

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

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

**Tuesday, November 7, 2023**

**9:00 a.m.**

- Present:** Pat Malone, Chair; Xanthippe Augerot, Commissioner; Nancy Wyse, Commissioner; Vance Croney, County Counsel; Rachel McEneny, County Administrator
- Staff:** Justin Carley, Josh Gordon, Keith Hunnemuller, Don Rogers, Jef Van Arsdall, Sheriff's Office; Rick Crager, Debbie Sessions, Finance; Cory Grogan, Public Information Officer; Amanda Makepeace, BOC Staff; Sean McGuire, Sustainability; Erika Milo, BOC Recorder; Inga Williams, Community Development
- Guests:** Nick Andrews, Mark Lapinskas, Ryan Schultze, Meg Walker, Oregon Cascades West Council of Governments; Lieutenant Colonel Steven Bomar, Major Chris Klein, Oregon Military Department; Cadets Nathaniel Borrego, Cailee Ching, Baron Egna, Elena Kitchens, Shale Sabee-Paulson, Oregon State University Air Force Reserve Officers' Training Corps Drill Team; Chris Harris, John Harris, Horsepower Productions; Christopher Jacobs, Corvallis-Benton Economic Development Office; Sergeant Major (retired) Vinnie Jacques, Oregon Army National Guard; Christine Klein, Arlene Merems, Ellen Nichols, Robert Orton, Eileen Stark, residents; Captain (retired) Mark Whitney, United States Army

**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**

The following item was removed from the agenda:

**11. Executive Session Under ORS 192.660[2][i] – Performance Review**

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

Robert Orton, resident, mechanic at Coffin Butte Landfill (CBL) and member of the International Union of Operating Engineers Local 701, expressed concerns about dangerous working conditions at CBL and the unwillingness of the Department of Environmental Quality, Occupational Safety and Health Administration, or Environmental Protection Agency to monitor CBL's compliance with safety and environmental regulations. Orton stated the County needs to ensure CBL's compliance with the Conditional Use Permit before approving more expansion or permitting.

Arlene Merems, resident, expressed concern that the second reading of the amended Exotic Animal Ordinance took place at the October 24, 2023 Information Sharing Meeting, rather than

at a first/third Tuesday Board Meeting. Merems referred to an email (Exhibit 1) suggesting several corrections and clarifications to the proposed amended Ordinance being presented, including a a loophole in the proposed rodeo exemption which could allow traveling wild animal acts to operate in Benton County if held in conjunction with a rodeo event.

**{Exhibit 1: Arlene Merems E-mail November 6, 2023}**

**4. Proclamation**

**4.1 Proclaiming November as Military Appreciation Month in Benton County, Proclamation P2023-019 – Mark Lapinskas, Oregon Cascades West Council of Governments**

Malone stated it was an honor to recognize all Veterans during Benton County Military Appreciation Month and Veterans Day.

Cadets of the Oregon State University Air Force Reserve Officers' Training Corps Drill Team presented the flags of the United States and the State of Oregon. Ellen Nichols performed the National Anthem. Lapinskas, Veteran and Veterans Services Officer for Benton County, extended thanks to all Veterans and their families, then read the Proclamation aloud.

**MOTION:** Augerot moved approval of Proclamation #P2023-019 in the matter of proclaiming November as Military Appreciation Month in Benton County. Wyse seconded the motion, which **carried (3-0)**.

Malone noted how important service members and their families are to the community. Malone introduced Retired Sergeant Major Vinnie Jacques, Oregon Army National Guard, who served in Operation Desert Shield/Desert Storm and Operation Iraqi Freedom #2. Jacques' awards include Recipient of the Legion of Merit, Bronze Star, and Purple Heart. Starting in the City of Corvallis, Jacques helped establish the Oregon National Guard Reintegration Program.

Jacques described the achievements of the National Guard Third Platoon, Second Battalion, Bravo Company 2-162, of which he was a member. The Company received the Presidential Unit Citation for heroic action in the Battle of Fallujah. Jacques described how community relationships and Veterans Services Officers help Veterans. Jacques presented the Board with the book The Devil's Sandbox by John R. Brunning about the unit's activities in Iraq.

**5. Work Session**

**5.1 Project Updates from Benton-Corvallis Economic Development Office – Christopher Jacobs, Corvallis-Benton Economic Development Office (EDO)**

Jacobs thanked all Veterans for their service. Jacobs reported that 26 Benton County businesses received \$10,000 American Rescue Plan Act grants; 89 applications were submitted, about two-thirds from Corvallis.

The South Corvallis Food Hub sub-recipient agreement has been signed. Jacobs met with dozens of stakeholders about the vision for the Food Hub and best use of \$600,000 in resources. EDO issued a Request For Proposals for a consultant, to be selected in late November or early December 2023. EDO will present a proposal to the Board and Corvallis City Council in late March 2024. If approved, EDO will sign contracts to ensure funds are obligated before the June 2024 deadline and spent by the end of 2024. The consultant will determine feasibility of the

Food Hub and identify the best location. EDO hopes to negotiate agreements with partners with commercial kitchens, such as Natural Areas, Parks & Events (NAPE) and the Fairgrounds. EDO will also develop equipment and infrastructure to support local food businesses. The consultant will identify barriers, find grants, and make recommendations for financial stability. There are no ongoing commitments to support the Food Hub. Other Food Hubs operate on public assistance (municipalities, grants, and foundations). Jacobs has not seen a Food Hub that is financially sustainable on its own, so staff propose working with food businesses as users and operators.

Malone asked Jacobs to define 'Food Hub' in the context of South Corvallis.

Jacobs replied there are many definitions. Social Services providers would like a commercial kitchen for congregate meal sites; others want commercial food processing, aggregation, and distribution. This Food Hub will improve commercial opportunities for food businesses and improve food access. There will be a public information meeting in mid-November 2023 to collect input and expand awareness.

The Corvallis City Council approved the Enterprise Zone application for Corvallis business NaturalPoint last month. There is a large demand for industrial space in Benton County, but very few appropriately zoned buildings available. Jacobs met with 20 businesses. Over the last 90 days, there has been a spike of people interested in site selection, public incentives, and the development review process. EDO is making an inventory of vacant industrial lands and finding public-private partnerships to build new industrial properties and retain emerging businesses. Last night, the Corvallis City Council accepted \$75,000 for wetland delineation; there is a lot of potential for that at the Airport Industrial Park (AIP). EDO's focus is to provide a consistent guide to development and get more certified shovel-ready sites throughout the County. Jacobs has met with elected officials in Adair Village, Alsea, Philomath, and Monroe. Jacobs felt that EDO performance gauges could be improved. EDO speaks to 100 businesses every year, but could do more and compile better metrics, such as the industrial occupancy rate and vacant industrial lands inventory.

Augerot concurred about the importance of shovel-ready sites for businesses emerging from Oregon State University, Hewlett-Packard, and others. Augerot praised the Food Hub progress. Many community members will be eager to play a role.

Wyse agreed about needing better metrics. As Board Liaison for the Economic Development Coalition, Wyse requested notification when group meetings resumes.

Malone commented that some opportunities were missed due to the long vacancy. One reason for the vacancy was re-organizing the office. Malone asked Jacobs to describe the change.

Jacobs replied that in the 2010s, EDO had a director and one staff person. When Kate Porsche became director, EDO grew to about 3.7 full-time staff in order to take over some climate-related responsibilities. Now, the Corvallis City Manager's Office will manage the climate aspects, so EDO will solely focus on economic development. EDO is interviewing for one full-time staff person to assist Jacobs.

Malone asked about the status of the AIP effort.

Jacobs replied that EDO will work more with its Strategic Operational plan in late November-early December 2023; Jacobs will propose zoning changes to make that process easier. EDO is

working closely with Benton County Community Development. Helping communities and businesses stay competitive is a top priority.

## **6. Consent Calendar**

### **6.1 Approval of the October 17, 2023 Board Meeting Minutes**

Augerot requested a correction of item 6.1 on packet page 17 to reflect her comment that Community Corrections funding was a top priority for the Association of Oregon Counties, rather than for the State Legislature as stated in the minutes.

**MOTION:** Augerot moved to approve the Consent Calendar of November 7, 2023 with the correction as noted. Wyse seconded the motion, which **carried 3-0.**

## **7. Public Hearing**

### **PH1 In the Matter of a Public Hearing Requesting an Exemption From Competitive Bidding for the New Benton County Emergency Operations Center (EOC) for the Use of the Construction Manager/General Contractor (CM/GC) Services of Contracting, Order #D2023-075 – Gary Stockhoff, Public Works**

Chair Malone opened the Public Hearing at 11:02 a.m.

#### **Staff Report**

Stockhoff explained that a similar process was used in 2022 for the initial CM/GC and was set up to allow the same approach for other components of the Justice Systems Improvement Program. Hoffman Construction was selected as the contractor and has been great to work with. Stockhoff has met with Hoffman, Van Arsdall, and Emergency Manager Bryan Lee about the EOC, and hopes to have a contract by summer 2024.

Augerot asked if Corvallis had joined EOC discussions, since the City and County have a joint Emergency Operations Plan.

Stockhoff replied the City had not joined so far. Stockhoff to follow up with Lee and Van Arsdall.

#### **Public Comment**

No comment was offered.

Chair Malone closed the Public Hearing at 11:07 a.m.

**MOTION:** Augerot moved to approve the Findings of Fact for requesting an exemption from competitive bidding for the new Benton County Emergency Operations Center for the use of the Construction Manager/General Contractor (CM/GC) services of contracting, Order #D2023-075. Wyse seconded the motion, which **carried 3-0.**

## **8. Old Business**

### **8.1 \*Second Reading of the Amended Benton County Code (BCC), Chapter 9, Ordinance No. 2023-0321 – Tomi Douglas, Natural Areas, Parks, and Events**

Counsel explained that the October 24, 2023 Public Hearing (PH) considered amendments to BCC Chapter 9; the Board approved the amendments, and Counsel conducted the first reading.

Augerot expressed frustration that the County did not acknowledge or notify Merems that the first reading would be held early and at the Information Sharing Meeting, where formal business is not usually conducted. Thus Merems was unable to participate in the first PH. Augerot would like to consider the minor corrections recommended on page two of Merems's to the Board (Exhibit 1). The current amendment contains a major loophole with the exemption for rodeo and Future Farmers of America (FFA) exhibits and events. As now written, a rodeo or FFA event could be held anywhere in the County and include a side show of exotic animals. Merems's suggestion that the exemption apply only to livestock and domestic animals would close that loophole, which Augerot would prefer. Augerot asked Counsel if the amendment could be delayed to address these items.

Counsel replied that if the Board decided to alter the Chapter 9 amendments, a second reading would not be conducted and the current Ordinance would die. The County could then start over, advertising a first PH to consider additional changes. Or the Board could enact this Ordinance and conduct the second reading today, then make other amendments later. The former allows more time for comment. The main objective of the current Ordinance was to change animal Latin names to English.

Augerot preferred the first option, letting the current Ordinance die and later making all changes at the same time.

Wyse commented that the intent of including the FFA and Rodeo exemptions was to reassure the Fair Board and remove confusion. Wyse did not feel that anyone was waiting to jump on the exemption. FFA's rare breeds include llamas, alpacas, and rare poultry breeds, not wild animals. Wyse preferred to leave those exemptions in the Ordinance.

Augerot agreed that there was no nefarious intent about the exemption, but the industry that conducts small traveling animal-based circuses may be less scrupulous than local community members. If someone hosted a rodeo on private property and also hosted one of those circuses, that would fall under the rodeo exemption. Augerot was unsure if Benton County is a big enough market for presenters to come and take advantage, but there is a loophole. Or the Board could approve the Ordinance as is and see if problems emerge, but Augerot preferred to add the suggested sentence which states that the exemption applies to activities using livestock and domestic animals only.

Wyse was willing to add that sentence to the current Ordinance.

Malone preferred to enact the current Ordinance, which is better than extant code. If actual problems occur, the Board can make amendments later.

Responding to a question from Wyse, Counsel confirmed that the Board could not amend the current Ordinance today.

Wyse was willing to move forward today.

Counsel noted that the Ordinance was not in the meeting packet; thus, the Ordinance could not move forward.

Augerot requested that the Board consider amending Ordinance #2023-0321 per the Merems email (Exhibit 1): delete unnecessary explanations in BCC 9.805 sections (4)(c) and (4)(m), delete ‘assistance animals’ from BCC 9.810 (2)(b), and, in the same paragraph, remove the possible loophole for exotic animal acts at rodeo or FFA events after discussion with NAPE staff and the Fair Board.

After deliberation, the Board decided to restart the Ordinance process to consider the suggested changes in consultation with NAPE staff and the Fair Board. Staff to bring back a revised Ordinance in December 2023 at earliest.

**Ordinance #2023-0321 died; no action taken.**

**9. New Business**

**9.1 Approval of NaturalPoint Enterprise Tax Zone (ETZ) Abatement Request, Resolution No. R2023-026 – Christopher Jacobs, Corvallis-Benton Economic Development Office**

Jacobs explained that in October 2023, the Corvallis City Council approved NaturalPoint’s ETZ application, followed by additional approval from the Enterprise Zone Advisory Committee (EZAC). NaturalPoint is an electronics manufacturer with about 60 employees. The applicant meets all non-statutory requirements. To qualify for the three-year tax abatement, NaturalPoint selected the following sustainability initiatives: reduce energy use and waste per unit of production, encourage bicycle riding to work and implement dedicated charging stations, encourage and engage suppliers to meet Enterprise Zone (EZ) sustainability goals, and design for efficient manufacturing and assembly. The company routinely conducts sustainability audits. The EZ was created to encourage investment and expansion in the shared borders of the City and Benton County, incentivizing developers or new businesses to make new investments. Taxable value of the new construction will be calculated by the County assessor; after three years, the recipient starts paying on the additional taxable value of the new construction.

**MOTION:** Augerot moved to approve a three-year property tax abatement agreement between Benton County, a co-sponsor of the Benton-Corvallis Enterprise Zone, and NaturalPoint Incorporated, #R2023-026. Wyse seconded the motion, which **carried 3-0.**

**10. Other**

Wyse announced that the annual Veterans Day pie-eating contest will be held in south Corvallis. Commissioners from five counties will compete, with Wyse representing Benton County.

**11. Executive Session Under ORS 192.660[2][i] – Performance Review**

This item was removed from the agenda.

**12. Adjournment**

Chair Malone adjourned the meeting at 11:08 a.m.



Pat Malone, Chair



Erika Milo, Recorder

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