a Record File of the Application as specified in Section 2.150. Notice of Decision shall be given the Applicant together with any conditions of approval for the proposed Amendment as specified in Section 3.600.*

**Response:** All decisions will follow the above process and the County will maintain a permanent record of the materials related to this proceeding.

## **II. Compliance with City of Adair Village Comprehensive Plan**

### **SECTION 9.290 ENVIRONMENTAL GOALS & POLICIES**

#### **GOALS & OBJECTIVES**

- 1. To recognize the opportunities and constraints posed by the natural environment.*
- 2. To protect the unique resources of the Adair Village area.*
- 3. To ensure that future development will complement the City's natural resource base.*

**Response:** The proposed amendment will allow approximately 0.12 acres of land to be brought into the city and used for residential development. As described in detail in the Site Selection Analysis included Section 2, the subject area is proposed for UGB inclusion

because of their relatively minimal extent of productive soils and their enhanced access to public infrastructure.

#### **POLICIES & RECOMMENDATIONS**

##### *General*

1. *Any expansion of the Adair Village Urban Growth Boundary shall identify and classify existing natural features including wetland and riparian areas that may require preservation, protection or restoration.*

**Response:** There are no wetlands or sensitive land in the proposed amendment.

##### *Geology & Soils*

1. *As additional land is needed to accommodate the City's growth needs the Urban Growth Boundary may be expanded. Preservation of the most productive agricultural soils shall be a factor in determining the Urban Growth Boundary expansion area.*

**Response:** Under ORS 197A.320 (2), lands that can be considered for UGB expansion must be evaluated and prioritized based on the soils' capability to support agriculture. Per the analysis provided in Section 2, the subject site was found to rank higher for UGB inclusion than other EFU lands because other sites on the UGB fringe generally had a higher percentage of Class II soils throughout the site.

#### **SECTION 9.490 HOUSING GOALS & POLICIES**

##### *GOALS & OBJECTIVES*

1. *To provide a housing policy plan that seeks to increase opportunities for all citizens to enjoy affordable, safe, energy efficient housing.*
2. *The city recognizes the need for an adequate supply of housing that includes a variety of types and designs that are responsive to community needs.*

**Response:** Consistent with these goals and objectives, this proposal supports the city's housing goals and policies by removing barriers to new residential development in the City.

#### **SECTION 9.590 LAND USE GOALS & POLICIES**

##### *POLICIES & RECOMMENDATIONS*

##### *Residential Land Use*

1. *The City shall maintain an adequate availability of residential buildable lands that provides locational choices for each housing type.*

**Response:** This proposal supports this policy by increasing the amount of buildable residential land within the city.

#### **SECTION 9.890 GROWTH MANAGEMENT GOALS & POLICIES**

##### *GOALS & OBJECTIVES*

1. *To provide for an orderly and efficient transition from rural to urban land use.*

2. *To provide conservation and development policies for the orderly and efficient development of the community.*
3. *To ensure that the overall plan, policies and recommendations help conserve energy.*

**Response:** The subject site is adjacent to existing residential development and public utilities are available to serve the site without significant infrastructure improvements. Phase four of the Calloway Creek Subdivision is stubbed at the eastern boundary of the 0.12-acre property in anticipation of future residential development.

#### **POLICIES & RECOMMENDATIONS**

##### **Urban Growth**

3. *The Exclusive Farm Use parcels abutting the easterly Urban Growth Boundary shall be maintained until urban development occurs within the existing Urban Growth Area.*

**Response:** All EFU parcels abutting the existing UGB will be maintained other than the 0.12acre piece being proposed. The proposed amendment is essentially a map correction to include an isolated piece of property where productive agriculture would not be possible.

6. *An urbanized development or annexation request outside the Urban Growth Boundary shall be considered a request for an amendment to the boundary and shall follow the procedures and requirements of the statewide Goals #2 and #14.*

**Response:** As demonstrated in the responses to the Statewide Planning Goals in Section 4 of this narrative, and the UGB expansion analysis provided in this request for UGB expansion and annexation consistent with Goals 2 and 14.

### **III. Conclusion**

**As established in the above responses in the Buildable Land Inventory and the Site Selection Analysis, the proposed Comprehensive Plan amendment is consistent with City goals and policies and applicable Statewide Planning Goals to support the expansion of the Adair Village UGB and the proposed rezoning of the site from EFU to UR-50.**

## **6. COUNTY REQUIREMENTS FOR UGB EXPANSION:**

### **Benton County Comprehensive Plan (BCCP)**

#### **I. Criteria for Amending the Comprehensive Plan. (Section 17(3), BCCP)**

##### ***Criteria for Amendments:***

###### ***Text Amendments:***

*Amendment to the text may be considered to correct an error, improve the accuracy of information, expand the data contained in the Plan, bring the Plan into compliance or more into compliance with statewide land use planning goals, or to reflect a public need in compliance with the State goals.*

###### ***Map Amendments:***

*Amendments to the Plan map may be approved when compliance with all elements of the Comprehensive Plan and with statewide land use planning goals can be shown. Map amendments*

*requiring goal exceptions shall comply with procedure and standards of OAR 660 Division 4 and State goals.*

**Findings:**

The amendment under consideration is consistent with the goals and policies of Benton County's comprehensive plan. Compliance with all elements of the Comprehensive Plan have been analyzed on pages 71-77 of the Justification and Findings document which support this amendment. Compliance with statewide planning goals is evaluated in Section 4. Pursuant to OAR 660-024-0020(1)(a), the amendment of a UGB does not require a goal exception.

**Benton County Development Code (BCC)**

**ZONE CHANGE**

*53.505 Zone Change Criteria. The Official Zoning Map may be amended if:*

*(1) The proposed zoning for the property is more appropriate than the current zoning, when considering existing uses, changes in circumstances since the current zoning was applied, or information that indicates that the current zoning was not properly applied;*

**Findings:** If the Comprehensive Plan amendment is approved, bringing the subject property into the Adair Village UGB, then that would be a change in circumstance since the current EFU zoning was applied. At that point, with the lands located inside the UGB, Urban Residential zoning would be more appropriate than EFU zoning.

*(2) The impact on adjacent properties will be minimal;*

**Findings:** The change in zoning from EFU to Urban Residential with a 50-acre minimum parcel size (UR-50) would allow a dwelling and related residential uses to be established on the subject property, along with the accessory uses or other land use that are allowed in the UR zone, consistent with property setbacks and other development standards.

*(3) Any significant increase in the level of public services which would be demanded as a result of the proposed zone change can be made available to the area; and*

**Findings:** Similar to the findings regarding the prior criterion, the minimal level of development allowable under the proposed UR-50 zoning would not require a significant increase in the level of public services.

*(4) The proposed zone change is consistent with the policies of the Comprehensive Plan.*

**Findings:** This criterion is addressed in preceding section.

**Conclusion:** The proposed zone change to UR-50 meets the criteria from the Development Code, provided the UGB amendment is approved to add the subject property to the UGB.

## CONCLUSION

Based on the facts and findings presented by the city and county within this detailed written narrative and supported by the “Justification and Findings” document, the proposed addition of 0.12 acres to the Adair Village urban growth boundary satisfies the burden of proof and demonstrates how the proposed Comprehensive Plan amendment and zone change request satisfies all applicable criteria including a benefit to the community by providing needed housing within Adair Village's Urban Growth Boundary.

As established in the analysis performed in the Buildable Land Inventory and the Site Selection Analysis, the proposed Comprehensive Plan amendment is consistent with County and City goals and policies and applicable Statewide Planning Goals to warrant the expansion of the Adair Village UGB as proposed and the proposed rezoning of the site from EFU to UR-50.

## RECOMMENDED MOTIONS

### Option A:

I move that the Board of County Commissioners direct staff to prepare an ordinance to accept the County Planning Commission's recommendation to **APPROVE** the Comprehensive Plan amendment and Zoning Map amendment proposed in legislative File No. LU-23-029, with the following specifications: [*identify; for example: inclusion of 0.12 acres*].

- OR -

### Option B:

I move that the Board of County Commissioners direct staff to prepare an ordinance **REJECTING** the County Planning Commission's recommendation to approve the Comprehensive Plan amendment and Zoning Map amendment proposed in legislative File No. LU-23-029, based on the following findings: [*identify*].



**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY  
STATE OF OREGON**

**In the Matter of Amending the Benton )       ORDINANCE  
County Comprehensive Plan and Zoning )  
Map, Regarding the Adair Village Urban )       No. 2023-0320  
Growth Boundary.**

**WHEREAS:**

This matter comes before Benton County as a legislative amendment to the Comprehensive Plan to change the City of Adair Village Urban Growth Boundary, and an amendment to the Zoning Map to change the zoning of the subject properties from Exclusive Farm Use to Urban Residential – 50-acre Minimum Parcel Size.

In response to population projections prepared by the Population Research Center of Portland State University, the City of Adair Village, through a consultant, produced a buildable lands inventory demonstrating that the land available for development within the urban growth boundary was insufficient to meet the 20-year projected demand for housing. The 0.12-acre piece is an addition to the earlier UGB Expansion under File #LU-22-038 and Ordinance No. 2023-0317.

Pursuant to Oregon Administrative Rules, the City is required to address this land deficiency.

The City’s analysis demonstrates that the two properties proposed for addition to the urban growth boundary are the most suitable, consistent with the methodology in Oregon Administrative Rules.

Pursuant to the Urban Growth Management Agreement between Benton County and the City of Adair Village, the Benton County Planning Commission and the Adair Village Planning Commission held duly advertised public hearings on July 18, 2023, and received public testimony. The Benton County Planning Commission deliberated and voted to recommend that the Board of Commissioners approve the UGB amendment and Zoning Map.

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The Benton County Board of Commissioners and the Adair Village City Council held duly advertised public hearing on September 5, 2023, and received public testimony. The Board of Commissioners deliberated and voted to approve the UGB Amendment and Zoning Map Amendment. The Benton County Board of Commissioners has considered the staff report, the application materials, the recommendation of the Benton County Planning Commission, and the record as a whole, and finds that the proposed Comprehensive Plan Amendment complies with the review criteria in Section 17.3 of the Benton County Comprehensive Plan, and that the proposed Zoning Map Amendment complies with the review criteria in Section 53.505 of the Benton County Development Code.

The Board of Commissioners conducted a First Reading of the Ordinance September 5, 2023.

The Board of Commissioners conducted a Second Reading of the Ordinance September 19, 2023.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY ORDAINS AS FOLLOWS:

**PART I.**      Short Title. Amendments to the Benton County Comprehensive Plan and Zoning Map, Regarding the Adair Village Urban Growth Boundary.

**PART II.**      Authority. The Board of County Commissioners of Benton County has authority to amend the Comprehensive Plan and Zoning Map pursuant to ORS Chapter 215 and the Benton County Charter.

**PART III.**     The Urban Growth Boundary amendment proposed in Planning File No. LU-23-029 is hereby approved, based on the Findings and Conclusions contained in the attached "Exhibit 3" and hereby adopted and incorporated herein.

**PART IV.**     The Benton County Comprehensive Plan is hereby amended to reflect the inclusion into the Adair Village Urban Growth Boundary of the 0.12-acre property as shown in "Exhibit 1".

**PART IV.**     The Benton County Zoning Map is hereby amended to designate as "Urban Residential – 50-acre Minimum Parcel Size" the property shown in "Exhibit 2."

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DRAFT

**PART V.** The effective date for these amendments will be:

First Reading: September 5, 2023

Second Reading: September 19, 2023

Effective Date: October 19, 2023

**BENTON COUNTY BOARD OF  
COMMISSIONERS**

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Pat Malone, Chair

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Xanthippe Augerot, Vice Chair

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Nancy Wyse, Commissioner

Approved as to Form:

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County Counsel

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Recording Secretary

**Exhibit 1**

**Amendment to Benton County Comprehensive Plan  
Adair Village Urban Growth Boundary  
File No. LU-23-029**

**Legal Descriptions of Properties to be Added to the Adair Village Urban Growth Boundary**

1. ODFW Property: Assessment Map & Tax Lot No. 104300001400. 0.12 acres located on the south side of Ryals Avenue and immediately west of Oregon Highway 99 at the SE corner of Ryals & Hwy. 99W. The 0.12-acre piece is proposed for residential development.

**Proposed UGB Expansion Map**

**SE corner of Ryals Avenue & Hwy. 99W  
0.12 Acres**



**Exhibit 2**

**Amendment to the Benton County Zoning Map**  
**File No. LU-23-029**

**Legal Descriptions of Properties to be Re-zoned Urban Residential-50**

1. ODFW Property: Assessment Map & Tax Lot No. 104300001400. 0.12 acres located on the south side of Ryals Avenue at the SE corner of Ryals & Hwy. 99W. The 0.12-acre piece is proposed for residential development.



**Exhibit 3**

**Findings of Fact and Conclusions of Law**  
**Adair Village Urban Growth Boundary Amendment; LU-23-029**

The findings are contained in the following two documents:

- A. Justifications and Findings document. The findings specific to the review criteria in Benton County's Comprehensive Plan and Development Code are found on Pages 71 - 78.
- B. Additional Findings – August 16, 2023, Staff Report

# **NEW BUSINESS**



**Board of Commissioners**

Office: (541) 766-6800  
Fax: (541) 766-6893

4500 SW Research Way  
Corvallis, OR 97333

[bentoncountyor.gov](http://bentoncountyor.gov)

September 5, 2023

Selection Committee  
T-Mobile Hometown Grants Program

Dear Members of the Review Committee:

The Benton County Board of Commissioners enthusiastically supports the Alsea Community Effort and Hope Grange proposal to T-Mobile to upgrade the building.

Good, old-fashioned community halls and modern technology are key ingredients for vibrant civic engagement. The Alsea Hope Grange is the principal community meeting hall in the unincorporated Benton County community of Alsea. The Grange is also a locus of community celebrations, youth events and collaborative projects. It is a crossroads, pulling together the many strands of community.

Upgrading Alsea's Hope Grange will provide us with a reliable and central place to meet with community members in the Western corner of Benton County. Alsea Community Effort is a valuable partner in helping to identify community needs, proposing solutions and identifying a diverse set of funding sources to partner with Benton County.

Thank you for your consideration.

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Pat Malone  
Chair

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Xan Augerot  
Vice Chair

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Nancy Wyse  
Commissioner



# **OLD BUSINESS**

## BOC Agenda Checklist Master

### Agenda Placement and Contacts

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**Suggested Agenda Date** 09/05/23

View [Agenda Tracker](#)

**Suggested Placement \*** BOC Tuesday Meeting

**Department \*** Community Development

**Contact Name \*** Darren Nichols

**Phone Extension \*** 5417666394

**Meeting Attendee Name \*** Daniel Redick, Sean McGuire

### Agenda Item Details

**Item Title \*** Sustainable Materials Management Plan: Final Draft Request for Proposals (RFP) Process - recommended next steps

**Item Involves \*** Check all that apply

- Appointments
- Budget
- Contract/Agreement
- Discussion and Action
- Discussion Only
- Document Recording
- Employment
- Notice of Intent
- Order/Resolution
- Ordinance/Public Hearing 1st Reading
- Ordinance/Public Hearing 2nd Reading
- Proclamation
- Project/Committee Update
- Public Comment
- Special Report
- Other

**Estimated Time \*** 30 minutes

**Board/Committee Involvement \***  Yes  
 No

**Name of  
Board/Committee**

Temporary RFP taskforce (Board appointed)

**Advertisement\***

Yes

No

# Issues and Fiscal Impact

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## Item Issues and Description

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**Identified Salient Issues \***

This agenda item addresses:

Board action on the final draft RFP and authorization to release the RFP,

Membership of an ad hoc advisory committee to assist in development of a regional long-range sustainable materials management plan,

Ongoing ad hoc advisory committee structure and charge, and

Scheduling a facilitated listening session in September or October.

**Options \***

See attached memorandum for recommended actions. The Board may also provide additional guidance or direction as needed.

**Fiscal Impact \***

- Yes
- No

**Fiscal Impact Description \***

The Board has approved a budget for the completion of a sustainable materials management plan in the amount of \$400,000 for the 2023-25 biennium.

# 2040 Thriving Communities Initiative

**Mandated Service? \***  Yes  No

## 2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

**Mandated Service Description \*** If this agenda checklist describes a mandated service or other function, please describe here.

While the Board of Commissioners is not required by law to pursue a regional long-range sustainable materials management plan, Benton County is required to uphold its statutory obligations to the State of Oregon and its commitments under a landfill franchise agreement and solid waste collection franchise agreement.

## Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

**Core Values \*** Select all that apply.

- Vibrant, Livable Communities
- Supportive People Resources
- High Quality Environment and Access
- Diverse Economy that Fits
- Community Resilience
- Equity for Everyone
- Health in All Actions
- NA

**Explain Core Values Selections \*** Solid waste and sustainable materials management impact nearly every aspect of life in Benton County and the mid-Willamette Valley. The Board of Commissioners has prioritized a long-term sustainable materials management plan as one of the County's key goals and a fundamental objective of the 2040 Thriving Community values. Developing and implementing a comprehensive sustainable materials management plan will enable Benton County to address social, environmental and economic goals and values.

**Focus Areas and Vision \*** Select all that apply.

- Community Safety
- Emergency Preparedness
- Outdoor Recreation
- Prosperous Economy
- Environment and Natural Resources
- Mobility and Transportation
- Housing and Growth
- Arts, Entertainment, Culture, and History
- Food and Agriculture
- Lifelong Learning and Education
- NA

**Explain Focus Areas  
and Vision  
Selection\***

Solid waste and sustainable materials management impact nearly every aspect of life in Benton County and the mid-Willamette Valley. The Board of Commissioners has prioritized a long-term sustainable materials management plan as one of the County's key goals and a fundamental objective of the 2040 Thriving Community values. Developing and implementing a comprehensive sustainable materials management plan will enable Benton County to address social, environmental and economic goals and values.

# Recommendations and Motions

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## Item Recommendations and Motions

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**Staff**

Please see attached memorandum and Final Draft RFP for additional details.

**Recommendations \***

Action 1:

Accept the final draft request for proposals and direct staff to issue the request for proposals.

Action 2:

Accept the proposed participant structure and direct staff to prepare and present to the Board of Commissioners a list of proposed ad hoc committee members within the proposed participant structure.

Action 3:

Accept the ad hoc sustainable materials management committee charge and direct staff to revise the Disposal Site Advisory Committee (DSAC) bylaws to meet State requirements.

Action 4:

Accept the listening session concept and direct staff to plan the event.

**Meeting Motions \***

I move to ...

Recommended Board Actions (in order):

Proposed Motion 1:

I move to accept the final draft request for proposals and direct staff to issue the request for proposals broadly with the intent to invite responses from national and international qualified firms and teams.

Proposed Motion 2:

I move to accept the proposed committee structure and direct staff to prepare and present to the Board of Commissioners a list of proposed ad hoc committee members consistent with the proposed structure.

Proposed Motion 3:

I move to accept the ad hoc sustainable materials management committee charge and direct staff to draft for Board approval revised DSAC bylaws consistent with the ad hoc sustainable materials management committee charge and Oregon Revised Statute 459.325.

I further move to direct staff to schedule monthly DSAC meetings and create meeting agendas to fulfill Benton County's statutory responsibilities in October, November, and December 2023.

Proposed Motion 4:

I move to accept the listening session concept and direct staff to select a facilitator and begin planning the event.

# Attachments, Comments, and Submission

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## Item Comments and Attachments

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### Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.





BOC Memo - Next steps for SMMP RFP.pdf 409.48KB

SMMP RFP - Draft for BOC Review - 20230905.pdf 750.65KB

**Comments (optional)** If you have any questions, please call ext.6800

**Department Approver** DARREN NICHOLS



<p>1. Dept Approval</p> <hr/> <p>Department Approval</p> <hr/> <p>Comments</p> <p>Signature </p>	<p>5.</p> <hr/> <p>BOC Final Approval</p> <hr/> <p>Comments</p> <p>Signature </p>
<p>2.</p> <hr/> <p>Counsel Approval</p> <hr/> <p>Comments</p> <p>Signature </p>	
<p>3.</p> <hr/> <p>Finance Approval</p> <hr/> <p>Comments</p> <p>Signature </p>	
<p>4.</p> <hr/> <p>County Administrator Approval</p> <hr/> <p>Comments</p> <p>Signature </p>	

## MEMORANDUM

**TO:** Benton County Board of Commissioners  
**FR:** Darren Nichols, Community Development Director  
Daniel Redick, Solid Waste Program Coordinator  
**DT:** August 29, 2023  
**RE:** Sustainable Materials Management Plan: DRAFT RFP - Next Steps

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### Request for Proposal (RFP) – final draft

At the Board of Commissioners' meeting on August 15<sup>th</sup>, the Board:

1. Accepted a revised request for proposal from a temporary RFP committee
  - a. Directed staff to incorporate the Board's discussion into a revised final draft request for proposal for the Board to consider and authorize;
2. Authorized the creation of an ad hoc sustainable materials management committee
  - a. Directed staff to prepare and present to the Board of Commissioners a list of proposed ad hoc committee members including for consideration, as appropriate, current members of the solid waste process work group and disposal site advisory committee, and draft a formal committee charge;
3. Dissolved the Benton County solid waste advisory committee
  - a. Directed staff to develop a committee charge consistent with the existing bylaws for the solid waste advisory council and disposal site advisory committee; and
4. Directed staff to develop a "listening session" concept and present options to the Board for consideration.

Following that direction, staff have prepared the following materials for the Board's consideration, correspond to the actions below:

1. A final draft request for proposal (attached)
2. A proposed ad hoc committee structure (below)
3. A draft committee charge (below)
4. A draft "listening session" concept
5. A set of draft talking points to provide context for communications

**Recommended Board Actions (in order):**

Recommended Action 1: Request for Proposals

Attached please find a revised final draft RFP. The Board will consider the revised final draft RFP, then accept the final RFP and authorize issuance on September 5, 2023.

***Proposed Motion 1:***

***“I move to accept the revised request for proposals and direct staff to issue the request for proposals broadly with the intent to invite responses from national and international qualified firms and teams.”***

Recommended Action 2: Ad Hoc Committee Membership Structure

As described in the BCTT Findings, solid waste, sustainable materials management, and disposal, are complex regional issues influenced by many factors. Developing and fully leveraging the benefits of a sustainable materials management plan will require participation from a regionally diverse collection of interests and perspectives. One key question that should remain open for exploration throughout the process is, “who should be represented in the process?” That question is intentionally woven into the draft request for proposal and should continue to be posed by and to the Board, staff, participants, and any advisory groups during the SMMP.

Inclusive representation does not mean that every party must be at the table, but rather that all key interests be represented. In addition, following on the Board’s direction from the start of the BCTT effort, the project should provide ample access to information and should provide opportunity open community participation.

To help achieve a structure that provides inclusive representation, open participation and a manageable process, the Board may establish a project structure with the following tiered participant groups:

- ***Key Participants***

Key Participants are those whom no plan or solution can move forward without. These are the interests that must be represented at the table during one or more components of the process in order to move forward. This may include:

- Community (Goal: 8-10 members)
  - Historically underrepresented and underserved communities
  - Residents and businesses from rural areas of the county
  - Former BCTT members, DSAC members, Planning Commission members,
  - BOC liaison
- Business and Industry
  - Industry groups (impactful waste generators, manufacturing, engineering, design organizations)
  - Local industry
  - Oregon State University
  - These members may also provide perspectives as community members
- Tribal governments
  - Confederated Tribes of the Grand Ronde Community of Oregon
  - Confederated Tribes of Siletz Indians

- Other federally recognized tribes Governmental Agencies
  - State
    - DEQ
    - Governor's Regional Solutions Teams
  - Local (Goal: 8-12 members)
    - Benton County
    - Linn County
    - City of Albany
    - Marion County
    - City of Salem
    - Lane County
    - City of Eugene
    - Lincoln County
    - Polk County
    - Yamhill County
    - Tillamook County
    - City of Corvallis
    - Metro
- Oregon Legislature
  - Individual Members
  - Environmental Caucus
- *Technical Resources*

Technical Resource are entities and individuals with specific knowledge or resources that are key to support or advance the planning process or may be necessary to identify potential outcomes and solutions. These resources would be asked to provide feedback on topics relevant to their expertise. These resources may include:

  - Advocacy Groups
    - Local and Regional advocacy groups (Willamette Valley)
    - Northwest and national advocacy groups
    - Youth organizations - civics/schools
  - Business and Industry
    - Industry groups (impactful waste generators, manufacturing, engineering, design organizations)
    - Oregon Universities, Including:
      - OSU
      - University of Oregon
      - Portland State University
      - Willamette University
    - Business/Community/Civic organizations

- Materials Management and Processing (Regional)
  - Disposal site operators
    - Coffin Butte Regional Landfill (Republic Services)
    - Columbia Ridge Regional Landfill (Waste Management)
    - Roosevelt Regional Landfill (Republic Services)
    - Other regional disposal sites with capacity
  - Waste to Energy Facility operators
    - Marion County Solid Waste-to-Energy Facility (Covanta)
  - Recovery Facility (MRF) operators
  - Compost facility operators
  - MRF Designers
  - Transfer station designers and operators
  - Solid Waste Collectors/haulers
  - Manufacturers and end-users of secondary/post-consumer recycled materials
- Materials Management and Processing Associations
  - Oregon Refuse and Recycling Association (ORRA)
  - Association of Oregon Recyclers (AOR)
  - Solid Waste Association of North America (SWANA)
- Governmental Agencies
  - Tribal governments
    - Confederated Tribes of the Grand Ronde Community of Oregon
    - Other federally recognized tribes
  - Federal
    - EPA
  - State
    - ODOT
    - DLCD
    - ODOE
  - Local
    - Cities
    - Gilliam County (Host of Columbia Ridge Regional Landfill)
    - Klickitat County Washington (Host of Roosevelt Regional Landfill)
    - Major waste generation sources (jurisdictions)
  - Benton County
    - [Government advisory groups relating to the subject matter]
    - [Equity, Diversity, Inclusion – County staff and others]
    - [Public Information Office]
  - Special Districts
    - School Districts
    - Fire Districts
    - Ports
    - Metro

- Legislative Committee on Indian Services (LCIS)
  - Governor’s Regional Solutions Teams
- 
- *Specifically Informed Participants*  
Specifically informed participants are those who wish to receive information about the process and milestones but may not choose to actively participate in the process. Information may be provided via “interested party” email services, social media contacts, press releases, and webinars. These participants would opt-in to receive information.
  - *Open Invitation to Participate*  
The open invitation to participate should include, at a minimum, an easily accessible website that includes a description of the project purpose and next steps, as well as a list of actions and deliverables to date. As part of an “open invitation,” Benton County shall provide opportunity for parties to sign up for project notices.

***Proposed Motion 2:***

***“I move to accept the proposed committee structure and direct staff to prepare and present to the Board of Commissioners a list of proposed ad hoc committee members consistent with the proposed structure.”***

Recommended Action 3: Structure ad hoc committee bylaws consistent with statute and County needs

The Solid Waste Advisory Council (now dissolved) bylaws currently state the following purpose:

*“...to assist the Board of Commissioners (Board) in Planning and implementation of solid waste management, pursuant to BCC Chapter 23, the Benton County Solid Waste Management Ordinance.”*

Benton County Code Chapter 23 outlines the following duties of the now dissolved Solid Waste Advisory Council:

*“...assist[ing] the Board in planning and implementation of solid waste management. First priority shall be given to those areas assigned by the Board including maintenance of County roads in the vicinity of Coffin Butte and to recycling and reuse and matters related to those areas. The County Solid Waste Advisory Council shall provide input or recommendations to the Board on the use of the host surcharge.”*

The County’s evolving sustainable materials management needs include:

- Feedback on a first ever, long-range sustainable materials management plan
- Regional perspectives to develop collaborative influence beyond Benton County’s regulatory authority
- Statewide feedback for reducing the negative impacts across the complete lifecycle of materials

Considering the purpose of the now dissolved SWAC, and recognizing the County's existing and emerging needs listed above, staff recommends that the Board adopt the following charge for the ad hoc sustainable materials management advisory committee:

**To assist the Board of Commissioners in developing and implementing a first ever long-range sustainable materials management plan. This includes working collaboratively with Board-selected consultants and staff to provide feedback, suggestions, and recommendations to the Board to reduce negative impacts across the complete lifecycle of materials, emphasizing regional and collaborative approaches.**

The Benton County Disposal Site Advisory Committee (DSAC) bylaws lists the group's function as:

*"...assist[ing] the Benton County Board of Commissioners in the planning and implementation of disposal site management, including (but not limited to) the following:*

*(1) Review with the permittee of the regional disposal site including, but not limited to, siting, operation, closure, and long-term monitoring of the regional disposal site; and*

*(2) Provide a forum for community member comments, questions and concerns about the regional disposal site and promote a dialogue between the community and the owner or operator of the regional disposal site; and*

*(3) Prepare an annual written report summarizing the local community member's concerns and the manner in which the owner or operator is addressing those concerns. The report shall be considered by the Department of Environmental Quality in issuing and renewing a solid waste permit."*

These functions are consistent with the Oregon Revised Statute 459.325, which describes the group's duties. DSAC bylaws currently reference the dissolved SWAC membership, and will need to be updated to reflect the State's membership requirements.

***Proposed Motion 3:***

***"I move to accept the ad hoc sustainable materials management committee charge and direct staff to draft for Board approval revised DSAC bylaws consistent with the ad hoc sustainable materials management committee charge and Oregon Revised Statute 459.325.***

***I further move to direct staff to schedule monthly DSAC meetings, and create meeting agendas to fulfill Benton County's statutory responsibilities, in October, November, and December 2023"***

Recommended Action 4: Structure and facilitate a "listening session" for the Board and the public

Staff recommends that the Board host a “listening session” for Benton County community members to share feedback about materials management. This will provide the Board with another opportunity to hear from the community following the BCTT process, as the Board prepares to lead the development of a sustainable materials management plan. The event should be held in early-to-mid November to occur prior to the County’s deadline for proposals for a sustainable materials management plan.

*Purpose*

The listening session should provide the public with an opportunity to hear updates from the sustainable materials management planning process, including the Board’s objectives for the plan, the selection of a consulting team, and opportunities to participate in the development of the plan. The purpose of the listening session would be to hear from community members their suggestions for ways Benton County can use the sustainable materials management planning process and the plan itself to address key opportunities, challenges and concerns relating to the long-term sustainable management of materials in the waste shed.

*Format*

Staff recommends that the Board host a public “listening session” that is available to all interested parties who wish to observe or participate in person or remotely. The listening session should be supported with clear expectations for participation, a professional facilitator and an agenda available in advance of the meeting. The listening session should be held at a public space in or near Adair Village. The agenda should provide a few minutes at the start to recap where we are in the process, how we got to this point, and immediate next steps.

The discussion agenda should then pose a few open, searching questions, including questions such as, “what would you most like to see addressed or considered in a sustainable materials management plan?” Or “what currently concerns you most about solid waste and sustainable materials?” Public responses to each question will be posted in the room and online for all participants to see and consider. Following the public input session, Board members should each have 5-7 minutes to reflect on the comments and questions and offer their own informal objectives for the process and the plan. The listening session should then be adjourned with any final comments from the facilitator and a reminder of next steps.

Following the meeting, the agenda and questions, along with responses from the public and from the Board, should be posted online as a sort of “first work product” for the sustainable materials management planning process, and a community input point that serves as a building block for the Board, consulting team and staff.

*Proposed DRAFT Listening Session Agenda*

• Introductions	All	10
• Purpose	Facilitator	5
• Background	Staff/Facilitator	10
○ How we got here and where we’re headed		
• Listening	All/Facilitator	90-120
○ Facilitated with rules for participation		
○ Key discussion questions		
• Commissioner observations	Commissioners	20
• Wrap up and Next Steps	Facilitator	5



***Proposed Motion 4:***

***"I move to accept the listening session concept and direct staff to select a facilitator and begin planning the event."***

### **Schedule – Recap and Next Steps**

At its July 18 meeting, the Board reviewed and supported the following next steps. Staff continues to welcome any additional discussion and direction:

1. *Call for an exploratory advisory group / task force (7/11/23) –*
  - a. Staff recommended the Board appoint a regionally representative task force to work with staff to review and provide recommendations for the SMMP RFP development.
  - b. The Board asked staff to develop a regionally representative list of possible key participants for Board appointment, including members of the BCTT work group and other counties.
2. *Appoint task force members (7/18/23) –*
  - a. The Board considers the regional list of interested key participants and appoints members.
3. *Convene “advisory group” to review and discuss draft RFP, make recommendations (7/24/23-8/11/23) –*
  - a. The temporary task force meets 2-3 times to discuss the RFP draft and provide recommendations.
  - b. Staff incorporates feedback into updated RFP drafts.
  - c. Staff works with the temporary task force in an iterative draft development process.
  - d. Staff and temporary task force develop recommendations for:
    - i. additional community engagement, following BCTT findings and recommendations.
    - ii. methods to leverage other jurisdictions, solutions, and resources.
    - iii. specifically referencing and implementing BCTT recommendations where appropriate.
4. *Board RFP Review and priorities (8/15/23) –*
  - a. The Board reviews the temporary task force’s updated recommended RFP draft and directs staff to make any necessary changes.
  - b. The Board provides direction on any appropriate priority topics for the plan and the RFP.
5. *RFP release (9/5/23) –*
  - a. The Board reviews/refines and directs staff to release the finalized RFP.
6. *Board of Commissioners’ Sustainable Materials Town Hall listening session (TBD-early November)*

For Reference: Following is an initial list of proposed representative membership categories for the ad hoc sustainable materials management committee:

- Community
  - Community members
  - Low-income populations
  - Multi-family residents
  - Diverse cultural backgrounds and languages
  - Historically underrepresented and underserved communities
  - Residents and businesses from rural areas of the county
  - Former BCTT members
  - Former SWAC members
- Advocacy Groups
  - Local and Regional advocacy groups (Willamette Valley)
  - Northwest and national advocacy groups
  - Youth organizations - civics/schools
- Business and Industry
  - Larger industry groups
  - Large waste generators
  - Building industry
  - Professional design organizations, potentially including:
    - Architecture (AIA) American Institute of Architects
    - ASLA American Society of Landscape Architects
    - American Institute of Certified Planners & American Society of Civil Engineers
    - Environmental Engineers
    - Others
  - Designers – various materials, products, more
  - Oregon Universities, Including:
    - OSU
    - University of Oregon
    - Portland State University
    - Willamette University
  - Hospitals/medical clinics
  - Business/Community/Civic organizations
  - Food and food processing industries
- Materials Management and Processing
  - Disposal site operators
  - Waste to Energy Facility operators
  - Collectors/haulers
  - End users of secondary materials
  - Recovery and composting site operators
  - Oregon Refuse and Recycling Association

- MRF Operators
- MRF Designers
- Association or Oregon Recyclers
- SWANA
- Transfer design and operation
- Governmental Agencies
  - Tribal governments
    - Confederated Tribes of the Grand Ronde Community of Oregon
    - Other federally recognized tribes
  - Federal
    - EPA
  - State
    - DEQ
    - ODOT
    - DLCDC
    - ODOE
  - Local
    - Benton County
    - Other Counties
    - Cities
    - Waste generation sources (jurisdictions)
  - Special Districts
    - School Districts
    - Fire Districts
    - Ports
    - Metro
  - [Government advisory groups relating to the subject matter]
  - [Equity, Diversity, Inclusion – County staff and others]
  - [Public Information Office]
- Oregon Legislature
  - Individual Members
  - Environmental Caucus
  - Legislative Committee on Indian Services (LCIS)



**REQUEST FOR PROPOSALS**

**for**

**DEVELOPMENT OF A**

**SUSTAINABLE MATERIALS MANAGEMENT PLAN**

**Benton County**

**4500 SW Research Way**

**Corvallis, Oregon 97333**

<b>Issue Date:</b>	<b>September 13, 2023</b>
<b>Response Due Date:</b>	<b>November 8, 2023, 2:00 pm Pacific Standard Time</b>

## Table of Contents

SECTION I – REQUEST FOR PROPOSALS and SCOPE OF WORK.....	4
A. Plan Purpose.....	4
B. How will the Sustainable Materials Management Plan be used? .....	4
C. Plan Duration.....	5
D. Scope.....	5
1. Authority.....	5
2. Geographic scope.....	6
3. Specifying the Scope .....	6
E. Planning Priorities:.....	6
1. Measuring Impacts.....	6
F. Plan Elements:.....	7
1. Community engagement .....	7
2. Complete life cycle impacts of materials.....	8
3. Funding and Administration .....	9
G. Estimated Schedule.....	9
SECTION 2 - GENERAL PROVISIONS .....	11
A. Administrative Information.....	11
B. Pre-Proposal Meeting.....	12
C. Submittal Costs.....	12
D. Proposal Submittal Copies Required.....	12
E. Submittal Deadline.....	12
F. Proposal Opening.....	12
G. Modification or Withdrawal of Proposal.....	13
H. Publicity.....	13
I. Proposal as a Public Record.....	13
SECTION 3 – FORM OF PROPOSAL and RESPONSE .....	15
A. Title Page.....	15
B. Table of Contents.....	16
C. Technical Proposal Section 1: Qualifications of Proposer & Staff (60 points).....	16
D. Technical Proposal Section 2: Work Plan (30 points).....	17

E. Price Proposal/Cost (10 Points) .....	17
F. Insurance (Mandatory) .....	17
SECTION 4 – EVALUATION, SELECTION , AND AWARD .....	18
A. Evaluation Criteria.....	18
B. References .....	18
C. Question and Answer Panel.....	18
D. Interviews.....	18
E. Selection and Negotiations .....	19
F. County Contracting Discretion.....	19
G. Notice of Letter of Intent to Award .....	19
H. Contract Award and Protest Procedure.....	19
SECTION 5 – BACKGROUND .....	20
A. Benton County Description.....	20
B. Material Life cycles .....	20
C. Waste Generation and Management .....	20
D. Stakeholder Engagement.....	21
E. Regulatory Environment .....	21
GLOSSARY: .....	23
EXHIBIT A: SAMPLE CONTRACT.....	24
EXHIBIT B: ADVERTISEMENT FOR PROPOSALS .....	33

## **SECTION I – REQUEST FOR PROPOSALS and SCOPE OF WORK**

The 2022-23 solid waste process work group (“Benton County Talks Trash”) was charged to develop a common base of solid waste information, provide a history of solid waste and the Coffin Butte Landfill, and outline the scope of a long-range sustainable materials management plan.

Following on the [recommendations](#) of the work group, Benton County is shifting from traditional “solid waste management” focused on end-of-life management, to a “sustainable materials management” approach, which considers impacts across the complete life cycle of materials for decision-making. Benton County seeks proposals from qualified proposers to develop a local/regional<sup>1</sup> Sustainable Materials Management Plan. The plan will help the County and others implement specific actions to reduce waste and reduce the life cycle impacts of materials, including materials management in the end-of-life phase. The plan will be much more than a “landfill plan”.

The plan will analyze current and proposed materials management systems (including waste prevention, collection, recovery, and disposal) for environmental, health, social, and economic costs, benefits, and opportunities across the complete life cycle of materials. The plan will address the regional nature of materials life cycles and emphasize regional approaches to sustainable materials management, while highlighting unique collaborative resources available to help Benton County leverage collective regional solutions for maximum impact. The plan will be developed with extensive public engagement and will be designed to include principled engagement for intentional, constructive community feedback.

### **A. Plan Purpose.**

The sustainable materials management plan should accomplish three primary purposes. It should:

- Provide Benton County with a plan to significantly reduce negative and maximize positive environmental, health, social, and economic impacts of materials;
- Explore innovative opportunities across the complete life cycle of materials to address current and future County needs; and
- It should provide a plan that leverages regional approaches/outcomes through extensive collaborative engagement across the material’s lifecycle.

### **B. How will the Sustainable Materials Management Plan be used?**

Benton County anticipates adopting the plan as a strategic guide to implement actions that improve materials management and lead our community forward through the 21<sup>st</sup> century. The County Board and staff will consider the plan’s analyses and recommendations to make decisions for each stage of the Sustainable Materials Management Plan. The County will invite other jurisdictions, agencies, partners, and communities to collaborate on the plan’s development and implementation.

<sup>1</sup> This RFP uses the general term “regional” throughout. For a preliminary understanding of the scope of the term, please see the Glossary at the end of the RFP.



**C. Plan Duration.**

The plan should include long-term strategies (at least to 2040) and short-term actions (1-5 years).

**D. Scope.**

The scope of the plan is inherently broader than a typical solid waste management plan. Addressing impacts of materials across their complete life cycles requires collaboration across jurisdictional and geographic boundaries. Engaging with a broad scope of authority and geography will enable the plan to better address impacts in a variety of life cycle phases.

**1. Authority**

Benton County’s direct authority over the materials management system, and impactful elements of the system, is limited. This plan requires addressing diverse elements which are within the County’s existing jurisdictional authority and regulatory control, outside of the County’s regulatory control but within the County’s collaborative influence, and of interest or concern but outside of the County’s influence or regulatory control.

The plan will analyze existing conditions with respect to the County’s authority and may include recommendations which expand the spheres of regulatory control, collaborative influence, or overall challenges and opportunities (figure 1). The plan will address how the County can be good stewards of those elements the County controls, while being good partners in addressing additional needs collaboratively with other jurisdictions, partners, and stakeholders.



*Figure 1. Conceptual representation of spheres of regulatory control, collaborative influence, and overall materials management challenges and opportunities.*

- *Sphere of regulatory control:* Existing Benton County authority and regulatory control include County’s solid waste franchise administration, County code, and materials management programs offered.
- *Sphere of collaborative influence:* Collaborative influence and partnership opportunities include partnerships in which Benton County can play a role. These currently include roles and responsibilities of other jurisdictions, agencies, waste generators, and service providers. This also includes specific management decisions within the solid waste franchisee’s authority.

- *Sphere of Overall Materials Management Challenges and Opportunities:* Shared needs, concerns, or interests may be addressed through expanding collaboration and influence. This includes potential impacts which are outside of partner authority or not yet well-characterized.

The scope of this plan as it relates to the County's authority will be determined by the potential to reduce impacts across the life cycle of materials.

## **2. Geographic scope**

The geographic scope of this plan is intended to be regional, within the context of Benton County's role in reducing the impacts of materials, to reflect the regional nature of the materials management system, and the impacts of materials. For example, Benton County hosts a privately owned and operated regional landfill and a regional compost facility which each accept a majority of waste from many other counties. Other material recovery facilities, transfer facilities, and hazardous waste disposal facilities are hosted within different counties. Outside of the post-consumer disposal phase, significant life cycle impacts occur outside of Benton County through the production and supply chain, transportation, wholesale and retail, and use life-cycle phases. In each of these examples, collaboration with other jurisdictions and partners from outside Benton County is required to adequately address the life cycle impacts of materials.

## **3. Specifying the Scope**

The successful proposer will, as a first phase of the plan development, engage with stakeholders at various scopes of authority and geography to help the County finalize a Scope of Work for the plan. This process includes evaluating regional interest and willingness for partnerships on planning elements. This may also include an assessment of the ["Benton County Talks Trash" Solid Waste Process Work Group report](#), a community engagement and consensus-seeking project completed in April, 2023. The outcome of this stage will be further identifying stakeholders, resources, priorities, and evaluation metrics.

Stakeholders engaged in this part of the process may include, but are not limited to, regional jurisdictions and governmental agencies, business and industry organizations, advocacy groups, community organizations, higher education, under-represented groups, and youth/student organizations.

## **E. Planning Priorities:**

The Sustainable Materials Management Plan should use the [2040 Thriving Communities Initiative](#) as a lens to frame our communities' Core Values. Priority will be given to elements which have the highest potential to reduce the negative impacts and maximize positive opportunities of materials across their life cycles. The plan will emphasize systemic possibilities for improvement.

## **1. Measuring Impacts**

The cost and benefit analyses will generally prioritize elements which have significant environmental, health, social, and economic impacts across the complete life cycle of materials. Broad metrics are listed below, and specific metrics will be developed through extensive public engagement as a primary stage of the planning process, after a proposal has been selected. Through previous community engagement processes, the community has identified several impact metrics as concerns (primarily associated with local landfill disposal). This plan will go beyond disposal impacts and address impacts across the complete life cycle of materials. These categories are inherently linked to one another, and analyses may have overlapping elements. The proposer may use established best practices and protocols for evaluating impacts across the full life cycles, including metrics used by the US Environmental Protection Agency and Oregon Department of Environmental Quality. The proposer may use metrics most appropriate for various materials and life cycle phases.

- Environmental – Metrics may include greenhouse gas emissions and climate change, water quality, air quality, natural disasters, extreme weather, toxicity, and environmental justice.
- Health – Metrics may include water quality, air quality and particulates, soil health, PFAS, microplastics, and health equity.
- Social – Metrics may include equity, property values, home availability, and quality of life.
- Economic – Metrics may include business and industry opportunities, financial costs and benefits, and economic justice.

#### **F. Plan Elements:**

The list below briefly summarizes some potential elements of the scope of work. The successful proposer may, however, include any topics that appropriately address or inform the purpose described above. The County intends to further develop topic-specific analyses with the successful proposer, as informed through community engagement. Each of these plan elements should reflect a scope (geographic and authority) to best reduce the impacts of materials across their life cycles. The plan should be completed in stages, to the extent possible, to engage and inform stakeholders throughout the process. The plan should communicate the extent to which recommendations are tangible or intangible, and provide recommendations on next steps to elements which require further planning beyond the scope of the plan. The plan should consider national, state and local goals, vision documents ([DEQ's Materials Management in Oregon 2020 Framework for Action](#)), plans, policies, ordinances, etc. relating to materials management and climate change, along with examples of values and goals expressed in state and local jurisdiction materials management plans.

##### **1. Community engagement**

The plan must remain inclusive and accurately represent the affected region. The successful proposal must include ample time and frequent opportunities for focused, intentional community engagement. One key question that should remain open for exploration throughout the process is, “who should be represented in the process?” The plan must consider information and work completed by the [“Benton](#)

[County Talks Trash” Solid Waste Process Work Group](#). The planning process will include engagement with stakeholders within Benton County as well as stakeholders throughout the region.

## **2. Complete life cycle impacts of materials**

Analyze impacts across the complete life cycle of materials. This analysis should identify key life cycle stages, materials, and management strategies that are particularly impactful, while considering future impacts of climate change and regional carrying capacity. Circular economic principles should be evaluated. An equity component of this analysis should address the impacts to traditionally underserved populations.

### **a. Upstream life cycle stages**

- Identify methods to reduce negative impacts and maximize positive opportunities throughout upstream life cycle stages, prior to post-consumer disposal. Evaluate the County’s role in emerging state legislation and provide effective strategies to participate. This analysis should identify waste prevention, reduction, reuse and repair options, including resources, education opportunities, programs, and policy options. This analysis should include options addressing food waste and construction and demolition material, as well as options for addressing other sources. This element will also strategize expanding and engaging in collaboration opportunities outside of the County’s sphere of control.

### **b. End-of-life stages**

- Waste stream analyses: Analyze waste generation in Benton County and throughout the region. This analysis should identify key sectors or industries and any unique waste streams (like medical waste) and provide recommendations on reducing the impacts of those waste materials generated. It should also provide waste generation forecasts.
- Waste collection: Identify methods to reduce impacts from waste collection. Analyze options for the County’s solid waste collection franchise, as well as collaboration opportunities with incorporated cities, as they relate to current and recommended recovery and disposal options. This analysis should consider the costs and benefits of transfer stations, recycling depots, and collection events. The analysis should consider national and international best practices.
- Recovery: Identify opportunities and methods to reduce impacts of waste recovery. Analyze options to meet or exceed waste recovery goals, while focusing on highest impact materials. This analysis should include options for recovering food waste and construction and demolition material. The analysis should also include options for material recovery facilities.

- Disposal: Identify opportunities and methods to reduce impacts from disposal. Analyze disposal impacts of waste generated by Benton County Wasteshed sources, as well as materials disposed in Benton County and generated by other wastesheds (including costs and benefits of hosting a regional landfill). The analysis should address alternative approaches to disposal, including alternative technologies outside of landfilling, as well as alternative landfill sites.
- Hazardous materials: Identify hazardous materials in the waste stream and methods to reduce impacts from hazardous materials. Analyze collection, events, and facility options from a local and regional perspective.

### 3. Funding and Administration

Identify opportunities for funding the sustainable materials management system and the recommendations. An evaluation of funding opportunities may include, but are not limited to existing funding mechanisms, grants, partnerships, and funding from emerging legislation (e.g. SB 582). Analyze administrative costs and benefits for each recommendation, including staffing. Recommend a governance structure for the proposed sustainable materials management system.

### G. Estimated Schedule.

The following schedule is intended to provide general information about the SMMP RFP schedule. The County reserves the right to amend the schedule. Except for the deadline to submit proposals, and the Pre-Proposal meeting, Benton County will not notify proposers of any such schedule changes.

RFP issue date	September 13, 2023
Pre-proposal meeting (optional)	September 27, 2023
Deadline for questions or clarifications	October 18, 2023
Answers to questions and clarifications issued	October 25, 2023
Proposals due	November 8, 2023
Evaluation Committee review	November 15, 2023
Q & A panel	November 28, 2023
Interviews (Public, Recorded)	November 29, 2023
Ad Hoc Subcommittee Review/Recommendations	November 30, 2023
BOC Work Session -	December 12, 2023
Notice of intent to award	December 12, 2023
Intent to award	December 20, 2023
Contract negotiations completed	January 18, 2024
Begin plan development	February 15, 2024
First step: Finish Scoping the Project	February 15, 2024

This RFP sets forth the minimum requirements that all proposers shall meet. Failure to submit proposals in accordance with this RFP may result in rejection of the proposal. This RFP is issued under the authority of the Benton County Board of County Commissioners. All communications pertaining to this RFP shall be directed to the appropriate person as indicated herein.

**BENTON COUNTY SINGLE POINT OF CONTACT (SPC)**

***Daniel Redick, Solid Waste and Water Quality Program Coordinator***

***Benton County Community Development Department***

4500 SW Research Way

Corvallis, Oregon 97333

Phone: (541) 766-6819

Email: [Daniel.Redick@BentonCountyOR.Gov](mailto:Daniel.Redick@BentonCountyOR.Gov)

All questions must be directed to Benton County Solid Waste Program, Attn: Mr. Redick.

Any material questions regarding the RFP – questions other than simple assistance with how to obtain or download a copy of the RFP, or site address, must be submitted in writing to the SPC via email or the US Postal Service. No other staff member will answer questions about this RFP.

## **SECTION 2 - GENERAL PROVISIONS**

### **A. Administrative Information.**

1. This RFP is issued under the authority of the Benton County Board of County Commissioners. The County follows Oregon Revised Statutes Chapters 279A and 279B in the procurement of services. All inquiries concerning the intent of the RFP or the contract information shall be directed to the Single Point of Contact (SPC):

**BENTON COUNTY SINGLE POINT OF CONTACT (SPC)**

***Daniel Redick, Solid Waste and Water Quality Program Coordinator***

***Benton County Community Development Department***

4500 SW Research Way

Corvallis, Oregon 97333

Phone: (541) 766-6819

Email: [Daniel.Redick@BentonCountyOR.Gov](mailto:Daniel.Redick@BentonCountyOR.Gov)

2. This Request for Proposals consists of the following items:

Section 1 – Request for Proposals/Scope of Services

Section 2 – General Provisions

Section 3 – Form of Proposal and Response

Section 4 – Evaluation, Selection, and Award

Section 5 – Background

Exhibit A      Sample Contract w/ Insurance Requirements

3. All portions of the RFP should be completed as professionally as possible. An incomplete or uncoordinated submission can only be judged as indicative of the contractor's capability and professionalism. If there are any proposed deviations from the RFP requirements please indicate the reasons for said deviation in writing.
4. Questions about the interpretation of this RFP shall be made in writing by October 16, 2023 to the SPC. Any supplements, interpretations, corrections, or other changes to the RFP will be made by written addendum by October 23, 2023.
5. All information submitted by a proposer shall be a public record and subject to disclosure, except as otherwise prohibited by Oregon Public Records Law.
6. A prospective proposer may file a protest with Benton County if the proposer believes that the procurement process is contrary to law or that the RFP is unnecessarily restrictive or legally flawed. A solicitation protest must be received by the SPC no later than 7 days before the date proposals are due. Benton County shall consider any timely protests in accordance with ORS 279B.405.
7. All proposals shall contain a statement that the bid or proposal identifies whether the bidder is a resident bidder, as defined by ORS 279A.120.

8. Benton County may reject any bid not in compliance with all prescribed bidding procedures and requirements, and may reject for good cause any or all bids or proposals upon a finding of the County that it is in the public interest to do so.

**B. Pre-Proposal Meeting.**

An optional pre-proposal meeting will be held on **September 27, 2023 at 1:00 p.m.** This meeting will be an opportunity for prospective proposers to ask questions and request clarifications prior to submitting a proposal. The pre-proposal meeting will be held virtually. Following the meeting, minutes will be issued by Benton County via addendum. Statements made at the meeting are not binding upon unless confirmed by written addendum.

**C. Submittal Costs.**

The cost of submittals and any other expenses related to this RFP, including travel for interviews or inspections, shall be the responsibility of the proposer.

**D. Proposal Submittal Copies Required.**

Three (3) printed copies of the complete proposal, double-sided as appropriate, including all other documents required to be submitted with the proposal, shall be enclosed in a sealed envelope or container, and clearly marked on the outside as:

**BENTON COUNTY SUSTAINABLE MATERIALS MANAGEMENT PLAN PROPOSAL**

Additionally, the proposal submittal shall be submitted electronically via one single flash drive in a sealed envelope. No responsibility or liability will be attached to any County official, employee, or agent for the premature opening or failure to open any proposal not marked according to this instruction. Submittal of a proposal shall indicate the proposer's agreement to enter into the County's form of contract. A sample contract is included in the RFP as Exhibit A.

**E. Submittal Deadline.**

Proposals must be physically received by **November 8, 2023 at 2:00 p.m. PST** according to the date/time stamp clock in the office of Benton County Community Development Department at 4500 SW Research Way, Corvallis, Oregon 97333. Daniel Redick, Solid Waste and Water Quality Program Coordinator is the person designated to receive the proposals.

**F. Proposal Opening.**

All proposals received in compliance with the instructions of this RFP will be opened **no sooner than 4:15 p.m., November 8, 2023** at the Benton County Kalapuya Building, 4500 SW Research Way, Corvallis, OR 97333. The public will not attend the proposal opening. Proposals will be reviewed for compliance with instructions contained herein. Only those proposals in substantial compliance with this



RFP will be evaluated and scored by the Evaluation Committee. Proposals received after the date and time specified in the advertisement and as contained herein, or not adequately prepared or in substantial compliance with the terms of this RFP, will be rejected and not considered for award of this contract.

**G. Modification or Withdrawal of Proposal.**

A proposal may not be modified, withdrawn, or canceled by the proposer for a ninety (90) day period following the time and date designated for the receipt of proposals. By submitting a proposal the proposer agrees with the provisions of this subsection.

**H. Publicity.**

No contractor shall issue any news or media release, or otherwise seek publicity regarding this RFP unless, or until prior approval in writing is obtained from the SPC.

**I. Proposal as a Public Record.**

Proposals submitted may be available to the public in accordance with applicable public records laws. However, information in a proposal that is exempt or conditionally exempt from disclosure under Oregon Public Record law may be treated as confidential by Benton County subject to any disclosure obligations under that law. If a proposer reasonably believes that information in a proposal meets an exemption or conditional exemption under Oregon law:

1. Each page of such information must be marked "Confidential Information".
2. If Benton County receives a request for disclosure of information labeled confidential by the proposer pursuant to Oregon Public Records law, or a subpoena, Benton County will provide notice to the proposer before a response is due. The proposer has the responsibility to establish that such information is exempt from disclosure.
3. Proposer shall defend, indemnify, and hold Benton County harmless from any claim or administrative appeal, including costs, expenses and attorney fees related to a request to disclose information proposer has labeled as "Confidential Information".
4. Information labeled "Confidential Information" must be readily separable from the rest of the proposal and statement of qualification in order to facilitate eventual public inspection of the non-confidential portion.
5. Benton County is entitled to use information marked "Confidential Information", in whole or part, for evaluation purposes, and may make copies for this purpose. In addition, any document or information that becomes part of a subsequent contract is a public record.

6. Notwithstanding subsections 1-5 above, any restrictions related to information marked “Confidential Information” do not apply if Benton County has the right to, or has obtained the information from a source other than the proposer.

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### **SECTION 3 – FORM OF PROPOSAL and RESPONSE**

All respondents are required to submit the information detailed below. Responses shall be organized and presented in the order listed below to assist the County in reviewing proposals. Responses should be presented in appropriate detail to thoroughly respond to the requirements and expected services. Benton County reserves the right to select portions of work from one or more proposals. Please segregate the pricing for each phase or deliverable in your proposal. Proposal must contain the following information:

The proposal must be organized in the following format. All proposals are to be typed in 8-1/2" x 11" format. Each of the required sections are to begin with a new page, and shall be tabbed separately. Each page shall be numbered in sequence. Proposals are limited to twenty pages, not including attachments (team member resumes and insurance). Three (3) printed copies of the proposal, double-sided as appropriate, will be required with the initial submission.

**Proposals must be received by 2:00 p.m. on November 8, 2023 via mail or delivery.**

Envelopes or packages must be clearly marked "Benton County Sustainable Materials Management Plan Proposal" and addressed to:

Benton County  
Community Development Department  
*Attention: Daniel Redick, Solid Waste and Water Quality Program Coordinator*  
4500 SW Research Way  
Corvallis, Oregon 97333

#### **A. Title Page.**

The name and signature of the proposing company's authorized representative, as well as their address and telephone number, must be provided. The proposal must be dated on this page. The discovery of any significant inaccuracy in the information submitted by the proposer shall constitute good and sufficient cause to reject the proposal.

The authorized representative's signature will signify the proposer's agreement and compliance with all requirements set forth in the RFP. In addition, the signature will certify the proposer's acceptance of and responsibility for the following:

1. All data presented in the proposal is accurate and complete.
2. Proposer has read and understood the RFP and the proposal is made in accordance with the contents of the RFP, unless otherwise noted in the proposal.

3. The proposal and the prices contained in the proposal shall be valid for ninety (90) days after submission of the proposal.
4. The cost of submittals, and any related expenses, including travel for interviews, or inspections, shall be entirely the responsibility of the proposer.
5. Proposer has not discriminated, and will not discriminate, in violation of ORS 279A. 110(1), against any minority, women, or emerging small business enterprise, or against a business enterprise that is owned or controlled or employs a service-disabled veteran in obtaining a required subcontract.
6. Proposals for each category of service must be clearly identified in the proposal.
7. By signing and returning this proposal, the proposer acknowledges they have read and understand the terms and conditions contained in the RFP. If the RFP permits proposal of alternative terms or conditions, the proposal should include any non-negotiable terms and conditions, and any proposed terms and conditions offered for negotiation.
8. By signing and returning the proposal, the proposer also agrees to enter into the County's form of contract. A sample is attached as Exhibit A herein.

**B. Table of Contents.**

A listing of all major, and sub-major topics and associated page numbers must be included.

**C. Technical Proposal Section 1: Qualifications of Proposer & Staff (60 points).**

1. Cover Letter.
  - a. Provide a cover letter indicating the firm's interest in providing the service and other information that would assist the County in the review and selection process. Describe primary business experience of the proposer, the proposer's overall mission statement, length of time in business, ownership, the location of the office, telephone number, e-mail address, website address, and other information that is pertinent and introductory in nature.
2. References.
  - a. Provide, at minimum, three references for similar work.
3. Proposer Experiences and Qualifications. (25 points)
  - a. What experience and qualifications does the firm have related to the scope of work? Please provide relevant examples of successful projects, including projects with successful and unusual public and stakeholder engagement. Describe previous projects involvement with state environmental agencies, local jurisdictions, private landfills, other infrastructure, and complete life cycle analyses.
4. Staff (Project Team) Experience and Qualifications. (25 points)

- a. What experience and qualifications do the individual the project team members have? What are the team member's experiences evaluating sustainability, landfills, social impacts, and other plan elements listed above? What roles will each team member have on this project? Please provide examples of successful projects, including those with successful and unique public and stakeholder engagement. Please also provide information about each project team member's availability and expected level of engagement with this project. Attach each team member's resume to the proposal.
5. Social and environmental responsibility. (10 points)
  - a. Provide a description of the firm's social and environmental responsibility.

**D. Technical Proposal Section 2: Work Plan (30 points).**

Points will be awarded based on the contractor's understanding of the Scope of Work, and the appropriateness of the proposed approach/methodology; and the description of a detailed and logical plan for providing the elements requested herein. Responses should be complete, but concise. The responses should be in the same order in which the information is requested below. Provide the following information:

1. Approach to the Scope of Work. (20 points)
  - a. Describe the proposed approach and methodology to developing this plan, and accomplishing the elements outlined in the scope of work. This should demonstrate the proposer's understanding of the project.
2. Project Schedule. (10 points)
  - a. Include a proposed project schedule, which outlines a schedule for specific tasks and activities.

**E. Price Proposal/Cost (10 Points)**

1. A price proposal must be provided, detailed by cost for each project task or activity. The proposal may include cost options for various levels of scope of timelines.

**F. Insurance (Mandatory)**

The contractor shall procure and maintain, at contractor's sole expense, and at all times during the course of this contract, the kinds and forms of insurance as indicated on Exhibit A.

**SECTION 4 – EVALUATION, SELECTION , AND AWARD**

**A. Evaluation Criteria**

An Evaluation Committee will review, evaluate, score and rank the proposals that are determined to be in substantial compliance with RFP procedures and requirements. The following criteria and scoring will be the basis for the review and evaluation:

1. Title Page/Table of Contents	Pass/Fail
2. Certification of Non-Discrimination	Pass/Fail
3. Technical Proposal – Section 1	<b>60 points</b>
a. Experience, Capabilities and Resources of the Proposer.	25 points
b. Experience of project team members.	25 points
c. Social and environmental responsibility	10 points
4. Technical Proposal – Section 2	<b>30 points</b>
a. Approach to the scope of work.	20 points
b. Schedule.	10 points
5. Price Proposal/Cost	<b>10 points</b>
6. Insurance Requirements	Pass/Fail
 Total Points	 100 points

**B. References**

Benton County will contact references for the top ranked proposals, based on the initial evaluation and ranking of those proposals.

**C. Question and Answer (Q&A) Panel**

Based on the initial evaluation and ranking, up to three (3) proposers may be invited to participate in a public question and answer panel on November 28, 2023. The public attendees will be encouraged to ask questions to the proposers on the panel, and each proposer will have an opportunity to respond to each question. Proposers selected to participate will be notified as soon as possible once the initial evaluation has been completed.

**D. Interviews.**

Based on the initial evaluation and ranking, up to three (3) proposers may be invited to attend interviews on November 29, 2023. Proposers selected to interview will be notified as soon as possible once the initial evaluation has been completed. Based on interviews, the Evaluation Committee will make a final evaluation and ranking, and make a recommendation to the Board of County Commissioners. The format and scoring of the interview process will be determined prior to scheduling interviews.

**E. Selection and Negotiations**

The County reserves the right to seek clarification of each proposal, and the right to negotiate a final contract that is in the best interest of the County. Contract negotiations with the highest ranked proposer shall be directed toward obtaining written agreement on:

1. Contract tasks, staffing, and performance measures and standards.
2. A maximum, not to exceed price which is consistent with the proposal, and fair and reasonable, and taking into account the estimated value, scope, complexity, and nature of the transit program services.

Negotiations may be formally terminated if they fail to result in a contract within a reasonable time. Negotiations will then ensue with the proposer with the second highest ranked proposal. If the second, or if necessary, third round of negotiations fails to result in a contract within a reasonable time, the RFP may be formally terminated.

**F. County Contracting Discretion**

Benton County reserves the right, in its sole discretion to:

1. Cancel this procurement and/or reject any or all proposals in accordance with ORS 279B.100
2. Waive minor irregularities in the proposals received.
3. Accept all or any part of a proposal in principle, subject to negotiation of the final contract details with the selected vendor.

**G. Notice of Letter of Intent to Award**

Benton County will issue a Notice of Intent to Award the contract in compliance with ORS 279B.135, and OAR 137-047-0610.

**H. Contract Award and Protest Procedure**

A proposer may protest the award of a contract under RFP in accordance with BCC 2.805. A written protest must be actually received by the person designated for receipt of the proposals no later than 7 days after the Notice of Intent to Award is issued. The County will not consider late protests. The County will respond to protests in accordance with BCC 2.805.

## **SECTION 5 – BACKGROUND**

### **A. Benton County Description**

Benton County is a political subdivision of the State of Oregon located in central western Oregon, roughly 80 miles south of Portland, OR, and 30 miles east of the coast. Benton County has a population of about 98,000 people, including of the five incorporated cities: Corvallis, Albany (North Albany is partially within Benton County), Philomath, Adair Village, and Monroe, and several unincorporated communities. Corvallis is the largest city in Benton County with over 60,000 people and is home to Oregon State University. Approximately 20,600 people reside in unincorporated rural areas of the county, including about 16,200 outside of Urban Growth Boundaries. The US Census Bureau provides [county-wide demographics](#), and the State of Oregon provides information about [languages spoken in Benton County](#). The Benton County [Wasteshed](#) is comprised of waste generated within the County’s boundaries, including waste from incorporated cities (except North Albany) and unincorporated areas.

### **B. Material Life cycles**

[Oregon's consumption-based greenhouse gas \(GHG\) emissions in 2015](#) (Oregon Department of Environmental Quality’s latest greenhouse gas inventory published in 2018) show that 99.2% of the greenhouse gas emissions resulting from the consumption of materials in Oregon occur during the production and supply chain, transportation, wholesale and retail, and use life-cycle phases. 0.6% of emissions occur in the post-consumer disposal life-cycle stage, which includes emissions from landfilling (including methane), combusting, and composting post-consumer waste. While solid waste management planning typically focuses on materials’ end-of-life, Benton County aims to also address upstream impacts from life-cycle stages prior to post-consumer disposal to more effectively reduce impacts associated with the consumption of materials, including GHG emissions. Benton County is shifting from a “solid waste management” approach, which focuses on end-of-life management, to a “sustainable materials management” approach, which considers impacts across the complete life cycle of materials for decision-making.



*Figure 2. The complete life cycle of materials. Impacts occur throughout each stage of the life cycle.*

### **C. Waste Generation and Management**



The Benton County Wasteshed [generated approximately 102,000 tons of waste in 2021](#), disposing about 67,000 tons and recovering 35,000 tons to achieve a 34.4% recovery rate ([Oregon DEQ](#)). The Wasteshed has a recovery rate goal of 44% by 2025. Waste recovery, disposal, and waste generation are trending upward. The Benton County Wasteshed is part of a regional Mid-Willamette Valley waste stream, and part of the larger Oregon's statewide waste stream.

Benton County administers a solid waste collection franchise for unincorporated areas, from which comingled recycling, mixed organics (food and yard debris), and disposal (landfill-bound material), are available to all residents and businesses county-wide through weekly curbside collection. Each incorporated city also has agreements with the same franchisee, providing at a minimum the same solid waste collection service as the unincorporated areas of the county. The local collection system does not use any transfer stations. At the direction of the solid waste collection franchisee, landfill-bound materials are disposed at Coffin Butte Landfill, mixed organics are composted at Pacific Region Compost (PRC, located near the Coffin Butte Landfill), and comingled recyclables are baled at a facility in Albany, Oregon and then transferred to a Material Recovery Facility (MRF) in Clackamas, Oregon for recovery. Community members are also allowed to self-haul materials.

Solid waste generated in Benton County is primarily disposed at Coffin Butte Landfill located north of Corvallis in Benton County. The privately-owned and operated landfill has been in operation since the 1940s and is expected to fill its currently permitted air space volume between 2037-2039. The Benton County Planning Commission denied an application to expand the landfill in 2021, and the operator may submit another application to expand the landfill in the future. Approximately 1,046,000 tons of total solid waste was placed at the landfill in 2021. The Benton County Wasteshed generates roughly 11% of that total annual tonnage; most of the material originates in other wastesheds in the region. Benton County administers a solid waste disposal site franchise agreement, as the host county for the regional Coffin Butte Landfill.

#### **D. Stakeholder Engagement**

In September 2022, the Board of Commissioners charged a community-driven solid waste process workgroup to develop common understandings and recommendations for “implementing a constructive path forward relating to sustainable materials management and the future of solid waste disposal in the Mid-Willamette Valley, including at the Coffin Butte regional landfill.” Following that charge, over the next seven months the Benton County Talks Trash Workgroup developed a detailed report with consensus-based findings and recommendations for the Board's consideration. The report includes detailed information and recommendations from the Workgroup regarding the development of a Sustainable Materials Management Plan. The Workgroup Report is available [here](#).

#### **E. Regulatory Environment**

The Oregon legislature passed the [Plastic Pollution and Recycling Modernization Act \(Oregon Senate Bill 582 \(2021\)\)](#) in 2021, which is expected to significantly update Oregon’s waste and recycling system beginning in 2025. Some of the law’s updates include implementing a [statewide recycling list of accepted materials](#), developing recommendations for [recycling labeling](#), expanding access to [recycling services](#), [reducing recycling contamination](#), and supporting local government recycling systems through an [extended producer responsibility funding structure](#).

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## **GLOSSARY:**

**Circular economic principles:** Materials management ideas which aim to “close the loop” of material life cycles, where materials system outputs (end-of-life) become system inputs (production) without degrading in quality, while minimizing wasted materials and externalities. Related frameworks include: sustainable materials management, circular economy, zero waste, and cradle-to-cradle.

**Life cycle of materials:** The stages of human-driven events and processes relating to the management of materials. The stages include: production and supply chain, transportation, wholesale and retail, use, and post-consumer disposal life-cycle phases.

**Regional:** Geographic scope of engagement with other jurisdictions and agencies related to sustainable materials management planning elements, which may include, but are not limited to, neighboring counties, jurisdictional sources of waste interacting with infrastructure within Benton County (e.g. Coffin Butte Landfill), and jurisdictions with infrastructure or resources which may be potentially used for Benton County materials management (e.g. material recovery facilities).

**Upstream:** The events related to materials which happen before the material is disposed or recycled. Upstream life cycle stages that occur prior to the post-consumer disposal life-cycle stage (which includes waste collection, landfiling, and recycling). Upstream life cycle stages include: production and supply chain, transportation, wholesale and retail, and use life-cycle phases.

**Wasteshed:** “A "wasteshed" is defined in Oregon law as being an area of the state that shares a common solid waste disposal system, or an appropriate area in which to develop a common recycling system. For the most part, individual Oregon counties are designated as wastesheds. Three exceptions are that:

- The greater Portland tri-county area, consisting of Clackamas, Multnomah and Washington Counties, is designated as the Metro wasteshed.
- Milton-Freewater, a city within Umatilla County, is designated as a separate wasteshed.
- For most cities such as Albany that have populations in two counties, the entire city was included in the wasteshed that included the larger portion of the city population. The exception is Salem, where most of Salem is in the Marion Wasteshed, but West Salem is included in the Polk Wasteshed.” ([Oregon DEQ](#))

**EXHIBIT A: SAMPLE CONTRACT**

**BENTON COUNTY**

**GOODS & SERVICES CONTRACT**

This is an agreement by and between BENTON COUNTY, OREGON, a political subdivision of the State of Oregon, hereinafter called COUNTY, and \_\_\_\_\_, hereinafter called CONTRACTOR.

WHEREAS, COUNTY has need for the goods and/or services of an individual or entity with the particular training, ability, knowledge, and experience possessed by CONTRACTOR, and

WHEREAS, this contract has been let under the small or intermediate procurement, RFP or sole source processes pursuant to Benton County Code (BCC) ch. 2, and

NOW, THEREFORE, in consideration of the mutual covenants contained herein the parties agree as follows:

1. **TERM OF CONTRACT:** This contract shall become effective upon signature, and shall terminate on June 30, 20\_\_.

2. **SERVICES TO BE PROVIDED:** See Attachment B.

3. **PAYMENT:** \$ \_\_\_\_\_, to be paid upon completion of the services or delivery of the goods contemplated by this contract or within 30 days of receipt of invoice.

4. **ASSIGNMENT/DELEGATION:** Neither party shall assign, subcontract or transfer any interest in or duty under this agreement without the prior written consent of the other, and no assignment shall be of any force or effect whatsoever unless and until the other party has so consented.

5. STATUS OF CONTRACTOR: The parties intend that CONTRACTOR, in performing the services specified in this agreement, shall act as an independent contractor. Although COUNTY reserves the right to (i) determine and modify the delivery schedule for work to be performed and (ii) evaluate the quality of the completed performance, only CONTRACTOR shall have the control of the work and the manner in which it is performed. CONTRACTOR is not to be considered an agent or employee of the COUNTY and is not entitled to participate in any pension plan, insurance, bonus, or similar benefits COUNTY provides its employees.

CONTRACTOR will not be eligible for any federal social security, state workers' compensation, unemployment insurance, or Public Employees Retirement System benefits from amounts paid under this contract, except as a self-employed individual.

If this payment is to be charged against Federal funds, CONTRACTOR certifies that it is not currently employed by the Federal government and the amount charged does not exceed its normal charge for the type of service provided.

COUNTY will report the total amount of all payments to CONTRACTOR, including any expenses, in accordance with Federal Internal Revenue Service and State of Oregon Department of Revenue regulations. CONTRACTOR shall be responsible for any Federal or State taxes applicable to amounts paid under this contract.

6. WARRANTY: COUNTY has relied upon representations by CONTRACTOR regarding its professional ability and training as a material inducement to enter into this contract. CONTRACTOR represents and warrants that all its work will be performed in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state, and local laws, it being understood that acceptance of CONTRACTOR's work by COUNTY shall not operate as a waiver or release of such warranty.

7. INDEMNIFICATION. CONTRACTOR shall hold harmless, indemnify, and defend COUNTY, its officers, agents, and employees from any and all liability, actions, claims, losses, damages or other costs including attorney's fees and witness costs (at both trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity arising from, during or in connection with the performance of the work described in this contract, except liability arising out of the sole negligence of the COUNTY and its employees. Such indemnification shall also cover claims brought against COUNTY under state or federal workers' compensation laws. If any aspect of this indemnity or the above warranty shall be found to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this indemnification or the above warranty.

8. **INSURANCE:** CONTRACTOR and any subcontractors shall maintain insurance acceptable to the COUNTY as provided in Attachment A. Such insurance shall remain in full force and effect throughout the term of this contract.

If CONTRACTOR employs one or more workers as defined in ORS 656.027 and such workers are subject to the provisions of ORS Chapter 656, CONTRACTOR shall maintain currently valid workers' compensation insurance covering all such workers during the entire period of this contract.

9. **METHOD AND PLACE OF GIVING NOTICE, SUBMITTING BILLS, AND MAKING PAYMENTS:** All notices, bills and payments shall be made in writing and may be given by personal delivery, by mail or email, receipt requested. Notices sent by mail should be addressed as follows:

COUNTY: Benton County Community Development Department  
Darren Nichols  
4500 SW Research Way  
Corvallis, OR 97333  
\_\_\_\_\_ Email Address

CONTRACTOR: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bills, invoices and payments sent by mail to COUNTY should be addressed as follows:

Benton County Community Development Department  
4500 SW Research Way  
Corvallis, OR 97333  
\_\_\_\_\_ Email Address

and when so addressed, shall be deemed given upon deposit in the United States Mail, postage prepaid. In all other instances, notices, bills, and payments shall be deemed

given at the time of actual delivery. Changes may be made in the names and addresses of the person to whom notices, bills, and payments are to be given by giving notice pursuant to this paragraph.

10. **TERMINATION:** At any time, with or without cause, COUNTY, in its sole discretion shall have the absolute right to terminate this agreement by giving written notice to CONTRACTOR. If COUNTY terminates pursuant to this paragraph, CONTRACTOR shall be entitled to payment for all services satisfactorily rendered and expenses incurred through the date of termination; provided, that there shall be deducted from such payment the amount of damage, if any, sustained by COUNTY due to any breach of the agreement by CONTRACTOR.

11. **OWNERSHIP OF WORK PRODUCT:** COUNTY shall be the owner of and shall be entitled to possession of all work products of CONTRACTOR that result from this contract ("the work products"). In addition, if any of the work products contain intellectual property of CONTRACTOR that is or could be protected by federal law, CONTRACTOR hereby grants COUNTY a perpetual, royalty-free, fully paid, nonexclusive and irrevocable license to copy, reproduce, deliver, publish, perform, dispose of, use and re-use all such work products, including but not limited to databases, templates, file formats, scripts, links, procedures, materials, training manuals and other information, designs, plans or works provided or delivered to COUNTY or produced by CONTRACTOR under this contract.

12. **NONDISCRIMINATION:** CONTRACTOR shall comply with all applicable federal, state and local laws, rules, and regulations on nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, disability, sexual orientation, gender identity or source of income.

13. **STATUTORY AND REGULATORY COMPLIANCE:** CONTRACTOR shall comply with all federal, state and local laws, ordinances and regulations applicable to the work under this contract, including, without limitation, the applicable provisions of ORS chapters 279A, B and C, particularly 279C.500, 279C.510, 279C.515, 279C.520 and 279C.530, as amended. In addition, CONTRACTOR expressly agrees to comply with Title VI of the CIVIL RIGHTS ACT of 1964 and comparable state and local laws. CONTRACTOR shall also comply with Section V of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (Pub. Law No. 101-336), ORS 659A.142, ORS 659A.145, ORS 659A.400 to ORS 659A.406 and all regulations and administrative rules established pursuant to those laws. Contractor certifies that it is not disqualified or debarred from entering into this contract under ORS 279B.130, 279C.440 and/or any applicable Federal compliance requirements in accordance with 2 CFR part 180.

If required by law or Benton County, CONTRACTOR shall have or obtain pre-employment criminal record checks of staff hired to provide client services under this agreement. This check is required under ORS Chapter 181 for all purveyors of Community Mental Health Services that provide care, treatment, education, training,

instruction, supervision, placement services, recreation or support to children, the elderly or persons with disabilities

14. **EXTRA (CHANGED) WORK:** Only the Department Head may authorize extra (and/or changed) work. Failure of the CONTRACTOR to secure Department Head authorization for extra work shall constitute a waiver of any and all right to adjustment in the contract price or contract time due to such unauthorized extra work and the CONTRACTOR thereafter shall be entitled to no compensation whatsoever for the performance of such work.

CONTRACTOR further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed by CONTRACTOR without the express and prior written authorization of the County Administrator.

15. **CONFLICT OF INTEREST:** CONTRACTOR covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services. The CONTRACTOR further covenants that in the performance of this contract it shall not employ any person having any such interest.

16. **AUDIT:** CONTRACTOR shall maintain records to assure conformance with the terms and conditions of this agreement, and to assure adequate performance and accurate expenditures within the contract period. CONTRACTOR agrees to permit Benton County, the State of Oregon, the federal government, or their duly authorized representatives to audit all records pertaining to this agreement to assure the accurate expenditure of funds. CONTRACTOR shall notify COUNTY of any independent audit report of CONTRACTOR'S activities or finances prepared for CONTRACTOR and agrees to submit such reports to the County Administrator upon request.

17. **NON APPROPRIATION:** CONTRACTOR understands and agrees that COUNTY'S payment obligation under this agreement is contingent on COUNTY receiving appropriations, limitations, or other expenditure authority sufficient to allow COUNTY, in the exercise of its reasonable administrative discretion, to continue to make payments under this agreement.

18. **GOVERNING LAW:** This contract shall be governed and construed by the laws of the State of Oregon.



19. SEVERABILITY: If any term or provision of this contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected.

20. MERGER: This writing and the attached exhibits constitute the entire and final contract between the parties. No modification of this agreement shall be effective unless and until it is made in writing and signed by both parties.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

CONTRACTOR

BENTON COUNTY

\_\_\_\_\_

\_\_\_\_\_

Department Head

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Reviewed as to form:

\_\_\_\_\_

County Counsel

**AFFIDAVIT**

CONTRACTOR declares that it does not currently employ, and will not employ any individuals for work under this contract during the term this contract is in force.

\_\_\_\_\_  
Principal

Date \_\_\_\_\_

DRAFT

## ATTACHMENT A

### a. CERTIFICATION OF INSURANCE REQUIREMENTS

Contractor shall at all times maintain in force at Contractor's expense for insurance noted below.

**Workers' Compensation** insurance in compliance with ORS 656.017, which requires subject employers to provide workers' compensation coverage in accordance with ORS Chapter 656 or CCB (Construction Contractors Board) for all subject workers. Contractor and all subcontractors of Contractor with one or more employees must have this insurance unless exempt under ORS 656.027. **Employer's Liability Insurance with coverage limits of not less than \$1,000,000 must be included.** THIS COVERAGE IS REQUIRED. If Contractor does not have coverage, and claims to be exempt, Contractor must indicate exemption within their Bid/Proposal submittal letter with qualified reasons for exemption, see ORS 656.027. Out-of-state Contractors with one or more employees working in Oregon in relation to this contract must have Workers' Compensation coverage from a state with extraterritorial reciprocity, or they must obtain Oregon specific Workers' Compensation coverage ORS 656.126.

**Professional Liability** insurance covering any damages caused by error, omission or any negligent acts of the Contractor, its subcontractors, agents, officers, or employees' performance under this Contract. **Combined single limit per occurrence shall not be less than \$2,000,000. Annual aggregate limit shall not be less than \$2,000,000.**

If this box is checked, the limits shall be \$1,000,000 per occurrence and \$1,000,000 in annual aggregate.

Required by County  Not Required by County

**Commercial General Liability** insurance with coverage satisfactory to the County on an occurrence basis. **Combined single limit shall not be less than \$2,000,000 per occurrence for Bodily Injury and Property Damage and annual aggregate limit for each shall not be less than \$2,000,000.** Coverage may be written in combination with Automobile Liability Insurance (with separate limits). **Annual aggregate must be on a "per project basis".**

If this box is checked, the limits shall be \$1,000,000 per occurrence and \$2,000,000 in annual aggregate.

If this box is checked, the limits shall be \$5,000,000 per occurrence and \$5,000,000 in annual aggregate.

Required by County  Not Required by County

**Automobile Liability** covering all owned, non-owned, or hired vehicles. If there are no owned autos this coverage may be written in combination with the Commercial General Liability Insurance (with separate limits). **Combined single limit per accident shall not be less than \$2,000,000.**

- If this box is checked, the limits shall be \$1,000,000 per accident.  
 If this box is checked, the limits shall be \$5,000,000 per accident.  
 Required by County  Not Required by County

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**Property of Others in Transit (Cargo)** covering all County owned property / equipment being hauled by contractor. **Limit per occurrence shall not be less than \$100,000.**

- Required by County  Not Required by County

Coverage must be provided by an insurance company authorized to do business in Oregon or rated by A.M. Best's Insurance Rating of no less than A-VII or County approval. Contractor's coverage will be primary in the event of loss. Contractor shall furnish a current Certificate of Insurance to the County. Contractor is also responsible to provide renewal Certificates of Insurance upon expiration of any of the required insurance coverage.

Contractor shall immediately notify the County of any change in insurance coverage. The certificate shall also state the deductible or retention level. The County must be listed as an Additional Insured by endorsement of any General Liability Policy on a primary and non-contributory basis. Such coverage will specifically include products and completed operations coverage.

The Certificate shall state the following in the description of operations: "Additional Insured Form (include the number) attached. The form is subject to policy terms, conditions and exclusions". A copy of the additional insured endorsement shall be attached to the certificate of insurance. If requested complete copies of insurance policies shall be provided to the County.

**Certificate holder should be: Benton County, PO Box 964 Corvallis OR 97330.** Certificates of Insurance can be emailed to [Daniel.Redick@bentoncountyor.gov](mailto:Daniel.Redick@bentoncountyor.gov).

**EXHIBIT B: ADVERTISEMENT FOR PROPOSALS**

**BENTON COUNTY, OREGON  
REQUEST FOR PROPOSAL**

**DEVELOPMENT OF A  
SUSTAINABLE MATERIALS MANAGEMENT PLAN**

**4500 SW RESEARCH WAY  
CORVALLIS, OREGON**

**Advertisement for Proposals**

Notice is hereby given that Benton County, Oregon is seeking Request for Proposals (RFP) from qualified firms for the development of a local/regional Sustainable Materials Management Plan. The general scope of work will address impacts of materials across their complete life cycles, requiring collaboration across jurisdictional and geographic boundaries. Plan elements include: extensive community engagement, analyses and recommendations addressing the complete life cycle impacts of materials, and analyses and recommendations addressing funding and administration. The scope will be specified with the successful proposer as a first stage of the plan development.

The objective is to retain a firm to develop a local/regional Sustainable Materials Management Plan.

The RFP will allow Benton County to select and retain proposer(s) or firm(s) to perform duties as listed. Responses will be reviewed, scored, and ranked according to the criteria defined in this solicitation document.

The Request for Proposal can be downloaded from the Benton County website at <https://www.co.benton.or.us/rfps> or a printed copy can be requested at actual cost by contacting Benton County Community Development, 4500 SW Research Way, Corvallis, Oregon 97333, or phone (541) 766-6819, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m.

**It is imperative that those who download the solicitation documents check the website regularly for addenda, clarifications, and other notifications that may be pertinent.** In addition, all respondents known by Benton County Community Development to have received a complete set of the solicitation documents will receive email notifications when additional items are posted to the website. For questions or clarifications regarding the project, contact: Daniel Redick, Solid Waste and Water Quality Program Coordinator, at [Daniel.Redick@bentoncountyor.gov](mailto:Daniel.Redick@bentoncountyor.gov) or phone (541) 766-6819.

**An optional Pre-Proposal meeting will be held on September 27, 2023, at 1:00 p.m. PST.** This meeting will be held virtually, and additional information will be available at the following webpage: <https://www.co.benton.or.us/rfps>

**RFP responses** shall be sealed and marked plainly as “Benton County Sustainable Materials Management Plan Proposal”, and submitted to Benton County Community Development Department, Attention: Daniel Redick, Solid Waste and Water Quality Program Coordinator, 4500 SW Research Way, Corvallis, Oregon 97333 by **2:00 p.m.** local time on **November 8<sup>th</sup>, 2023.**

Proposals received after this date will not be accepted and will be returned unopened. Faxed or e-mail proposals will not be accepted. All items contained in the invitation and RFP document are applicable in preparing proposals. Each proposal must contain a statement as to whether the responder is a resident as defined by ORS 279A.120.

The County reserves the right to accept or reject any or all proposals, to add or delete items, to waive any irregularities and/or informalities in any proposal, to postpone the acceptance of the proposal and the award for a period not to exceed sixty (60) working days from the proposal due date, and to make the award that is in the best interest of Benton County. The County may reject any proposal not in compliance with all prescribed public bidding procedures and submission requirements; and may reject for good cause any and all proposals upon a finding of the County that it is in the public interest to do so.

Dated: **signed date**

By: Darren Nichols, Community Development Department Director

*Publish:*

*Daily Journal of Commerce: September 13, 2023*

*Corvallis Gazette-Times: September 13, 2023*