



Board of Commissioners
 Office: (541) 766-6800
 Fax: (541) 766-6893
 4500 SW Research Way
 Corvallis, OR 97333
 co.benton.or.us

AGENDA

(Chair May Alter the Agenda)

BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, May 2, 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	Click for Zoom link	Dial 1(253) 215-8782	Click for Facebook LiveStream link
	Zoom Meeting ID: 852 5694 1050		
	Zoom Passcode: 780369		

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. Work Session

- 4.1 15 minutes – County Administrator Recruitment Update – *Tracy Martineau, Human Resources*
- 4.2 45 minutes – Annual Update from Oregon Department of Forestry (ODF) – *Leo Williamson, Michael Curran, ODF; Brent Griffiths, Mobilization Coordinator, Oregon State Fire Marshal*

The Board will 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.

BUSINESS MEETING

5. Consent Calendar

- 5.1 In the Matter of an Appointment to the Environment and Natural Resources Advisory Committee, Order #D2023-047; Kanchan Ojha
- 5.2 In the Matter of an Appointment to the Food Service Advisory Committee, Order #D2023-04; Jacob Oliver
- 5.3 In the Matter of Approving the Minutes of the April 25, 2023 Board Meeting
- 5.4 In the Matter of Approving the Minutes of the April 18, 2023 Board Meeting

6. Proclamations

- 6.1 In the Matter of Proclaiming May 21 – 28, 2023 as National Public Works Week, Proclamation #P2023-005
- 6.2 In the Matter of Proclaiming May as Community Action Month in Benton County, Proclamation #P2023-006
- 6.3 In the Matter of Proclaiming May 2023 as Mental Health Awareness Month in Benton County, Proclamation #P2023-007
- 6.4 In the Matter of Proclaiming May 2023 as Historic Preservation Month, Proclamation #P2023-008

7. Departmental Reports and Requests

- 7.1 Floodplain Program Updates – *Darren Nichols, Toby Lewis; Community Development*
- 7.2 Update on FEMA Draft Implementation Plan for National Flood Insurance Program (NFIP)-Endangered Species Act (ESA) Integration – *Toby Lewis, Community Development; John Graves, Galeeb Kachra, Federal Emergency Management Agency*
- 7.3 Discussion and Decision Regarding Supplemental Budget 2311, Resolution #R2023-007 – *Jenn Ambuehl, Financial Services*

8. 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."

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.

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

Zoom link: <https://us06web.zoom.us/j/85256941050?pwd=OE1rdEZwYm1OektNT3dwRTdGeUFyUT09>

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

Tuesday, May 2, 2023

9:00 a.m.

Present: **Pat Malone**, Chair; **Xanthippe Augerot**, Commissioner; **Nancy Wyse**, Commissioner; **Vance Croney**, County Counsel; **Suzanne Hoffman**, Interim County Administrator

Staff: **Jenn Ambuehl**, **Rick Crager**, Finance; **Amanda Makepeace**, BOC Staff; **Tracy Martineau**, Human Resources; **Erika Milo**, BOC Recorder; **Darren Nichols**, **Webster Slater**, **Inga Williams**, Community Development; **Jef Van Arsdall**, Sheriff; **Paul Wallsinger**, Public Works

Guests: **Kayla Armstrong**, Community Services Consortium; **Michael Curran**, **Brent Griffiths**, **Jake Ruhl**, **Leo Williamson**, Oregon Department of Forestry; **Adrienne Fritze**, Historic Resources Commission; **Heather Gantz**, Raftelis Recruitment; **John Graves**, **Galeeb Kachra**, Federal Emergency Management Agency; **John Harris**, Horsepower Productions; **Ben James**, Corvallis Fire Department; **Alex Powers**, Mid-Valley Media

1. Opening:

1. Call to Order

Chair Malone called the meeting to order at 9:01 a.m.

2. Introductions

3. Announcements

No announcements were made.

2. Review and Approve Agenda

The following item was added to the agenda:

8.1 Approval of Letter Supporting Funding for Behavioral Health – Xanthippe Augerot, Commissioner

3. Comments from the Public

No comments were offered.

4. Work Session

4.1 County Administrator Recruitment Update – Tracy Martineau, Human Resources; Heather Gantz, Raftelis

Martineau explained that Gantz will perform the first review of applications on May 22, 2023 and do an initial interview with selected candidates. County staff (possibly Crager, Hoffman, and Martineau) will do an internal screening around May 30, 2023, then Gantz and Martineau will make recommendations to the Board on June 6, 2023.

Gantz would prefer to give recommendations in Executive Session to honor candidates' confidentiality; a decision will not be made at that time.

Martineau shared that June 14, 2023 will be the first round of interviews; Martineau recommended an internal panel, screening for candidates' qualifications, experience, and background. Finalists will return on June 28-29, 2023.

Gantz added this will be an in-person, multi-stage process where internal and external stakeholders can provide feedback to the Board.

Martineau noted there is typically a rotational schedule and a public reception. Martineau to firm up timing.

Gantz will continue to evaluate candidates at each phase.

Malone asked if the recruitment will still be open after the initial sort.

Gantz confirmed. There is no formal close date. If a well-qualified candidate applies later, that person can be added to the process.

Martineau stated that updates to the Board will be weekly/as needed. Staff will work with Grogan on a public invitation.

The Board approved the schedule as described.

4.2 Annual Update from Oregon Department of Forestry (ODF) – Leo Williamson, Michael Curran, Jake Ruhl, ODF; Brent Griffiths, Mobilization Coordinator, Oregon State Fire Marshal

Curran reported that in the last 14 months, ODF had over 50% turnover in permanent staff due to retirements or promotions. There was not much turnover in the Philomath unit, except in the State Forester unit, now supervised by Cody Valencia. Offices reopened to the public on May 1, 2023. Curran thanked Deputy Jerry Williams and the Benton County Woods Patrol, which helps ODF and forestland owners. County communications staff are partnering with ODF on fire prevention messaging. In the 2022 fire season, about 47 acres burned, well below the 10-year average of 306 acres. Fire season was slightly longer than average despite a late start, lasting 110 days, into late October. The top fire causes were equipment use, debris burning, and recreation.

Williamson reported that for the 2022 fire season in Benton County (BC), the initial attack was light. The Luckiamute Fire on July 4, 2022 burned one acre. The Norton East Fire on August 17, 2022 burned 18 acres. Both were controlled by the next day. Williamson praised the mutual aid from BC.

Curran stated that most areas of the State currently have above average snowpack, but total rainfall is below average, especially on the Willamette Valley side. The drought index map shows Benton, Polk, and parts of Lincoln County as abnormally dry. There is the potential for a busy fire season; May and June weather will determine. Above average temperatures and below average moisture are predicted for that period.

Ruhl started work on the Community Wildfire Prevention Program in January 2023, meeting with FireWise communities and leaders. BC currently has grants in the Community of Wren and

the City of Monroe; in the last two years, there were 232 acres of fuel reduction work and 9,000 hours of landowner contributions. Staff hope to establish a new grant area in the Communities of Alsea and Hoskins/King Valley. Through Senate Bill (SB) 762 funding, over 75 acres of fuel reduction were completed.

Williamson reported that the BC Forestland Classification Committee met in March 2023. No major changes were needed; the next five-year review will be due in 2025.

Curran explained that ODF manages the following State forest land in BC: 8,300 acres of Board Forestry lands, where two-thirds of timber sale revenue goes back to the County and local taxing districts, and 553 acres of Common School Fund (CSF) lands, where most revenue goes into the CSF. ODF has updated the current Implementation Plan (IP) and the State Forester has approved it. This plan will bridge the next two to three years as ODF determines whether to proceed with a Habitat Conservation Plan (HCP). In the new IP, harvest will decrease from 11-12 million board feet to 9-10 million board feet. BC revenue to date in Fiscal Year 2023 is over \$467,000. Last fiscal year, BC received \$799,000. The Fiscal Year 2024 Annual Operations Plan calls for two sales in BC, estimated to generate \$1.1 million.

Through the Private Forest Accord (PFA), the Philomath unit gained an additional Stewardship Forester. Under the PFA, small forestland owners (5,000 acres or fewer) must follow different rules; the new position will ensure dedicated capacity for those owners. This work upholds the Forest Practices Act.

Williamson shared that in 2021, 467 notifications of timber harvest, road obstruction, or stream crossing replacements were filed in BC, and 476 were filed in 2022, which is average for operations on private land. Through the Farm Services Agency, ODF helps small private landowners perform restoration projects on their land.

Curran explained that all PFA rules have been placed in Oregon Administrative Rules. ODF is holding trainings for internal staff and external owner-operators through fall 2023 or early 2024. There is misinformation circulating that small landowners will not be able to harvest any timber under the PFA; that is not true. Owners will simply have a different set of rules. ODF is working on better messaging with the Oregon Forest Industries Council and others.

The Board of Forestry (BOF) decision on whether to proceed with the HCP will probably be pushed back to November 2023, due to needing the best modeling possible to determine the true impacts of HCP protection measures. The State Forester decided not to continue the large fire insurance policy at a cost of \$78 million, which is higher than ODF's average annual large fire costs. The policy will be reconsidered next year. Longtime Northwest Oregon Area Director Andy White is retiring this month, to be succeeded by Don Everingham.

Malone stressed the importance of partnering to communicate fire conditions to homeowners, especially rural. Posting fire information on the County's mobile reader boards worked well. Malone noted that ODF's Community Wildfire Forester position was vacant for several years due to lack of funding, and asked if temporary or longer term funding had been secured.

Williamson replied that staff continue to secure grants for staffing.

Curran added that ODF tries to ensure dedicated grant position funding for at least two years. Ruhl has helped acquire grants.

Malone asked about funding for homeowners to make improvements to reduce fire danger.

Ruhl explained that some homes are tied closely to the grant areas ODF secured. In the Monroe area, ODF drew a boundary around a group of tax lots. Owners within or close to that boundary received \$100-600 per acre for fuels reduction projects. If a grant area is not applicable, many people call to ask for funding or have Ruhl inspect the property and suggest modifications.

Augerot noted that additional stewardship forester capacity should provide more opportunity for on-site fire season messaging.

Williamson agreed that part of the duty of stewardship foresters is fire prevention on industrial operations, so operators on private land receive robust messaging at the start of fire season and inspections throughout the season.

Curran added that most fires are caused by the general public, not operators.

Griffiths shared that the Community Risk Reduction Program is helping local fire departments purchase fire danger signs. The Oregon State Fire Marshal (OSFM) Emergency Response Unit is a liaison between State and local fire services when additional resources are needed. Under SB 762, OSFM can immediately respond to a large fire with resources from outside the County, without invoking the Conflagration Act. The State pays for these resources. If the Conflagration Act must be invoked, and a fire threatens structures outside of a fire district, OSFM obtains a delegation of authority from the Board. James is also the County Fire Defense Board (FDB) Chief; OSFM would work with James on a large incident. About 645 structures in BC are outside of a fire district. OSFM would also work with BC Emergency Manager Bryan Lee.

James stated that the FDB has taken steps to better protect the Greenberry Gap, the biggest unprotected area in BC. A north/south was designated near Guerber Lane; north of that line, Corvallis will command the incident with two resources, a resource from Philomath, and one from Monroe. South of that line, Monroe is the incident commander, Corvallis would send two resources, and Philomath one. The homeowner's insurance would be billed. Response to those areas will depend on call volume. There is a bill in committee that would force residents within a seven-mile circle from any fire station into a fire district.

Griffiths noted that OSFM recently awarded Monroe and Corvallis Fire Departments with wildland apparatus, to be delivered in late 2023-early 2024.

James noted that many fire departments in BC consist of volunteer firefighters; this equipment enables Corvallis to assist in other areas.

Griffiths shared that OSFM is offering \$35,000 grants to fire departments for seasonal firefighting staff, to be awarded by the end of May 2023. OSFM is prioritizing agencies with \$2 million or less in property tax income. OSFM also offers three-year grants for agencies to hire full-time staff; matching funds start at 10%, increase to 25% in the second year, then to 50% in the third year. The hope is that the agency can then find funding to retain those staff. This grant prioritizes agencies with an operating budget under \$10 million. Most Benton agencies apply. OSFM will become its own State department on July 1, 2023.

James noted that local agencies can now coordinate with Griffiths to bring in air resources. The FDB and OSFM will hold a drill of that process on May 18, 2023.

Griffiths added that OSFM can pre-position fire response resources if data indicates an increased threat of wildfire.

Malone praised Lee for helping the County prepare. These partnerships are critical to response.

Chair Malone recessed the meeting at 10:08 a.m. and reconvened at 10:16 a.m.

5. Consent Calendar

5.1 In the Matter of an Appointment to the Environment and Natural Resources Advisory Committee, Order #D2023-047; Kanchan Ojha

5.2 In the Matter of an Appointment to the Food Service Advisory Committee, Order #D2023-04; Jacob Oliver

5.3 In the Matter of Approving the Minutes of the April 25, 2023 Board Meeting

5.4 In the Matter of Approving the Minutes of the April 18, 2023 Board Meeting

MOTION: Augerot moved to approve the Consent Calendar of May 2, 2023. Wyse seconded the motion, which **carried 3-0.**

6. Proclamations

6.1 In the Matter of Proclaiming May 21-27, 2023 as National Public Works Week, Proclamation #P2023-005 – Paul Wallsinger, Public Works

Wallsinger read the Proclamation aloud.

MOTION: Augerot moved to proclaim May 21-27, 2023 as Public Works Week in Benton County, Proclamation #P2023-005. Wyse seconded the motion, which **carried 3-0.**

6.2 In the Matter of Proclaiming May as Community Action Month in Benton County, Proclamation #P2023-006 – Kayla Armstrong, Community Services Consortium (CSC)

Armstrong read the Proclamation aloud. For 43 years, CSC has been the designated Community Action Agency for Benton, Lincoln, and Linn Counties, serving about 75,000 people per year.

MOTION: Augerot moved to proclaim May as Community Action Month in Benton County, Proclamation #P2023-006. Wyse seconded the motion, which **carried 3-0.**

6.3 In the Matter of Proclaiming May 2023 as Mental Health Awareness Month in Benton County, Proclamation #P2023-007 – Damien Sands, Health

Sands read the Proclamation aloud.

MOTION: Wyse moved to proclaim May 2023 as Mental Health Awareness Month in Benton County, Proclamation #P2023-007. Augerot seconded the motion, which **carried 3-0.**

6.4 In the Matter of Proclaiming May 2023 as Historic Preservation Month, Proclamation #P2023-008 – Inga Williams, Community Development

Williams read the Proclamation aloud.

MOTION: Wyse moved to proclaim May 2023 as Historic Preservation Month in Benton County, Proclamation #P2023-008. Augerot seconded the motion, which **carried 3-0.**

Williams shared that Fritze created the poster for Historic Preservation Month events (Exhibit 1). The Historic Resources Committee (HRC) received a \$5,000 grant from the National Trust for Historic Preservation for the “History Mystery” game, which educates the public about historic resources. HRC also partnered with the City of Albany this year. The County will celebrate its volunteers at an awards ceremony on May 25, 2023.

{Exhibit 1: Historic Preservation Month Events Poster}

7. Departmental Reports and Requests

7.1 Floodplain Program Updates – Darren Nichols, Toby Lewis; Community Development

Lewis explained that staff have worked with the Army Corps of Engineers (ACE) to make flood hazard mapping of the Luckiamute Watershed Area more accurate. Results show the mapped flood hazard area (FHA) as much narrower than previously mapped. There were 234 buildings in the FHA; new mapping will change that to 17 buildings plus two additions.

ACE has offered to start scoping logistics and seeking funding to improve flood hazard mapping for the Alsea watershed. The Federal Emergency Management Agency (FEMA) Risk Map Project will cover the Upper Willamette Watershed, which covers the rest of the County. To begin looking for funding, ACE requested that Benton County (BC) submit a letter requesting ACE’s technical assistance.

Augerot asked if this process would also apply to the Alsea River in Lincoln and Linn Counties.

Lewis replied that staff will look into partnering with Lincoln. Lincoln’s recent floodplain mapping may already have covered that area. FEMA’s initial BC maps were effective in 1986; revised topographic maps were issued in 2011, but did not include revised flood hazard data. FEMA used better topographic mapping to adjust boundaries, but was not able to revise the modeling. The Alsea data will probably also shift substantially.

MOTION: Augerot moved to direct staff to sign and submit the attached letter requesting technical assistance from the Army Corps of Engineers with flood hazard map revisions in the Alsea watershed. Wyse seconded the motion, which **carried 3-0.**

7.2 *Update on FEMA Draft Implementation Plan for National Flood Insurance Program (NFIP)-Endangered Species Act (ESA) Integration – Toby Lewis, Community Development; John Graves, Galeeb Kachra, FEMA

Nichols noted that Community Development recently asked Federal partners to use the County Administrator and Lewis as joint points of contact, which will cause some terminology changes.

Lewis explained that up to a month ago, staff thought the draft Implementation Plan (IP) would not have much impact on Benton County (BC); since then, FEMA has provided public comment opportunities statewide. The IP seeks to identify regulatory methods so communities can ensure that development in floodplains does not decrease endangered species habitat. The IP describes several options, but does not yet contain specific standards.

In Exhibit 2, Lewis showed that the 100-year floodplain in Benton is the mapped Flood Hazard Area (FHA). That area is about 112,000 acres, or 25% of the County, and includes about 500 miles of waterways. The 170-foot riparian overlay buffer (ROB) is the first step in a graduated implementation of mitigation options. The first 170 feet from a waterway will have higher regulatory standards and more mitigation requirements than areas beyond that. There would also be graduated mitigation options depending on whether one is developing vacant land or expanding a structure. The closer to a waterway, the more potential impact. Building on an undeveloped property will have more impact than expanding a structure. The ROB would cover 9% of the mapped BC FHA, approximately 1,300 structures, including 200 dwellings; 20% of dwellings in the FHA would be in the ROB. The dwellings are located in a mix of residential and resource zones. About 37,000 total acres are affected, 33% of BC's current FHA. There is a range of community responses and concerns.

Augerot asked about restrictions on how resource lands can be used within the ROB.

Lewis replied that most continuing agricultural practices related to farming and forestry will be allowed. The new standards mostly involve significant changes to ground and water flow, such as ditching, diking, and building structures.

Graves explained that the biological opinion and data by National Oceanic and Atmospheric Administration Marine Fisheries clarifies that normal agricultural practices will not be affected. This applies to any activity (such as plowing) that does not currently require a floodplain development permit. The opinion applies to manmade changes to improved or unimproved land, including mining, filling, drilling, and dredging. There is some public consternation about needing a permit for dredging. The main issue is where operators place the silt after dredging. If it is placed within a special FHA, agencies need to determine if that constitutes filling or has adverse effects on habitat. According to community feedback, this piece needs to be clarified.

Augerot could understand operators' frustration with needing another permit for a routine matter such as clearing ditches. Augerot asked if this would bar new construction in residential areas.

Graves replied that FEMA's program does not bar any construction; instead, certain performance standards must be met. The dredging permit has been required all along. Standards include building a floor at a certain height so as not to increase base flood elevation. The added requirement is that development close to a waterway will probably require more mitigation. Mitigation is required for adverse effects to water quality, vegetation, and any flow of water (equated with fill).

Augerot asked if BC's current regulations would address many of those issues.

Lewis replied that on a vacant piece of land in BC, a dwelling must be sited outside of the floodplain if there is enough space to do so. If there is not, the dwelling would still be allowed inside the floodplain with certain performance criteria.

Wyse observed the need for a balance between impacts on property owners and effects on the environment/habitat. Wyse favors protecting significant habitat, but did not feel ready to formulate an opinion without hearing from potentially affected community members.

Augerot opined that this is not a large change in BC's current regulatory effect, which is already tighter than in some counties. Augerot generally supported the intent of the biological opinion, but agreed with Wyse about needing to know more about possible friction points.

Lewis noted it is difficult to provide adequate feedback without a full outreach process. FEMA will provide more comment opportunities later. Friction points include specifics of the increased mitigation requirements.

Augerot asked if greenhouses were considered accessory structures; Augerot had heard public consternation about that.

Lewis replied the term 'structure' is difficult to define. For current floodplain definitions, a hoop house with no rigid walls or not more than one rigid wall is not considered a structure. The draft IP looks at ground disturbance in a way similar to the stormwater requirements implemented in March 2022. A hoop house would be considered disturbance under the IP.

Nichols shared that adding habitat considerations is a substantial change in how planners approach floodplains. This will directly impact property owners and staff, who must learn to review and evaluate impacts to habitat. Nichols asked what level of engagement staff should take with the community, Federal agencies, and other counties.

Augerot noted that packet page 83 discusses ways communities can meet the 'no net loss' standard, each of which requires increasing amounts of expertise. Not all counties have that expertise. Staffing aspects are a concern. Some counties want to oppose the plan. Augerot would like to be at the table to determine what is reasonable and possible within an educational and incentive-oriented approach, rather than a hardline regulatory approach.

Nichols has tracked this issue through meetings of the Association of Oregon County Planning Directors. Over the last month or so, more counties have raised shared concerns. Nichols asked if FEMA could help with community outreach or some of BC's evaluation needs.

Graves could not offer funding, but FEMA staff could offer technical assistance and work with the community as BC develops its approach. Community comments suggest several approaches. Pathway A would prioritize clear and objective standards. Pathway B (described in the packet) would allow more flexibility to tailor to each community. Pathway C would ask communities where they want to sit on this spectrum. FEMA wants to use BC's extant standards and add elements as needed. There is not much community direction on Pathway C yet; details will be based on comments from the Environmental Impact Statement (EIS) process.

Wyse asked if communities could have two possible paths, allowing applicants to choose between one that is rigid, and one that is more flexible.

Graves confirmed that a hybrid approach (Pathway C) could be designed.

Augerot commented that since BC does not have any listed species currently, perhaps BC could tailor the approach more, taking local resources into account. However, that requires a level of expertise that BC does not have internally/locally.

Wyse requested more outreach to land owners who would be impacted.

Malone asked if it was too early to engage the public because details are not firmed up.

Lewis was not sure. The challenge is obtaining feedback about the impact without inciting panic.

Malone opined that the table (Exhibit 2) seemed theoretical and did not want to proceed on an effort that is not fully thought out. Flexibility is probably a good idea. All comments for this round must be postmarked by May 5, 2023.

Wyse stated that the environment is a priority for many BC community members.

Augerot opined that reactions will be mixed; some landowners will face initial challenges. Augerot agreed with having a set of clear standards or a menu of options. For now, staff should stay engaged; as soon as FEMA has more definitive options, BC needs to engage the community.

Responding to a question from Wyse, Nichols replied that this had not been discussed with the Planning Commission (PC) yet. Nichols summarized that BC should not take an immediate oppositional approach; BC needs to hear from community members and incorporate environmental values, but also be mindful of impacts on property owners or agricultural and forest operators. If BC submits comment by May 5, it should say that this issue is important, and that BC needs more specifics and wants to partner with FEMA to determine the right policy for BC. As that becomes more clear, staff could take the matter to the PC or joint BOC/PC quarterly meetings.

MOTION: Augerot moved to authorize staff to put together Benton County-specific comments based on today's discussion, and that Commissioner Malone have authority to work with Nichols to finalize that in order to get it out by the May 5, 2023 deadline. Wyse seconded the motion, which **carried 3-0.**

{Exhibit 2: Benton County Floodplains Chart}

7.3 Discussion and Decision Regarding Supplemental Budget 23111, Resolution #R2023-007 – Jenn Ambuehl, Financial Services

Ambuehl presented two funds in the 2021-23 biennium budget requiring amendment:

- General Fund: the Sheriff's Office received additional revenue from the Department of Homeland Security for Emergency Operations Center position-specific training, an increase of \$32,091 to Public Safety Operations.
- Trust Fund: Natural Areas, Parks & Events received higher than anticipated logging funds. Staff request to increase appropriations to repair the logging roads and the Beazell Barn concrete floor.

MOTION: Wyse moved to forward this item to the May 16, 2023 Board Meeting for a Public Hearing. Augerot seconded the motion, which **carried 3-0.**

8. Other

8.1 Approval of Letter Supporting Funding for Behavioral Health – Xanthippe Augerot, Commissioner


Augerot shared a letter from the Association of Oregon Counties (AOC) requesting that Benton add its logo to a letter requesting behavioral health funds; the letter summarizes all the behavioral health funds from this legislative session that the Association of Oregon Community Mental Health Programs (AOCMHP) and AOC are supporting.

MOTION: Augerot moved to approve the use of the Benton County logo on the AOCMHP letter to Senator Kate Lieber and Representative Rob Nosse about funds from this legislative session for behavioral health. Wyse seconded the motion, which **carried 3-0.**

Augerot to follow up.

10. Adjournment

Chair Malone adjourned the meeting at 11:26 a.m.

DocuSigned by:

05666320C1A2400
Pat Malone, Chair

DocuSigned by:

C7429A6070FD4C7...
Erika Milo, Recorder

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

WORK SESSIONS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 05/02/23

View [Agenda Tracker](#)

Suggested Placement * Work Session

Department * Board of Commissioners

Contact Name * Maura Kwiatkowski

Phone Extension * 5417663531

Meeting Attendee Name * Leo Williamson, Michael Curran, Oregon Department of Forestry; Brent Griffiths, Mobilization Coordinator, Oregon State Fire Marshal

Agenda Item Details 

Item Title * Annual Update from the Oregon Department of Forestry

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 * 45 minutes

Board/Committee Involvement * Yes No

Advertisement*

- Yes
- No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The Oregon Department of Forestry and the State Fire Marshal's Office will provide the Board of Commissioners with their annual update. The update will include an explanation of the Board of Commissioners' role when a wildfire threatens structures outside of a structural fire department district and the process of requesting assistance.

Options *

This is an informational update. No Board action or direction is being requested.

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](#).

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 Mission of the Oregon Department of Forest is to serve the people of Oregon by protecting, managing, and promoting stewardship of Oregon's forests to enhance environmental, economic, and community sustainability.

Its Vision includes:

Healthy and resilient forested ecosystems and watersheds, with functional aquatic and terrestrial habitat, supporting vibrant local communities and providing quality outdoor opportunities for all Oregonians.

An organization and culture that responsibly and collaboratively manages the public resources to achieve the outcomes valued by Oregonians.

An innovative and adaptable organization with sufficient resources and appropriate polices to achieve its mission.

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

Page 8 of 107

Explain Focus Areas and Vision Selection*

The Mission of the Oregon Department of Forest is to serve the people of Oregon by protecting, managing, and promoting stewardship of Oregon's forests to enhance environmental, economic, and community sustainability.

Its Vision includes:

Healthy and resilient forested ecosystems and watersheds, with functional aquatic and terrestrial habitat, supporting vibrant local communities and providing quality outdoor opportunities for all Oregonians.

An organization and culture that responsibly and collaboratively manages the public resources to achieve the outcomes valued by Oregonians.

An innovative and adaptable organization with sufficient resources and appropriate polices to achieve its mission.

Recommendations and Motions

Item Recommendations and Motions

Staff This is an informational update. No Board action or direction is being requested.

Recommendations*

Work Session

I move to ...

Motions*

Not Applicable

Attachments, Comments, and Submission

Item Comments and Attachments

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.

Comments (optional)

If you have any questions, please call ext.6800

**Department
Approver**

MAURA KWIATKOWSKI

1.

Department Approval

Comments

Signature

Maura Kwiatkowski

2.

County Administrator Approval

Comments

Signature

Maura Kwiatkowski

2.

BOC Final Approval

Comments

Signature

Amara Makepeace



Oregon

Tina Kotek, Governor

Department of Forestry
West Oregon District
24533 Alsea Hwy
Philomath, OR 97370
541-929-3266
FAX 541-929-5549

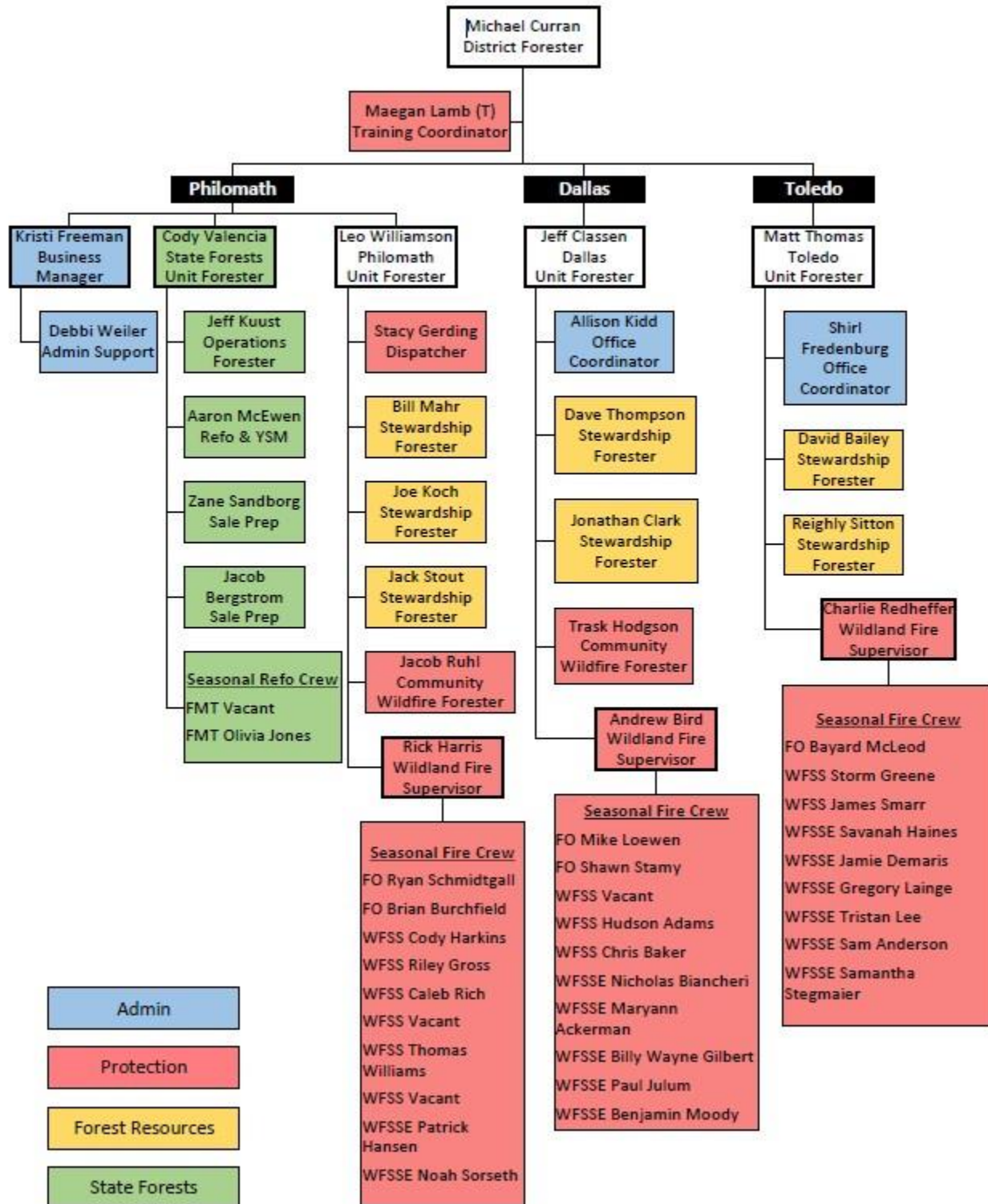


"STEWARDSHIP IN FORESTRY"

West Oregon District, Oregon Department of Forestry

- Headquarters at 24533 Alsea Hwy, Philomath OR 97370
- Three administrative units:
 - Philomath Unit (Benton County) – **541 929 3266**
 - Dallas Unit (Polk County and southern half of Yamhill County) – **503 934 8146**
 - Toledo Unit (Lincoln County and far southern portion of Tillamook County) – **541 336 2273**
- Employee base – 26 permanent and approximately 32 seasonal personnel (org chart attached)
- Provide wildfire protection (prevention and suppression) on 1.08 million acres of private, state, county, tribal, and misc. federal lands (BLM, USFWS)
- Responsible for the administration of the Oregon Forest Practices Act (harvest/reforestation/resource protection and associated rules) in the counties served within our three administrative units
 - Help various federal agencies (NRCS, FSA, multiple others) administer cost share programs
 - Implementation of the new Small Forestland Owner Rules through the Private Forest Accord
- Responsible for the administration of the Oregon Smoke Management Program (burning of excess logging debris and hazardous fuels reduction)
- Manage 36,710 acres (spread amongst Benton, Polk and Lincoln Counties) of state forest land for greatest permanent value to provide for economic, environmental and social benefits to all Oregonians
 - 29,979 acres of Board of Forestry owned timberland. 2/3 of revenues go to local counties and taxing districts. Remainder of revenue goes back to ODF for operating costs
 - 6,730 acres of common school land. Revenue goes back into the state's common school fund
 - Average harvest of 12 mmbf/year
 - 2 main recreation areas in the district include Mt. Baber ATV trail system which involves both state and privately owned timberlands and the Black Rock Mountain Bike area
- Answer to a Board of Directors for our fire protection program with a rich and long history
 - West Oregon Forest Protective Association
 - Board make-up of both large and small landowners from across the counties to provide oversight and input on budgeting items relating to the district
- Administration of fuels reduction grants to create defensible space and fuel breaks on private properties
- Several ties to local governments, groups, non-profits as work projects intersect with our business. Included but not limited to are some of the local entities we interact with:
 - County and municipal governments
 - Federal government agencies (Siuslaw National Forest, BLM, USFWS, NRCS, FSA)
 - Other state agencies (ODFW, DEQ, ODA)
 - Rural and city fire departments along with Oregon State Fire Marshal
 - Local watershed councils
 - OSU college of forestry and local OSU extension service
 - Mid-coast water planning partnership
 - Confederated tribes of Siletz
 - Confederated tribes of Grand Ronde
 - Mary's Peak stewardship group
 - Philomath high school forestry club advisory committee

West Oregon District Organizational Chart
April 2023



County Commissioners/Courts Role in Unprotected Areas



Under ORS 476.330, the Board of County Commissioners or the County Court are the authority having jurisdiction in areas that are not protected by a structural fire agency. Areas that do not have structural fire protection, may at times, need to request state resources to aid the County in structural response. This document provides an overview of the County's responsibilities for structural protection and the process to request state resources.

Types of State Resources Available

Immediate response resources— Structural protection resources that are deployed from nearby counties to supplement local resources. Immediate response resources will work under the command of the local Incident Commander.

Conflagration resources – Structural protection resources and a State Fire Marshal's incident management team (IMT) mobilized from across the state. The IMT will take command of the incident under a delegation of authority and manage the incident under guidelines established by the Board of County Commissioners. The structural protection resources will work under the command of the Office of State Fire Marshal's IMT.

Oregon Fire Service Mobilization Plan

All state resources mobilized to an incident operate under the guidelines of the Oregon Fire Service Mobilization Plan. This plan embraces all the territory of the state of Oregon through the utilization of the duly organized firefighting forces of the state. The fire suppression resources include the county, city, and rural fire protection districts, as well as other resources available through area mutual aid agreements.

Role in Requesting Resources

If it is determined that state resources should be requested, the Board of County Commissioners or the County Court is responsible for the following:

- Officially request resources from the State Fire Marshal through the County Fire Defense Board Chief and Regional Mobilization Coordinator.
- Participate in the Mobilization request phone call, if available.
- If the Conflagration Act is enacted, prepare and sign a delegation of authority with the incoming State Fire Marshal's incident management team (Delegations will be signed back over to the County at the end of the incident).
- Provide local support services per State Mobilization Plan.
- Attend incident in-briefing, planning and cooperators meetings, and exit briefing (may send delegate).
- Coordinate participation of non-emergency County resources (GIS, Public Works, etc.)
- Support EOC and Emergency Management
- Liaison with private fire service providers or other cooperators, if applicable.
- Work with command on issues related to mobilization, demobilization, etc.

Process to Request Resources

If an area of structurally unprotected land is threatened, and there is a significant structural threat, the Board of County Commissioners (or delegate) or the County Court (or delegate) should discuss the need for state resources with the local Fire Defense Board Chief. If the Board of County Commissioners or County Court decides to request resources, the request should be made in conjunction with the Fire Defense Board Chief and OSFM's Regional Mobilization Coordinator.

Requests for resources should be made when a significant threat exists. Examples of those are:

- a) Life threatening situations (firefighter or public safety):
 - 1) Evacuations currently taking place
 - 2) Evacuations imminent
 - 3) Road, highway, or freeway closures

- b) Real property threatened. Consider:
 - 1) Number of structures, commercial and/or residences
 - 2) Number of subdivisions
 - 3) Population affected
 - 4) Historically significant cultural resources
 - 5) Natural resources, such as crops, grazing, timber, watershed
 - 6) Critical infrastructure, such as major power lines

The Fire Defense Board Chief should notify their Regional Mobilization Coordinator immediately to discuss the request. The Regional Mobilization Coordinator will assist the Board of County Commissioners or the County Court and County Fire Defense Board Chief through the request process.

Attachments:

Sample Delegation of Authority template



DELEGATION OF AUTHORITY

INCIDENT NAME

is assigned as the Incident Commander (IC) for the located within the legal jurisdiction of the following authority: . The IC will assume command of this incident at hours on

The IC is delegated full authority and responsibility for managing the activities listed below on these lands within the framework of law and the direction provided by the Oregon Office of State Fire Marshal and by the jurisdiction administrator or their designee.

The IC's primary responsibility is to organize and direct assigned resources for safe, efficient, and effective mitigation of this incident.

The IC is accountable to the State Fire Marshal and the jurisdiction administrator or their designee.

Specific direction for the is as follows:

1. Provide for the safety and welfare of all assigned personnel.
2. Establish unified command with other agencies who have – or have been granted – authority as it relates to this incident.
3. Maintain interagency cooperation with all agencies participating in mitigation of this incident.
4. Document damage to structures and improvements caused by the incident by producing maps and photographs of damage caused by incident.
5. Document damage caused by incident resources, which should include photographic documentation.
6. Provide for situation reports to the affected jurisdiction(s).
7. Provide timely and accurate public information utilizing appropriate means such as public meetings, social media, and community outreach.
8. Design and implement a method for the immediate transfer of information related to the need for revision of evacuation levels. This method should also include a process for the jurisdiction(s) to notify the team of possible threats to structures.

9. Provide a process for release of this delegation and transfer of command back to the appropriate authority.

The jurisdiction administrator or their designee will:

1. Attend Cooperators Meetings and Planning Meetings.
2. Provide jurisdiction mapping products.
3. Provide appropriate available in-briefing documentation.

Authority Having Jurisdiction:

_____	_____	_____
JURISDICTION ADMINISTRATOR NAME	TITLE	CELL

In the event that I am not immediately available, my designated representatives will be:

_____	_____	_____
1 ST DESIGNEE NAME	TITLE	CELL

_____	_____	_____
2 ND DESIGNEE NAME	TITLE	CELL

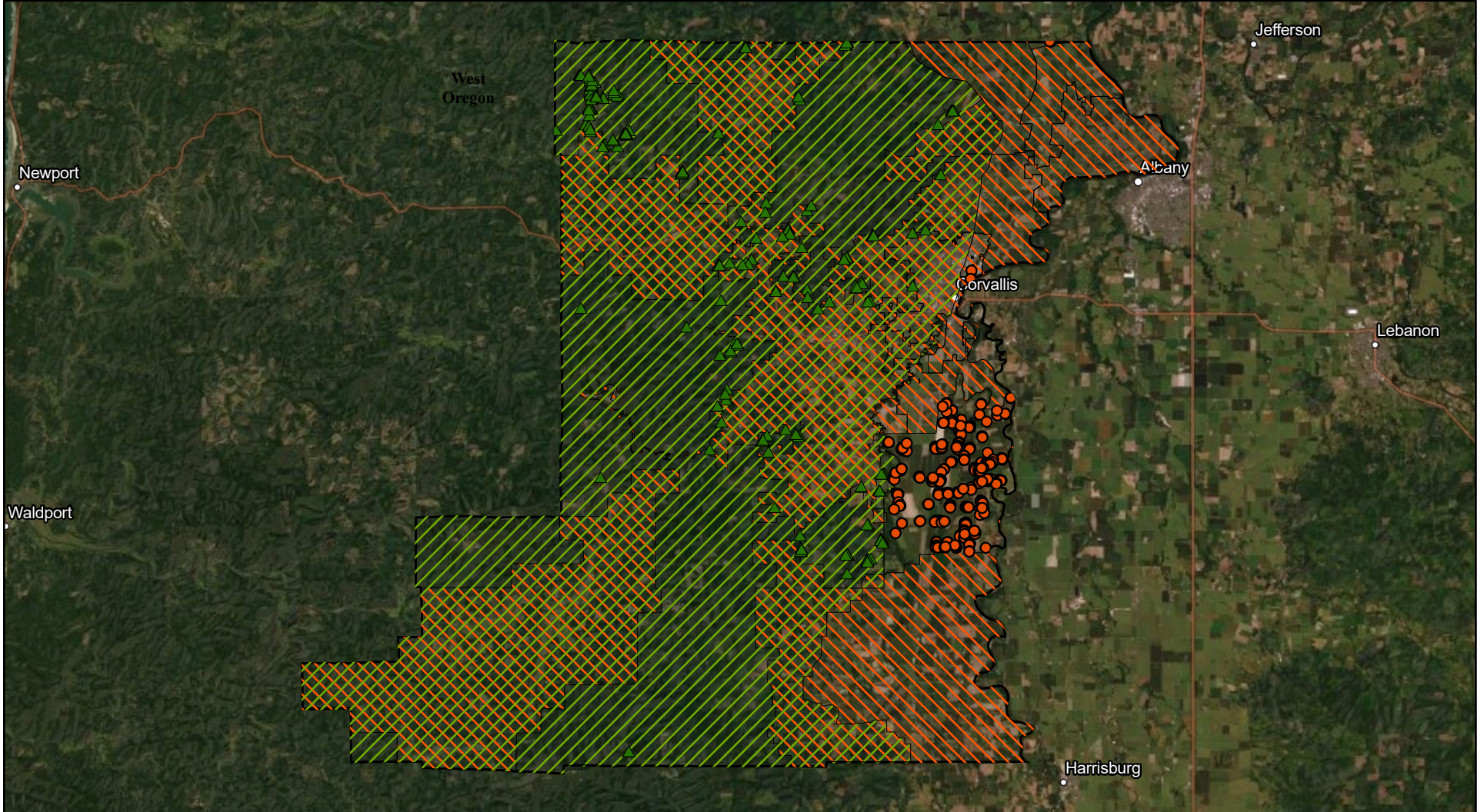
By my signature, I hereby delegate full authority and responsibility for providing incident management within the framework of law and the direction provided herein to the Oregon Office of State Fire Marshal (OSFM).

_____	_____
JURISDICTION ADMINISTRATOR NAME	SIGNATURE

By my signature, I hereby accept the delegated authority as described herein.

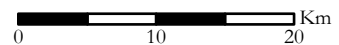
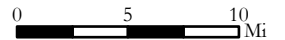
_____	_____
OSFM AGENCY ADMINISTRATOR NAME	SIGNATURE

_____	_____
INCIDENT COMMANDER NAME	SIGNATURE



- ODF Forest Protection Districts
- Structural Fire Districts
- Partial (ODF) Protected Buildings
- Unprotected Buildings

Benton County Unprotected Areas



CONSENT CALENDAR

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

**In the Matter of Appointment to the)
ENVIRONMENT and NATURAL) ORDER #D2023-047
RESOURCES ADVISORY COMMITTEE)**

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

IT APPEARING TO THE BOARD

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

<u>Name</u>	<u>Appointed & Position</u>
Kanchan Ojha	Appointed: 05/02/23 Begin: 01/01/22 Expires: 12/31/24 Position: 2

NOW, THEREFORE, IT IS HEREBY ORDERED that the above individual is hereby
appointed to the Environment and Natural Resources Advisory Committee.

Adopted this 2nd day of May, 2023.

Signed this 2nd day of May, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

Pat Malone, Chair

Xanthippe Augerot, Vice Chair

Nancy Wyse, Commissioner

Page 21 of 107
BENTON COUNTY
ENVIRONMENT and NATURAL RESOURCES ADVISORY COMMITTEE
(ENRAC)

<u>POSITION</u>	<u>NAME</u>	<u>TERM PERIOD</u>	<u>TERM SERVING</u>	<u>DATE APPOINTED</u>
1	Jessica Andrade	Begin: 01/01/22 Expire: 12/31/24	1st Term	12/22/20 12/21/21 reappt'd
2	Kanchan Ojha	Begin: 01/01/22 Expire: 12/31/24	Partial Term	05/02/23
3	Larry O'Keefe	Begin: 01/01/22 Expire: 12/31/24	Partial Term	12/22/22
4	Deb Merchant	Begin: 01/01/21 Expire: 12/31/22	Partial Term	12/22/20
5	Chris Andersen	Begin: 01/01/21 Expire: 12/31/22	Partial Term	07/19/22
6	VACANT	Begin: 01/01/21 Expire: 12/31/22	Partial Term	12/22/20
7	VACANT	Begin: 01/01/21 Expire: 12/31/23	1st Term	12/22/20
8	Jason Schindler	Begin: 01/01/21 Expire: 12/31/23	1st Term	12/22/20
9	VACANT	Begin: 01/01/21 Expire: 12/31/23	1st Term	12/22/20

STAFF: Contact: Sean McGuire, 541-766-0152

RECORDER:

TERMS: 3 years; January 1 – December 31

MEMBERS: 9 members, Benton County residents

MEETS: Meets 2nd Wednesday of each month, 4:00 – 5:30 p.m.

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

**In the Matter of Appointment to the)
ENVIRONMENT and NATURAL) ORDER #D2023-047
RESOURCES ADVISORY COMMITTEE)**

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

IT APPEARING TO THE BOARD

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

<u>Name</u>	<u>Appointed & Position</u>
Kanchan Ojha	Appointed: 05/02/23 Begin: 01/01/22 Expires: 12/31/24 Position: 2

NOW, THEREFORE, IT IS HEREBY ORDERED that the above individual is hereby
appointed to the Environment and Natural Resources Advisory Committee.

Adopted this 2nd day of May, 2023.

Signed this 2nd day of May, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

DocuSigned by:
Pat Malone
05006320C1A2400...
Pat Malone, Chair

DocuSigned by:
Xanthippe Augerot
829B24BF3C13426...
Xanthippe Augerot, Vice Chair

DocuSigned by:
Nancy Wyse
85593F1E843F4FD...
Nancy Wyse, Commissioner

**BENTON COUNTY
ENVIRONMENT and NATURAL RESOURCES ADVISORY COMMITTEE
(ENRAC)**

<u>POSITION</u>	<u>NAME</u>	<u>TERM PERIOD</u>	<u>TERM SERVING</u>	<u>DATE APPOINTED</u>
1	Jessica Andrade	Begin: 01/01/22 Expire: 12/31/24	1st Term	12/22/20 12/21/21 reappt'd
2	Kanchan Ojha	Begin: 01/01/22 Expire: 12/31/24	Partial Term	05/02/23
3	Larry O'Keefe	Begin: 01/01/22 Expire: 12/31/24	Partial Term	12/22/22
4	Deb Merchant	Begin: 01/01/21 Expire: 12/31/22	Partial Term	12/22/20
5	Chris Andersen	Begin: 01/01/21 Expire: 12/31/22	Partial Term	07/19/22
6	VACANT	Begin: 01/01/21 Expire: 12/31/22	Partial Term	12/22/20
7	VACANT	Begin: 01/01/21 Expire: 12/31/23	1st Term	12/22/20
8	Jason Schindler	Begin: 01/01/21 Expire: 12/31/23	1st Term	12/22/20
9	VACANT	Begin: 01/01/21 Expire: 12/31/23	1st Term	12/22/20

STAFF: Contact: Sean McGuire, 541-766-0152

RECORDER:

TERMS: 3 years; January 1 – December 31

MEMBERS: 9 members, Benton County residents

MEETS: Meets 2nd Wednesday of each month, 4:00 – 5:30 p.m.

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

**In the Matter of Appointment to the) ORDER #D2023-048
FOOD SERVICE ADVISORY COMMITTEE)**

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

IT APPEARING TO THE BOARD

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

<u>Name</u>	<u>Appointed, Term & Position</u>
Jacob Oliver	Appointed: 05/02/23 Begin: 07/01/23 Expires: 06/30/26 Position: 6

NOW, THEREFORE, IT IS HEREBY ORDERED that the above individual is hereby
appointed to the Food Service Advisory Committee.

Adopted this 2nd day of May, 2023.

Signed this 2nd day of May, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

Pat Malone, Chair

Xanthippe Augerot, Vice Chair

Nancy Wyse, Commissioner

**BENTON COUNTY
FOOD SERVICE ADVISORY COMMITTEE
(FSAC)**

<u>POSITION</u>	<u>NAME</u>	<u>TERM PERIOD</u>	<u>TERM SERVING</u>	<u>DATE APPOINTED</u>
1 Food Service Industry	Eric Howitt	Begin: 07/01/21 Expire: 06/30/24	Partial Term	12/20/22
2 General Public	John McEvoy	Begin: 07/01/21 Expire: 06/30/24	1 st Term	10/20/20 07/06/21
3 Food Service Industry	Morgan Orr	Begin: 07/01/22 Expire: 06/30/25	Partial Term	04/18/23
4 General Public	Chelsey Baldwin	Begin: 07/01/22 Expire: 06/30/25	1 st Term	06/15/21 07/05/22 reappt'd
5 Food Service Industry	Carol Lee Woodstock	Begin: 07/01/20 Expire: 06/30/23	2 nd Term	07/18/17 08/04/20 reappt'd
6 Food Service Industry	Jacob Oliver	Begin: 07/01/23 Expire: 06/30/26	1 st Term	05/02/23
7 Food Service Industry	VACANT	Begin: 07/01/17 Expire: 06/30/20	2 nd Term	03/19/13 07/15/14 reappt'd 07/18/17 reappt'd

STAFF: Deputy Administrator of Environmental Health, 541-766-6842

RECORDER: Paula Felipe, Environmental Health, 541-766-6766

MEMBERS: 5 members from food service industry
2 members from general public

TERM LIMIT: 3 years, no span designated; July 1 – June 30

MEETINGS: Meets quarterly on the second Monday of the second month of the quarter, 2:00 pm – 4:00 pm;
Benton County Kalapuya Building

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

**In the Matter of Appointment to the) ORDER #D2023-048
FOOD SERVICE ADVISORY COMMITTEE)**

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

IT APPEARING TO THE BOARD

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


<u>Name</u>	<u>Appointed, Term & Position</u>
Jacob Oliver	Appointed: 05/02/23 Begin: 07/01/23 Expires: 06/30/26 Position: 6

NOW, THEREFORE, IT IS HEREBY ORDERED that the above individual is hereby
appointed to the Food Service Advisory Committee.


Adopted this 2nd day of May, 2023.

Signed this 2nd day of May, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

DocuSigned by:


05666320C1A2400...
 Pat Malone, Chair

DocuSigned by:


829B24BF3C13426...
 Xanthippe Augerot, Vice Chair

DocuSigned by:


85593F1E843F4FD...
 Nancy Wyse, Commissioner

**BENTON COUNTY
FOOD SERVICE ADVISORY COMMITTEE
(FSAC)**

<u>POSITION</u>	<u>NAME</u>	<u>TERM PERIOD</u>	<u>TERM SERVING</u>	<u>DATE APPOINTED</u>
1 Food Service Industry	Eric Howitt	Begin: 07/01/21 Expire: 06/30/24	Partial Term	12/20/22
2 General Public	John McEvoy	Begin: 07/01/21 Expire: 06/30/24	1 st Term	10/20/20 07/06/21
3 Food Service Industry	Morgan Orr	Begin: 07/01/22 Expire: 06/30/25	Partial Term	04/18/23
4 General Public	Chelsey Baldwin	Begin: 07/01/22 Expire: 06/30/25	1 st Term	06/15/21 07/05/22 reappt'd
5 Food Service Industry	Carol Lee Woodstock	Begin: 07/01/20 Expire: 06/30/23	2 nd Term	07/18/17 08/04/20 reappt'd
6 Food Service Industry	Jacob Oliver	Begin: 07/01/23 Expire: 06/30/26	1 st Term	05/02/23
7 Food Service Industry	VACANT	Begin: 07/01/17 Expire: 06/30/20	2 nd Term	03/19/13 07/15/14 reappt'd 07/18/17 reappt'd

STAFF: Deputy Administrator of Environmental Health, 541-766-6842

RECORDER: Paula Felipe, Environmental Health, 541-766-6766

MEMBERS: 5 members from food service industry
2 members from general public

TERM LIMIT: 3 years, no span designated; July 1 – June 30

MEETINGS: Meets quarterly on the second Monday of the second month of the quarter, 2:00 pm – 4:00 pm;
Benton County Kalapuya Building

Page 24 of 107
MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Tuesday, April 25, 2023

Zoom link:

<https://us06web.zoom.us/j/88298354887?pwd=QVY2ajZmYmRsMkFPUUpMjVJaEtPd09;%C2%A0Meeting%C2%A0ID>

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

9:00 a.m.

Present: Pat Malone, Chair; Xanthippe Augerot, Commissioner; Nancy Wyse, Commissioner; Suzanne Hoffman, Interim County Administrator; Vance Cronney, County Counsel

Staff: Justin Carley, Dawn Dale, Don Rogers, Jef Van Arsdall, Sheriff's Office; Rick Crager, Finance; Cory Grogan, Public Information Officer; Amanda Makepeace, BOC staff; Erika Milo, BOC Recorder; Darren Nichols, Community Development; Sarah Siddiqui, Diversity, Equity, and Inclusion; Matt Wetherell, Juvenile

Guests: Alex Powers, Mid-Valley Media; Andy Sterling, Resident

1. Opening

1.1 Call to Order

Chair Malone called the meeting to order at 9:01 a.m.

1.2 Introductions

1.3 Announcements

There were no announcements.

2. Comments from the Public

No comment was offered.

3. Review and Approve Agenda

The following items were added to the agenda:

6.2 Update on County Administrator Search – Tracy Martineau, Human Resources

8.1 Benton County Response to April 23, 2023 Gazette-Times Editorial – Board of Commissioners

4. Consent Calendar

4.1 In the Matter of Appointment to the Linn-Benton Housing Authority, Order #D2023-043: Dan Rayfield

MOTION: Wyse moved to approve the Consent Calendar of April 25, 2023. Augerot seconded the motion, which **carried 3-0.**

5. New Business

5.1 Board of Commissioners Letter of Support for Justice Reinvestment Grant (JRG) Fiscal Year (FY) 2023-25 – Sheriff Jef Van Arsdall, Captain Justin Carley, Benton County Sheriff's Office

Van Arsdall explained this is the annual application for Community Corrections financing through the JRG. The Sheriff's Office also solicits support letters from the District Attorney, presiding judge, and Willamette Criminal Justice Council.

Augerot noted the proposal's increasing emphasis on pre-trial and asked what services will be funded.

Van Arsdall replied the funding will support a second pre-trial position.

Wyse requested that bold text in the letter be corrected to plain text.

MOTION: Wyse moved to approve the letter of support from the Benton County Board of Commissioners for the Preliminary Application from the Benton County Sheriff's Office for the Justice Reinvestment Grant Program for Fiscal Year 2023-25. Augerot seconded the motion, which **carried 3-0.**

5.2 Letter to Corvallis City Manager Mark Shepard Regarding the Justice System Improvement Program (JSIP) – *Benton County Commissioners*

Hoffman explained that on the second page of the letter under "JSIP projects underway and not bond dependent", the phrase "the Benton County Sheriff's Office, and others" should be added after "hosted by the Corvallis Police Department".

MOTION: Augerot moved to approve the letter to City Manager Mark Shepard with regard to Shepard's questions about the JSIP. Wyse seconded the motion, which **carried 3-0.**

6. Departmental Reports & Requests

6.1 Approval of Amendment 10 to Intergovernmental Agreement (IGA) #5264 between the State of Oregon, Linn County, and Benton County for Detention Unit Use at the Oak Creek Youth Correctional Facility – *Matt Wetherell, Juvenile Director*

Wetherell explained this is the annual contract for the facility where Benton County leases detention beds. In 1997, Linn and Benton Counties entered an agreement with the State to build the facility. Benton committed \$93,600 for the land and \$175,000 for road improvements. The agreement has had a few amendments, but expired in 2020 or 2021. Linn County Juvenile Department Director Torri Lynn has been attempting to enter negotiations for another contract, as the last extension expired in December 2022. In February 2023, Oregon Youth Authority stated the process needs to advance and sent this draft document. The Department of Justice attorneys want one person on the contract, but Lynn and Wetherell are uncomfortable with that, given the Counties' vested interest in the property and road improvement. Wetherell requested approval to enter that negotiation. Counsel will be involved. The document states that the contract is in place and all parties will honor it; then staff will meet with OYA to determine contract details. Linn County has signed the draft document.

Augerot noted the document did not contain budget information.

Wetherell replied that will be included in another contract for the bed rental, to be presented to the Board in July 2023. This agreement is for the facility as a whole. A contract should be in place before the current IGA expires in August 31, 2023.

Malone asked how many beds the County leases.

Wetherell replied the County leases four. Benton's average daily rate is about 2.6 occupied beds.

MOTION: Wyse moved to approve Amendment 10 to Intergovernmental Agreement #5624 for use of detention space within the Oak Creek Youth Correctional Facility by Linn and Benton Counties. Augerot seconded the motion, which **carried 3-0**.

6.2 Update on County Administrator Search – Tracy Martineau, Human Resources

Martineau reported that as of April 21, 2023, the County's recruiting firm had received five applications for the County Administrator position. May 22, 2023 is the first review deadline. Martineau and Heather Gantz, recruiter, will review and rank applications as those come in. Martineau to meet with Gantz on April 28, 2023.

Augerot expressed concern about losing candidates due to the long recruitment window.

Martineau noted that staff rely on the recruiter to build those relationships.

Wyse asked when the Board can review the applications.

Martineau should know on April 28. At the first review, Gantz will discuss candidates and recommendations. Grogan and others are sharing the job link on social media pages. Gantz will sort and screen applications and has the authority to reject candidates.

7. Information Sharing

7.1 Pat Malone, Chair

Malone attended a situational awareness training with good information. Malone suggested a follow-up training to apply that information to County buildings and working environment.

Malone and Wyse met with the Farm Bureau to discuss County business and the JSIP bond measure, which went well.

The department budget process for the next biennium is going fairly well. Malone congratulated Finance staff for standardizing presentation format so it is easier to compare departments.

7.2 Xanthippe Augerot, Commissioner

Augerot held a good listening session in the Community of Alsea with Lincoln County Commissioner Kaety Jacobson. About 25 community members attended. Augerot shared event notes with the Board via email. Attendees' biggest concerns involved roads and land use. Alsea is very challenged because most of its lands are zoned Exclusive Farm Use, not incorporated; there is no way to build additional housing, which makes hiring difficult for the school district and businesses. Attendees expressed satisfaction with how Community Development is evolving,

but great frustration with Community Development in general. Augerot shared the feedback with Nichols.

Malone asked about the new Alsea School Superintendent.

Augerot confirmed there is a new superintendent with great qualifications for this type of community. Augerot continues to be make presentations about JSIP and the bond measure.

7.3 Nancy Wyse, Commissioner

Wyse asked Augerot if the Community Services Consortium Executive Board Meeting involved all Board Members.

Augerot clarified that the Governing Board Meeting includes all members. The Executive Board requires one member each county, with Augerot representing Benton. However, it is important to have a backup Commissioner, and all Board members are welcome to attend the Executive Meetings.

Wyse and Augerot to attend the Jackson Street Youth Services event on April 25, 2023. Malone had a conflict.

7.4 Suzanne Hoffman, Interim County Administrator

No business was discussed.

Chair Malone recessed the Board Meeting at 9:31 a.m. and reconvened at 9:33 a.m.

Chair Malone recessed the Board Meeting at 9:34 a.m. and reconvened at 3:01 p.m.

8. Other

8.1 Benton County Response to April 23, 2023 *Gazette-Times* Editorial – Board of Commissioners

Present: Malone, Augerot, Wyse, Hoffman, Counsel

Staff: Van Arsdall, Grogan, Maura Kwiatkowski, BOC Recorder

Guests: Powers

Grogan explained that the County has concerns about the April 23, 2023 *Gazette-Times* (GT) editorial and wants to share feedback with GT staff. Grogan highlighted the desire for good partnerships with the media, especially local media.

Augerot felt very emotional upon reading the editorial, including the version that was posted and pulled. Augerot received some telephone calls and inquiries about the piece. Augerot was very disappointed by the editorial, having spent an hour with Powers, who wrote a brief, factual story about why Benton did not apply to be included in Governor Tina Kotek's Executive Order on Homelessness. The editorial information was cherry-picked and taken out of context to promote an agenda, and cast doubt on the Board's honesty and transparency. The Board's response should explain that Benton already has a structure and organization for work on homelessness, and does not need an emergency operations structure to do this work. Augerot felt this was a personal

attack on her credibility and values, and asked if she should reply individually, or if the Board should. Augerot also resented the editorial's link to the bond measure, which implied that the County could have used Kotek's funding for the Homeless Navigation Center. In fact, the Executive Order funding has conditions, and ongoing projects were not to be included, which is where County activities fall. The Board is committed to using every resource available to support homelessness services.

Grogan recommended that the Board respond with an "As I See It" editorial.

Malone concurred. The response should include work the County is currently doing, such as the Home, Opportunity, Planning & Equity (HOPE) effort and securing \$1 million from House Bill (HB) 4123. Benton is one of only eight local governments in Oregon to receive that funding. Malone disliked the editorial pitting one county against another with respect to a common problem. The editorial ignored that Benton collaborates regularly with Linn and Lincoln Counties. Characterizing this as a win/lose situation was inaccurate and not helpful. Malone would like to keep the response positive, discussing the Board's goals if the bond measure passes. The Board is working hard to be transparent and communicative.

Grogan concurred that the response should include examples and express appreciation for partnerships with Linn County.

Wyse agreed that the Board should respond. The response should be professional, factual, and to the point. Powers wrote a good quality story detailing the facts. Wyse had a hard time taking the editorial seriously because it was not factual or professional. However, it was not fair for the *GT* to call out Augerot; this was a unanimous decision by the Board. While there is a tendency to focus on what *GT* staff did wrong, Wyse asked if there was anything the County could have done differently. At the meeting where the decision was made, it might have been helpful for staff to explain the recommendation in person. Because Augerot collected the staff information, the public may have thought the recommendation only came from Augerot, whereas considerable staff work and collaboration was involved.

Augerot noted the decision was made in a very fluid environment, with information coming daily from the State. Linn County opted in at the request of one of its cities. Benton polled its cities, which did not express interest in participating.

Wyse commented the editorial was right that finding funding for this issue is difficult, but the Board has demonstrated that it takes the issue seriously and has invested a great deal of effort.

Hoffman noted that to meet the State's deadline for inclusion, Benton would have had to partner with an included county and rapidly agree to a large regional approach, which might not have worked best for this community. Benton already has a strategy via HB 4123. The Executive Order option was not as favorable, with no guarantee of funding.

Augerot added there is no funding above a share of the \$26.1 million for the Rural Oregon Continuum of Care, according to Pegge McGuire, Community Services Consortium. The main difference is receiving technical assistance from Oregon Emergency Management and Oregon Housing & Community services to put together a collaborative approach and emergency plan.

Grogan emphasized that the response needs to be concise and digestible for the public, objective and factual.

Augerot agreed with Malone to focus on the infrastructure that Benton is already developing with the HOPE Advisory Board and the City of Corvallis, and on collaborative work with community partners. The Board has raised and applied much additional funding, including Coronavirus Aid, Relief, and Economic Security Act funds, American Rescue Plan Act funds, and Project Turnkey 1.0 success. Benton has been awarded a Turnkey 2.0 project.

Wyse advised keeping the response as condensed and direct as possible. The Board unanimously made this decision; provide the reasons and explain that Benton County determined that joining the Executive Order would not be beneficial. Showcase work and partnerships to date and the vision moving forward. The Board has many accomplishments at this point.

Malone agreed the response should emphasize how the Board wants to build upon its positive accomplishments.

In the interest of timeliness, Augerot recommended that staff write a draft that the Board can review and comment on. Wyse and Malone concurred

Grogan to find out the deadline for “As I See It” submissions. Maximum word count is 600 words. The County can share a version of the response in other media beyond the *GT*.

The Board agreed with this approach.

Grogan asked if the Board and staff would like to meet with the *GT* editor, Powers, and the *GT* editorial board.

Augerot noted that in the past, quarterly BOC meetings with the editorial board and monthly meetings with the editor were productive and kept the *GT* apprised of County activities.

Grogan to coordinate.

Counsel asked whom the response would come from.

The Commissioners stated the response should be from the Board as a whole.

9. Adjournment

Chair Malone adjourned the meeting at 3:29 p.m.

Pat Malone, Chair

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/87596108272?pwd=bEhLOytYM3Z3M0NZWmhOMitFOkMldz09>

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

Tuesday, April 18, 2023

9:00 a.m.

Present: **Pat Malone**, Chair; **Xanthippe Augerot**, Commissioner; **Nancy Wyse**, Commissioner; **Vance Croney**, County Counsel; **Suzanne Hoffman**, Interim County Administrator

Staff: **Laurel Byer**, **Joe Mardis**, **Gary Stockhoff**, Public Works; **Rick Crager**, **Jane Sievers**, Finance; **Cory Grogan**, Public Information Officer; **April Holland**, **Damien Sands**, Health; **Amanda Makepeace**, BOC Staff; **Tracy Martineau**, Human Resources; **Erika Milo**, BOC Recorder; **Stephanie Rath**, District Attorney's Office; **Jef Van Arsdall**, Sheriff

Guests: **Andrew Brown**, **Mark Yeager**, residents; **John Harris**, Horsepower Productions; **Rachael Maddock-Hughes**, Sequoia Consulting; **Alex Powers**, Mid-Valley Media

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 added to the agenda:

9.1 Consideration of Budget Committee Member – Rick Crager, Financial Services

3. Comments from the Public

Mark Yeager, resident: Yeager stated that from December 2022 to February 2023, the Justice Systems Improvement Program (JSIP) estimated cost increased from \$179.3 million to \$195.8 million. The County has issued \$36.7 million of debt since 2002, of which \$17.6 million was issued since 2018. Now the County plans to issue \$36 million in new debt, in addition to the \$110 bond measure. All this debt was issued without a public vote. This does not include the Public Health and Safety Services Levy that will begin in July 2023. The County's lobbyists are asking the State Legislature for \$15.2 million for the tri-county homeless navigation center. Yeager stated that Benton County residents need to pay closer attention to obligations being made on their behalf.

4. Work Session

4.1 COVID-19 Update from Department Operations Center – April Holland, Health Services

Holland recommended adjusting the frequency of COVID-19 updates from bi-weekly to monthly through 2023, then considering a new schedule, possibly quarterly. Though COVID-19 remains a major disruption for many, the Federal health emergency ends May 11, 2023, and COVID-19 vaccines and treatments will move to mainstream distribution.

The Board affirmed the change to monthly COVID-19 updates.

Holland reported that COVID-19 hospitalizations continue to decline, with 162 statewide a few weeks ago. Reported cases continue to be low in Benton County and most of Oregon, though it is estimated that only about 5% cases are now reported. For the week of April 2, 2023, the County had 25 cases, a seven-day case rate of 26 per 100,000 residents, down from 47 cases at last report. New COVID-19 admissions were 2.2 per 100,000 residents, and 2.4% of staffed beds were in use by COVID-19 patients. The Benton County testing positivity rate declined from 10% to 5.2% during the same week. Most wastewater testing sites across the state are steady, plateaued, or decreasing; Corvallis' signals are unchanged. Analysis of statewide wastewater showed the effect of recent Omicron variant XBB1.5; however, the impact on hospitals has been mild and cases have since declined. Newer Omicron variants XBB1.9 and XBB1.1.16 are causing increases and hospitalizations in other countries. Variants are more transmissible than previous strains, but will likely have lower impacts due to increased immunity. Oregon Health Sciences University predicts a wave of cases beginning in May 2023 and peaking at the end of June 2023, with a maximum of 500 hospitalized, and low numbers of deaths. However, other sources predict smaller increases in hospitalizations. The bivalent booster is the best protection from severe outcomes. 33% of County residents have received the booster, a much higher rate than the rest of the state and nation. About 85% of residents aged 65 and older have received the booster. Today the Food & Drug Administration authorized an additional booster dose for people aged 65 and older or with immunocompromised conditions. This could be available as soon as next week. Masks are no longer required in healthcare settings statewide.

Malone asked if it was recommended that individuals over age 65 and more than four months since the last booster receive another dose.

Holland replied that opinions vary. An additional bivalent booster dose can help prevent infection and transmission, but it is not clear if this confers additional protection against death or hospitalization.

4.2 County Administrator Recruitment Update – Tracy Martineau, Human Resources

Martineau reported that the County Administrator recruitment announcement was launched yesterday, with a link available to share with contacts. Grogan is helping to promote the position. The position is open till filled, with a first review on May 22, 2023, at which time it can be decided whether to close the search.

5. Consent Calendar

5.1 In the Matter of a Retroactive Appointment to the Natural Areas and Parks Advisory Board, Order # D2023-040: Bryce Downey

5.2 In the Matter of Appointment to the Food Service Advisory Committee, Order #D2023-041: Morgan Orr

5.3 In the Matter of Approval of the April 4, 2023 Board Meeting Minutes

- 5.4 **In the Matter of Approval of the February 16, 2023 Goal Setting Work Session Minutes**
- 5.5 **In the Matter of Approval of the July 26, 2022 Board Meeting Minutes**
- 5.6 **In the Matter of Proclaiming April 2023 as National Child Abuse & Neglect Prevention Month**
- 5.7 **In the Matter of Proclaiming April 9 – 15, 2023 as Public Safety Telecommunicators (9-1-1 Operators) Week**
- 5.8 **In the Matter of Proclaiming April 30, 2023 as Therapy Animal Day**

MOTION: Wyse moved to approve the Consent Calendar of April 18, 2023. Augerot seconded the motion, which **carried 3-0.**

6. Proclamations

- 6.1 **In the Matter of Proclaiming April 23-29, 2023 as Crime Victims’ Rights Week – Stephanie Rath, Victim Services Manager, District Attorney’s Office**

Rath read the proclamation aloud. In 2022, the Benton County District Attorney’s Office Victims Assistance Program assisted 2,306 crime victims. The 2023 theme is “Survivor voices: elevate, engage, effect change.”

MOTION: Augerot moved to proclaim the week of April 23-29, 2023 as National Crime Victims’ Rights Week in Benton County, proclamation #P2023-001. Wyse seconded the motion, which **carried 3-0.**

7. New Business

- 7.1 **Initiation of Proceedings to Vacate Two Portions of Coon Road, No. 45800, Resolution #R2023-004 – Joe Mardis, Public Works**

Mardis explained that a field survey was done by the property owners, who want to make a subdivision plat west of the City of Monroe. The original 40-foot right-of-way (ROW) was an 1886 wagon road which still belongs to the County; most of the road is now east of the ROW. Instead of making road improvements, staff would like to dedicate the ROW around the physical road. This item is the initiation of the vacation of the property, because the owners need some of the ROW to meet the two-acre minimum for dividing the property. Mardis needs to get the vacation and dedication underway at the same time. Mardis told the owners and surveyor to put a blank on the survey and note the vacation there. The vacation will probably be done in June 2023. Engineering is reviewing the plat, Public Works is satisfied, and Mardis can record the vacation order any time, but might delay recording or signing.

Counsel noted a Public Hearing must be held for the actual vacation, and asked if that could be scheduled around the subdivision approval.

Mardis did not want to delay the owners, who are proceeding. Mardis could schedule the hearing and see where the owners are in the dedication. The owners have filed the subdivision

application, which was approved by the Planning Commission. The owner signatures on the map constitute an agreement with the County.

Counsel summarized that dedication and vacation are a means of correcting the road/ROW alignment; the County gives up a portion of the ROW outside of the existing roadway, and in exchange, through dedication on the subdivision plat, the County receives a designation on the actual roadway. The subdivision has been approved; initiating the process allows the applicants to finalize the lot sizes.

The Board deliberated on the timing of the Public Hearing, vacation, and final plat.

Mardis to work with Counsel and learn more about the owners' timeline.

MOTION: Pursuant to ORS 368.326 to 368.341, Augerot moved to declare Benton County's intent that proceedings be initiated to vacate two portions of Coon Road, County Road No. 45800 as described in the Resolution, with the intention that the County hold the Public Hearing at such time that County process be concurrent with the plat map being finalized for subdevelopment. Wyse seconded the motion, which **carried 3-0.**

Augerot commented this will probably happen more frequently because mapping tools are much more accurate than in the past, and more subdevelopment is taking place.

7.2 Discussion and Decision Regarding the Creation of New Positions at Behavioral Health for a Community-based Mobile Crisis Team – Damien Sands, Behavioral Health

Sands requested the creation of eight new positions for a Community-based Mobile Crisis Team.

Hoffman added that the Position Review Committee approved these positions as limited duration since they are part of the proposed budget for the next biennium.

Malone asked about the funding mechanism.

Sands replied that Oregon Health Authority (OHA) sped up the traditional funding process in order to stand up a new 24/7 mobile crisis response. Permanent positions are preferred in order to hire all positions on a quick turnaround; the employment pool is limited and in high demand. Funding will be provided through InterCommunity Health Network Coordinated Care Organization and OHA; both sources are ongoing and already contracted. There should be no cost to the County.

Crager assured the Board that the funding sources are sustainable.

Hoffman suggested that the County later consider a true position management system. The current approach helps assure due diligence before permanent positions are established outside of the biennial budget, but takes time; it would be useful to have a workaround for mandated services that already have funding.

MOTION: Augerot moved to approve the creation of the eight positions necessary to staff a Community Based Mobile Crisis Team as approved and defined by the Position Review Committee. Wyse seconded the motion, which **carried 3-0.**

Chair Malone recessed the meeting at 9:57 a.m. and reconvened at 10:02 a.m.

7.3 Discussion and Action Regarding Intergovernmental Agreement with Linn County: Housing Community Development Block Grant (CDBG) – Rick Crager, Financial Services; Rachael Maddock-Hughes, Sequoia Consulting

Crager explained that in summer 2022, the County received a \$485,000 grant from Business Oregon for housing assistance to low- or moderate-income residents. The grant was mainly issued through DevNW. It was a struggle to commit all the funds due to CDBG usage restrictions. Staff propose extending the funding area to Linn County; otherwise, it is unlikely that all funds will be used.

Maddock-Hughes added that the funds help pay utility bills and back rent/mortgage. DevNW expects to issue most of the funding in Benton County, except for about \$100,000. DevNW also has projects in Linn County. Business Oregon said this is an allowable use. This would require an Inter-Governmental Agreement (IGA) and amendment to contracts with DevNW.

Crager noted that the agreement would still prioritize Benton County.

Augerot supported this solution, but expressed frustration that DevNW staff have recently been less active locally and difficult to contact.

Responding to a question from Malone, Maddock-Hughes explained that funds must be expended by September 2023, although extension is possible. DevNW was confident this could be done if the area is extended to Linn.

Wyse asked what would happen to the remaining funds if the area is not extended.

Crager replied any remainder would revert to the Federal government, unless Business Oregon can find another provider or an extension is granted.

MOTION: Augerot moved to expand the Housing Community Development Block Grant to include Linn County while maintaining Benton County residents as the first priority for expenditure of funds. Wyse seconded the motion, which **carried 3-0.**

Crager noted this does not relate to County American Rescue Plan Act funds used in the same program, which are more flexible; Crager to follow up with DevNW to ensure those funds can be issued in Benton County.

8. Departmental Reports & Requests

8.1 Discussion and Decision Regarding the County Assessment and Function Funding Assistance (CAFFA) Grant Application for Fiscal Period 2023-2024 – Jane Sievers, Rick Crager, Financial Services

Sievers explained that the County is required to annually file a one-year budget for the Assessment and Taxation Program (ATP) with the Oregon Department of Revenue (DOR) by May 1, 2023. A portion of program expenses are reimbursed by DOR based on each county's pro rata share of all Oregon county taxation and assessment expenses. The DOR can enforce county funding for ATPs if resources allocated are inadequate to meet standards. The budget in the grant application is based on the 2023-24 fiscal period of the 2023-25 proposed budget. The amount is

\$3,270,040, which will generate about \$419,000 to cover about 13% of costs of the ATP. Staff recommend that the Board certify the amount to the DOR.

Augerot asked if this represents flat funding, in that the County's costs have increased but revenue from the State has not.

Sievers replied the amount distributed to counties only increases about 2%.

Crager added this is somewhat flat funding. There is some legislation attempting to ensure revenues generated can cover the cost.

Malone asked if there is statutory language on the portion the State is supposed to cover.

Crager to follow up. Crager suggested more discussion at the Assessment Budget Meeting.

MOTION: Augerot moved to approve the 2023-2024 CAFFA Grant Document, certifications, and resolution as presented and authorize the Chief Financial Officer to digitally sign the online documents on behalf of the Board of Commissioners and submit to the Oregon Department of Revenue. Wyse seconded the motion, which **carried 3-0.**

9. Other

9.1 Consideration of Budget Committee Member – *Rick Crager, Financial Services*

Crager explained that a community member of the Budget Committee unexpectedly resigned. Staff broadcast the opportunity and received four applications, of which three candidates were eligible and two were able to attend all the meetings.

Augerot thanked staff for running the process so quickly. Augerot strongly supported appointing candidate Liz Irish to ensure greater diversity of geographical perspectives.

Crager added this candidate would only fill the remainder of the term through December 31, 2023.

MOTION: Augerot moved to appoint Liz Irish to fill the remainder of the vacant Budget Committee position and to direct staff to prepare the Order for circulation. Wyse seconded the motion, which **carried 3-0.**

Crager to notify Irish, Counsel to work on the Order.

10. Executive Session

Chair Malone recessed the regular meeting at 10:30 a.m. and immediately opened Executive Session under ORS 192.660[2][h] and ORS 192.660[2][e].

Chair Malone exited Executive Session at 11:21 a.m. and immediately reconvened the regular Board Meeting.

11. Adjournment

Chair Malone adjourned the meeting at 11:21 a.m.

Pat Malone, Chair

Erika Milo, Recorder

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

PROCLAMATIONS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 05/02/23

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Public Works

Contact Name * Gary Stockhoff and Jennifer Ficek

Phone Extension * 6009

Meeting Attendee Name * Laurel Byer

Agenda Item Details



Item Title * Proclamation of National Public Works Week, May 21-27, 2023

- 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 * 5 min

Board/Committee Involvement * Yes No

Advertisement*

Yes

No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues*

May 21 – 27, 2023, is National Public Works Week. The theme for this year is "Connecting the World Through Public Works". This year's poster illustrates how public works connects us all through infrastructure and service, enhancing the quality of life for the communities these professionals serve.

The Department of Public Works asks the Board of Commissioners to declare the week via the attached Proclamation. Public Works will celebrate and thank our employees for their service to the community.

Options*

n/a

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](#).

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 efforts of Public Works make Benton County a Vibrant and Livable Community.

- 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* Public Works helps provide safe travel and transportation for the community.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations* Staff Recommends that the board accept this proclamation.

Meeting Motions* I move to ...
....proclaim May 21-27, 2023, as Public Works Week in Benton County.

Attachments, Comments, and Submission

Item Comments and Attachments

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.

050223 - Proclamation Public Works Week.pdf

96.62KB

Comments (optional)

If you have any questions, please call ext.6800

**Department
Approver**

GARY STOCKHOFF

1.

Department Approval

Comments

Signature

Gary Stockhoff

2.

County Administrator Approval

Comments

Signature

Suzanne Hoffman

3.

BOC Final Approval

Comments

Signature

Amara Makepeace

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

In the Matter of Proclaiming)
May 21 - 27, 2023 as) **PROCLAMATION NO. P2023-005**
“National Public Works Week”)
In Benton County)

Public works infrastructure, facilities, and services are of vital importance to sustainable communities and to the health, safety, and well-being of the people of the County; and

Such facilities and services could not be provided without the dedicated efforts of public works professionals who plan, build, operate, and maintain the transportation system, land records, water supply and sewage systems, motorpool, and public buildings and structures countywide; these professionals represent our local unit of government, and

It is in the public interest for citizens and civic leaders of this county to gain knowledge of and maintain a progressive interest in and understanding of public works and public works programs in the community; and

2023 marks the 63nd annual National Public Works Week sponsored by the American Public Works Association. The theme this year is “Connecting the World Through Public Works”.

NOW, THEREFORE, the Board of Commissioners proclaims May 21 - 27, 2023, as “PUBLIC WORKS WEEK” in Benton County and invites everyone to join with us and the American Public Works Association to learn more about the vital importance of public works, the dedication of public works employees and to celebrate their efforts.

Adopted this 2nd day of May, 2023.

Signed this 2nd day of May, 2023.

BOARD OF COMMISSIONERS

Pat Malone, Chair

Xanthippe Augerot, Vice Chair

Nancy Wyse, Commissioner

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

**In the Matter of Proclaiming)
May 21 - 27, 2023 as) PROCLAMATION NO. P2023-005
“National Public Works Week”)
In Benton County)**

Public works infrastructure, facilities, and services are of vital importance to sustainable communities and to the health, safety, and well-being of the people of the County; and

Such facilities and services could not be provided without the dedicated efforts of public works professionals who plan, build, operate, and maintain the transportation system, land records, water supply and sewage systems, motorpool, and public buildings and structures countywide; these professionals represent our local unit of government, and

It is in the public interest for citizens and civic leaders of this county to gain knowledge of and maintain a progressive interest in and understanding of public works and public works programs in the community; and

2023 marks the 63nd annual National Public Works Week sponsored by the American Public Works Association. The theme this year is “Connecting the World Through Public Works”.

NOW, THEREFORE, the Board of Commissioners proclaims May 21 - 27, 2023, as “PUBLIC WORKS WEEK” in Benton County and invites everyone to join with us and the American Public Works Association to learn more about the vital importance of public works, the dedication of public works employees and to celebrate their efforts.

Adopted this 2nd day of May, 2023.

Signed this 2nd day of May, 2023.

BOARD OF COMMISSIONERS

DocuSigned by:
Pat Malone

05666320C1A240...
Pat Malone, Chair

DocuSigned by:
Xanthippe Augerot

829F24BF3C13426...
Xanthippe Augerot, Vice Chair

DocuSigned by:
Nancy Wyse

85593F1E943E4FD...
Nancy Wyse, Commissioner



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

**In the Matter of Proclaiming May)
Community Action Month) Proclamation #P2023-006
in Benton County)**

Since 1964, Community Action has been a nationwide network of over 1,000 agencies serving 99% of America’s counties in rural, suburban, and urban communities. The network connects millions of individuals and families to approaches that help them succeed and promotes community-wide solutions to the intersectional challenge of poverty.

The vast range of services offered across all Community Action agencies provide life-changing supports that create pathways to prosperity, while simultaneously empowering and collaborating with the communities they serve to remove systematic barriers for disadvantaged communities. Community Action continues to implement innovative programs that create individual, family, and community resiliency, focusing on a broader range of community challenges to ignite economic growth and ensure all families can benefit, and will continue to be a voice for the disenfranchised.

For 43 years, Community Services Consortium (CSC) has been the designated Community Action agency serving Linn, Benton, and Lincoln Counties. CSC provides education from preschool to PhD, job training, housing and utility assistance, home energy conservation, food assistance, and more to an average of 75,000 community members each year via grants and donations that invest more than \$18 million into the tri-county service region. Additionally, CSC employs nearly 200 local community members and works closely with and supports hundreds of other local shelters, service providers, school districts and educational institutions, family-owned farms, small businesses, local government, and more.

THEREFORE, BE IT PROCLAIMED that May is Community Action Month in Benton County in recognition of the dedication of our local Community Action agency, Community Services Consortium, and all community members are encouraged to join in this observance.

Adopted this 2nd day of May, 2023.

Signed this 2nd day of May, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

Pat Malone, Chair

Xanthippe Augerot, Vice Chair

Nancy Wyse, Commissioner



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

**In the Matter of Proclaiming May)
Community Action Month) Proclamation #P2023-006
in Benton County)**

Since 1964, Community Action has been a nationwide network of over 1,000 agencies serving 99% of America’s counties in rural, suburban, and urban communities. The network connects millions of individuals and families to approaches that help them succeed and promotes community-wide solutions to the intersectional challenge of poverty.

The vast range of services offered across all Community Action agencies provide life-changing supports that create pathways to prosperity, while simultaneously empowering and collaborating with the communities they serve to remove systematic barriers for disadvantaged communities. Community Action continues to implement innovative programs that create individual, family, and community resiliency, focusing on a broader range of community challenges to ignite economic growth and ensure all families can benefit, and will continue to be a voice for the disenfranchised.

For 43 years, Community Services Consortium (CSC) has been the designated Community Action agency serving Linn, Benton, and Lincoln Counties. CSC provides education from preschool to PhD, job training, housing and utility assistance, home energy conservation, food assistance, and more to an average of 75,000 community members each year via grants and donations that invest more than \$18 million into the tri-county service region. Additionally, CSC employs nearly 200 local community members and works closely with and supports hundreds of other local shelters, service providers, school districts and educational institutions, family-owned farms, small businesses, local government, and more.

THEREFORE, BE IT PROCLAIMED that May is Community Action Month in Benton County in recognition of the dedication of our local Community Action agency, Community Services Consortium, and all community members are encouraged to join in this observance.

Adopted this 2nd day of May, 2023.

Signed this 2nd day of May, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

DocuSigned by:
Pat Malone
05666320C1A2400...
Pat Malone, Chair

DocuSigned by:
Xanthippe Augerot
829B24BF3C13426...
Xanthippe Augerot, Vice Chair

DocuSigned by:
Nancy Wyse
85593F1F843F4FD...
Nancy Wyse, Commissioner



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

In the Matter of Proclaiming May)
Mental Health Awareness Month) **Proclamation #P2023-007**
in Benton County)

During the month of May Benton County recognizes Mental Health Awareness to enhance public awareness of mental health and dispel the stigma surrounding it.

Millions of people face stigma related to mental health and may feel isolated and alone, going years before receiving any help; and raising awareness that with effective treatment, those individuals with mental health and other chronic health conditions can recover and lead full, productive lives.

Benton County is committed to create a community where everyone feels comfortable reaching out for the support they deserve, which is crucial to ending the stigma around mental health.

Residents should be able to access high quality prevention, support, rehabilitation, and treatment services that lead to recovery and a healthy lifestyle.

Recovery and wellness encompass the whole individual, including mind, body, spirit, and community.

The benefits of preventing and overcoming mental health challenges is significant and valuable to individual well-being, families, and our community at large.

We must encourage relatives, friends, co-workers, and providers to recognize the signs of a problem, and guide those in need to appropriate services and supports.

THEREFORE, BE IT PROCLAIMED that May is Mental Health Awareness Month in Benton County, and all community members are encouraged to join in this observance.

Adopted this 2nd day of May, 2023.

Signed this 2nd day of May, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

Pat Malone, Chair

Xanthippe Augerot, Vice Chair

Nancy Wyse, Commissioner



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

**In the Matter of Proclaiming May
Mental Health Awareness Month
in Benton County**)
) **Proclamation #P2023-007**
)

During the month of May Benton County recognizes Mental Health Awareness to enhance public awareness of mental health and dispel the stigma surrounding it.

Millions of people face stigma related to mental health and may feel isolated and alone, going years before receiving any help; and raising awareness that with effective treatment, those individuals with mental health and other chronic health conditions can recover and lead full, productive lives.

Benton County is committed to create a community where everyone feels comfortable reaching out for the support they deserve, which is crucial to ending the stigma around mental health.

Residents should be able to access high quality prevention, support, rehabilitation, and treatment services that lead to recovery and a healthy lifestyle.

Recovery and wellness encompass the whole individual, including mind, body, spirit, and community.

The benefits of preventing and overcoming mental health challenges is significant and valuable to individual well-being, families, and our community at large.

We must encourage relatives, friends, co-workers, and providers to recognize the signs of a problem, and guide those in need to appropriate services and supports.

THEREFORE, BE IT PROCLAIMED that May is Mental Health Awareness Month in Benton County, and all community members are encouraged to join in this observance.

Adopted this 2nd day of May, 2023.

Signed this 2nd day of May, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

DocuSigned by:
Pat Malone
05666320C1A2400...

Pat Malone, Chair

DocuSigned by:
Xanthippe Augerot
829B24BF3C13426...

Xanthippe Augerot, Vice Chair

DocuSigned by:
Nancy Wyse
85593F1F843F4FD...

Nancy Wyse, Commissioner



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

In the Matter of Proclaiming)
May 2023 as Historic Preservation) **Proclamation P2023-008**
Month in Benton County)

Heritage activities shape the social and cultural landscape of Benton County communities and heritage traditions bring people together in shared purpose and celebration.

Heritage programs like historic downtowns and certified local governments help institutions leverage financial and other resources that contribute to the betterment of public spaces, more effectively bring people together, and build knowledge and skills that reach beyond heritage alone.

Heritage organizations collect, preserve, transmit, and interpret Oregon’s rich history and culture and the landmarks, stories, and artifacts that help shape current and future generations’ sense of place and identity.

Heritage organizations and traditions bring people together in shared purpose and identity, serving as institutional and networking “glue” that binds communities together.

Benton County’s theme for Historic Preservation Month is "Windows into the Past, Views to the Future", which encourages our community to remember the past and incorporate the knowledge of our history into our mindset about the future.

THEREFORE, BE IT PROCLAIMED that May is Historic Preservation Month in Benton County, and all community members are encouraged to join together to celebrate this observance.

Adopted this 2nd day of May, 2023.

Signed this 2nd day of May, 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)
May 2023 as Historic Preservation) **Proclamation P2023-008**
Month in Benton County)

Heritage activities shape the social and cultural landscape of Benton County communities and heritage traditions bring people together in shared purpose and celebration.

Heritage programs like historic downtowns and certified local governments help institutions leverage financial and other resources that contribute to the betterment of public spaces, more effectively bring people together, and build knowledge and skills that reach beyond heritage alone.

Heritage organizations collect, preserve, transmit, and interpret Oregon’s rich history and culture and the landmarks, stories, and artifacts that help shape current and future generations’ sense of place and identity.

Heritage organizations and traditions bring people together in shared purpose and identity, serving as institutional and networking “glue” that binds communities together.

Benton County’s theme for Historic Preservation Month is "Windows into the Past, Views to the Future", which encourages our community to remember the past and incorporate the knowledge of our history into our mindset about the future.

THEREFORE, BE IT PROCLAIMED that May is Historic Preservation Month in Benton County, and all community members are encouraged to join together to celebrate this observance.

Adopted this 2nd day of May, 2023.

Signed this 2nd day of May, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

DocuSigned by:
Pat Malone

06666320C1A2480
Pat Malone, Chair

DocuSigned by:
Xanthippe Augerot

829B24BF3C13426
Xanthippe Augerot, Vice Chair

DocuSigned by:
Nancy Wyse

85593F1F843F4FD
Nancy Wyse, Commissioner

DEPARTMENTAL REPORTS AND REQUESTS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 05/02/23

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Community Development

Contact Name * Toby Lewis

Phone Extension * 6296

Meeting Attendee Name * Toby Lewis, Darren Nichols

Agenda Item Details



Item Title * Floodplain Program Updates

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 * 10 minutes

Board/Committee Involvement *
 Yes
 No

Advertisement*

Yes

No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

1. Luckiamute watershed flood hazard remapping project update; and
2. Request for the Board of Commissioners to support department request for technical assistance to map flood hazard revisions in the Alsea watershed.

Options *

1. Direct staff to proceed with request for technical assistance from the US Army Corps of Engineers for flood hazard map revisions in the Alsea watershed; or
2. Direct staff not to pursue technical assistance at this time for revisions to flood hazard mapping in the Alsea watershed; or
3. Any other direction the Board deems appropriate at this time.

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](#).

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 *

Flood hazard map revisions based on use of updated data for modeling flood risks improve the accuracy of identifying high risk areas. Identification and protection of flood hazard areas leads to:

- Increased accuracy of applying floodplain development regulations and, as a result, increase the safety of our communities [Vibrant, Livable Communities],
- Accurate identification of high flood risk areas which limits and discourages development in those areas and, therefore, informs the carrying capacity of rural land [High Quality Environment and Access], and
- Improved ability of communities and individuals to prepare for, respond to, and recover from flood events [Community Resilience].

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 ***

Updated flood hazard and flood risk information ensures:

- Improved safety for county residents by accurately mapping flood risks and ensuring additional construction standards are applied to structures in high risk areas [Community Safety],
- Improved awareness of and preparation for flood events as well as decreased recovery time needed after flood events and improved recovery capacity [Emergency Preparedness],
- Alignment with, and positive progress towards completion of, Priority Action Items Multi-Hazard #6, Flood #1, and Flood #2 of the Benton County Natural Hazard Mitigation Plan [see below for priority action item statements],
- Use of accurate flood hazard information to inform responsible development of county parks and natural areas [Outdoor Recreation],
- Support of a sustainable economy due to decreased recovery time after flood events [Prosperous Economy],
- Continued protection of the natural resources dependent on floodplain functions within mapped flood hazard areas [Environment and Natural Resources], and
- Accurate application of construction and elevation standards for dwellings in high risk areas resulting in decreased risk of damage and improved access to safe and stable housing during flood events [Housing and Growth]

Natural Hazard Mitigation Plan Priority Action Items

- Multi-Hazard #6: Continue to evaluate the impacts of climate change on the characteristics and frequency of natural hazards in Benton County.
- Flood #1: Coordinate with FEMA and state agencies to maintain and update Benton County Flood Insurance Rate Maps as necessary. Prioritize the determination of Base Flood Elevations (BFE) for all approximate Zone A areas.
- Flood #2: Take steps to participate, maintain, or improve Community Rating System (CRS) rating, as applicable.

Recommendations and Motions

Item Recommendations and Motions

Staff

Recommendations*

Staff recommends the Board direct Community Development staff to proceed with the proposed request for technical assistance from the US Army Corps of Engineers to support flood hazard map revisions in the Alsea watershed.

Meeting Motions*

I move to ...
...direct staff to sign and submit the attached letter requesting technical assistance from the US Army Corps of Engineers with flood hazard map revisions in the Alsea watershed.

Attachments, Comments, and Submission

Item Comments and Attachments

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.

Luckiamute Flood Hazard Revision_Building Summary.pdf	236.4KB
230502 ACOE Alsea River Watershed.pdf	691.7KB

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

Department Approver DARREN NICHOLS

1.

Department Approval

Comments

Signature

Darren Nichols

2.

Counsel Approval

Comments

Signature

Vance H. Cooney

2.

County Administrator Approval

Comments

Signature

Suzanne Hoffman

3.

BOC Final Approval

Comments

Signature

Amarda Makepeace



County Administrator

Office: (541) 766-6800

Fax: (541) 766-6893

4500 SW Research Way
Corvallis, OR 97333

co.benton.or.us

May 2, 2023

Department of the Army
U.S. Army Corps of Engineers, Portland District
ATTN: Paul Sclafani, Floodplain Manager
333 SW First Avenue
Portland, Oregon 97204

RE: Technical Assistance for Identification of Flood Hazard Mapping Needs for the Alsea River Watershed, Benton County, Oregon

Dear Mr. Sclafani:

On behalf of the Benton County Board of Commissioners, we respectfully request technical assistance from the U.S. Army Corps of Engineers Floodplain Management Services program to assess flood risks in the Alsea River watershed within Benton County.

Detailed floodplain mapping does not exist for the majority of this watershed, and modeling has not been completed for the area. The Alsea watershed is the only remaining area of Benton County not included in the Upper Willamette River and Luckiamute River flood hazard mapping projects. Additionally, preliminary Base Level Engineering data prepared by FEMA indicates the current mapped flood hazard for the Alsea watershed does not accurately reflect flood risk for this area.

Benton County is willing to serve as a non-Federal sponsor and will use the information provided to improve local management of floodplains within the Alsea River watershed. Please contact us at toby.lewis@bentoncountyor.gov or 541.766.6819 to discuss this request.

Sincerely,

Suzanne Hoffman
Interim County Administrator

Toby Lewis
Senior Floodplain Administrator
Community Development Department

SH/TL/mk

c: The Honorable Chair and Members, Benton County Board of Commissioners
Darren Nichols, Benton County Community Development Director

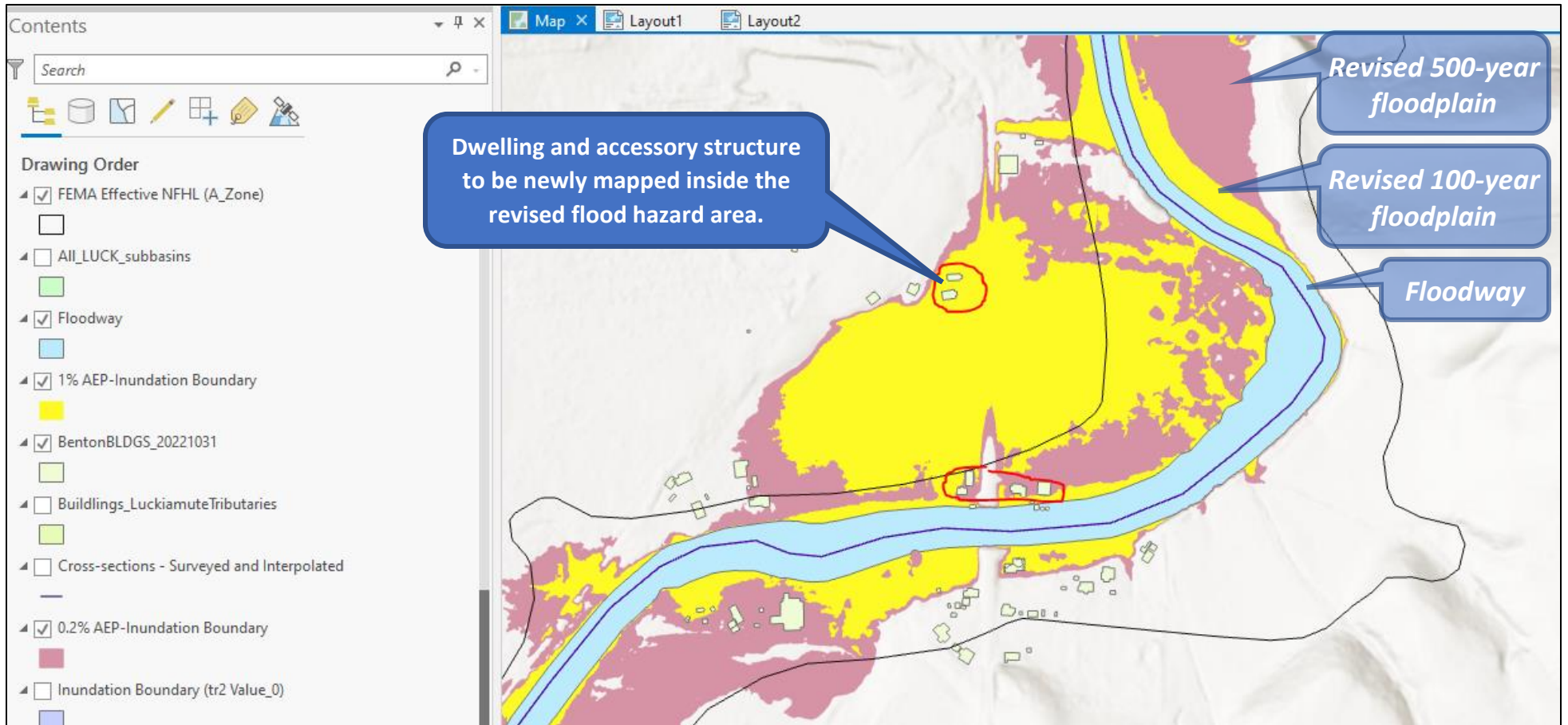
Summary of Structures Affected by Luckiamute River Flood Hazard Remapping Project

Luckiamute River	<u>Buildings in old Zone A</u>	<u>Buildings in new proposed BLE, Zone AE inside Benton Co.</u>		
	Inside Benton Co.	Inside Benton Co.		
	Buildings inside old Effective Zone A 170	Buildings inside new Zone AE 15	Buildings in both old and new 13	New buildings in Zone AE 2

Luckiamute Tributaries	<u>Buildings in old Zone A</u>	<u>Buildings in new proposed BLE, Zone AE inside Benton Co.</u>		
	Inside Benton Co.	Inside Benton Co.		
	Buildings inside old Effective Zone A 64	Buildings inside new Zone AE 4	Buildings in both old and new 4	New buildings in Zone AE 0

Main Luckiamute and Tributaries	<u>Buildings in current Effective Zone A</u>	<u>Buildings in new proposed BLE, Zone AE inside Benton Co.</u>		
	Inside Benton Co.	Inside Benton Co.		
	Buildings inside old Effective Zone A 234	Buildings inside new Zone AE 19	Buildings in both old and new 17	New buildings in Zone AE 2

Location of Two Structures Identified as Inside the Revised 100-Year Flood Hazard Area



BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 05/02/23

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Community Development

Contact Name * Toby Lewis

Phone Extension * 6296

Meeting Attendee Name * Toby Lewis (Benton County Community Development), John Graves (FEMA Region 10), Galeeb Kachra (FEMA Region 10)

Agenda Item Details



Item Title * Update on FEMA Draft Implementation Plan for National Flood Insurance Program (NFIP)-Endangered Species Act (ESA) Integration

- 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

Advertisement*

Yes

No

Item Issues and Description

Identified Salient Issues *

Request:

Board direction regarding comments on the Federal Emergency Management Agency (FEMA) Draft Implementation Plan for National Flood Insurance Program (NFIP)-Endangered Species Act (ESA) Integration

Issue:

The implementation of upcoming mandated regulations to ensure that development within Oregon's mapped flood hazard areas is compliant with ESA requirements for protection of listed species will have impacts on Benton County property owners.

The attached memorandum discusses staff's understanding the current project status and identifies potential anticipated impacts to consider regarding the effects of the upcoming regulations on development in Benton County.

Options *

1. Take no action; or
2. Express support for the comments to be prepared by Tillamook County and Association of Oregon Counties; or
3. Provide comments specific to Benton County concerns; or
4. Direct staff to pursue any other option the Board deems appropriate.

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.

Documentation of adopted regulations that ensure development in the floodplain is authorized consistent with Endangered Species Act regulations will be required after completion of FEMA's National Environmental Policy Act (NEPA) review process.

FEMA expects to begin a phased approach to working with communities on the documentation process sometime in 2025.

- Communities that have existing regulations that comply with the final requirements will be able to complete at documentation checklist.
- Communities that do not have existing regulations in place will be required to adopt them in order to continue participation in the National Flood Insurance Program.

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 * In addition to being required, implementing regulations to protect endangered species habitat helps ensure the health of the environment which protects and benefits aquatic species, improves vegetation and land health, and encourages healthy interactions between humans and the environment.

**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 ***

Improved riparian and floodplain habitat functionality provides environmental and natural resource benefits as well as maintaining natural areas for outdoor recreation and enjoyment.

Minimization of structural development within mapped flood hazard areas also leads to improved community safety and improved emergency preparedness.

Recommendations and Motions

Item Recommendations and Motions

Staff

Recommendations*

Staff recommends the Board review the materials, ask questions of County staff and FEMA guests, and then provide direction as appropriate to staff for next steps, including whether and how to provide feedback to FEMA on the proposed response to the biological opinion.

Meeting Motions*

I move to ...

. . . direct County staff to respond to the FEMA request for comments with [insert Board preference here - see attached memo for options].

Attachments, Comments, and Submission

Item Comments and Attachments

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.

2023-04-25_Memo_FEMA NFIP-ESA Compliance Update.pdf	240.4KB
ESA_fema_nfip-esa-scoping-meeting-r10_042023.pdf	4.56MB

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

Department Approver DARREN NICHOLS

1.

Department Approval

Comments

Signature

Darren Nichols

2.

Counsel Approval

Comments

Signature

Vance H. Cooney

2.

County Administrator Approval

Comments

Signature

Suzanne Hoffman

3.

BOC Final Approval

Comments

Signature

Amarda Makepeace



MEMORANDUM

DATE: April 25, 2023

TO: Benton County Board of Commissioners
 Suzanne Hoffman, Interim County Administrator

FROM: Toby Lewis, Senior Floodplain Administrator – Benton County Community Development

SUBJECT: FEMA Draft Implementation Plan for National Flood Insurance Program (NFIP)-Endangered Species Act (ESA) Integration

This item was last presented to the Board on April 4, 2023, with a staff recommendation to continue monitoring the Federal Emergency Management Agency (FEMA) Draft Implementation Plan and engage with FEMA, the Department of Land Conservation and Development (DLCD), and the National Marine Fisheries Service (NMFS) to provide constructive feedback at relevant points. Additional information received since that date has prompted a second update on this topic to request Board direction regarding the desired path for Benton County in response to FEMA's request for comments (due by May 5) on the Draft Implementation Plan.

Background

Identification of specific impacts at a local level that implementation of upcoming requirements to ensure ESA-compliant development in Oregon flood hazard areas have been difficult to identify due to several factors, including:

- The extended timeline from initiation to implementation which now spans 14 years, with a multi-year community implementation schedule estimated to begin in 2025.
- The complexities of creating new regulatory standards that both comply with Endangered Species Act requirements to limit or prohibit development in areas of significant habitat and work within Oregon's land use system to identify options for mitigation of impacts.
- The lack of specific language during the ongoing drafting phase that identifies what the requirements will be.
- The iterative cycle needed for development, review, and feedback regarding the viability of implementing the proposed regulatory standards at a variety of jurisdictional levels and across the varying geographic regions in Oregon.

As a result of a settlement agreement reached in 2010¹, FEMA began consultation with NMFS to develop a programmatic set of standards to ensure that individual floodplain development actions

¹ National Marine Fisheries Service. *Endangered Species Act (ESA) Section 7(a)(2) Jeopardy and Destruction or Adverse Modification of Critical Habitat Biological Opinion and Section 7(a)(2) "Not Likely to Adversely Affect" Determination for the Implementation of the National Flood Insurance Program in the State of Oregon.* (April 14, 2016) NMFS Consultation Number NWR-2011-3197.

authorized by local governments through their continued participation in the National Flood Insurance Program (NFIP) do not further jeopardize listed species or their critical habitat areas. The Draft Implementation Plan outlines standards that FEMA – in consultation with NMFS, DLCD, and ongoing community outreach efforts – has identified as the best approach for meeting the intent of “no net loss”² to three key habitat functions: flood storage, water quality, and riparian vegetation. The goal is to ensure no net loss of habitat functions through a three-step approach:

1. **Avoid** impacts to listed species habitat wherever possible by not developing.
2. **Limit and/or minimize** unavoidable impacts through specific construction, siting, and design standards that encourage or require low impact development methods.
3. **Mitigate** any remaining unavoidable impacts through restoration and conservation efforts such as stormwater management features or habitat enhancement projects.

Recently FEMA has hosted several in-person and virtual scoping meetings to discuss the Draft Implementation Plan, collect feedback and concerns from communities and members of the public, and provide answers to questions about the current project status. A copy of the slide deck presented during the scoping meetings is attached to the agenda checklist for reference.

Several Oregon communities have expressed concerns regarding the potential requirements identified in the Draft Implementation Plan and have identified items such as:

- Uncertainty around exact requirements to be implemented,
- Increased regulatory standards for some portions of the mapped flood hazard area,
- Impacts to residential development as well as agricultural and forestry practices,
- Inability to divide and/or build on some parcels,
- Cost of compliance with the proposed regulations when building or altering structures,
- Restrictions on impervious surface creation as well as on road and driveway construction,
- Potential effects on property values, and
- Consequences of non-compliance when the Implementation Plan becomes final.

On April 24, the Association of Oregon Counties hosted a meeting for local jurisdictions. Although scheduling conflicts prevented Benton County staff from attending, we have requested a recording of the presentation and key points, and we will continue to monitor the conversation as it progresses.

Local Impacts

The Draft Implementation Plan identifies objectives and measures for implementation to ensure protection of the three key habitat functions. A table identifying the objectives, measures, and an assessment of current Benton County requirements is attached.

Based on conversations during FEMA’s scoping meetings, it became clear that the proposed implementation measures, as currently drafted, could have significantly more impact to property development in Benton County’s flood hazard areas than was originally anticipated.

Riparian Overlay Buffer: The most significant impact anticipated is the implementation of a riparian overlay buffer on all waterways within a mapped flood hazard area. The boundary of the overlay buffer would be measured horizontally from the Ordinary High Water line and would extend for 170 feet or to the edge of the mapped flood hazard area, whichever is smaller. As proposed, development authorized within this overlay buffer could still be allowed but would require higher mitigation metrics than

² “No net loss” is identified as mitigation on-site, within the same reach, or in the same watershed with different mitigation ratios.

development outside of the overlay buffer area. Reduction of the 170-foot distance could be assessed in collaboration with FEMA but would require a biological assessment.

There are approximately 500 miles of waterways within Benton County's mapped flood hazard areas. Initial impact estimates indicate that application of the proposed overlay buffer would cause higher mitigation standards to be applied to approximately 1,300 structures, approximately 200 of which are dwellings.

Mitigation Metrics: Based on current understanding, all permitted activities for development in a mapped flood hazard area will require some form of mitigation and it is expected that the level of mitigation will vary depending on factors such as distance to a waterway and whether the work is for new development vs. redevelopment (i.e. replacement of a structure, expansion of a structure, conversion of impervious surface to a vegetated swale, etc.).

For the purposes of managing mapped flood hazard areas, as well as the proposed implementation of ESA-compliant regulations, the term “development” is defined as:

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials.³

According to the Draft Implementation Plan, ESA-compliant mitigation will not be required for:

- Maintenance, repair, or remodel of existing buildings, facilities, and utilities within their existing footprints (other than those that constitute substantial repairs and improvements);
- Resurfacing of roads;
- Lawn care, gardening, removal of noxious weeds, replacement of non-native vegetation with native vegetation, or removal of hazard trees;
- Forest and agricultural practices that do not involve filling, grading, or construction of levees or structures; and
- General agriculture and silviculture practices carried out in compliance with applicable permits and regulations, including removal of vegetation and normal soil disturbances associated with these practices.

One of the mitigation metrics identified is compensatory storage, measured by volume and area, to offset impacts to flood storage, water quality, and/or riparian vegetation caused by a development project. Notable considerations identified in the Draft Implementation Plan regarding establishment of mitigation metrics include:

- Compensatory mitigation for the loss of flood storage function is common in Oregon communities; however, it can be difficult to implement effectively. Effective mitigation must account for factors such as hydrological connection, proximity, elevation, and potential for loss of function of the mitigation site over time.
- Local compensatory mitigation requirements often only address offsets for fill that is added to the floodplain for elevation of structures. However, other types of development actions that displace or reduce flood storage capacity – such as the foundation of a new building, rip rap, or capping projects in the waterway – would also need to be mitigated.⁴

³ 44 CFR § 59.1 – Definitions

⁴ NMFS. *Biological Opinion*, 290

Recommended Actions

The issue is complex and multi-faceted. While staff has identified four potential options in the agenda checklist as responses to the current activity surrounding FEMA's request for comments to help inform the NEPA review process, it is difficult to identify a specific recommended path.

The balance between needs for protection of significant habitat and how/when to implement requirements to create those protective measures vs. impacts to development and property owner experiences is a fine line that requires careful thought and consideration. Further compounding this issue is the fact that the Draft Implementation Plan does not contain specific metrics for local jurisdictions to be able to respond to at this time; those will be developed at a later date.

FEMA's current request is for comments from local jurisdictions on expected impacts of the proposed ESA-compliant requirements; however, it is important to note that there will be additional feedback requests as the process continues. The next comment period will occur after the draft Environmental Impact Statement is released; this is estimated to occur sometime during late summer/fall 2023.

Regardless of the response chosen, the eventual roll-out of documenting and/or adopting ESA-compliant regulations will result in numerous, and likely passionate, conversations with property owners who care deeply about the effects of new regulations that impact how, where, and whether development is allowed to occur on their land.

The best advice staff has to offer is that specific and proactive public outreach will be a needed part of those conversations as development standards are drafted and considered.

Identified objectives and implementation measures for protection of key habitat functions

Objective	Measures for Implementation	Current Benton County Requirements
Where possible, avoid new development in areas of greatest flood risk and habitat value for listed species	Prohibition of new land divisions that create lots or parcels without buildable area <i>outside</i> of the SFHA	<i>This measure was implemented in 2011.</i>
	Avoidance measure(s) to steer new development ⁵ away from part or all of the SFHA	<i>This measure is partially implemented.</i> - <i>When available land exists on a property, new dwellings are required to be built outside of mapped flood hazard areas.</i> <i>Additional adjustments may be needed.</i>
Avoid flood-related erosion and protect habitat values of native vegetation in areas immediately surrounding waterways	Creation of a vegetated setback or corridor for all aquatic features with mapped SFHA	<i>This measure is partially implemented.</i> - <i>Benton County requires a 50-foot setback from waterways within a mapped flood hazard area.</i> <i>Expansion of this setback to 170 feet (with mitigation standard metrics) may be required.</i>
Limit and/or mitigate new development impacts to flood storage in the SFHA	Requirement to use structural elevation rather than fill in the floodplain, where possible, and to mitigate all development impacts to flood storage	<i>Although this measure is not currently implemented, Benton County does require elevation of some types of development on post or pier construction rather than crawlspace foundation.</i> <i>Additional adjustments may be needed.</i>
Limit and/or mitigate new development impacts to water quality in the SFHA through the addition of impervious surface	Implementation of binding stormwater policies and/or programs, including a. A quantitative post-construction stormwater performance standard, and b. Prioritization of low-impact development and nonstructural approaches to stormwater management	<i>The recent implementation of Benton County’s stormwater regulations for MS4 compliance should address most of this measure.</i> <i>Additional adjustments may be needed.</i>
Effectively offset any remaining new development impacts to the 3 floodplain functions	Effective compensatory mitigation of all remaining impacts	<i>This measure is not currently implemented.</i>

⁵ As stated in the Draft Implementation Plan: “This measure need not apply to redevelopment of previously developed parcels within the SFHA, where redevelopment has the potential to *decrease* negative impacts to natural floodplain functions over time. FEMA and its agency partners recognize that for parcels that are already highly impacted by past development, redevelopment consistent with modern code and design standards can actually reduce impacts to the three floodplain functions, compared to the existing level of impact. Any new impacts, for example an increase to total impervious area or removal of riparian vegetation, would still be subject to minimization and mitigation requirements.”

Modifications to the Implementation of the National Flood Insurance Program in Oregon

Scoping Meeting | March 2023

The purpose of this meeting is to inform and solicit feedback from Oregon residents on upcoming changes to the implementation of the National Flood Insurance Program in their state.



FEMA



Purpose of today's scoping meeting

1

Inform the public about the National Environmental Policy Act (NEPA) review for upcoming changes to implementation of the National Flood Insurance Program (NFIP) in Oregon

2

Describe the Environmental Impact Statement (EIS) process, including the Proposed Action, Purpose and Need, and Alternatives

3

Receive comments on the Proposed Action and Alternatives

Oregon Implementation Plan for NFIP-ESA Integration

FEMA's response and proposed implementation approach for the 2016 Biological Opinion on the National Flood Insurance Program in Oregon

DRAFT, October 2021



Congress created the NFIP via the National Flood Insurance Act (NFIA) of 1968, following historic devastating flooding

- The NFIP reduces future flood damage by requiring minimum floodplain management standards and provides protection for property owners against potential flood losses through insurance
- The purpose of the NFIP is to minimize the long-term risks to persons and property from the effects of flooding, and reduce the escalating costs of flood damages to taxpayers
- The NFIP is administered by the Federal Emergency Management Agency (FEMA)



FEMA

Today, flooding continues to be the single greatest source of damage from natural hazards in the United States

- The NFIP serves as the foundation for national efforts to reduce the loss of life and property from flood disasters, both through insurance and key “noninsurance activities” including mapping flood hazards, disseminating flood-risk information, and setting minimum floodplain management standards
- Implementation of the NFIP is estimated to save the nation roughly \$1.6 billion annually through avoided flood losses



NFIP from the National Flood Insurance Act (NFIA) of 1968

- Quid pro quo program
- FEMA makes flood insurance available if
 - Communities voluntarily agree to regulate development in the floodplains using the minimum floodplain management standards
- Over 22,500 communities participate (states, Tribes, cities, towns, counties)
- FEMA does not regulate local land use; the Constitution reserves that right for the states



FEMA

Federal Role

- Updated maps
- Establish development/ building standards
- Provide flood insurance coverage
- Oversee programmatic implementation of the NFIP including training, technical assistance, and enforcement

Community Role

- Establish higher regulatory standards (opt)
- Adopt/enforce local floodplain management ordinances
- Issue or deny development/building permits
- Development oversight



Overview of the Endangered Species Act (ESA)

Section 7(a)(1) of the ESA requires Federal agencies to use their authorities to carry out programs that protect and conserve endangered and threatened species and their habitats

Section 7(a)(2) of the ESA requires Federal agencies to ensure that any action they authorize, fund, or carry out is unlikely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of their habitat

The ESA is implemented by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS).



FEMA



Oregon ESA consultation history

Biological Opinion (BiOp)

- Document issued by the Services reviewing the proposed action
- NMFS has completed two BiOps in FEMA Region 10 regarding implementation of the NFIP (WA & OR)
- Both resulted in jeopardy determinations



Reasonable and Prudent Alternatives (RPA)

- Additional report issued with a BiOp when a jeopardy opinion is made
- Describes alternatives to implementing the proposed action that meet ESA compliance
- Each WA & OR BiOp included an RPA as guidance to FEMA on alternative methods for implementing the NFIP locally

Overview of 2016 NMFS NFIP jeopardy finding for Oregon

- In 2016, NMFS released a Biological Opinion (BiOp) on the NFIP’s effects on threatened or endangered species in Oregon’s watersheds (Action Area)
 - State of Oregon, two tribal nations, and 260 communities across 36 counties
- The BiOp tasked FEMA to modify **NFIP implementation in Oregon such that development actions in the floodplain result in “no net loss” to key habitat functions**
 - Flood storage
 - Water quality
 - Riparian vegetation
- 2019-2021, FEMA—with DLCDD and other stakeholders—developed the **2021 Oregon Implementation Plan for NFIP-ESA Integration**

“No Net Loss” means mitigate on-site, within the same reach, or in the same watershed with different mitigation ratios

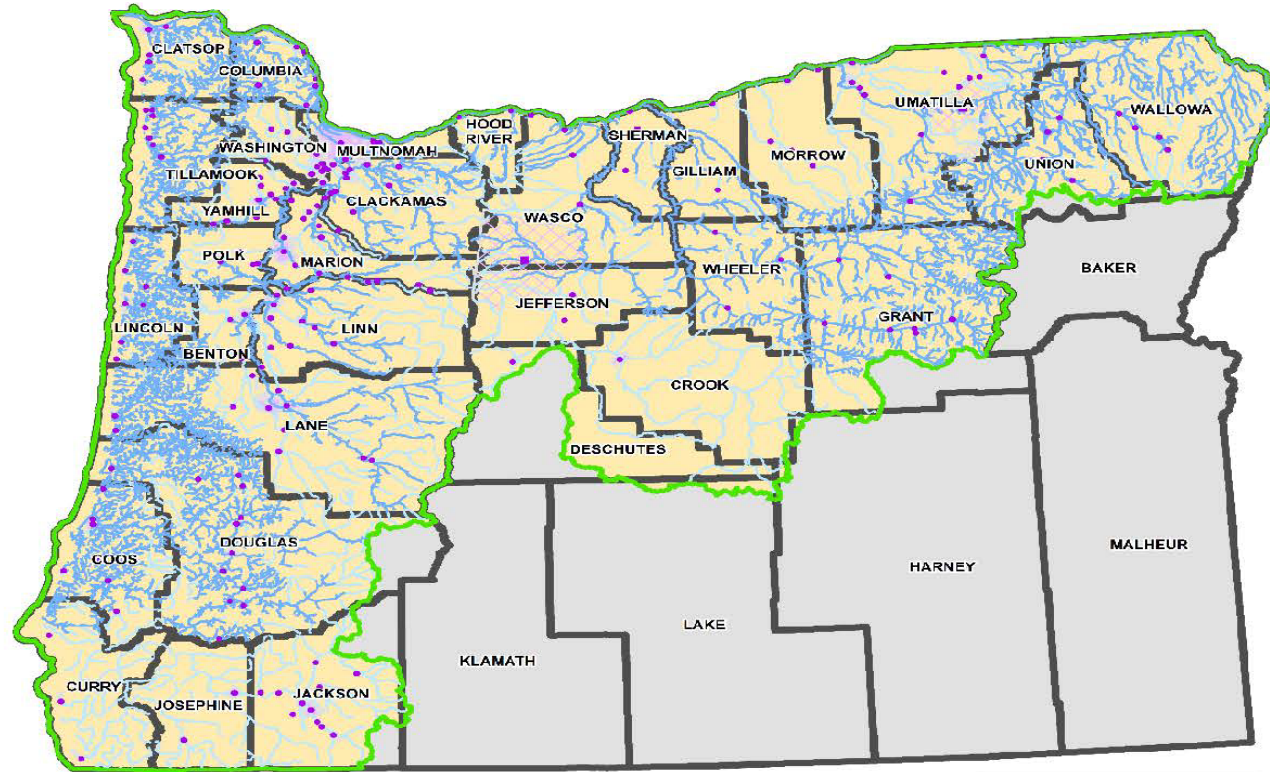


FEMA



Implementation (action) area

- Overlap: Six Salmon and Steelhead Recovery Domains
- NFIP current or future participating communities
- Mapped or future mapped Special Flood Hazard Area



1 in = 60 miles 1:3,801,600

OREGON NFIP BIOP ACTION AREA

2021.09.28

LEGEND

- OREGON NFIP ACTION AREA
- CRITICAL HABITATS (SALMON/STEELHEAD)*
- MAJOR STREAMS
- COUNTIES
- NFIP PARTICIPATING TRIBES
- NFIP PARTICIPATING COMMUNITIES

ABOUT

This map displays the Oregon NFIP BIOP Action Area where critical habitats for salmon and steelhead (and areas upstream of those habitats) are displayed in relation to NFIP participating tribes and jurisdictions. Most NFIP-participating communities within Oregon have all or a portion of land within the BIOP Action Area, with the exception of Baker, Harney, Klamath, Lake, and Malheur Counties.

*Critical Habitats are via NOAA Fisheries: <https://www.fisheries.ncaa.gov/resource/map/critical-habitat-salmon-and-steelhead-all-west-coast>



FEMA



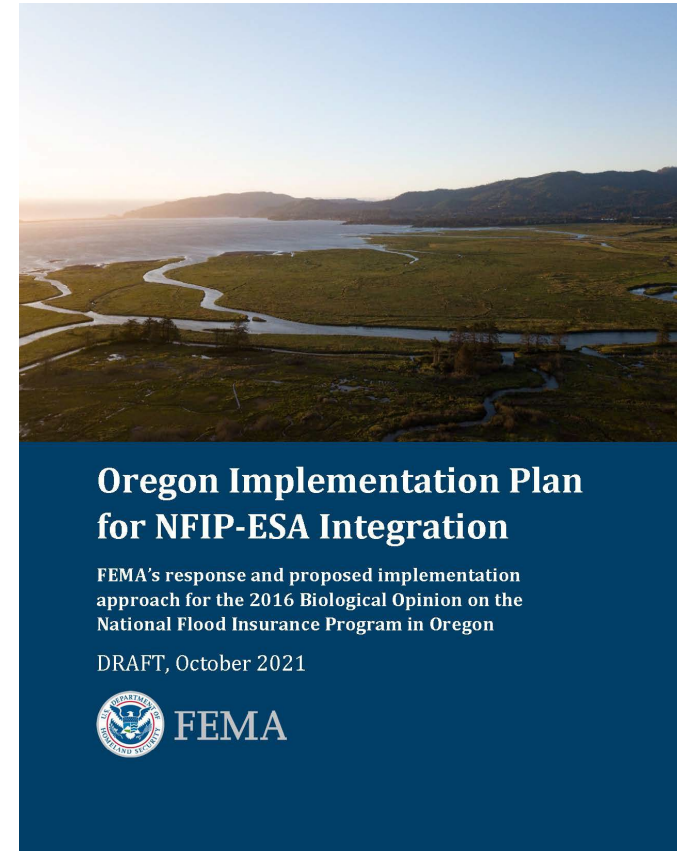
The Plan outlines the actions FEMA plans to take to ensure Oregon NFIP implementation is compliant with the ESA and 2016 BiOp...

FEMA's development of the Oregon Implementation Plan included stakeholder input throughout the process:

- Large stakeholder workshops
- Small discussion groups
- Briefings with state & federal agencies

Actions include changes to:

- Information provided to communities
- Mapping products
- Reporting requirements for participating communities



FEMA plans to analyze the Oregon Implementation Plan under NEPA via an EIS to evaluate its potential impacts



...as well as four paths communities can take to meet the “no net loss” standard

A

Adopt a **model ordinance** that contains the required elements

B

Complete and submit to FEMA an **ordinance checklist** to demonstrate that new and/or existing local policies address the required elements

C

Complete and implement an **approved community compliance plan**, developed by the local community and approved prior to implementation by FEMA (in coordination with NMFS) as meeting the “no net loss” goal at the community level (e.g., ESA 4(d) limit)

D

Complete and implement a **community-level habitat conservation plan**, as outlined in Section 10 of the ESA



FEMA



Oregon Implementation Plan timeline

Litigation to Planning

2009: Audubon Society et al. vs FEMA

2016: Jeopardy opinion, ESA BiOp RPA

2018: DRRRA extension (3 yrs)

2019 to 2021: Implementation Planning

Moving toward Implementation

Spring 2021: Draft approach & stakeholder input

Fall 2021: Final draft Implementation Plan & feedback

2022-2024: NEPA Review Process

Est. 2025+: Community Implementation



FEMA

Federal Emergency Management Agency



Overview of the National Environmental Policy Act (NEPA)

- Requires Federal agencies to evaluate potential environmental impacts as part of their planning and decision-making process
 - Prepare an Environmental Impact Statement (EIS) for actions that have the potential for significant effects on the natural, physical, or human environment
 - Effects include ecological, aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative
- FEMA is preparing an EIS for the Implementation Plan as impacts to communities will likely be significant

The National Environmental Policy Act of 1969, as amended

(Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, § 4(b), Sept. 13, 1982)

An Act to establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969."

Purpose

Sec. 2 [42 USC § 4321]. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

CONGRESSIONAL DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

Sec. 101 [42 USC § 4331].

(a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential



FEMA



Establishing 'Purpose and Need'

- 2016 BiOp establishes need for action:
 - *FEMA must implement the NFIP within the Action Area so as not to jeopardize ESA listed species and their critical habitats*
- Purpose of the proposed action:
 - Implement changes to Oregon NFIP administration that align closely to NMFS BiOp recommendations, designed to avoid jeopardy
 - Maintaining consistency with FEMA's existing NFIP statutory and regulatory authorities and the program's objectives



FEMA



Alternatives

- To align with the BiOp’s intent, FEMA developed the draft Implementation Plan outlining actions the agency could take in Oregon to ensure NFIP administration is consistent with the ESA
- The draft Oregon Implementation Plan actions are referred to as the “**Proposed Action**” FEMA plans to analyze in the EIS to determine its impacts
- FEMA will also consider **Alternatives** to the Proposed Action that could meet the Purpose and Need, as well as a “**No Action**” **alternative** to outline what would occur if no changes were made to the NFIP in Oregon
 - *No Action alternative is insufficient to meet the Purpose and Need but must be analyzed per NEPA regulations*



Alternatives

- In addition to the Proposed Action and “No Action” alternatives, the EIS will consider a range of reasonable alternatives for NFIP implementation in Oregon
- Each alternative analyzed will contain measures and actions (options) that allow communities to meet the no net loss standard

FEMA welcomes comments from the public and stakeholders on potential alternatives or options to consider in this process.



FEMA



FEMA is seeking input on information, studies, and analyses concerning impacts that may result from the Proposed Action or alternatives

Specifically, FEMA requests comments on:

1. Potential adverse or beneficial effects that the Proposed Action could have on **biological resources, including species and their habitats**
2. Potential adverse or beneficial effects that the Proposed Action could have on **physical resources and floodplain functions**
3. Potential adverse or beneficial effects that the Proposed Action could have on **socioeconomics**
4. Other **possible reasonable alternatives to the Proposed Action** that FEMA should consider to achieve the no net loss of floodplain function performance standard



All comments must be postmarked by
May 5, 2023

Providing comments

- Provide verbal comments during today's meeting or at a future scoping meeting
- Provide written comments via the Federal eRulemaking Portal at <https://www.regulations.gov>; search for FEMA-2023-0007 and follow the instructions for submitting comments
- FEMA will compile all comments received to analyze and scope the EIS analyses
- A summary of the scoping comments will be included in the Draft EIS
- Visit <https://www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration>



Next steps

Notice of Intent – Mar 2023



Scoping Process – Mar-May 2023

Draft EIS – Dec 2023

Public Comment on Draft EIS

Final EIS / ROD – Dec 2024

Finalize / Publish Plan – Jan – Mar 2025

Community implementation - Sep 2025






FEMA






Achieving no net loss requires mitigation for development

Under the draft Implementation Plan, any development actions that result in a “loss” to one or more of the BiOp’s key floodplain functions must either be mitigated for or avoided:







Floodplain Function	Examples of Potentially Harmful Development Activities
 Flood Storage	<i>Placement of fill</i>
 Water Quality	<i>Addition of impervious surface</i>
 Riparian Vegetation	<i>Removal of existing vegetation</i>

FEMA conducted preliminary analyses of the potential impacts of additional mitigation or avoidance to three ‘model’ Oregon Communities:

-  Urban
-  Suburban
-  Rural

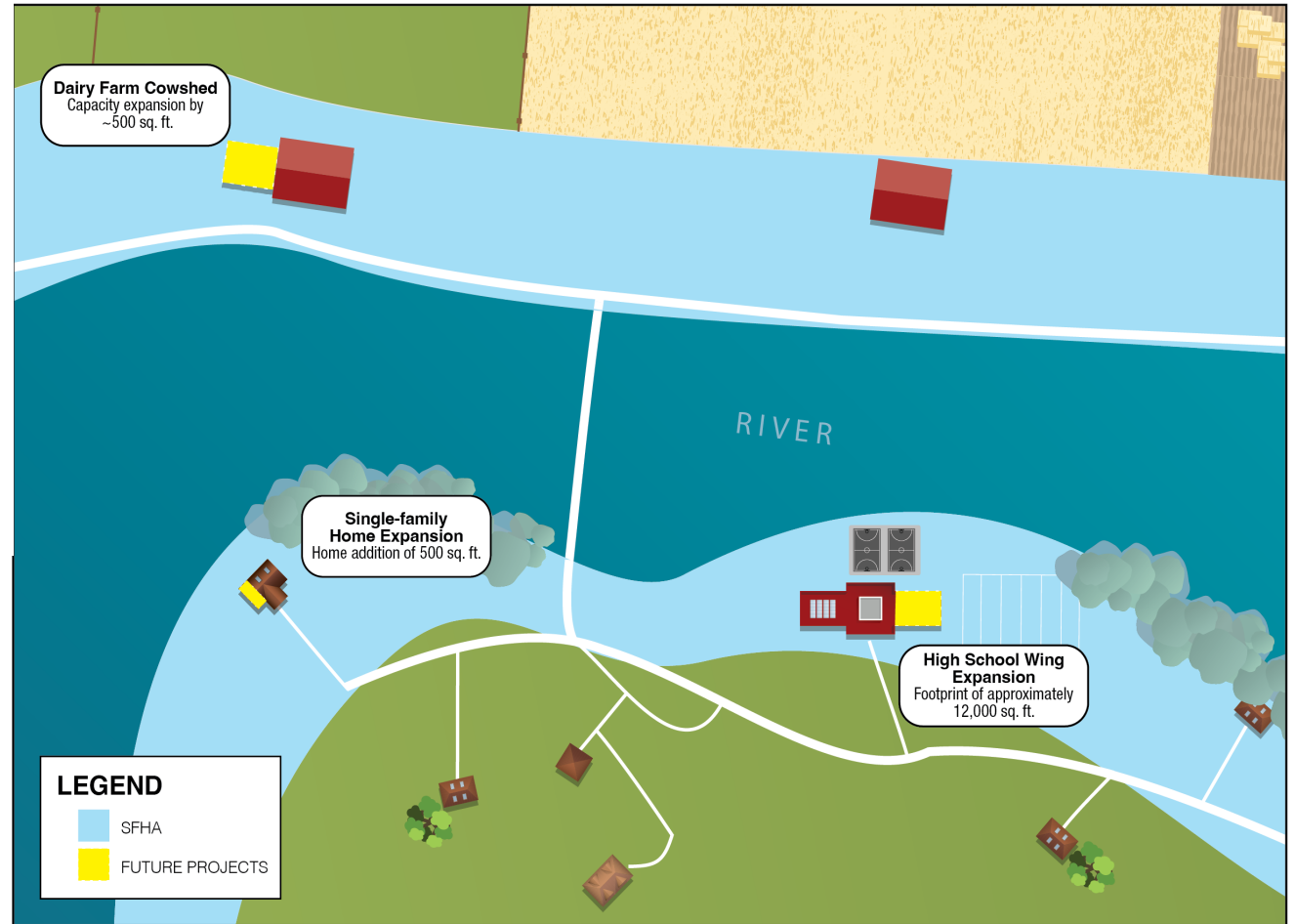
Sample model community analysis – rural community

COMMUNITY CHARACTERISTICS

-  Rural
-  Population: ~1,000
-  Area: 1000 acres
-  Average Income: \$49,000
-  Approximately 80% of the Developable SFHA not yet Developed
-  Moderate overlap between SFHA and established Urban Growth Areas

...consider development activities for:*

- Dairy farm cowshed expansion
- Single family home expansion
- High school wing expansion
- *Pave gravel trail*
- *Expand school parking lot*









FEMA

* Not Included: Normal ag & forestry practices; maintenance, repair, road resurfacing; lawn care, gardening, removal of hazard trees & noxious weeds



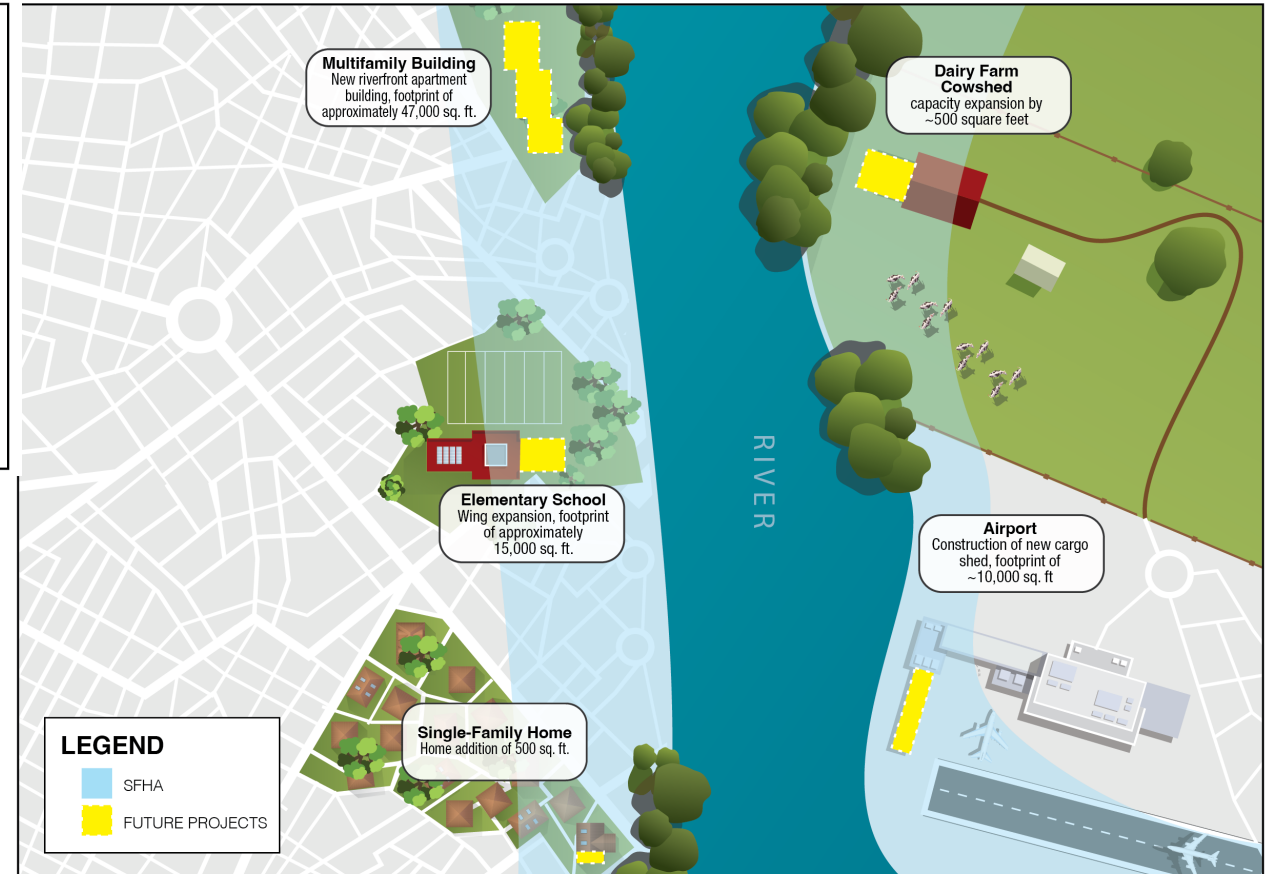
Sample model community analysis – urban community

COMMUNITY CHARACTERISTICS

-  Urban
-  Population: >90,000
-  Area: ~15,000 acres
-  Average Income: \$87,000
-  Approximately 30% of the Developable SFHA not yet Developed
-  Minimal overlap between SFHA and established Urban Growth Areas

...consider development activities for:*

- Dairy farm cowshed expansion
- Multi-family building expansion
- Elementary school wing expansion
- Single family home expansion
- Airport cargo shed construction






FEMA

* Not Included: Normal ag & forestry practices; maintenance, repair, road resurfacing; lawn care, gardening, removal of hazard trees & noxious weeds



Food for thought when considering what input to provide:

- How would the need to ensure no net loss of the three floodplain functions affect program administration?
- How might the Oregon Implementation Plan affect your community?
- Would some demographic groups be impacted more than others?
- Considering impacts on different stakeholders, what other impacts does FEMA need to consider?

Floodplain Function	<i>Examples of Potentially Harmful Development Activities</i>
 Flood Storage	<i>Placement of fill</i>
 Water Quality	<i>Addition of impervious surface</i>
 Riparian Vegetation	<i>Removal of existing vegetation</i>



FEMA

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 05/02/23

View [Agenda Tracker](#)

Suggested Placement * Work Session and Meeting

Department * Finance

Contact Name * Jenn Ambuehl

Phone Extension * 6257

Meeting Attendee Name * Jenn Ambuehl

Agenda Item Details

Item Title * Supplemental Budget 23111

- 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 * 10 minutes

Board/Committee Involvement * Yes No

Advertisement*

- Yes
 No

Names/Dates of
Publications

List each publication name and date

Intend to publish notice of public hearing no
less than 5 days prior to meeting in
newspaper of record

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

Two funds require amendment in the 2021-23 biennium.

Please see attached packet for list of actions

Options *

1. Approve as proposed
2. Modify and approve
3. Hold for further discussion
4. Do not approve

Fiscal Impact *

- Yes
 No

Fiscal Impact Description *

The total of the actions increase appropriations by \$232,901.

Please see attached packet for fiscal impact on each fund.

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.

ORS 294.100: It is unlawful for any public official to spend money in excess of the amounts provided by law, or for any different purpose.

ORS 294.338: It is unlawful to expend money unless authorized by Local Budget Law.

ORS 294.456(6): After the governing body has enacted the resolutions necessary to adopt the budget as required, an expenditure of public money may not be made for any purpose in an amount greater than the amount appropriated, except as provided in ORS 294.338 [exceptions to the budget process], 294.478 [emergency educational expenditures], 294.463 [appropriation transfers], 294.471 and 294.473 [supplemental budgets].

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* N/A

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 N/A
and Vision
Selection ***

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations* Financial Services staff recommends approval of Supplemental Budget 23111 as presented.

Work Session Motions* I move to ...
...forward this item to the May 16, 2023 board meeting for public hearing.

Meeting Motions* I move to ...
...adopt the resolution in the matter of Supplemental Budget 23111

Attachments, Comments, and Submission

Item Comments and Attachments

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.

Resolution Supplemental Budget - 23111.docx	19.68KB
Supplemental Budget Packet 23111.pdf	164.88KB

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

Department Approver RICHARD CRAGER

1.

Department Approval

Comments

Signature

Rick Crager

2.

Counsel Approval

Comments

Signature

Vance H. Cooney

2.

County Administrator Approval

Comments

Signature

Suzanne Hoffman

3.

BOC Final Approval

Comments

Signature

Amarda Makepeace

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

In the Matter of Supplemental)
Number 23111 Amending) **RESOLUTION R2023-007**
the 2021-23 Biennium Budget.)

The details of the supplemental budget actions summarized below have been examined by staff and the Benton County Board of Commissioners, and;

These actions require amendments to the current biennium budget due to unforeseeable events and changes in operating conditions, and;

Notice concerning these actions was provided as required by law and the Board of Commissioners have conducted a public hearing as required by law:

THEREFORE, BE IT RESOLVED, that Fund and Program appropriations of the 2021-23 biennial budget are adjusted as listed below:

In the General Fund (001):

Public Safety (15) Operations is increased \$32,091

Trust Fund (805):

Trust (45) Operations is increased \$200,000

Adopted this 2nd day of May, 2023.

Signed this 2nd day of May, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

Pat Malone, Chair

Xanthippe Augerot, Vice Chair

Nancy Wyse, Commissioner

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

In the Matter of Supplemental)
Number 23111 Amending) **RESOLUTION R2023-007**
the 2021-23 Biennium Budget.)

WHEREAS, the details of the supplemental budget actions summarized below have been examined by staff and the Benton County Board of Commissioners, and;

WHEREAS, these actions require amendments to the current biennium budget due to unforeseeable events and changes in operating conditions, and;

WHEREAS, notice concerning these actions was provided as required by law and the Board of Commissioners have conducted a public hearing as required by law:

THEREFORE, BE IT RESOLVED, that Fund and Program appropriations of the 2021-23 biennial budget are adjusted as listed below:

In the General Fund (001):

Public Safety (15) Operations is increased \$32,091

Trust Fund (805):

Trust (45) Operations is increased \$200,000

Adopted this 16th day of May, 2023.

Signed this 16th day of May, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

DocuSigned by:

Pat Malone

05666320C1A2400...

Pat Malone, Chair

DocuSigned by:

Xanthippe Augerot

829B24BF3C13426...

Xanthippe Augerot, Vice Chair

DocuSigned by:

Nancy Wyse

85593F1F843F4FD...

Nancy Wyse, Commissioner

General Fund:

- **Public Safety Operations** – increase \$32,091
 - Funding Source:
 - Federal Homeland Security Grant
 - Increase appropriations for:
 - EOC Position Specific Training

General Fund Summary

Operations – \$32,091

Trust Fund:

- **Trust Operations** – increase \$200,000
 - Funding source:
 - Logging revenue Beazell Memorial Forest
 - Increase appropriations for:
 - Repair of roads logging roads
 - Repair concrete floor Beazell Barn

Trust Fund Summary

Operations – \$200,000

Division	Account Code	Adopted Budget	Supplemental	Revised Budget
18 - Emergency Services				
Federal Homeland Security	001-18-15-385-482410-	96,520	32,091	128,611
Transfer Capital Grant/Contribution Category Totals		96,520	32,091	128,611
Resource Totals		96,520	32,091	128,611
Training & Education	001-18-15-385-608000-	103,720	32,091	135,811
Materials & Services Category Totals		103,720	32,091	135,811
Requirement Totals		103,720	32,091	135,811
Total Division 18 Resources		274,520	32,091	306,611
Total Division 18 Requirements		1,523,735	32,091	1,555,826

Comments:

Emergency Services division received funding for an EOC Position Specific Training to be completed Spring 2023. Increase revenue by grant award amount and materials & services category for cost of training.

805 Trust Fund				
Division	Account Code	Adopted Budget	Supplemental	Revised Budget
50 - Natural Areas Parks & Events				
Sales of services/supplies	805-50-45-770-431201-	77,000	200,000	277,000
Charges for Service Category Totals		77,000	200,000	277,000
Resource Totals		77,000	200,000	277,000
Materials & Supplies	805-50-45-770-601000-	18,000	50,000	68,000
Contracted Services	805-50-45-770-606000-	99,000	50,000	149,000
Materials & Services Category Totals		117,000	100,000	217,000
General Capital Outlay	805-50-45-770-780000-	-	100,000	100,000
Capital Outlay Category Totals		-	100,000	100,000
Requirement Totals		117,000	200,000	317,000
Total Division 50 Resources		368,000	200,000	568,000
Total Division 50 Requirements		368,000	200,000	568,000

Comments:

NAPE received higher than anticipated revenues due to the sale of logs. Increase Charges for Services by \$200k. Increase appropriation authority in Materials & Services and Capital Outlay for continued road work and repairs to concrete floors at Beazell Barn.

Windows Into the Past Views to the Future



HOME TOURS SCAVANGER HUNT SPECTRES PAST HISTORY MYSTERY GAME
WINDOW REPAIR WORKSHOPS WALKING TOURS BICYCLE RIDE CELEBRATIONS OPEN HOUSES



SOME OF MAY'S TOURS: CORVALLIS MASONIC TEMPLE TOUR, OSU WALKING TOUR, COLLEGE HILL WEST WALKING TOUR, HISTORIC ALBANY AIRPORT HANGER OPEN HOUSE



Join us for May 2023 Historic Preservation Month events
Full May Schedule Here: <https://www.co.benton.or.us/hrc/page/historic-preservation-month>

Brought to you by Your Local City & County Historic Resources Commissions & Dedicated Volunteers

- | | | |
|---|---|---|
| <p>May 1-31 Hidden History Scavenger Hunt (Albany)</p> <p>May 1 Corvallis Library Historic Preservation Display through the entire month.</p> <p>May 3, 4 p.m. Rayburn Addition Tour with guides Doug Eaton and Frank Crotti</p> <p>May 6, 10a.m.-2 p.m. An Introduction to Camp Adair's Four Infantry Divisions</p> <p>May 6, 10a.m.-4 p.m. Window Repair Workshop (Albany)</p> <p>May 6&7, 10a-2p Historic Albany Airport Hanger Open House</p> <p>May 8, 4 p.m. Avery-Helm Historic District Tour</p> <p>May 9 4-7 p.m. Owens Farm House Tour and Walk</p> <p>May 9 6-8 p.m. 1st Avenue History Walking Tour (Albany)</p> <p>May 10 6-8 p.m. 2nd Avenue History Walking Tour (Albany)</p> <p>May 13, 10 a.m. Albany Tweed Ride 2023 (Albany)</p> <p>May 13, 11:30 a.m. & 1p.m. Classes at Monteith House Living History (Albany)</p> | <p>May 13, 12-2 p.m. Cumberland Church 131st Birthday Celebration (Albany)</p> <p>May 13, Opens Letitia Carson Legacy Project Traveling Exhibit. Benton County Historical Society Corvallis</p> <p>May 14, 2-4 p.m. Mother's Day OSU Walking Tour</p> <p>May 15, 3 p.m. 1912 SE Young & Son Building Tour O (Natty Dresser) - Albany</p> <p>May 16, 2-3 p.m. Jobs Addition Neighborhood Walking Tour</p> <p>May 18, 10 a.m. Benton County Historic Courthouse Tour</p> <p>May 18, 2 p.m. Benton County Historic Courthouse Tour</p> <p>May 19, 2-4 p.m. Shawala & the Lost Town of Orleans</p> <p>May 20, 12-4 p.m. Fairmont Grange Hall #252 Open House</p> <p>May 20, 10 a.m.-2 p.m. Fort Hoskins Interpretive Celebration Day (Benton County Park)</p> <p>May 20, 12-2 p.m. Ribbon Cutting for the Cumberland Church Steeple</p> | <p>May 21, 10 a.m.-1 p.m. Independent School Open House</p> <p>May 21, 1-4 p.m. Green B. Smith/John Rickard Historic Home Open House</p> <p>May 21, 1-4 p.m. Willamette Grange Hall 100 Year Celebration Window Restoration</p> <p>May 23, 1 p.m. College Hill West Walking Tour</p> <p>May 24, 5:30-6:30 p.m. Corvallis Masonic Temple Tour</p> <p>May 25, 6-8 p.m. Historic Preservation Celebration & Awards</p> <p>May 26, 11 a.m. KOAC Radio Station Tour</p> <p>May 26, 1 p.m. KOAC Radio Station Tour</p> <p>May 26, 3 p.m. KOAC Radio Station Tour</p> <p>May 27, 5-7:30 p.m. Spectres of Benton County Past Grand Finale</p> <p>May 31, 3-5 p.m. Downtown Corvallis Walking Tour</p> |
|---|---|---|

Benton County Floodplains *At A Glance*

100-year floodplain

- ▶ Approximately 112,000 acres (total)
- ▶ 25% of Benton County
- ▶ 500 miles of waterway

170-foot Riparian Overlay Buffer

- ▶ 9% of floodplain
- ▶ Approximately 1,300 structures (total)
- ▶ Including 200 dwellings

170-foot Buffer by Land Use Type

Zone Type	# Parcels	# Acres	% Acres
Resource	3,263	33,926	90.2%
Rural Residential	378	701	1.9%
Urban Residential	198	528	1.4%
Commercial & Industrial	53	150	0.3%
Other	111	2,328	6.2%
<i>Totals</i>	<i>4,003</i>	<i>37,603</i>	