AGENDA

BENTON COUNTY BOARD OF COMMISSIONERS
Tuesday, April 18, 2017
Benton County Board of Commissioners
Board Meeting Room
205 NW 5th, Corvallis
(Chair May Alter the Agenda)

9:00 AM, Board Meeting Room

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

I. Opening:
   A. Introductions
   B. Announcements

II. 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.

III. Review and Approve Agenda

IV. Work Session
   4.1 Presentation on the Capacity of the Willamette-Wide Modeling Developed Under Willamette 2100 – Brian Fulfrost, Dr. Anne Nolin; Maria Wright
   4.2 Presentation on the Veterans’ Transportation Pilot Project – Phil Warnock, Oregon West Council of Governments

V. Consent Calendar (The Consent Calendar is approved with one motion)
   5.1 Appointment to the Ridgewood Road District: Jane Sievers
   5.2 In the Matter of a Resolution Initiating Proceedings to Vacate a Public Road Between Lot A5 and C15 on Subdivision Plat Anderson Colony Orchards – Joe Mardis, Public Works
   5.3 Minutes of the September 2, 2014 Work Session
   5.4 Minutes of the September 2, 2014 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.
V. Consent Calendar (continued)

5.5 Minutes of the October 7, 2014 Meeting
5.6 Minutes of the December 2, 2014 Work Session
5.7 Minutes of the December 2, 2014 Meeting
5.8 Minutes of the January 17, 2017 Work Session
5.9 Minutes of the January 17, 2017 Meeting
5.10 Minutes of the January 17, 2017 Special Meeting
5.11 Minutes of the February 21, 2017 Work Session
5.12 Minutes of the February 21, 2017 Meeting
5.13 Minutes of the March 7, 2017 Work Session
5.14 Minutes of the March 7, 2017 Meeting

VI. Proclamations

6.1 In the Matter of Proclaiming April 2017 as Historical Preservation Month – Kevin Young, Community Development

VII. Old Business

7.1 In the Matter of a Second Reading Regarding a Zone Change for 5800 and 5820 Hwy. 99W (Frenchay Investments & VP Real Estate Investment Services) – Kristin Anderson, Community Development

VIII. Departmental Reports and Requests

8.1 Discussion and Decision in Approving the 2017-18 County Assessment Function Funding Assistance (CAFFA) Funding Application – Pat Cochran, Budget Manager

IX. 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.”
Veterans’ Transportation Report

To: Benton County Board of Commissioners
From: Phil Warnock, CED Director - OCWCOG
Subject: Veterans’ Transportation Services Pilot Project – Final Report

Background:

ODOT, consistent with the recommendations of the 2008 Task Force on Veterans’ Services commissioned by Governor Kulongoski and the 2009 Veterans’ Transportation Task Force created by the Legislative Assembly, established a pilot program to help deliver coordinated rides to veterans.

In early 2013 ODOT asked Oregon Cascades West Council of Governments, through its non-emergent medical transportation brokerage RideLine, to serve as one of three pilot providers. The project, serving veterans in Benton County and Linn County, was intended to broaden the availability of transportation resources and coordination for veterans to access medical care. ODOT initially allocated $33,333 to each of the three pilot projects around the state with the project ending in June 2014.

The pilot project description indicated the project would:

- “Investigate and develop replicable transportation projects designed to transport veterans who do not have personal or other transportation options…”; and
- “Define the magnitude of the need and the future cost for an ongoing program.”

ODOT specifically indicated the pilot project was not intended to supplant any currently available transportation options for veterans. Given the relatively small amount of funding, the primary focus was to provide individuals with counseling on resources and assistance to veterans to identify existing transportation options they may have access to. Where appropriate, the funds could be used to transport a veteran to a medical appointment or to transport a veteran to connect to another service such as the DAV van or an intercity bus.

ODOT subsequently allocated an additional $33,333 for a total of $66,666 to each of the three pilots to extend the project and evaluation period, through ODOT amendments, to June 2016.

Since the state Special Transportation Fund (STF program) is the funding source the money must be directed to the local STF agency. In this case, funds were allocated to Linn County through an ODOT Intergovernmental Agreement. Then, in a similar manner
to other STF-funded programs, Linn County forwarded the funds for the pilot transportation project to OCWCOG through an Intergovernmental Agreement.

**Current Item:**

The attached final report was prepared by OCWCOG in August and reviewed by several people including the Veterans Services Officers (VSO) for Benton County and Linn County, ODOT and the County STF Coordinators.

A brief summary:

- The transportation needs of veterans turned out to be different (and generally less) than what many people expected. That is, indeed, an important finding from a pilot project.
- It is estimated that about 20% of the 5,700 veterans in Benton County access medical services at a Veterans Administration facility and about 27% of the 11,800 veterans in Linn County access medical services at a VA facility.
- 157 individual veterans, out of a total veteran population of 17,500 in Benton County and Linn County, received rides. Rides for 65 veterans were funded through this grant and rides for 92 veterans were funded through the RideLine medical brokerage program.
- 641 total rides were funded through this grant during the 30 month period; with an additional 3,741 rides funded through RideLine.
- Initially it was assumed that most of the rides would be provided to veterans that were wheelchair bound and unable to utilize the DAV shuttle service. However, only four veterans requested wheelchair transport (a total of 8 trips). Additional wheelchair trips were provided through the RideLine brokerage program. (IHNC CO and Oregon Health Plan Medicaid).
- The report indicates "many of the difficulties the veterans were having in securing transportation for their appointments seemed to stem from a lack of overall communication and knowledge of available resources...The counseling and referral aspect of the pilot was a key to impacting so many veterans with a relatively modest number (65) having rides paid for by the pilot project funds".
- As it stands, there are no set transportation options for veterans that reside in rural areas of Oregon.
- Overall, RideLine and other brokerages are very effective at coordinating rides but to serve veterans effectively requires further coordination on the insurance and medical provider side.
VETERANS TRANSPORTATION ASSISTANCE PROGRAM (VTAP)
FINAL REPORT

Non-Emergent Medical Transportation – Cascades West Ride Line Brokerage Pilot Program

This Veterans Transportation Assistance Program (VTAP) implements one of the recommendations included in the report published by the Legislative Task Force on Veterans Transportation, October 2010. This report recommends that Oregon Department of Veterans Affairs (ODVA) and the Oregon Department of Transportation (ODOT) Public Transit Division work together to develop a program that would be provided through medical transportation brokers.
The Veterans Transportation Assistance Program (VTAP) was intended to broaden the availability of transportation resources for Veterans as necessary to access medical care from U.S. Department of Veterans Affairs (VA) resources; it was not intended to supplant any available transportation options for individual Veterans, including access to a personal car, travel provided by family or friends, and other available options. This Program was not intended to provide financial assistance to acquire transportation services, although the services offered through this Program were free to the Veterans.

LEGISLATIVE BACKGROUND

In 2008, the Governor’s Task Force on Veterans Services recognized that there were gaps in transporting Veterans to and from their VA medical appointments, especially wheelchair bound Veterans and those that lived in remote and rural areas. Per the Task Force’s Final Report, submitted on October 1, 2010, a recommendation was made to establish a pilot project with an existing public transit ride scheduling system.

The most promising opportunity to accomplish this was to leverage the statewide medical transportation brokerage system. The Oregon Department of Transportation (ODOT) and the Oregon Department of Human Services (DHS) led the Governor’s Task Force and allocated $100,000 of Special Transportation Funds to establish a pilot program. The pilot was ultimately developed to include three separate demonstration areas throughout the State, each receiving one-third of the funds. The first round of funding was through June 2014. A second round of funding (additional $100,000) was made available to continue the pilots for better evaluation through June 2016.

The expected outcome of the pilot program was to show:

- that funneling the dispatching of transportation through the local brokerages will improve the efficiency of available services;
- improve access to transportation for Veterans;
- reduce overall cost of transportation by the Veterans Administration; and
- give additional assistance and access to Veterans for mobility management options, such as assistance on using public transportation or utilizing other transportation options.

Each of the three brokerages in the pilot, Cascades East Ride Center in Central Oregon; TransLink in Southern Oregon; and Cascades West Ride Line in the Willamette Valley, designed local implementation to meet the unique conditions and needs of their Regions.
CASCADES WEST RIDE LINE PROGRAM DESCRIPTION

Cascades West Ride Line, a non-emergent medical transportation (NEMT) brokerage serving Benton, Lincoln, and Linn Counties, is a program of the Oregon Cascades West Council of Governments (OCWCOG). Ride Line began coordinating NEMT services for Medicaid recipients on behalf of DHS in 2005. Beginning in 2013, Ride Line contracted with the Medicaid arm of Samaritan Health Services, operated as Intercommunity Health Network Coordinated Care Organization (IHN-CCO), in addition to serving Oregon Health Plan (OHP) members not enrolled with a Managed Care Provider.

In 2013, prior to VTAP and contracting with IHN-CCO, there were approximately 28,000 individuals eligible for transportation through RideLine. At the end of the project period in mid-2016 there were just over 60,000 people eligible for transportation assistance. Trips have increased even more substantially as the monthly average has increased from 6,500 to 15,000 over the same period.

VTAP BACKGROUND

The purpose of VTAP was to translate the anecdotal need for additional transportation to medical services for Veterans into quantifiable numbers through a demonstration project. Lessons learned are intended to be used to refine services and determine if there are replicable models. Initially monthly status reports would be provided to ODOT describing the number of calls taken, the nature of the initial request, the outcome of each request (resources used), and the number and type of transports provided with the costs. As the program progressed, reporting was then changed to a quarterly basis with the requirement of providing trends, challenges, marketing, and the incorporation of a specific Veteran’s story.

The Ride Line pilot served a subset of the normal three-county brokerage area focusing on Veterans in Linn and Benton Counties. At the beginning of the project there were 5,694 Veterans in Benton County and 11,757 Veterans residing in Linn County. The Counties are closely linked with existing transportation services, including the Disabled American Veterans (DAV) shuttle that runs north on Interstate 5 (I-5) to the VA Medical Center in Portland, OR. Ride Line assesses transportation needs on a case-by-case basis and allocates the appropriate resources.
VETERAN DATA IN LINN COUNTY AND THE REGION

During the VTAP, additional data about Veterans was gathered and analyzed as a part of OCWCOG’s *State of the Region* Report (www.stateoftheregion.org). Some of the findings are represented here to help understand external factors that impacted the demand for transportation services in the Region and specifically for Veterans. The economy has partially recovered from the depth of the recession, but these snapshots of data provide a comparative look at the demographic differences of the Veterans in the Region.

Additionally, the Edward C. Allworth Veterans Home (https://www.oregon.gov/odva/Pages/lebanon.aspx), located in Lebanon, opened during the transportation pilot. This unique and exceptional resource is only the second Veterans Home in Oregon. While not a direct part of the VTAP pilot, transportation was provided to residents prior to, during, and after the pilot; details on services provided are listed in the *Findings* section of this report.

The Veteran cohort in Linn County is largely older than the non-veteran population, more educated, and has a higher rate of disability, which may be tied to age (Figure 1). At the beginning of the project period, according to the Fiscal Year 2013 Veteran Expenditure Statistics, of the 11,757 Veterans in Linn County¹ there were 3,129 unique patients² (26.6%) that accessed medical services at a VA facility. Similarly, of the 5,694 Benton County Veterans 1,137 unique patients (19.9%) accessed VA medical services. These rates of access by Veterans of medical services at VA facilities were slightly higher than in Fiscal Year 2010 which were 24.6% and 18.3% respectively.

---

¹ Veteran population estimates, as of September 30, 2013, are produced by the VA Office of the Actuary (VetPop 2011).
² Unique patients are patients who received treatment at a VA health care facility. Data are provided by the Allocation Resource Center (ARC).
PROJECT OUTCOMES

By the Numbers

- Date pilot started providing trips: June 5, 2013
- Unique Veterans Served: 157
  - 65 VTAP
  - 92 Medicaid
- Number of rides provided: 4,382
  - 641 VTAP
  - 3,741 Medicaid
- Average Rides per VTAP Veteran: 9.86
  - Highest number of rides for a VTAP Veteran: 179
  - Lowest number of rides for a VTAP Veteran: 1
- Miles VTAP Veterans were transported: 30,737
- Average VTAP trip distance: 47.95 miles
- Average VTAP transportation cost per ride: $67.97
- Average transportation cost per mile: $1.42
- Rides within county of residence\(^3\): 3%
- Total Project Cost: $65,818
  - Transportation Cost: $43,568
  - Administrative Cost: $22,250

Findings

During the course of the pilot, direct transportation was provided to 65 individual Veterans through the pilot program. Initial screening of Veteran callers provided resource assessment, counseling on transportation options available to each person individually, and determination of multiple program eligibility. As reflected in the numbers above, more than half of all Veterans that requested transportation assistance were able to be served by counseling or determined to be eligible for regular Ride Line services without receiving direct VTAP provided rides. Unfortunately, the total number of trips per veteran wasn’t captured precisely as the Ride Line software doesn’t capture multiple eligibility. However, extensive research was conducted by Ride Line Staff to get a picture of the impact of brokerage services through Medicaid eligibility on the Veterans living in the Region.

---

\(^3\) There are no VA medical facilities in Linn and Benton Counties; County lines may not be the best indicator since the DAV shuttle stop is in Linn County, but is closer to Corvallis (Benton County) than Sweet Home (Linn County).
The number of rides needed depended on the specific medical service needs of the Veteran. The need of Veterans to utilize transportation services ranged from only when they needed transportation to Portland VA Medical Center or Roseburg VA Health System for their specialty care, annual exams, or surgical procedures. Each of these facilities is over an hour drive outside our Region. Other Veterans used the service more often to attend dialysis, physical therapy, diagnostic services, and primary care appointments. There were multiple Veterans that were transported approximately four times in a two-year period and others that received rides routinely each month during that same period of time. The number of rides per Veteran also depended upon many factors such as local care providers, support from family/friends, and level of care needed.

VTAP Project Requirements
The VTAP project was developed by ODOT and U.S. Department of Veterans Affairs with the following criteria:

There were several flaws with the eligibility assumptions as initially written.

1. A predominant need for transportation assistance was for medical assessment to determine eligibility to obtain a medical ID card. Once a Veteran had obtained their ID card they may not have as great a need to access medical services, at least not as frequently.
2. The VA contracts with medical providers that are not located at VA facilities.

These two factors effectively limited the potential pool of eligible Veterans in Linn and Benton Counties to something less than the 4,266 Veterans. During the course of the project, this feedback was considered and the eligibility was modified to allow access to VA contracted medical providers regardless of location.

Outreach Efforts
Initially, marketing was driven through contact with the Linn and Benton County Veterans Service Officers (VSO) and presentations to Human Service Agencies (Senior Services, Disability Services, Self Sufficiency, Community Outreach Inc, Community Services Consortium). Flyers and posters were developed and distributed to areas that were determined to be where Veterans would frequent. Marketing and outreach efforts were furthered and gained momentum through monthly participation in the Linn/Benton
VetNet meetings, reaching out to Vets Helping Vets HQ, and speaking to the leaders of the local American Legions and Veterans of Foreign Wars.

At the beginning of the program, engagement took place directly with the Joint Transition Assistance Program and the Roseburg Veterans Transportation Coordinator (VTC) to increase awareness of the transportation issues in our area. Unfortunately, there was very little interest and engagement from the Portland VTC; the Roseburg VTC was a great asset, but moved out of state and wasn’t immediately replaced. The Statewide Joint Transition Assistance Program was eliminated, thus hampering the ability to effectively coordinate on the medical service end. The U.S. Department of Housing and Urban Development’s (HUD) Veterans Affairs Supportive Housing (VASH) Case Managers proved to be a valuable asset in reaching veterans that were in need of transportation.

**Ride Line Program**

During outreach, it was found that many of the Veterans in the VTAP pilot area had Medicaid, which qualified them for regular Ride Line brokerage transportation services. This benefit continues to provide transportation for Veterans even after the end of the pilot. Ride Line is committed to serving Veterans and continues to attend VetNet meetings, as there are always new Veterans that have or qualify for Medicaid. The VetNet forum provides education and coordination opportunities to link Medicaid eligible Veterans with needed transportation to both VA facilities and local providers.

**Edward C. Allworth Veterans Home**

The Edward C. Allworth Veterans Home had some unanticipated impact on transportation services provided in Linn County. The Veterans Home provides some direct transportation services for residents and further contracts with private transport providers. However, they are unable to meet all the transportation service requests; some residents are also Medicaid eligible. Through the regular Ride Line brokerage service, 43 Veterans were provided 104 trips to VA facilities and 252 trips to civilian medical service providers, for a total of 356 trips. Additional research revealed that within this group a subset of 14 Veterans had been using transportation services prior to moving to the Veterans Home. It was identified that those Veterans had received at least 442 trips to both VA and civilian medical services prior to VTAP. Veterans relocated to the Veterans Home from all three counties (Benton, Lincoln, and Linn) in the Region.

**Location of Veterans Served**

The Veterans that utilized VTAP services lived throughout Linn and Benton Counties. Prior to the start of the VTAP pilot, the most frequent requests for transportation assistance were from Corvallis (Benton County), Lebanon (Linn County), and Newport.
It is presumed that this was in part due to the difficulty connecting with the DAV shuttle and lack of other resources. It should be noted that these requests only represent Medicaid eligible Veterans that were identified by accessing services at VA facilities.

During the VTAP pilot the requests for service were predominantly from Linn and Benton Counties, as that is where the pilot service area was established and outreach was conducted. The Veteran population served represents a geographic spread in and around their communities similar to the general population; most were within the city limits, but there were Veterans that resided on the edge of town and in more rural areas. The top ten pick-up and drop-off cities are reflected in Figure 2.

In the months following the direct transportation assistance provided through the VTAP pilot, the majority of Medicaid eligible Veterans requesting transport have been from the cities of Lebanon (102 trips), Albany (40), and Sweet Home (13), all within Linn County.

There was one Veteran that was homeless in Lincoln County needing transportation; counseling was provided on the Coast to Valley Express and this gentleman ultimately did everything he could to be at a designated pick-up location in Benton County and received a ride from there. Throughout the duration of the program, rides were consistently provided to a number of different clinics/hospitals including Eugene, Hillsboro, Newport, Portland, Roseburg, Salem, and West Linn.

A few of the Veterans were able to utilize VTAP services to reach the DAV shuttle in Albany and then return home, which was one of the core assumptions of how service would be provided. In reality, the timing and location of medical services along with the consistency of the DAV shuttle made coordination a challenge. In fact, the lack of volunteer drivers caused the DAV shuttle not to run each day and led to a general assumption that the shuttle had stopped entirely which was incorrect. The DAV shuttle service is limited by the inability to serve Veterans who need to be transported in a mobility device or use a walker. Detailed analysis of the mobility captured in the Ride Line system on Veterans for all funding sources (VTAP and Medicaid - OHP and IHN) during the pilot revealed that 162 wheelchair trips and 410 trips for Veterans using a walker were provided to VA facilities. Veterans receiving Medicaid paid trips have had 118 wheelchair and 68 mobility aided trips since the end of the pilot.

**Service Area for Rides**

The service area primarily extended from VA facilities in Portland to Roseburg depending upon the facility the Veteran was assigned to and the level of care that was needed. Within the first year and a half of the pilot the majority of the trips, 45.88%, were

---

**Pick-Up City** | **Drop-Off City**
---|---
LEBANON | PORTLAND
LEBANON | SALEM
ALBANY | PORTLAND
ALBANY | SALEM
SWEET HOME | PORTLAND
CORVALLIS | SALEM
CORVALLIS | PORTLAND
SWEET HOME | SALEM
CORVALLIS | EUGENE
CORVALLIS | ROSEBURG

*Figure 2 - Origin and Destination City*
to the Portland area facilities, followed by the Salem Community-Based Outpatient Clinic (CBOC) at 35.29%. During the last year of the program, there was a drastic increase in the number of rides to Salem, 50%, with Portland dropping to second at 21.43%. This increase is largely due to the expansion of the Salem CBOC that occurred mid-2014, thus offering more care options for Veterans and an increase in ride requests to this location. Trends also showed a 10% increase in rides to the Roseburg VA Hospital in 2015.

**Veterans Eligibility**

Additionally, the demand for VTAP services may have been affected by a change in the VA system through the Veterans Choice Program. To qualify Veterans must be enrolled in the VA Health Care system and meet one of the following criteria.

- They have been told by their local VA that they need to wait more than 30 days from their preferred date or the date medically determined by the physician, to receive services.
- Current residence is more than 40 miles from the closest VA health care facility.
- Travel to a VA health care facility would require using a boat or a plane.
- There is a geographical challenge, such as extensive distances around water or other geologic formations, that present a significant hardship for the Veteran to get to a VA health care facility.

If a Veteran meets any of the above criteria, they have to call in to verify their eligibility and obtain pre-authorization before they can access VTAP services. Many Veterans received a notification card in the mail, but that doesn’t mean they can automatically use it. The VA Call Center has limited information on transportation to provide Veterans when they call to verify eligibility requirements.

If a Veteran is already enrolled in VA health care and deemed eligible, the Choice Program allows them to receive health care within their community. Using the Choice Program does NOT impact their existing VA health care or any other VA benefit. During the VTAP pilot there was little information available on the medical provider side, however, Community Outreach Inc., in Corvallis and Samaritan Veterans Outreach have developed outreach materials and provide direct counseling to assist Veterans eligible for Choice Program enrollment.

---

**Salem CBOC Services Offered:**

- Primary Care
- Mental Health Services
- Physical Therapy
- Enrollment
- Laboratory Services
- Optometry
- Ophthalmology
- Podiatry
- Plastic Surgery
- Tele-Specialty Services
Cost for Ride

There was no discernable cost difference between rural and urban trips in terms of origin. The brokerage model is built with a standard pick-up charge and a per mile charge. Longer distance trips cost more, but an urban trip from Albany to Portland is a higher cost than rural trip from Brownsville to Salem. The location (distance) of the medical services being accessed have a greater impact on transportation cost than the origin location. It is important to recognize the impact of increased services being available at CBOCs that are typically closer to where Veterans live.

Additional Coordination Opportunity

An additional opportunity for coordination was presented in the form of planning for the Homeless Veterans Stand Down event held in Lebanon during late fall of 2015. Transportation was identified as a key coordination area early in the process. Ride Line requested and received an exception to provide service to the event, as medical services and counseling were available at the event.

Members of the Linn-Benton VetNet coordinated the event; meetings for the event occurred every month after the VetNet meeting. Participants at the meetings usually included the Linn and Benton County VSOs, Community Outreach Incorporated, and representatives from Veterans Employment, Ride Line, HUD, and others. During the meetings, attendees usually assisted with setting up location, contact information for those that would be willing to help, and transportation coordination. Two weeks before the event, articles in the local newspapers advertised the event, though not all avenues of available transportation were published at that time. Posters and VetNet partners also advertised the event, including the availability of transportation.

Recommendations

Educating Veterans on Available Transportation Services

Initially it was assumed that most of the rides would be provided to Veterans that were wheelchair bound and unable to utilize the DAV shuttle service. However, only four VTAP Veterans requested wheelchair transport for a total of eight trips where the Veteran remained in their mobility device during transport. There were additional trips for Veterans that were in wheelchairs going to VA facilities, but these Veterans tended to be covered under the OHP (Medicaid) or IHN due to their personal income and disability qualifications as set by the State.

This shows that there is still a significant need for transportation for this subset of Veterans, but they may not be well informed about the benefits available through their Medicaid coverage and how the plans can work in tandem. There is an opportunity to better inform and educate Veterans and groups that work with Veterans on the transportation resources that are available to them. Referring transportation requests
from VSO and other agency related staff to a brokerage or similar entity for screening and resource assistance could address this gap.

**Increase Availability of Services in Rural Areas**

The VA is working to increase the availability of services that are needed in rural areas. The expansion of the Salem CBOC not only offered two and a half times the square footage, it now has over 30 providers working there with the inclusion of specialty services, such as Orthopedics and Dermatology. Another opportunity is for better dissemination of information on what services are available closer to the communities in which Veterans live.

**Restructure the DAV to Offer Transportation Services that Work for Veterans**

Although the DAV has done an exceptional job of providing shuttle services along the I-5 corridor between Roseburg and Portland, it is staffed by an aging volunteer force. According to the report issued by the Governor’s Task Force, “DAV is very important, but insufficient to be considered a statewide Veterans transportation system.” Limitations with the program include the inability to serve Veterans who need to be transported in a mobility device or use a walker. The CBOCs are not currently designated stops for the shuttle. The future of the DAV system and the value it provides to Veterans may be dependent on a new route structure and a different volunteer or driver staffing model. Ride hailing services, such as Lyft and Uber, are controversial but may offer valuable lessons on how Veterans transportation could be transformed in the future with more flexible, on demand service provision.

**Better Coordination Between Insurance Providers**

Coordination of insurance provider benefits can reduce or eliminate the need for long distance transportation Veterans often are forced to navigate. For example, a ride request for a Veteran that had IHN who resides in Lincoln County and needed to be transported to the Portland VA for a MRI. Rather than travel to Portland, there is a facility in the referring County capable of providing this type of diagnostic testing; the requesting facility was contacted to see if it was a specialty MRI that needed to be done at a larger facility. After speaking with the staff at the Newport CBOC, it was determined the test was ordered by a VA provider not an IHN provider, therefore the client was referred to the Portland VA. Ultimately, the
Veteran was transported to Portland as navigating between the two insurances was unsuccessful.

**Better Coordination of Benefits**

The screening process when Veterans called in to RideLine for ride requests covered some basic insurance information. Many of the Veterans stated they were not covered by OHP/Medicaid because they couldn’t afford the out-of-pocket expenses that were required. This caused some confusion as when a client is on OHP or IHN there are no premiums, co-pays, or other out-of-pocket expenses. When a Veteran visits a VA facility for conditions that are not service related they pay $9.00 for prescriptions, $15.00 for visits with their primary care provider, and $50.00 for referrals to specialty care providers.

Better explanation of benefits may make access to care more likely for Veterans and lead to better health outcomes, while also reducing the need for long distance rides when services could be provided locally.

**Staff Time vs. Outcome**

Many of the difficulties the Veterans were having in securing transportation for their appointments seemed to stem from a lack of overall communication and knowledge of available resources.

The administrative costs related to VTAP stem from the extensive conversations brokerage staff had with Veterans as they initially screened callers to determine what their transportation needs were. The counseling and referral aspect of the pilot was key to impacting so many Veterans. However, despite the time spent with Veterans on these screening calls, the impact was relatively modest – 65 Veterans received rides paid for by the VTAP pilot funds. For example, per OHP/IHN guidelines, a client can be transported to a facility if they have been referred there and if the facility bills OHP/IHN even as a secondary insurance. Many Veterans were unaware they are eligible for OHP/IHN and the specifics of the program; this education piece takes time by brokerage employees.

**Existing Transportation Route Limitations**

As it stands, there is no set transportation option for Veterans that reside in rural areas of Oregon. Veterans Transportation Services coordinated through the VA offers multiple routes to those that live within a 20-mile radius of the main VA facilities; our Region is outside this radius. The DAV is the only long standing option for ambulatory Veterans that reside along I-5. Volunteer programs in the area are trying to provide transportation for others that fall outside these parameters.
Transportation Costs for Veterans Rides

Based on the experience of this VTAP pilot project, it is difficult to give an exact amount of the costs associated with transportation as it is unpredictable at best. Participating in several Veteran group meetings it became clear that there is a passionate cadre of individuals and organizations that want to help, but the coordination is often duplicated and yet disconnected.

Conclusion

Overall, Ride Line and other brokerages are very affective at coordinating rides, but to serve Veterans effectively requires further coordination on the insurance and medical provider side. It would be beneficial to continue making brokered transportation available for Veterans in the Region, extended to include Lincoln County, and those needing to establish VA benefits.

Veterans should be referred to the appropriate brokerage by Veterans Transportation Services, VSO, and VA medical facilities that have exhausted all other possible forms of transportation. These costs could be offset by funds set aside for Veterans that qualify for VA mileage reimbursement, aligning insurance benefits when appropriate, and securing additional grant or legislative funding.

There is not a one-stop solution for every Veteran. Veterans transportation requests should continue to be screened by customer service representatives to provide counseling on transportation options and to assess the best transportation options for each Veteran, including the use of public transit, the DAV shuttle, and brokerage ride solutions, or coordinating shared rides with clients that are also traveling to the same area.

Veteran Stories

I had a female Veteran from Lebanon who needed transportation and we were unable to find any options. This was the very beginning of the transportation grant and we called. She happened to meet all the criteria and she used the transportation system until she passed away. She called me back after her initial ride & was almost in tears because she was so happy. The relief of being able to get to her appointments, the courtesy she was shown by the driver, she was overjoyed. It was a very positive experience for all of us involved in resolving her transportation issues.

I had a Homeless Veteran who needed a ride to a Compensation & Pension Exam on a Saturday. I worked with the team at COG and the Veteran was able to meet the driver at Two Rivers Market on Saturday morning and was able to get to his C&P Exam so his VA benefits could be established and work towards getting him off the streets and into housing.

Great service and I hope that the benefits of this grant are recognized and somehow funding can be established to make this a permanent program.

-Kim Grooms, Linn County Veterans Service Officer
**Acronym List**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CBOC</td>
<td>Community-Based Outpatient Clinic</td>
</tr>
<tr>
<td>DAV</td>
<td>Disabled American Veterans</td>
</tr>
<tr>
<td>DHS</td>
<td>Oregon Department of Human Services</td>
</tr>
<tr>
<td>HUD</td>
<td>U.S. Department of Housing and Urban Development</td>
</tr>
<tr>
<td>IHN-CCO</td>
<td>Intercommunity Health Network Coordinated Care Organization</td>
</tr>
<tr>
<td>NEMT</td>
<td>non-emergent medical transportation</td>
</tr>
<tr>
<td>OCWCOG</td>
<td>Oregon Cascades West Council of Governments</td>
</tr>
<tr>
<td>ODOT</td>
<td>Oregon Department of Transportation</td>
</tr>
<tr>
<td>ODVA</td>
<td>Oregon Department of Veterans Affairs</td>
</tr>
<tr>
<td>OHP</td>
<td>Oregon Health Plan</td>
</tr>
<tr>
<td>VA</td>
<td>U.S. Department of Veterans Affairs</td>
</tr>
<tr>
<td>VASH</td>
<td>Veterans Affairs Supportive Housing</td>
</tr>
<tr>
<td>VSO</td>
<td>Veterans Service Officers</td>
</tr>
<tr>
<td>VTAP</td>
<td>Veterans Transportation Assistance Program</td>
</tr>
<tr>
<td>VTC</td>
<td>Veterans Transportation Coordinator</td>
</tr>
</tbody>
</table>
AGENDA CHECKLIST
BENTON COUNTY BOARD OF COMMISSIONERS
(Page 1 of 2)

This document must be completed for each agenda item submitted for consideration by the Board of Commissioners at any meeting where a Board quorum is expected.

Suggested Placement for this Agenda Item:  
☑ BOC Tuesday Meeting  
☐ Other:

Suggested Agenda Date:  
April 18, 2017

Department Submitting:  
Finance

Short Title of Agenda Item:  
Appointment to the Ridgewood Road District

Contact Person:  
Jennifer Fenn

Phone Extension:  
6807

Person Attending BOC Meeting (REQUIRED):  
Rebecca Seymore

Person(s) Who Should Receive Signed Documents After Meeting:  
Jennifer Fenn

<table>
<thead>
<tr>
<th>This Item Involves: (Check all that apply for this meeting.)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Order/Resolution/Proclamation</td>
<td>☐ Appointments</td>
</tr>
<tr>
<td>☐ Ordinance/Public Hearing:</td>
<td>☐ Update on Project/Committee</td>
</tr>
<tr>
<td>☐ 1st Reading</td>
<td>☐ Discussion Only</td>
</tr>
<tr>
<td>☐ 2nd Reading</td>
<td>☐ Discussion &amp; Action</td>
</tr>
<tr>
<td>☐ Public Comment Anticipated:</td>
<td>☐ Estimated Time</td>
</tr>
<tr>
<td>Estimated Time</td>
<td>☐ Special Report:</td>
</tr>
<tr>
<td>☐ Document Recording Required</td>
<td>☐ Oral</td>
</tr>
<tr>
<td>☐ Contract/Agreement</td>
<td>☐ Written</td>
</tr>
</tbody>
</table>

If appropriate, have Boards/Committees been involved?  
☐ Yes ☐ No ☑ Not Applicable

If yes, address under Salient Issues, page 2.

Names of Publications  
n/a

Dates of Publication:

Reviewed By:  (Signature and Date Required)

Mulhern 4/10/17  
Department Head  
Required for all BOC meetings

Heidt 4/13/17  
Chief Operating Officer  
Required for all BOC meetings

County Counsel  
Required for all legal documents

Budget Office  
If appropriate

Human Resources  
Required for all personnel actions

BOC Administration  
Required for all BOC meetings

Provide one original or send electronically to Board Staff.

DO NOT USE STAPLES!
DATE OF MEETING:
April 18, 2017

TITLE OF AGENDA ITEM:
Road District Commissioner Appointment

IDENTIFIED SALIENT ISSUES:
Benton County Board of Commissioners are responsible for appointing commissioners for Special Road Districts per ORS 371.338. Ridgewood Road District has submitted the following name for a term to their respective Road District. Special Road District Administration (ORS 371.305 through 371.385)

Ridgewood Road District
Jane Sievers
1220 NW Ridgewood Place
Corvallis, OR 97330

OPTIONS:
1) Approval.
2) Contact the respective road district for submittal of a new nominee for the commissioner appointment.

FISCAL IMPACT:
None

STAFF RECOMMENDATIONS:
Approval

SUGGESTED MOTION(S):
I move to approve the order appointing this individual to serve on the Ridgewood Road District.
BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON

In the Matter of Appointment to the Ridgewood Road District ORDER #2017-044

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

IT APPEARING TO THE BOARD

WHEREAS, Jane Sievers’ term started January 1, 2017, but was not officially approved. This order will officially appoint Ms. Sievers to the Ridgewood Road District and is hereby retroactive January 1, 2017.

THAT the following is a qualified and knowledgeable individual who has indicated a willingness to serve on this Road District:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Term &amp; Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jane Sievers</td>
<td>1220 NW Ridgewood Place</td>
<td>1/1/17 – 12/31/19</td>
</tr>
<tr>
<td></td>
<td>Corvallis, OR 97330</td>
<td>Treasurer</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, IT IS HEREBY ORDERED that the above person is hereby appointed for a term on the Ridgewood Road District.

Adopted this 18th day of April, 2017.

Signed this 18th day of April, 2017.

BENTON COUNTY BOARD OF COMMISSIONERS

Anne Schuster, Chair

Xanthippe Augerot, Commissioner

Annabelle Jaramillo, Commissioner
This document must be completed for each agenda item submitted for consideration by the Board of Commissioners at any meeting where a Board quorum is expected.

Suggested Placement for this Agenda Item:

☒ BOC Tuesday Meeting
☐ Other:__________________________________________________________

Suggested Agenda Date: April 18, 2017

Department Submitting: Public Works

Short Title of Agenda Item: Resolution in the Matter of Initiating Proceedings to Vacate a Public Road between Lot A5 and C15 on subdivision plat Anderson Colony Orchards.

Contact Person: Joe Mardis
Phone Extension: 6285
Person Attending BOC Meeting (REQUIRED):

Joe Mardis

Person(s) Who Should Receive Signed Documents
After Meeting: Record at Records and return to Joe Mardis at Public Works

This Item Involves: (Check all that apply for this meeting.)

☒ Order/Resolution/Proclamation
☐ Ordinance/Public Hearing:
☐ 1st Reading ☐ 2nd Reading
☐ Public Comment Anticipated:
☐ 5 minutes Estimated Time
☒ Discussion & Action
☐ 15 minutes Estimated Time
☐ Special Report:
☐ Oral ☐ Written

If appropriate, have Boards/Committees been involved? ☐ Yes ☐ No ☒ Not Applicable
If yes, address under Salient Issues, page 2.

If appropriate, has this agenda/item been advertised? ☐ Yes ☐ No ☒ Not Applicable

Names of Publications

Dates of Publication:

Reviewed By: (Signature and Date Required)

_________________________________________________________________________ DATE
Department Head

Required for all BOC meetings

_________________________________________________________________________ DATE
Chief Operating Officer

Required for all BOC meetings

_________________________________________________________________________ DATE
County Counsel

Required for all legal documents

_________________________________________________________________________ DATE
Budget Office

If appropriate

_________________________________________________________________________ DATE
Human Resources

Required for all personnel actions

_________________________________________________________________________ DATE
BOC Administration

Required for all BOC meetings
DATE OF MEETING:
April 18, 2017

TITLE OF AGENDA ITEM:
Resolution in the Matter of Initiating Proceedings to Vacate a Public Road between Lot A5 and C15 on subdivision plat Anderson Colony Orchards.

IDENTIFIED SALIENT ISSUES:
A petition was submitted by Robert E. Bateman Jr, Katherine Bateman, and Jeff Demers for ARD Services LLC to vacate a public road right of way between Lots A5 and C15 on subdivision plat Anderson Colony Orchards as shown on the attached petition and map. The public road right of way is not constructed and will not be developed because the access of the road with Alpine Road and Alpine Cutoff Road is at a dangerous intersection and the County will not allow access at that point. The Bateman’s shed is within said right of way. Both parties have safer access points on to their respective County Roads, Alpine and Alpine Cutoff Road and the vacation of the right of way will not be detrimental to the public or deprive adjacent land owner’s access. The Batemans will receive all of the right of way as described in the petition and shown on the map.

OPTIONS:
Approve or Deny the initiation of the proceedings to vacate all of the public road between Lot A5 and C15 shown on subdivision plat Anderson Colony Orchards and the petition.

FISCAL IMPACT:
The vacation of said public road has no fiscal impact to Benton County. The owners of the property has paid for the vacation process.

STAFF RECOMMENDATIONS:
Staff recommends that the Board of Commissioners initiate the proceedings to vacate all of the public road between Lot A5 and C15 shown on subdivision plat Anderson Colony Orchards and the petition.

SUGGESTED MOTION(S):
I move pursuant to ORS 369.326 to 368.341 to declare Benton County’s intent to initiate the proceedings to vacate a Public Road between Lot A5 and C15 as shown on subdivision plat Anderson Colony Orchards and the petition.
BEFORE THE BENTON COUNTY BOARD OF COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON

In the Matter of Initiating Proceedings to Vacate a Public Road Between Lot A5 and C15 on Subdivision Plat Anderson Colony Ormonds

RESOLUTION NO. 2017-003

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

IT APPEARING TO THE BOARD

WHEREAS Pursuant to ORS 368.326 to 368.341 Benton County makes a declaration of intent to initiate proceedings to vacate said right of way described as shown in the attached petition and map as EXHIBIT “1” for the following reasons:

1. The public road right of way is not constructed and will not be developed because the point of access with Alpine Road and Alpine Cutoff Road is at a dangerous intersection and the County will not allow access at that point.

2. Vacation of the dedicated public right of way would not be detrimental to the public or deprive adjacent land owners to access to a public road.

3. There will be no future need for the said dedicated right of way because both the Batemans and ARD Services LLC have safer access points on to their respective County Roads, Alpine Road and Alpine Cutoff Road.

4. The Bateman’s shed is within said road right of way.

5. All of the vacated public road right of way will be vested to Robert E. Bateman Jr, and Katherine Bateman of the abutting property described in deed document M-368106-04.
WHEREAS Pursuant to ORS 368.326 to ORS 368.366 proceedings will be undertaken to vacate said public right of way that is between Lot A5 and C15 on subdivision plat Anderson Colony Orchards described as follows:

(See EXHIBIT “A” and vacation map of the attached petition)

WHEREAS pursuant to ORS 368.346(1) when the vacation proceedings have been initiated, the Director of Public Works as the County Road Official, shall examine said road and file a written report.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Benton County Board of Commissioners have declared their intent and that the proceedings be initiated to vacate all of the public right of way described in attached Exhibit “A” of the attached petition.

Adopted this ___________ day of April, 2017.

Signed this ___________ day of April, 2017.

Approved as to form:

County Counsel

BOARD OF COMMISSIONERS

Anne Schuster, Chair

Xanthippe Augerot, Vice Chair

Annabelle Jaramillo, Commissioner
PETITION TO VACATE

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

In the Matter of the Vacation of )
a Public Road between )
Lot A5 and C15 on subdivision plat )
Anderson Colony Orchards )
Benton County, Oregon )

I, Robert E. Bateman Jr., Katherine Bateman, and ARD Services, LLC, petition the Board of County Commissioners of Benton County, Oregon, to vacate a Public Road between Lot A5 and C15 as shown on subdivision plat Anderson Colony Orchards, more particularly described as follows:

See Exhibit "A"

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

See Exhibit "B"

Names and Addresses of all persons owning any improvements constructed on public property proposed to be vacated.

Name and Address Improvement and Location
Robert Bateman Shed
26400 Alpine Cutoff Rd
Monroe, OR 97456

The property ownership of the vacated tract of land described in Exhibit "A" that was dedicated in Anderson Colony Orchards Subdivision shall vest to the owners Robert E. Bateman, Jr. and Katherine Bateman of the property described in deed document M 368106-04.

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

G:\averyprojmgmt\VACATIONS\Anderson Colony Orchards\PWS 004 Petition to Vacate.DOC
Names and addresses of all persons owning any real property abutting public property proposed to be vacated. (Any property on either side of a public roadway from the property proposed to be vacated is also considered to be abutting property.)

Name and Address
Robert E. Bateman, Jr.  26400 Alpine Cutoff Rd Monroe, OR 97456
Tax Lot Number and Deed Reference
14529 TL 500     M 368106-04    Tax Lot =TL

Name and Address
Katherine Bateman.  26400 Alpine Cutoff Rd Monroe, OR 97456
Tax Lot Number and Deed Reference
14529 TL 500     M 368106-04    Tax Lot =TL

Petitioners Signature

Petitioners Signature

STATE OF OREGON    ) ss
COUNTY OF BENTON    )

This record was acknowledged before me on December 23, 2016 by Robert E. Bateman, Jr and Katherine Bateman.

Before me:
Notary Public of Oregon

G:\averyproj\mgmt\VACATIONS\Anderson Colony Orchards\PWS 004 Petition to Vacate.DOC
Names and addresses of all persons owning any real property abutting public property proposed to be vacated: (Any property on either side of a public roadway from the property proposed to be vacated is also considered to be abutting property.)

Name and Address
Jeff Demers for ARD Services, LLC.  P.O. Box 34 Veneta, OR 97487
Tax Lot Number and Deed Reference
14529 TL 5200  2015-538776 Tax Lot =TL

Petitioners Signature

STATE OF OREGON  ) ss
COUNTY OF Lane  )

This record was acknowledge before me on December 23, 2016, by
Jeff Demers as Representative of ARD Services, LLC.

Before me: Heather A. Peckham
Notary Public of Oregon

OFFICIAL STAMP
HEATHER A. PECKHAM
NOTARY PUBLIC-OREGON
COMMISSION NO. 947579
MY COMMISSION EXPIRES MARCH 01, 2020
Exhibit A

Beginning at the Southeast corner of Parcel 1 of Partition Plat 2013-010, as recorded in the Benton County Oregon Plat Records; thence along the East boundary of said Parcel 1 North 36° 11' 25" West, a distance of 776.05 feet to the TRUE POINT OF BEGINNING; thence leaving said East boundary North 53° 47' 44" East, a distance of 77.59 feet; thence North 00° 08' 32" West, a distance of 36.33 feet; thence along the arc of a 895.00 foot radius curve to the right (the chord of which bears North 72° 34' 48" East, a distance of 41.89 feet) an arc distance of 41.89 feet; thence South 00° 08' 32" East, a distance of 69.13 feet; thence South 53° 47' 44" West, a distance of 97.95 feet; thence North 36° 11' 25" West, a distance of 40.00 feet to the True Point of Beginning, all in Benton County, Oregon.
Exhibit B

The proposed vacation is a small portion of r/w that is undeveloped at the corner of Alpine Road and Alpine Cutoff Road. The r/w would make a dangerous intersection if it were developed. The County would like to have this vacated and we concur.
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.
I. Opening
   A. Introductions
   B. Announcements

There were no announcements.

II. Comments from the Public

No comments were offered.

III. Review and Approve Agenda

No changes were made to the agenda.

IV. Work Session

4.1 Update from Oregon Cascades West Council of Governments* – Fred Abousleman, Executive Director

Abousleman introduced himself as the new director and gave an overview of services provided by Oregon Cascades West Council of Governments (COG):

- Senior Services – The Senior Nutritional Program served 126,000 meals in Benton County to 1,000 residents in the last year, which is an 11% increase in meals. The InterCommunity Health Network Coordinated Care Organization (IHN-CCO) continues to support hospital-to-home care transition programs, and has a 90% success rate in supporting people at home after hospital discharge, and preventing a return to the hospital within 30 days.
- Veterans Services – They have recouped about $12 million in benefit claims over the past year, which represents about a 90% success rate.
- Transportation – Ride Line has seen substantial growth over the past few years with 3,500 non-emergency rides. Trips have almost doubled from 6,000 to 10,000. Calls have
increased from about 4,500 to 8,000 per month, region wide. Valley VanPool connects communities with commuters and they operate fifteen routes with fifty-one van pools.

- Economic Development – Covers three counties (Linn, Benton and Lincoln) and member jurisdictions. In the last six months three loans were funded in Benton County: one for Eats & Treats Café and two for Comfort Suites hotel, for a total of approximately $2.8 million, which provided 50 jobs.

- Environmental – Industrial Lands Readiness Project – this is a wetlands, pre-mitigation strategy, and the first ever in the country. The program prepares lands in the three-county area for development readiness. There are 19 potential development sites within Adair Village, Albany, Corvallis, Lebanon, Millersburg and Tangent.

Jaramillo asked about the process for mitigation; wanting to make sure sites are being mitigated correctly as wetlands play a very important role in the landscape.

4.2 Update from Veterans Services and Introduction of Oregon State University Military & Veterans Resources Coordinator* - Mary Newman, Veterans Services and Gus Bedwell, OSU

Newman and Bedwell updated on Oregon State University (OSU) Veterans Services that are being offered on through the Veterans Services Office (VSO). Bedwell noted that he will be returning to the Oregon Department of Veterans Affairs (ODVA), and his coordinator position, solely funded by OSU, will be filled. In response to a question about the number of veterans enrolled at OSU, Bedwell said there are approximately 1,100, or about 4% of the student population. However, there are veteran students on campus that have not been identified as veterans because they are not using the Veterans Administration education benefit.

According to the ODVA and the Governor’s Advisory Committee only 30% of the 337,000 veterans in Oregon seek assistance, with approximately 87,000 veterans receiving benefits. Last year, in partnership with the Benton County Veteran Service, ODVA helped to recover $1.1 billion in compensation/pension benefits for veterans. That amount excluded health care, education and construction benefits.

4.2 Progress Report on Incentive Pay System* – Tracy Martineau, Human Resources; Vance Croney, Counsel; Dennis Aloia, Chief Operating Officer

Martineau and Croney gave an update on the committee’s work, goals and progress. Incentive pay will start after an employee achieves Step 6 (see Exhibit #1).

Chair recessed the meeting at 10:24 a.m.

The meeting reconvened at 10:32 a.m.

4.3 Project Updates* (Strategic Planning, Jail Information, etc.) – Linda Modrell, Commissioner and Dennis Aloia, Chief Operating Officer

Levis gave an update on Jail information. They are beginning to draft questions for the telephone survey which will provide information for forming a focus group.

Polling questions will be developed to capture perceptions, awareness, knowledge, and attitudes regarding a jail bond, as well as knowledge of the current of jail operations, understanding correction systems, local crime statistics, information about the rental beds from other counties, safety of the jail, safety of people, and a sense of overall costs.

They convened two internal focus groups: public safety employees and other County employees.
The public safety group had 12 participants including representatives from the Cities of Albany, Philomath, Corvallis, and Benton County Public Safety. Participation was good and information gathered was helpful. The community supports public safety, but the general public does not perceive crime much of an issue in the community. In general, if a resident is not directly affected by crime, they are not as supportive. The group also believed local media does not do a good job of reporting on crime. There were strong feelings that the jail is not serving the community, but as much strong support for the jail. One of the group participant’s offered that “We’ve become very efficient in working around our inefficiencies.” Dixon noted that Corvallis, in fact, does have a low crime rate.

All of the participants had toured the Jail and believed that the structure of the current facility was also an issue and a bond would be about creating more efficient corrections system, which could help to lower costs.

Osborn discussed comments made by the focus group, particularly in regards to media coverage. He worked with Funk/Levis staff, who identified and compared crime reports from local police logs for the Albany Democrat Herald and the Corvallis Gazette-Times. Albany reports on more crime than Corvallis.

The second focus group was a cross section of eight County employees from Administration, Public Works, and Mental Health. They talked about the different perceptions of law enforcement between urban and rural residents. Participants were clear that there is a different perception of public safety between the urban and rural resident populations. In response to a question about what that might mean, Levis said one reason is that it is harder to connect with rural residents and get information out to them. She also noted that not everyone in the group had toured the jail, and they had a very strong opinion that the current jail was failing the community, but did not have solutions to fixing the jail. The mental health staff spoke strongly of how mental health issues are affecting the jail: “. . . A mental health client will shut down the whole jail. . . . It’s a daily thing with us having to work around the small nature of the jail.” The group was understanding of operating and bed rental costs, but believed the did not have enough information to make a decision or draw a conclusion. The two most important items that came out were the cost and the location.

Discussion centered on the comments regarding location. The second focus group brought that up, while the law enforcement group did not seem to have concerns regarding location. It seemed that people who lived in Philomath, did not want the facility located in Philomath. Aloia noted that that more internal education sessions would be a good thing. Levis said the groups’ feedback will assist them in crafting phone survey questions.

Next steps will be additional focus groups and polling.

V. Other

No other items were discussed.

Modrell recessed the meeting at 11:02 a.m.
MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Tuesday, September 2, 2014
Board of Commissioner’s Building
205 NW 5th Street, Corvallis, Oregon
12:00 p.m., Board Room

Present: Linda Modrell, Chair; Jay Dixon, Commissioner; Annabelle Jaramillo, Commissioner; Dennis Aloia, Chief Operating Officer; Vance Croney, County Counsel

Staff: Lisa Grisham, BOC Recorder; Sheriff Scott Jackson, Rick Osborn, Public Information Officer

Guests: Jeff Davis, Tanya Shively, Charter Review Committee, LoErna Simpson, Valerie White, Active for Peach and Justice

I. Opening

Chair Modrell reconvened the meeting at 12:00 p.m.

A. Introductions
B. Pledge of Allegiance
C. Announcements

There were no announcements.

II. Comments from the Public

No comments were offered.

III. Review and Approve Agenda

No changes were made to the agenda.

IV. Consent Calendar

4.1 Appointment to County Advisory Boards, Committees or Commissions: Corvallis-Benton County Library Board – Eric Dickey

MOTION: Dixon moved to approve the Consent Calendar of September 2, 2014. Jaramillo seconded the motion, which carried 3-0.

V. Proclamations

5.1 In the Matter of Proclaiming September 15 – October 15 Hispanic Heritage Month in Benton County – Linda Modrell, Commissioner

MOTION: Jaramillo moved to proclaim that September 15 to October 15 is Hispanic Heritage Month in Benton County and encourage all staff and residents to join in this observance. Dixon seconded the motion, which carried 3-0.

5.2 In the Matter of Proclaiming September 20-22, 2014 International Peace Day – LoErna Simpson, Active for Peace and Justice

MOTION: Dixon moved to proclaim September 20-22, 2014 as the International Day of Peace weekend in Benton County and encourage all residents to join in the observance. Jaramillo seconded the motion, which carried 3-0.

VI. Presentations
6.1 **Recommendations from the Charter Review Committee** – *Vance Croney, County Counsel*

Davis review the changes and rational and presented the Charter Review Committee’s recommendation to the Commissioners. He noted that neither of the proposed changes have costs to the County.

The proposed amended text to Chapter 5, section 20(1)(b)(E) and (G) is as follows:

Delete paragraph (E) and replace with the following text: “Meet the educational and experience requirements of the State of Oregon Department of Public Safety Standards and Training at the time of filing for office.”

Delete and replace text (G): “Have a written determination of eligibility from the *Board Department* of Public Safety Standards and training at the time of filing for election or re-election, title it with the Director of Records and Elections/Elections Division of Benton County no later than the time of filing, and maintain it thereafter, for the length of time in office.”

**MOTION:** Jaramillo moved that the Board of Commissioners approve the recommendations of the Benton County Charter Review. Dixon seconded the motion, which carried 3-0.

**VII. New Business**

7.1 **Discussion and Decision of a Resolution in the Matter of Supporting the Designation of a New Local Workforce Investment Area Consisting of Benton, Clatsop, Columbia, Lincoln, Linn and Tillamook Counties** – *Jay Dixon, Commissioner*

**EXHIBIT 7.1 #2, J. Dixon**

Dixon reported that Governor Kitzhaber is requiring Counties to re-charter their Workforce Investment Boards, which will add Clatsop, Columbia and Tillamook Counties to the current Board of Linn, Lincoln and Benton. The Linn County Board of Commissioners is opposed to the re-charter.

**MOTION:** Dixon moved to approve the resolution supporting the formation of a Workforce Investment Area consisting of Benton, Clatsop, Columbia, Lincoln, Linn and Tillamook Counties. Jaramillo seconded the motion, which carried 3-0.

**VIII. Departmental Reports and Requests**

8.1 **Discussion and Decision to Reinstate the Position of Undersheriff** – *Scott Jackson, Sheriff*

Sheriff Jackson was present to update the Board on his request to reinstate the Undersheriff position. Jackson outlined the history and background of the position. His request is to fund the position for two-years. Funding is in the current budget and Cochran had no additional information to add to the discussion. He noted that funding the position for the next biennium will be more of a challenge.

**MOTION:** Jaramillo moved to reinstate the Undersheriff position and funding for fiscal year 2015, increasing the total FTE in the Sheriff’s Office, Administration division by 1 FTE. Dixon seconded the motion, which carried 3-0.
IX. Other
No other items were discussed.

X. Adjournment
Modrell adjourned the meeting at 12:26 p.m.

________________________________________________________________________
Linda Modrell, Chair                                              Lisa Grisham, Recorder
(Transcribed: Margaret Kotyo)
MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Tuesday, October 7, 2014
Board of Commissioner’s Building
205 NW 5th Street, Corvallis, Oregon
9:00 a.m., Board Room

Present: Linda Modrell, Chair; Jay Dixon, Commissioner; Annabelle Jaramillo, Commissioner; Dennis Aloia, Chief Operating Officer

Staff: Mitch Anderson, Health Department; Pat Cochran, Budget Officer; Lisa Grisham, BOC Recorder; Rick Osborn, Public Information Office; Jeff Powers, Natural Areas & Parks; Terry Thompson, Juvenile Department; Josh Wheeler, Public Works

Guests: Rick Smith, Chad Goracke, Monroe Rural Fire District; Tanya Pritt, Margarita Solis, YES House (Youth Entering Sobriety), Jammie Farish, Vanessa Frias, Martin Rafferty, Tia Barnes, Youth M.O.V.E Oregon (Motivating Others through Voices of Experience)

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

I. Opening:
   A. Introductions
   B. Announcements

   Dixon noted that Craig Prins, the Executive Director of the Criminal Justice Commission, is leaving to take a position in Washington, D.C. with the PEW Foundation.

II. Comments from the Public
   No comments were offered.

III. Review and Approve Agenda
   No changes were made.

IV. Work Session

4.1 Discussion with Monroe Fire Department – Rick Smith, Fire Chief; Collin Crocker, Board President

   Chair Modrell thanked Chief Smith and Chad Goracke from the Monroe Rural Fire District for coming to the board meeting. Modrell stated the Board had received their letter, and invited them to discuss their concerns more fully. Smith said there are areas that are not accessible to emergency vehicles, and they have concerns if the railroad is converted to a trail. He wants to make sure commissioners are aware there are areas between Alpine Road and Bellfountain Road, and Bellfountain Road west to the Hull Oaks Mill, that are isolated and have very limited access to emergency vehicles.

   Jaramillo clarified that the railroad was purchased in order to preserve it for future rail use. Modrell concurred, and asked Smith how they deal with emergencies on other trails. Smith described an incident in the Alsea Falls area and said he appreciated the opportunity to raise the topic so everyone is aware of potential limitations. He affirmed regardless of how the project moves forward, the fire department will work together to provide necessary services to the public.
4.2 YES House Presentation – Tanya Pritt

Anderson would like to have Youth MOVE Oregon (Motivating Others through Voices of Experience) and the drop-in centers locate in Benton County. Because Mental Health funds are earmarked when they come to Benton County, it limits how mental health can spend their dollars. As ideas are shared, there might be more possibilities of creating something that would work in Benton County. Pritt expressed her concern that teen suicides continue in Benton County and their programs have shown success in working with youth. Thompson agreed that the program was good and agreed that the trend continues.

Youth Move operates drop-in centers in Clackamas, Eugene and Medford. Centers offer best practice of pure support and positive youth development. They also track their educational programs. During their first year of operation a savings of $100,000 was realized. Their programs engage youth to solve problems through social networking and YES considers themselves a bridge to traditional mental health services. They too would like a drop-in center in Corvallis to target youth ages 14 to 25.

The Board asked about other local groups and services YES is connecting with. In reply, they said they are working to set up a meeting with Community Services Consortium and have held some conversations with the Jackson Street Youth Shelter. In response to a question about Corvallis Boys and Girls Club, they stated that they currently have no relationship. Some of these agency’s focus is different than what YES is working on; Thompson and Modrell both confirmed that Corvallis Boys and Girls Club were interested in providing YES type services. Dixon asked about how they plan to interact with the schools, since their letter was critical of local schools’ participation. Pritt replied that a model similar to what College Hill is using could be successful here, and they have ongoing relationships with three other school districts, including Crescent Valley.

Anderson reiterated his support for drop-in centers in Benton county and asked YES to provide funding models for Mental Health and the Commissioners to review. YES agreed to develop models.

4.3 Discussion Regarding the Natural Areas & Parks Reorganization Plan – Jeff Powers, Natural Areas & Parks Director

Powers discussed his proposed transitional plan to address changes the department is facing due to attrition. The plan outlines utilization of existing staff and partnerships that can be developed internally. Powers sees the future of traditional parks functions and natural areas functions as being more of a 50:50 split, with natural areas work continuing to increase; that is a new trend. Cochran presented the budgetary aspects of the plan.

Jaramillo asked about capacity within the department to continue access to grants and grant development. Powers said that Adam Stebbins would bring a lot of experience with grants and activity on the resource management side, however, the Parks-side grant activity cannot be lost. Utilizing current staff expertise will be critical, as he outlined.

Modrell asked about Federal Grants, such as the Community Development Block Grants, Corvallis Neighborhood Housing, Micro Enterprise, etc. and how those functions will be picked up. Many of those types of grants are Public Works oriented, and Cochran noted that Block Grant programs are slowing disappearing, so it may be a moot point. Aloia agreed that the types of grants Modrell mention, should not be held in NAPS (Natural Areas and Parks), but NAPS said that can handle the department-related grants. Aloia further suggested that the County partner with other agencies, such as Cascade West Council of Government. Modrell said that the previous grant writing position was funded with lottery dollars, but Cochran pointed out that Lottery Funds has not funded the position for about three years. Discussion centered around the
funding the Sustainability Coordinator position and duties, and that it should be maintained as a permanent, half-time position, reporting to Community Development.

Aloia summarized that Powers presented a good proposal, but NAPS will need more resources to continue the same level of services. The Department currently does a lot great job of providing services with fewer staff; the Department is barely sustainable at current levels and will not be sustainable even with Powers’ proposal.

V. Other

5.1 Environmental Issue Advisory Committee (EIAC) – Modrell

EIAC is deadlocked on their pick for their annual recognition for the sustainability award and needs clarity on criteria of selection. The Committee rules state that one individual or organization be recognized and that criteria be given to the Commissioners ahead of time outlining EIAC’s selection process. Wheeler said the group was split on their selection decision, whether to nominate a group or an individual, or nominate both.

5.2 Association of Oregon Counties (AOC) Draft Resolution - Jaramillo

Jaramillo will pass along a proposed resolution from AOC, for Board review, that is asking the State Legislature to create a study of the transfer of Federal lands to the State. AOC will be making a decision on Monday.

5.3 Albany to Corvallis Trail Update - Modrell

Modrell had concerns regarding the added costs of using Federal dollars for the trail. She proposed that a letter be written to DeFazio explaining the burden of the additional costs and reporting requirements for those dollars. Aloia suggested a compiling a fiscal analysis that breaks down costs of a locally funded project vs. use of Federal dollars. All agreed that a letter should be sent to DeFazio.

Modrell adjourned the meeting at 10:57 a.m.

No other items were added.

Linda Modrell, Chair
Lisa Grisham, Recorder
(transcribed: Margaret Kotyo)
MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Tuesday, October 7, 2014
Board of Commissioner’s Building
205 NW 5th Street, Corvallis, Oregon
12:00 p.m., Board Room

Present: Linda Modrell, Chair; Jay Dixon, Commissioner; Annabelle Jaramillo, Commissioner; Dennis Aloia, Chief Operating Officer; Vance Croney, County Counsel

Staff: Lisa Grisham, BOC Recorder; Tracy Martineau, Julie Serres, Human Resources; Rick Osborn, Public Information Officer; Laurie Starha and Josh Wheeler, Public Works

Guests: Bennet Hall, Gazette-Times; Debra Higbee-Sudyka, Citizen; Christopher White, Citizen

I. Opening
Chair Modrell opened the meeting at 12:00 p.m.

A. Introductions
B. Pledge of Allegiance
C. Announcements

Dixon - this Saturday, Chintimini Wildlife is celebrating Benton County becoming the first community in Oregon to be certified as a Wildlife Habitat Community.

II. Comments from the Public
No comments were offered.

III. Review and Approve Agenda
Modrell added discussion of an item on “Appointments to Committees” and asked Croney to take the lead.

Croney noted the reappointment of Tadepalli whose term ends December 31, 2014. Tadepalli was inadvertently left of an original list of group appointments earlier in the year. County Code, Chapter 3, outlines parameters for appointments in even numbered years in which an election is held.

Discussion followed on past practices of appointments, particularly when it is practical in keeping advisory committees fully appointed and the possibility of amending the Code and why the Code may have been written the way it is.

Croney recommended that the appointment be pulled from the Consent Calendar and moved to January, 2015.

IV. Consent Calendar (The Consent Calendar is approved with one motion)

4.1 Appointment to County Advisory Boards, Committees or Commissions:
Capital Improvement Committee – Joshua Wheeler

Item Removed: Library Board – Sravya Tadepalli
MOTION: Jaramillo moved to remove the Library Board appointment of Sravya Tadepalli from the Consent Calendar as revised. Dixon seconded the motion, which **carried 3-0**.

4.2 **Ratify Revised Resolution in the Matter of Supporting the Designation of a New Local Workforce Investment Area Consisting of Benton, Clatsop, Columbia, Lincoln, and Tillamook Counties** – Jay Dixon, Commissioner

MOTION: Dixon moved to approve the Consent Calendar, as revised, of October 7, 2014. Jaramillo seconded the motion, which **carried 3-0**.

PH 1 **In the Matter of a Public Hearing and First Reading Amending the Benton County Code to Add Chapter 38, An Ordinance Establishing a Tax on the Sale of Marijuana and Marijuana-Infused Products** – Vance Croney, County Counsel; Dennis Aloia, Chief Operating Officer

Modrell opened the public hearing at 12:13 p.m.

Staff Report
Croney provided a staff report concerning the Ordinance Amending the Benton County Code to Add Chapter 38, An Ordinance Establishing a Tax on the Sale of Marijuana and Marijuana-Infused Products. Rational in setting the tax amount was based on a survey of other jurisdictions.

Claimant Testimony
There was no testimony from the claimant.

Public Testimony
There was no testimony from the public.

The public testimony and public record portion of the public hearing was closed. The public hearing was closed at 12:21 p.m. and the Board deliberated.

MOTION: Jaramillo moved to enact Ordinance No. 2014-0263, An Ordinance Amending the Benton County Code to Add Chapter 38, An Ordinance Establishing a Tax on the Sale of Marijuana and Marijuana-Infused Products and to conduct a first reading. Dixon seconded the motion, which **carried 3-0**.

Modrell conducted a First Reading. The second reading will be held October 21, 2014 and the Ordinance becomes effective in 30 days.

V. **Old Business**

5.1 **Discussion and Decision In the Matter of a Resolution to Request Carbon Pricing by the State of Oregon** – Linda Modrell, Chair

Modrell said the Environmental Issues Advisory Committee (EIAC) had a presentation on carbon pricing and they were given a resolution to review. The EIAC amended the resolution to better fit County objectives, which is the resolution in front of the Board.

MOTION: Dixon moved to adopt the Resolution in the matter of a request carbon pricing by the State of Oregon. Jaramillo seconded the motion, which **carried 3-0**.
VI. New Business

6.1 Discussion and Decision In the Matter of Amending the Resolution Affirming the Guiding Principles, Purpose, Scope, Membership and Responsibilities of the Benton County Benefits and Wellness Committee – Tracy Martineau, Human Resources Manager

Martineau presented the staff report on this request.

MOTION: Jaramillo moved to amend the Benefits and Wellness Committee resolution as revised in the attachment. Dixon seconded the motion, which **carried 3-0**.

VII. Departmental Reports and Requests

7.1 Discussion and Decision of Nomination Selection for the Benton County Environmental Award – Laurie Starha, Public Works

Starha presented the EIAC’s list of the five nominations for recognition of their annual award. The list included organizations and individuals. The awards will be presented Thursday night at EIAC’s public event. The Committee discussed at length regarding the number of awards as the nomination process was not clear to the Committee.

Jaramillo directed Starha to ask the Committee to review their nomination process and develop a more clear criteria. Starha said they have been working on the criteria and pointed out that all five nominees will be honored at the Thursday celebration.

The Commissioners were given three nominees to from.

MOTION: Jaramillo moved that the recipient of the Benton County Environmental Award for 2014 be Dr. Clifford and Gay Hall. Dixon seconded the motion, which **carried 3-0**.

7.2 Discussion and Decision to Approve the Natural Areas and Parks Department 2014 Reorganizational and Successional Staffing Plan – Jeff Powers, Natural Areas and Parks Director

Powers presented Parks reorganization and succession plan, and he noted that there have been three significant retirements in the department in the past few years. His plan attempts to outline an organizational structure to address gaps in services, recognizing that the department will still be significantly understaff.

MOTION: Dixon moved to approve the Natural Areas and Parks Department 2014 Reorganizational and Successional Staffing Plan as submitted. Jaramillo seconded the motion, which **carried 3-0**.

VIII. Adjournment

Modrell adjourned the meeting at 12:42 p.m.
MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Tuesday, December 2, 2014
Benton County Sunset Building
4077 SW Research Way, Corvallis
9:00 Large Meeting Room

Present: Linda Modrell, Chair; Jay Dixon, Commissioner; Annabelle Jaramillo, Commissioner; Dennis Aloia, Chief Operating Office

Staff: Lisa Grisham, Recorder, Tom Nelson, and Amy Juron, Corvallis Benton County Economic Development; Kevin Perkins, Board of Commissioners; Rick Osborn, Public Information Officer

Guests: Xanthippe Augerot, Marys River Watershed; Mary Newman, Veterans Services; Skip Rung, Economic Development; Anne Schuster, Commissioner elect

I. Opening:
   A. Introductions
   B. Announcements

There were no announcements.

II. Comments from the Public

There were no comments from the public.

III. Review and Agenda

There were no changes to the agenda.

IV. Work Session

4.1 Mary’s River Watershed Update – Xanthippe Augerot, Mary’s River Watershed

Augerot reviewed the 2014 Watershed review and presented request to name an unnamed creek, Lamprey Creek. She also had proposed boundary changes for the Marys River watershed council.

Augerot said the Watershed will work with other watershed councils to come to agreement on proposed boundary changes and agreed to will work with Jaramillo on the changes.

4.2 Update on Veteran’s Services – Mary Newman, Veteran’s Services Director

Newman provided an update on Benton County Veteran’s Services activities and handed out two exhibits (4.1 #1, #2, #3, #4).

Exhibit #2 was the “Oregon Department of Veterans’ Affairs: General Review of Veteran Services and Further Considerations for the Department’s New Plans” from the State of Oregon. In July, August and September, Benton County Veterans’ Services have brought in over $1.1 million dollars in services to veterans in Benton County and project $6.4 million for the year. That number is expected to rise, as more veterans have come into the office as a direct result of a newspaper article on veteran’s services. Newman has also been doing more community outreach. Those services are provided by 1.5 FTE in staffing, herself and a half-time administrative aide, plus veteran work-study students. Aloia reminded the Board that the staff position is shared with the Council of Governments. There are approximately 5,700 veterans in Benton County. Veterans funding come from the State Legislature with no Federal funds.

Federal funding generally passes through for homeless projects and veteran housing.
4.3 Economic Development Update – Tom Nelson, Corvallis Benton County Economic Development

Nelson updated the Commissioners on businesses that are authorized and qualified for exemption to the Benton/Covallis Enterprise Zone. Those companies are: T. Gerding, Natural Point, NuScale, and Perpetua. (Exhibit 4.3 #5).

Nelson also reported on activities and statistics from Economic Development: the Willamette Angle Conference is scheduled for May 14, 2015. Discussion continued on how to track and identify business’ that leave the area and the lack of air transportation in the area. Also, the Enterprise’s contract expires in 2015.

4.4 Update from Public Information Officer, Rick Osborn and Administrative Manager, Kevin Perkins

Osborn reported on the following:

- The County’s holiday greeting will be going out in the new year;
- Staff is working on the Monroe Parade;
- The next countywide newsletter goes out on December 17, and he is developing the 2015 newsletter schedule with the Gazette Times;
- He has conducted social media training for internal staff. Aloia has received a lot of positive feedback from Department Heads;
- If Funk/Levis cannot attend the December 16, 2014 Board meeting, then can schedule to the January 6, 2015 Work Session

In response to a question on the last Communications Plan update, Osborn said that parts of the Plan is ongoing. Aloia added it was last updated about six-months ago, and suggested February or March 2015 review and update.

4.5 Project Updates (Strategic Planning, Jail Information, etc.) – Linda Modrell, Commissioner and Dennis Aloia, Chief Operating Officer

On the Corvallis to Albany Bike trail; Aloia met with Public Works and will attend tonight’s Planning Commission meeting. More public education, community meetings, open houses, etc. on the project is called for. Commissioners suggested a newspaper insert and development of a separate communication plan. Modrell said there is urgency in working on the project now, with a reminder the trail is multi-use, not just a bike path.

V. Other

No other items were heard and Modrell closed the meeting at 11:02 a.m.
MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Tuesday, December 2, 2014
Benton County Sunset Building
4077 SW Research Way, Corvallis, Oregon
12:00 noon, Large Meeting Room

Present: Linda Modrell, Chair; Jay Dixon, Commissioner; Annabelle Jaramillo, Commissioner; Dennis Aloia, Chief Operating Office; Vance Croney, County Counsel

Staff: Lisa Grisham, BOC Recorder, Kirstin Anderson, Community Development; Mitch Anderson, Health Director; Charlie Fautin, Community Health; Sara Hartstein, Health Department; Greg Verret, Community Development

Guests: Anne Schuster, Commissioner elect

I. Opening:
   A. Introductions
   B. Pledge of Allegiance
   C. Announcements

Chair Modrell reconvened the meeting at 12:00 p.m.

There were no announcements.

II. Comments from the Public

No comments were offered.

III. Review Agenda

VI. Consent Calendar (The Consent Calendar is approved with one motion)

6.1 Appointments to County Road Districts:
   Brownly-Marshall Grant Pease
   Chinook Adam Miller, John Conolly, Barbara Schatz
   Country Estates Ann Adams
   McDonald Forest Estates Brett Ruprecht
   Ridgewood Julie Carver
   Westwood Hills Mark Keppinger, Mike Drost

Chair removed the Consent Calendar item 6.1 and moved it to the first Board meeting on January 6, 2015.

PH 1 In the Matter of a Public Hearing and Potential First Reading of the Amendment to Chapter 64 of the Benton County Development Code Converting Community Gathering Places to Conditional Use, Ordinance No. 2014-0264 – Greg Verret, Kristin Anderson, Community Development

Modrell opened the public hearing at 12:02 p.m. for File number LU-14-075, and explained the process of the hearing and said there would be a three minute time limit for testimony.

Verret gave a staff report on the proposed amendment to the County Development Code, and noted that the staff report has the most detail. Staff concludes that it is appropriate to review and update the Code.

Anderson presented information contained in the staff report and said she would review process as there seemed to be some confusion on how that worked. At the November 4, 2014 Benton County Planning
Commission meeting the Commission voted to approve the amendments to Chapter 64; staff also recommended the Board of Commissioners approve the changes to Chapter 64. There have been many complaints about the use of community facilities pertaining to heavier traffic, wear and tear on the roads, unsafe parking, noise, congestion, groundwater consumption, reduction of privacy, etc. She reviewed Benton County Code 53.215 requirements for approval of a Conditional Use Permit.

Anderson explained how the process works in Linn County, and concerns that Linn County planners have with their system. The application of their process allows for uneven application to existing and new facilities. She also reviewed the Religious Land Use and Institutionalized Person Act (RLUIPA). Staff concludes that the proposed amendment to Chapter 64 is fully compliant with the applicable provisions of Benton County Code and recommends approval. The Benton County Planning Commission recommended approval also.

Verret talked about how the change will affect existing facilities. If existing land use designation changes on a property, that property is still legal, but is now a legal, non-conforming use property and a Conditional Use review is required for existing facilities only if substantive changes occurs to the type of use, scope of use, or intensity of use. This is a requirement in the Urban Residential and Village zones.

**Public Testimony**

**Ken Bronstein, 3720 Glenridge Drive, Corvallis** – Written testimony was submitted to the record. Bronstein is on the Board of Directions for Beit Am. Beit Am purchase property in 2001 for expansion, which was a significant milestone for their people. They believe that adoption of this amendment will have significant impact on their use and place restrictions on their property. Beit Am has not been invited to any of the community meetings. He believes this will put constraints on their religious use.

**John Titman, 19567 Alsea Hwy, Philomath** – He is a Calvary Corvallis Church member and has served on the Benton County Planning Commission. He does not believe this Code change is necessary. The church will grow and housing density will change. Does not support the change.

**Robyn Pekala, 4356 NW Boxwood Drive, Corvallis** (see written testimony #1). Not in support of the change.

**Holly Sears, Willamette Association of Realtors** (see written testimony #2). Not in support of the change.

**Rocky Losley, PO Box 344, Yamhill, Oregon** – Believed that County Staff could not produce a reasonable documented basis to support the need to adopt this amendment. Encouraged the Board of Commissioners to deliberate carefully and reject the Code amendment.

**Linda Freeland, PO Box 674, Philomath, Oregon** – Agreed with previous testimony and she is a member of the Calvary Chapel Corvallis. Proposal would bring financial burden to the church and impact their services. She talked about her personal experience with the church, and her family.

**Jim Hammack, 1160 NW Overlook Drive, Corvallis** – Spoke as a private citizen and opposed to the passage of the Ordinance. He reviewed the history and intention of RLUIPA. In brief RLUIPA was meant to protect religious exercise of churches or other religious assemblies. In addition, RLUIPA prohibits zoning and land marking laws that:

(1) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious institutions;
(2) discriminate against any assemblies or institutions on the basis of religion or religious denomination;
(3) totally exclude religious assemblies from a jurisdiction; or
(4) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.
John Seaders, 2836 NW 29th Street, Corvallis (written testimony #3) – Agrees with all of the testimony presented. Sited the first amendment of the Constitution regarding Congress will make no law respecting the establishment of religion. . . , etc. His testimony outlines how this Code change will restrict those rights.

Paul Ringold, 2616 NW Lupine Place, Corvallis (written testimony) – There is an administrative burden to provide proof that he did not believe was met. The issue was not well defined; it is hard to solve a problem that is not well defined. The legal issue is the intention of the law. Beit Am’s decision to purchase their land would have been make differently, given the passage of this amendment.

Daniel Bernard, 1110 NW Lester Avenue, Corvallis – Is a neighbor to the Church and is a member of the Calvary Chapel. They have occasional issues with water, but does not believe that it is related. They hear more noise and see more traffic from Crescent Valley High School then from the Church. His opinion is that the road damage is more a result of the use of Chip Ross Park. He feels safer having the Church up the road.

Nathan Hightower, 664 High Court, Jefferson – He is a member of the Calvary Chapel. The type, scope and intensity of Chapter 64 is a judgmental position. He reviewed land use laws and he believed passage of this Code amendment will put the County in the position of making appealable decisions on the use of that land. Are the laws that currently exist appropriate for the current existing use? Adopting this could create more work; for the sake of a few, many suffer. Cautions the Board to consider all options while making their decision.

Marjean Austin, 1609 NW Lester Avenue, Corvallis – Supports the Conditional Use Amendment. If the Conditional Use Code been in place earlier, the Lester neighborhood would have had the opportunity to have input before construction of the community gathering hall was completed. They would have been able to work with the Church on developing the conditions that were right for their neighborhood. Neighborhoods should have the right to assist in the development and growth of their neighborhoods. Instead the onus was on the neighborhood to contact Public Works and work to put in place the road striping, speed limits, etc., the Church did not do that. She would like to have a better relationship and more communication with the Church.

Steve Lee, 4958 SW Roseberry Street, Corvallis (written testimony #5) – Pastor of the Suburban Christian Church. The proposed change is broad and vague. He spoke to comments made at the Planning Commission hearing that may have created fear; testimony from Planning staff indicated that the amendment could inhibit changes to worship times and bar the church from adding as few as 10 people to their services. These comments were not included in the Commissioners packets, but were made by Benton County staff. One member of the Planning Commission noted that the requirement of a conditional use permit could enable the Planning Department and/or Planning Commission to keep undesirable religious groups out of the County. That comment also was not included in the Commissioners packets. It is unconstitutional for governmental officials to decide which religious groups can worship in our county. He encouraged the Board of Commissioners to look for other ways to amend the code that are less restrictive.

Gilbert Smith, 7345 NW Madrone Way, Corvallis (written testimony #6) – He is a member of the Calvary Community Church. He cited several examples of the good the Church has provided in the community. He asked that the Board not pass the amendments.

Linda Sarnoff, 1280 NW Kanui Drive, Corvallis – She is a retired planner and a member of a group that could be affected by the proposed change. The staff planning report does not meet the burden of proof to change the code; it does not appear to be based on fact. She believed that the larger churches have no more significant impact than smaller facilities, and the staff report did not document the differences of the impact. She did not believe the Conditional Use process was the best way to address problems on these types of properties.
Allan Fleming, 2565 NW Windsor Place, Corvallis (written testimony #7) – He is on the Board of trustees at the Calvary Church, and is opposed to the Conditional Use changes. He cited the various programs at the Church that assist the community.

Lisa Bennett, 565 NW Mary Drive, Corvallis – Opposed to the change. Searched for staff report online, but could not find it. She did not have a chance to read the report. Many people in the community have monetary and personal investments in their churches. She wondered if there are other ways to meet the concerns of the community.

Rick Fletcher, 29040 Blake Drive, Corvallis (written testimony #8) - Speaking for the Calvary Community Chapel as an assistant pastor. He noted several points for the Commissioners to consider: allowing public meeting facilities is consistent with statewide planning goals, this is not a rural residential zone, rather an urban residential zone. The Urban Growth area is where you plan these types of community facilities. There are issues for Croney to consider in Oregon Revised Statue (ORS) 215.441, which restricts ORS statute passed in 2014 that has never come up throughout this process. This change could saddle the County with unnecessary workload and costs. The Board should consider that. The church did considerable due diligence prior to building their facility.

Jill Schuster, 7002 NW Grandview Drive, Corvallis (written testimony #9) - Testimony in opposition. The change is not necessary and may create more burden than necessary.

Jake Le??? – Youth minister at the Calvin Church. He spoke of the impact the community of the variety and scope of services provided by the Church. The Church has changed his life and he is grateful for the help and support he has received. He believes the resources that are returned to the community are greater than those taken and is a benefit the community.

Tim Fitzpatrick, 4030 NW Sierra Maria Court, Albany – He is opposed to the proposed changes. Churches and public meeting halls are a positive influence on the community.

Dave Dodson, 5455 NW Elizabeth, Corvallis – He is a Certified Planner and is mostly opposed, but not opposed outright; he finds no basis for this change and the justifications seem weak. He believes that issues that exist can be solved using existing provisions already in place. He talked about the concerns over parking and noise, and pointed out that the County does not have a noise ordinance, or decibel standards, so this will need to be addressed. The County has provisions to address groundwater concerns. He has worked on several large City of Corvallis annexations, and believes these Code amendments will likely bring more appeals moving forward. Believes current regulations are in place to address any issues or concerns that may arise.

Ron Zonafeld (sp?), 3835 NW Gleneden, Corvallis – He supports the Code amendments. He is a neighbor to the Church and said there is a lot of noise, traffic problems, and water issues. Where do you draw the limit on the size of the Church and Church activities? He has never been contacted by the Church in the four years of he has lived at his residence. He believes the Code will allow the Church and neighborhood a channel for communication.

Jeremy Bible, 310 NW Chicago Street, Albany – He does not support the Code changes. He testified to his personal experiences with the church, and how it has changed his life. He thinks that there will be limitations put on the Church’s ability to do good in the community.

Kurt Hubely (sp?), 688 NW Mirador Place, Corvallis – Has been involved in homeless issues in the community. He wondered if the warming place would have been allowed if the conditional use existed and if there had been issues with grange halls or community gathering places? (Croney reminded Hubely that the Board could not take questions under this testimony.) This seems directed to limiting the growth of the Church. Traffic on Lester is only going to increase, especially when Lester is completed through to Kings Boulevard. The Transportation Plan states there is no mitigation required on Lester even with increased use. He cited the court case of Bishop vs. West Linn.
Howard Burraght, 1220 NW Fernwood Circle, Corvallis – Testified in opposition. The biggest complaints he hears are about parking and noise. He is sympathetic to the neighbors, but these are issues that happen if you live in the neighborhood. The community should be reaching out to people and not scaring them. Government interference seems to make things more difficult.

Fr. James Baglien, St. Martin’s Orthodox Church, 928 NW Camelia Drive, Corvallis – He is the pastor at St. Martin’s Church. He has three concerns: the process itself has every opportunity to become litigious and cumbersome; grandfathering of existing public assembly locations; grandfathering is essentially freezing these entities in time; true grandfathering should give these facilities the right to operate as currently; effect on the larger community of Corvallis and Benton County. These organizations have a large outreach, which extend far beyond the local community. Consider carefully what this proposal might solve, but also what it might cost us as a community.

Ronald Mullan, 917 NW Wild Rose Drive, Corvallis – Testified in opposition. Spoke as a resident and not a church member. There are three facilities within his neighborhood that will be affected by this Code change. When they moved into the neighborhood they expected to be among and near community facilities – churches, schools, firehouses, etc., and he and his wife believe these types of facilities are beneficial to communities. He urged the Commissioners to consider the will of the people before making their decision.

Dennis Toskado (sp?), 1910 NW Eagle Circle, Albany – Submitted testimony into the packet and he is in favor of a better solution; it is an emotional issue. Try to achieve this amendment at the lowest level of agreement that can be worked out.

Judy Gordon, 3331 Poppy Drive, Corvallis (written testimony #9) – She was opposed to passage of the amendments, and she said her testimony represented 24 people who were not able to be present. These amendments place additional burdens on religious organizations.

Michelle Curtis, 4697 NW Rosemary Place, Corvallis – Wants to see diversity honored. Think of the impact of decisions made now, how they may impact the future.

The public testimony closed at 2:40 p.m.

The hearing moved to questions of staff and potential deliberations. Verret addressed several points that were brought up in the testimony. Croney reviewed the court cases that were mentioned in the testimony and how RLUIPA was applied. He did not believe a that RLUIPA is relevant as it applies to Code amendments. Verret further clarified that the request before the Board is to amend the Code in a way that stipulates a procedural requirement for evaluation of a given facility. That is not prohibiting these facilities, it’s not putting specific conditions on it, just saying that these facilities need to go through a review process. Potentially a condition use permit review could result in an outcome that would violate RLUIPA. Croney said that RLUIPA does not pertain to this request. Aloia asked if every request would require a RLUIPA evaluation to determine if it is in violation? Anderson said it would be triggered and she cited “ORS 215.441 Use of real property for use of religious activity” – if a religious facility is allowed by local zoning, then the County shall allow activities that are customary to that facility.

Verret addressed other criteria in conditional use:

- Criteria #3 proposed use complies with any additional criteria that which may be required for the specific use for this code. The code is very specific and not easily interpreted as “wide open” as testimony indicated.
- Whether the findings in the staff report are adequate. Legislatively there is no standard criteria that must be met. He concluded that the findings are adequate which is different than quasi-judicial hearings.
- Related points: zoning and expansion of the city. A majority of land in the urban zone is specified as low density development, so if property is annexed into the City, a conditional use
permit would be triggered. Most of these lands would require conditional use permits. These types of facilities would not be allowed once the property has annexed into the City.

- Regarding groundwater: the Development Code addresses groundwater for residential use, but not for larger, public-type facilities. There are no standards, but that would be investigated and evaluated through a Conditional Use permit. Jaramillo said the State is looking at criteria for larger facilities.

Commissioners indicated that they had received more testimony up to the meeting time, and agreed that they want more time to read all of the materials.

Deliberations and decision were continued to December 16, 2014, 12:00 noon at the Board of Commissioners Board meeting room at 205 NW 5th Street, Corvallis.

**PH 2 In the Matter of a Public Hearing Regarding An Appeal of Land Use Interpretation, Smalley – Greg Verret, Community Development**

Modrell opened the public hearing 3:17 p.m. and read the General Hearing Procedure and Statement for LU-14-040.

Verret stated that this is an appeal from staff on Planning Commission decision and noted that the 150-day time limit ends on December 22, 2014.

This matter came to the attention of Community Development department through a complaint. An existing facility is being used for even rentals, such as weddings, class reunions, etc. Staff contacted the owner and worked with the owners on options towards legalizing the use of the property. The applicant chose to pursue the use to be allowed under the statutory provision. The statute, and Benton County Code, which mirrors it, state that “onsite filming and activities accessory to onsite filming” may be conducted in Exclusive Farm Use (EFU) zone without prior approval from local government. The applicant argues that events that occur at this facility, weddings, etc., are video recorded in some form. Therefore the events are allowed by the onsite filming provision in the statute and in code. Staff and the Planning Commission disagree specifically on two reasons: video recording for the purposes memorializing an event is not deemed to be the intention of the definition of “filming” in the statute. “Filming,” as the statute intends, involves production, applying craft to create a motion picture which tells a connected narrative. The definitions are from a contemporaneous dictionary use at the time the statute was enacted to define filming; not simply for memorializing or recording every day occurrences, or an event, that is solely for the purpose of the participants and whom they choose to share it with. The use that is allowed is “onsite filming and activities accessory to onsite filming.”

It is the Benton County Planning Division’s conclusion, and the Planning Commission’s conclusion that an event facility is not allowed as “onsite filming and activities accessory to onsite filming.” The applicant has made a several other arguments, which are addressed in the staff report. Modrell noted there is an opinion included from the Department of Land Conversation Development (DLCD) that concurs with staff and Planning Commission’s decision.

**Michael Farthing, 462 Kodiak Street, Eugene, Oregon, attorney for the applicant** - briefed Commissioners on the Smalley’s operations. Their facility provides a rural stage for production and filming of documentaries; weddings, reunions, family retreats and other hosted-private events. All of the productions are filmed and produced by outside individuals.

The staff’s findings provide two points for denial. First regarding the primary purpose of the EFU Zone (Exclusive Farm Use) which is to preserve lands for commercial agricultural production. The staff report says this use is inconsistent with that primary purpose. Farthing submits it is very consistent with the primary purpose of the EFU Zone, especially as the EFU Zone has evolved over the last 40 years. The Smalley’s farm and surrounding farms are not affected by Smalley’s operation, and further, no farm land has been converted to non-farm use. The area under use is adjacent to the house, next to a barn, in a
grove of trees with a waterway running through it. It has operated daily as this for the last 11 years, and there is no overnight parking.

Farthing talked about multiple authorized uses in the EFU Zone, which were mostly non-agricultural uses that have been allowed to come into the EFU Zone, these uses he opined, are contrary or inconsistent with preservation of agricultural land. He considers Smalley’s film stage to be an outright permitted use and is consistent with other allowable uses. The key provision is in ORS 215.306, as quoted in the staff report. Farthing emphasized that for the purposes of this section, staff’s phrasing includes two things: A) filming and site preparation, construction of sets, staging, make-up, support services customarily provided for on-site filming and; B) production of advertisements, documentaries, feature film, television service and other film productions that rely on the rural qualities in the EFU zone in more than an incidental way. The Applicant considers this a production facility for documentaries. They document weddings, retreats, family reunions, real events in people’s lives; that is what a documentary is.

Farthing is not confidence that the findings address the phrase: ‘production of documentaries.’ Production of documentaries is one of the elements of permitted use. Statute defines filming activities and accessory activities. The focus should be on production and documentaries as statute defines that use.

Under ORS 215.306 “onsite filming and activities accessory to onsite filming” may be conducted in EFU zoning without prior approval from local government; meaning it is an outright permitted use. As an outright permitted use it is subject to Benton County Code 53.110 which describes how permitted uses are to be allowed in a particular zone without review. Unless specifically authorized by this code, the County may not impose additional criteria or conditions of approval upon a permitted use. You cannot apply a condition, such as, the use has to be authorized in the EFU Zone. In his opinion that is an additional criteria or condition of approval, and county code prohibits that.

Modrell indicated she attended a family wedding in Las Vegas at the MGM Grand and they filmed the wedding on video. She inquired of Farthing if he believed that was a documentary, rather than a wedding chapel. He replied in the affirmative, stating he thought it was both. Dixon asked if he wanted to get married at the facility, but did not care about having a video, could he do that? Farthing held that though Dixon may not want to film the event, other people might want to film it. However, Farthing stated Dixon would be well within his rights to impose that restriction.

Jaramillo said she believes that it’s a way to get around the issue of unpermitted use on the farm. Modrell concurred.

Modrell asked planning staff if this argument was made to staff and the Planning Commission. Verret replied that it was. In response to a question on the Planning Commission’s vote, Verret replied that the vote was unanimous.

There were no requests to hold the records open, so Modrell closed the public hearing and the record.

**MOTION**: Jaramillo moved that the Board of Commissioners approve the Findings of Fact, Conclusions of Law, and the Order upholding the Planning Official’s Interpretation that the proposed facility is not permitted outright as “on-site filming and activities accessory to on-site filming.” Dixon seconded the motion which carried (3-0).

**V. Departmental Reports and Requests**

5.1 **Health in All Policies – Sara Hartstein, Health Department**

Hartstein reported that this initiative has been studied and the conclusion was that this would be a good way to bring local health policy into all aspects of County policy and raise the consciousness of health in everyday life in the community.
Jaramillo asked how local policy could be incorporate into state policy, for example today’s land use hearing? Fautin replied that there could be a health consideration, such as there is a fiscal consideration on agenda items, public safety, transportation, etc.

M. Anderson added that he believed it should be incorporated into the County’s Strategic Plan…

**MOTION:** Modrell moved that the Health Department pursue the “Health in All Policy initiative.” Jaramillo seconded the motion which **carried (3-0).**

**VI. Other**

No other items were heard and Modrell closed the meeting at 4:41 p.m.
Present: Anne Schuster, Chair; Annabelle Jaramillo, Commissioner; Xanthippe Augerot, Commissioner; Vance Croney, County Counsel

Staff: Pat Cochran, Budget; Sherlyn Dahl, Community Health Centers; Christine Hoffman, Tracy Martineau, Human Resources; Lee Lazaro, Josh Wheeler, Debie Wyne, Public Works; Lili’a Neville, Public Information Officer; Mary Otley, Finance; Kevin Perkins, BOC Recorder; Greg Verret, Community Development

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

I. Opening:
   A. Introductions
   B. Announcements

Augerot stated that the Corvallis High School presentation last night for Martin Luther King day was very well done and she heard positive responses from the public about the County’s willingness to bring in special speakers

II. Comments from the Public

No comments were offered.

III. Review and Approve Agenda

No amendments were made to the agenda.

IV. Work Session

4.1 Discussion Regarding a Notice of Intent to Apply for the ODOT 2017-19 Federal 5311 Rural Transit and Transit Network Grants – Debie Wyne, Public Works; Lee Lazaro, City of Corvallis

Lazaro discussed the operating grants that Dial-a-Bus seeks on an annual basis and several that arise periodically; the primary operating grants are based on a service-level formula while others are competitive. The grants in this item are one formula-based and one competitive grant that the state has put together from several federal grants. The competitive grant, if awarded, would be used to continue funding for the connector service between Corvallis and the Albany train station. All jurisdictions are eligible for the grant so this application would be competing against the larger organizations such as the Lane, Marion and Tri-Met systems. Most grant applications are due by the 20th of January, but one other grant has been allowed a deadline extension by the Oregon Department of Transportation (ODOT) and will be presented to the Board in February.
He added that there has been a 17% reduction in state funding and potentially further a 7.5% reduction from federal sources. However, after discussions between ODOT and the metropolitan planning organizations (MPO) around the state ODOT has imposed a much lesser reduction of the federal grants of 2%. Despite the reductions, Lazaro believes that the program can make it through the biennium without service cuts, but does not believe they could do so for the biennium beyond.

The 5311 grant covers the 99w Express and the Coast to Valley service that connects into the larger regional network. In the past year, there has been increased demand for the service between Corvallis and Newport, largely due to staff and students traveling from Corvallis to the Hatfield Marine Science Center or the National Oceanic and Atmospheric Administration (NOAA) offices. The Coast to Valley route has four roundtrips per day split between the services from Lincoln and Benton Counties. NOAA also issues passes to its staff since it is collocated with the Hatfield Center. The 99w Express’ ridership is up 12% on the route between Adair Village and Corvallis; he has had interest from Monroe about reinstituting the service but he is not sure the ridership is would be high enough to support it. Lazaro provided an update on the Amtrak connector service (Exhibit 1). He has had contact with hotel operators who may be interested in having the connector stop at their hotels in the future.

**MOTION:** Jaramillo moved to forward this item to the afternoon agenda. Augerot seconded the motion, which **carried (3-0).**

### 4.2 Discuss Performance Management Pay System Proposal – Tracy Martineau, Human Resources

Martineau stated that the materials contained in the packet are the same as were reviewed by the department directors during the Management Team meeting the previous week. She reviewed the goal of the new system in enhancing performance and aligning staff work more closely to the County’s overarching goals.

Jaramillo commented that the performance management philosophy is somewhat similar to what to research institutions’ “publish or perish” concept, that a person has to perform at a certain level to maintain their position and increase their wages.

In response to a question from Schuster, Cochran stated that from a budgetary perspective there is always a cost for pay raises whether the old system remains or the County adopts the new system; the major change is in the way raises are determined.

The Board and staff discussed the long-term goals and how the system relates to the County’s 2040 Thriving Community Initiative. The goal is for the system to be a tool to continue to advance the overarching goals that come out of the 2040 project.

**MOTION:** Augerot moved to place the plan on to the next regular board meeting agenda. Jaramillo seconded the motion, which **carried (3-0).**

### 4.3 Discuss Landfill Surcharge Excess Revenue Policy – Pat Cochran, Budget

Cochran stated that there has been an increasing trend in tonnage from the metro area of about 500,000 tons which will increase the revenue the County receives amounting to, depending on the rate, about $600,000-700,000 per year. The tonnage increase will begin in spring and will increase the franchise revenue, temporarily, by $15,000-30,000 per month. The existing policy
states that when there is an excess over projections the difference is placed into a reserve account. The fund was instituted in 2001 to offset the potential costs of environmental cleanups, which was spurred by several large cleanups including the Lewisburg Auction site. However, the goals of the account has not been reviewed in a substantial amount of time. He believes that at present and in the near future a clean-up could be budgeted, if the County can inspect problematic properties and project when a cleanup is likely to occur, and paid out of the General Fund. He recommends that the account be ended and allow the revenue excess flow through the normal budget process.

Croney commented that the intent was to keep the account relatively small, about $50,000 in total.

Cochran concurred, and stated that is the decision for the Board: to maintain several different smaller accounts or whether these types of cleanups can be predicted and budgeted for in the County General Fund. He has not included the surge of revenue in the general revenue forecast, he has waited to discuss this policy revision with the Board first. His goal is to protect the General Fund reserves, which is his first concern; his second goal is the ensuring the health of the capital program, which currently is heavily committed to remodeling projects.

The Board and staff discussed the benefits and drawbacks of dedicated accounts and how it can affect operations over the long-term.

Augerot commented that this type of account seems to have run its course and may be better used for other needs.

**MOTION:** Augerot moved to approve placing the removal of the policy on the next available agenda. Jaramillo seconded the motion, which **carried (3-0)**

Otley added that there is a landfill trust that is separate from the previously discussed policy that currently amounts to more than $9 million. The trust can only be tapped for issues that arise at the landfill.

Croney added that Republic is interested in using the fund for another purpose now that they have adequate insurance, which didn’t exist when the fund was established.

V. Other

No other items were discussed.

Schuster adjourned the meeting at 11:51 a.m.

Anne Schuster, Chair  Kevin Perkins, Recorder

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

Chair Schuster reconvened the meeting at 12:02 p.m.

   A. Introductions
   B. Pledge of Allegiance
   C. Announcements

There were no announcements.

II. Comments from the Public

Ted Erdman, Oregon Department of Forestry
He stated that he appreciates the continued support for the classification committee and the reappointment of Jim Wernz, he is the only original member and has been the chair of the committee since its inception.

III. Review and Approve Agenda

The following changes were made to the agenda:
   Item 4.3 was corrected to list the year as 2016
IV. Consent Calendar

4.1 In the Matter of Appointing Advisory Boards and Committee Members:
- Disposal Site: Lynne Neville
- Emergency Medical: Elijah Davis, Roland Leathrum
- Environmental Issues: Debra Higbee-Sudyka, Richard Heggen, Janet Napack, Jennifer Ward, Max Mania
- Fairgrounds: Bruce Ashenbrenner
- Forestland Classification: Jim Wernz
- Historic Resources: Nancy Taniguchi
- Linn-Benton Housing: Steve Michaels
- Public Health Planning: Caitlyn Reilley, Aimee Snyder, Tony Lapiz
- Roads: Chuck Kratch
- Solid Waste: Lynne Neville

4.2 In the Matter of Approving a Notice of Intent Apply for the 2017-19 Federal 5311 Rural Transit and Transit Network Grants – Debie Wyne, Public Works, Lee Lazaro, City of Corvallis

4.3 Minutes of the September 27, 2016 Meeting

MOTION: Jaramillo moved to approve the Consent Calendar of January 17, 2017. Schuster seconded the motion, which carried 2-0 (Augerot abstain).

PH 1 In the Matter of an Order for an Election on the Question of Forming the Benton County Hidden Valley Water Supply County Service District and Assessing a Permanent Tax Rate – Vance Croney, Counsel; Mary Otley, Finance; Chris Bielenberg, Public Works

Schuster opened the public hearing at 12:04 p.m.

Staff Report
Croney provided an overview of this hearing, which is to put to the voters the establishment of the county service district (CSD). In December 2016 the Board voted to establish the boundary of the proposed CSD; this hearing will be to establish the proposed tax rate that will be put to the voters. Staff have put together an estimate of annual costs, which would be $56.25 per customer based on the rate recommended by staff. County staff estimated the amount of maintenance required and associated costs over the next several years and amortized the costs to create a comparable flat fee user cost. He stated that the tax rate set in this hearing is the upper limit of the tax rate, it could be less than the maximum or even set to zero but it could not exceed the rate as approved by the voters. Residents and the governing board of the CSD would be responsible for determining how costs are levied, whether as a fee for service, a flat rate, a tax rate or a hybrid system. Staff recommends setting the maximum rate at $2.50; according to state statute, the maximum tax rate can only be established during the initial formation of a district, it cannot be revisited at a later date. The current water service rate is a $30.00 per month flat rate. In response to a question from Schuster, Croney stated that the maintenance concerns would be discussed by the CSD’s Citizen Advisory Committee (CAC) and Public Works, who would then jointly develop a schedule. the costing would need to be done relatively soon so that the budget committee could have that information quickly.
Public Testimony

Brenda McCone, Hidden Valley
McCone stated that her concern was whether the flat rate and tax rate options are mutually exclusive; she now understands that they are not.

Croney commented that the levy rate is set once each year, it cannot be changed later in the year.

She added that she is in favor of the flat rate but likes the idea of having the tax rate as an additional tool if necessary. She prefers the flat rate option and asked that it be slowly increased to not have the increased costs hit suddenly.

Ted Erdman, Hidden Valley
Erdman stated that he is in favor of the formation of the district and the proposed ceiling rate, it is a positive step forward for residents.

Scott Lesko, Hidden Valley
Lesko asked why staff proposed the $2.50 rate rather than the smallest possible maximum.

Croney stated that rate was set so that there could be enough to cover costs if something catastrophic happened, but not so high that if it was fully levied it would be a crushing amount. $1.00 would not be enough to generate enough revenue for emergency repairs and $5.00 would have been too high a rate.

Chris Tesker, Hidden Valley
Tesker asked that if the fee based on the amortization would expire at the time the amount was collected.

Croney stated that it is a monthly charge and could be changed depending on the funding priorities of the CSD. It could be raised if more funding were needed or lowered if the CSD’s Budget Committee decided it could accumulate funding at a slower rate.

Tesker clarified that the CSD’s Budget Committee and CAC are made up of residents, and the County Board in the case of the Budget Committee; Croney concurred.

The public testimony and public record portion of the public hearing was closed. The Board deliberated.

Jaramillo stated that it makes sense to form the district to ensure a reliable water source for the residents.

Augerot concurred and stated that it is a sensible action for the residents and a taxing capacity up to $2.50 is reasonable.

The public hearing was closed at 12:25 p.m.

**MOTION:** Jaramillo moved to adopt the Order setting an election date on the question of forming the Benton County Hidden Valley Water Supply County Service District and assessing a permanent tax rate. Augerot seconded the motion, which carried 3-0.
The election will be on the May 2017 ballot. Croney will file the paperwork with the elections office and the election will be limited to the electors living in the proposed district.

V. Old Business

5.1 In the Matter of a Second Reading Regarding a Zone Change for 5800 and 5820 Hwy. 99W (Frenchay Investments & VP Real Estate Investment Services) – Greg Verret, Kristin Anderson, Community Development

Anderson stated that this is the latest in a series of continuances of this action, it was previously scheduled last fall, but the applicant had not met the Oregon Department of Transportation’s (ODOT) requirements for a safe entrance; that condition still is not met. According to her information from ODOT it could be possible for the applicant to meet the condition by April. She recommended postponing the hearing until April 4, 2017 to allow for time to complete the construction to the appropriate standard.

ACTION: This item will be continued until April 18, 2017

VI. Departmental Reports and Requests

6.1 Letter of Request Regarding the Transfer of the Adair Air Force Station Property, GSA #D-ORE-419J3 to the City of Adair Village – Jeff Powers, Natural Areas & Parks

Powers briefly reviewed the request that has reoccurred over the past several years. The County received the subject parcel, which is located in the nominal downtown area, from the federal government when the Air Force installation was decommissioned. The City of Adair Village would like to take over management of the parcel with the current uses preserved; but would then be able to change the zoning if it is needed in the future. Adair has submitted a formal letter requesting the transfer and the National park service requested a more formal action from the County before acting on the request.

Hare stated that the property is somewhat “U”-shaped and includes some private property in the middle of the “U.” The private property owner purchased the property based on the City’s interest, and the City’s ultimate goal is to possess the entire property and maintain the existing activities on the parks near the property. Hare stated that they have developed a good relationship with the model train club, which will be relocated to the barracks building once it is finished being remodeled. Communicating with the federal government has been time consuming, in part because one staff person is responsible for a large portion of the western United States. The City aims to have the barracks remodel completed for the model train club in the next two years, though it is scheduled to take three years. In response to a question from Jaramillo, Hare said that the land in the swap includes an agreement for an option for part of the industrial zoned area of equivalent size to be made into a park to offset the loss of parklands if the parcel subject to this swap were developed. The Oregon Department of Fish and Wildlife has had an interest in the industrial area and that could be a part of an agreement for more park acreage in the future.

Powers stated that staff are still working on clarifying the status of the wetlands to the north of the City.
Jerry Boudreau
He is a member of the Corvallis Society of Model Engineers, the model railroad club, and read a statement into the record. (Exhibit 2)

**MOTION:** Jaramillo moved to authorize the letter to the National Park Service in support of transfer of the 6.1 acre County Park Parcel along William R. Carr Street to the City of Adair Village. Augerot seconded the motion, which **carried (3-0)**

**VII. Other**

No other items were discussed.

**VIII. Adjournment**

Schuster adjourned the meeting at 1245 p.m.

Anne Schuster, Chair

Kevin Perkins, Recorder

*NOTE: Items denoted with an asterisk do NOT have accompanying written materials in the meeting packet.*
MINUTES OF THE SPECIAL MEETING OF THE
BENTON COUNTY BOARD OF COMMISSIONERS AND THE
January 17, 2017
Corvallis High School
Corvallis, Oregon
6:00 p.m., CHS Theater

Present:  Anne Schuster, Chair; Xanthippe Augerot, Commissioner; Annabelle
Jaramillo, Commissioner; Vance Croney, County Counsel

Staff:    Lili’a Neville, Public Information Officer; Kevin Perkins, Recorder;
Jaime Sarabia, Board of Commissioners Office

Chair Schuster called the meeting to order at 6:00 p.m.

I.  Linn County Lawsuit against the State of Oregon and State Department of
Forestry – Anne Schuster, Chair

The Board convened the meeting to take public testimony on whether to opt out of Linn
County’s lawsuit against the state of Oregon. David Bernell moderated the event with
Mark Gourley speaking in opposition to opting out of the lawsuit and Chris Smith
speaking in favor of opting out of the lawsuit. The County is required to make a decision

The public was then offered the opportunity to share their thoughts with the Board of
Commissioners.

The Board will make their decision during the next scheduled Board meeting on January
24, 2017.

Adjournment

Schuster adjourned the Board meeting at 8:41 p.m.

Anne Schuster, Commissioner  Kevin Perkins, Recorder
Minutes of the BOC Meeting

Present: Anne Schuster, Chair; Annabelle Jaramillo, Commissioner; Xanthippe Augerot, Commissioner; Dennis Aloia, Chief Operating Officer; Vance Croney, County Counsel

Staff: Kevin Perkins, BOC Recorder

Guests: Debra Higbee-Sudyka, John Luna, Max Mania, Environmental Issues Advisory Committee; Anne Smart, David Smith, Joanne Trow, Irene Zenev, Benton County Historical Society

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

I. Opening:
   A. Introductions
   B. Announcements

There were no announcements.

II. Comments from the Public

No comments were offered.

III. Review and Approve Agenda

The following items were added to the agenda:

5.1 ABC House – Annabelle Jaramillo, Commissioner
5.2 County Administrative Officer Screening Process – Vance Croney, County Counsel; Tracy Martineau, Human Resources

MOTION: Augerot moved to approve the amendments. Jaramillo seconded the motion, which carried (3-0).

IV. Work Session

4.1 Update from Environmental Issues Advisory Committee (EIAC) – Laurie Starha, Public Works

Starha reviewed the activities of the EIAC and asked for direction on several actions.

   o Should EIAC continue as the liaison with Corvallis Sustainability Coalition?
• Sean McGuire, the Sustainability Coordinator, attends the executive committee meetings while the steering committee is involved in much broader activities.

  o Topics for EIAC Fall Forum

Staff and committee members also provide an update on the EIAC’s projects.

4.2 Update from Historical Society Board – Irene Zenev, Executive Director of the Benton County Historical Society and Museum

Zenev reviewed the fund raising progress to build a new building in downtown Corvallis. The design has been reviewed for code compliance and they have re-envisioned the façade but the interior would be the same (Exhibit 1). The Philomath College building turns 150 this year and they are planning events around the anniversary.

4.3 Discuss Posting a 12 Ton Weight Limit on Hayden Covered Bridge, over Alsea River on County Road No. 48401 – Laurel Byer, Public Works

Byer reviewed the current status of the Hayden Covered Bridge and the most recent repairs. The repairs will allow for small school buses, ambulances and limited refuse collection vehicles to cross the bridge. Further maintenance will include more roof repairs and injection fumigation of the structural members.

MOTION: Augerot moved to approve moving this item to the March 7 agenda. Jaramillo seconded the motion, which **carried (3-0)**

4.4 Update on Recruitment Video and Engagement Strategy – Lili’a Neville, Public Information Officer; Christine Hoffmann, Human Resources

Neville and Hoffman reviewed the recently completed videos that are available for recruitment and viewed on YouTube. They will be collecting feedback from County staff and then providing it to the consultants.

V. Other

5.1 ABC House – Annabelle Jaramillo, Commissioner

The Board agreed to sponsor a table for the upcoming fund raiser.

5.2 County Administrative Officer Application Screening – Vance Croney, County Counsel; Tracy Martineau, Human Resources

Croney stated that the Board originally set up the process to have all three commissioners review the paper applications; however, if all three are present at one time then it must be done in a public meeting. When the current Chief Operating Officer was hired only the chair participated in the screening process.

The Board agreed that the Chair will participate on behalf of the Board.
Schuster adjourned the meeting at 10:37 a.m.

Anne Schuster, Chair

Kevin Perkins, Recorder

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

Chair Schuster reconvened the meeting at 12:01 p.m.

   A. Introductions
   B. Pledge of Allegiance
   C. Announcements

There were no announcements.

II. Comments from the Public

No comments were offered.

III. Review and Approve Agenda

No changes were made to the agenda.

IV. Consent Calendar

   4.1 In the Matter of Appointing Advisory Boards and Committee Members: South Benton Citizens Advisory Committee Julie Saylor, Jim Vitus
   4.2 In the Matter of Approving a Notice of Intent for Application for ODOT 2017-19 Federal 5310 and State Special Transportation Fund Grants – Lee Lazaro, City of Corvallis
   4.3 In the Matter of Approving the Special Transportation Advisory Committee Recommendations for 2017-19 Special Transportation Funds – Lee Lazaro, City of Corvallis
   4.4 Minutes of the February 7, 2017 Work Session
   4.5 Minutes of the February 7, 2017 Meeting

MOTION: Augerot moved to approve the Consent Calendar of February 21, 2017. Jaramillo seconded the motion, which carried 3-0.
V. Departmental Reports and Requests

5.1 In the Matter of a Second Reading of Ordinance 2017-0278 Regarding Marijuana Growing in the Special Use - Airport Industrial Park Zone – Greg Verret, Linsey Godwin; Community Development

Godwin briefly reviewed the ordinance and requested that the Board conduct the second reading. No public comment was received in writing or at the hearing.

MOTION: Augerot moved to conduct the second reading of Ordinance 2017-0278, amending the Development Code to allow the commercial growing, processing, or wholesaling of marijuana in the Special Use-Airport Industrial Park Zone. Jaramillo seconded the motion, which carried (3-0)

VI. Other

No other items were discussed.

VII. Adjournment

Schuster adjourned the meeting at 12:06 p.m.

Anne Schuster, Chair     Kevin Perkins, 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
Tuesday, March 7, 2017
Board of Commissioner’s Building
205 NW 5th Street, Corvallis, Oregon
9:00 a.m., Board Room

Present: Anne Schuster, Chair; Annabelle Jaramillo, Commissioner; Xanthippe Augerot, Commissioner; Dennis Aloia, Chief Operating Officer; Vance Croney, County Counsel

Staff: Lili’a Neville, PIO; Kevin Perkins, BOC Recorder; Jaime Sarabia, Board of Commissioners Office

Guests: Adam Sussman, GSI Water Solutions; Tom Hubbard, City of Corvallis

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

I.  Opening:
   A.  Introductions
   B.  Announcements

There were no announcements.

II.  Comments from the Public

No comments were offered.

III.  Review and Approve Agenda

The following items were added to the agenda:
   5.1 Meeting with Judge David Connell – Dennis Aloia, Chief Operating Officer
   5.2 Development Discussions – Anne Schuster, Commissioner
   5.3 OSU Discussions – Anne Schuster, Commissioner
   5.4 Heartland Humane Society Funding – Scott Jackson, Sheriff

IV.  Work Session

4.1 Discuss Regional Water Issues – Adam Stebbins, Natural Resource Coordinator; Adam Sussman, Principal Water Resources Consultant, GSI Water Solutions

Stebbins stated that this project was initiated by the Chief Operating Officer to discuss regional water solutions and the impacts on the County. One of the major issues in the Willamette Valley is the federally controlled water storage, which is Sussman’s current area of work.

Sussman described his past experience and current work with GSI. He is working on this project on behalf of the Oregon Water Utility Council, which is made up of municipal and private water service providers; the member organizations provide water for about 75% of the state population.
Ultimately, there is a tremendous amount of water in the Willamette Basin that has not been accessible uses other than agricultural; however, there are discussions in the works to change that restriction. He described the various uses for the reservoirs in the basin, including hydroelectric power and recreation. The United States Bureau of Reclamation holds the water rights to the reservoirs and, under those rights, the only use those reservoirs can be tapped for is irrigation. He reviewed the history and circumstances of the water storage in the valley with the assistance of a PowerPoint (Exhibit 1).

In the end, if the changes are approved by Congress there would be some kind of contracting process for using stored water and for applying for a water right to the stored water.

Jaramillo commented that the County is likely to be interested but would most likely participate through a consortium of counties.

Augerot concurred and would like to take a leadership role in this issue even if it is undertaken by the Association of Oregon Counties (AOC).

Sussman stated that AOC staff have been present at the larger meetings but he is unsure where their actual staff work is at. He distributed a summary of the Willamette Basin Review Study. (Exhibit 2).

Augerot stated that the County has been working on water issues and she would like to have the County’s needs and information updated before the Board makes a decision on how to participate in the effort.

In response to a question from Jaramillo, Stebbins stated that this type of work does fall within his range of responsibilities as the Natural Resources Coordinator.

Augerot commented that she would like to think through the question and work with the interim Natural Areas and Parks director before tasking staff with this project.

VI. Other

5.1 Meeting with Judge David Connell* – Dennis Aloia, Chief Operating Officer

Aloia met with Judge Connell who informed him that the funding for the state Justice Reinvestment program has been reduced and the local Circuit Court may not have funding to continue Drug Court through the end of this fiscal year. Aloia reviewed discussions he has held with the Sheriff and the Court. The Court will need $40-50,000 to continue the operations for the remainder of this year; Judge Connell has applied for two grants that the Court has not received in the past several years to fund the program for the next fiscal year. Aloia is confident that the County can assist the Court and fund the upcoming Law Enforcement study.

5.2 Development Discussions* – Schuster

The Board discussed how to convene parties for a development that may impact one of the County’s wetlands.

ACTION: Schuster will work with Perkins to get a meeting scheduled.
5.3 **OSU Discussions** – Schuster

Schuster updated the Board on discussions she has held with OSU on development plans and their interactions with community partners.

5.4 **Heartland Humane Society Funding** – Scott Jackson

Heartland has requested an undetermined increase in their County funding; Jackson asked the direction the Board would like to take and discussed the Sheriff’s Offices operations in partnership with Heartland.

Schuster adjourned the meeting at 11:39 a.m.

Anne Schuster, Chair     Kevin Perkins, 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
Tuesday, March 7, 2017
Board of Commissioner’s Building
205 NW 5th Street, Corvallis, Oregon
12:00 a.m., Board Room

Present: Anne Schuster, Chair; Annabelle Jaramillo, Commissioner; Xanthippe Augerot, Commissioner; Dennis Aloia, Chief Operating Officer; Vance Croney, County Counsel

Staff: Fred Gomez, Public Works; Lili’a Neville, Public Information Officer; Kevin Perkins, BOC Recorder; Jaime Sarabia, Board of Commissioners Office

Guests:

I. Opening

Chair Schuster reconvened the meeting at 12:00 p.m.

A. Introductions
B. Pledge of Allegiance
C. Announcements

There were no announcements.

II. Comments from the Public

Patrick and Anna Magee, Philomath
Magee provided an update on the situation on his neighbor’s property on Old Peak Road. The original owner has died and no visible efforts are being made to clean it up, it appears that more is actually being added to the property. They are concerned about the cleanup timeline and there is also logging occurring on other parts of the property. He also has concerns for the safety of people using the shoulder of the road to bike or as part of the C2Sea trail.

Croney stated that Mr. Farmer, the neighbor, has an attorney and has negotiated a cleanup timeline with the County and has to remove the RV’s and trailers by April 7, 2017 and the solid waste and other debris needs to be removed by June 2nd. A stipulated judgement to that effect has been filed with the Court. In response to a question from Magee, he stated that County staff found no evidence that anyone was still living in the campsites or the RV’s when they were inspected in February. He added that anyone in a similar situation as the Farmer’s has the right to have the equivalent of seven vehicles worth of “stuff” on the property; if Farmer exceeds the equivalent of seven vehicles then it becomes a junkyard by the County’s definition and other actions can be taken. If the deadlines are not met the County will then perform the cleanup. A lien can then be filed against the property to recoup the costs of the cleanup.

III. Review and Approve Agenda

No changes were made to the agenda.
IV. Consent Calendar

4.1 Appointment to Capital Improvement Committee: Laurie Starha - Parks

4.2 Minutes of the October 4, 2016 Work Session

4.3 Minutes of the December 6, 2016 Work Session

4.4 Minutes of the December 20, 2016 Work Session and Meeting

4.5 Minutes of the January 24, 2017 Information Sharing Meeting

MOTION: Augerot moved to approve the Consent Calendar of March 7, 2017. Jaramillo seconded the motion, which carried 2-0 (Augerot abstained on items 4.2 – 4.4).

V. Proclamations

5.1 In the Matter of Proclaiming March 2017 as Women’s History Month in Benton County – Anne Schuster, Chair

MOTION: Augerot moved to approve proclaiming March 2017 as Women’s History Month in Benton County. Jaramillo seconded the motion, which carried (3-0).

VI. Old Business

6.1 Discuss and Consider Approving a 12 Ton Weight Limit on Hayden Covered Bridge, Over Alsea River on County Road No. 48401 – Laurel Byer, Public Works

Gomez has been assessing each the County’s bridges over the past two years to determine the status and needs of each bridge. On the Hayden covered bridge specifically, several structural members were replaced or repaired over the past winter which allows the weight limit to be increased to 12 tons. This bridge will be inspected annually, though the repairs should keep it stable for the next few years.

MOTION: Jaramillo moved to approve the order authorizing the 12 Ton Weight Limit for the Hayden Covered Bridge, on the Alsea River (County Bridge No. 48401-01). Augerot seconded the motion, which carried (3-0).

VII. Other

No other items were discussed.

VIII. Adjournment

Schuster adjourned the meeting at 12:21 p.m.

Anne Schuster, Chair

Kevin Perkins, Recorder

*NOTE: Items denoted with an asterisk do NOT have accompanying written materials in the meeting packet.*
AGENDA CHECKLIST
BENTON COUNTY BOARD OF COMMISSIONERS
(Please 1 of 3)

This document must be completed for each agenda item submitted for consideration by the Board of Commissioners at any meeting where a Board quorum is expected.

Suggested Placement for this Agenda Item:
☑ BOC Tuesday Meeting
☐ Other

Suggested Agenda Date: April 18, 2017
Department Submitting: Community Development
Short Title of Agenda Item: Proclaiming May Historic Preservation Month 2017

Contact Person: Kevin Young
Phone Extension: 0119
Person Attending BOC Meeting (REQUIRED):
Kevin Young
Name(s) Who Should Receive Signed Documents After Meeting: Kevin Young

This Item Involves: (Check all that apply for this meeting.)
☐ Order/Resolution/Proclamation
☐ Ordinance/Public Hearing:
☐ 1st Reading ☐ 2nd Reading
☐ Public Comment Anticipated:
☐ Estimated Time
☐ Document Recording Required
☐ Contract/Agreement

☐ Appointments
☐ Update on Project/Committee
☐ Discussion Only
☒ Discussion & Action 5 Minutes
Estimated Time
☐ Special Report:
☐ Oral ☐ Written

If appropriate, have Boards/Committees been involved?
If yes, address under Salient Issues, page 2.
☐ Yes ☐ No ☒ Not Applicable

If appropriate, has this agenda/item been advertised?
Names of Publications
☐ Yes ☐ No ☒ Not Applicable

Dates of Publication:

Reviewed By: (Signature and Date Required)

.environed 4/3/17
Date
Department Head

.environed 4/3/17
Date
Chief Operating Officer

.environed 4/3/17
Date
County Counsel

.environed 4/3/17
Date
Budget Office

.environed 4/3/17
Date
Human Resources

.environed 4/3/17
Date
BOC Administration

MATERIALS ATTACHED MUST BE “CAMERA READY”
Provide one original and 11 copies of documents larger than 8 1/2 X 11”, or documents in color that must be available to the Board in color

PLEASE DO NOT USE STAPLES
DATE OF MEETING:
April 18, 2017

TITLE OF AGENDA ITEM:
Proclaiming May Historic Preservation Month 2017

IDENTIFIED SALIENT ISSUES:

- National Preservation Month serves as a showcase for our country’s diverse and unique heritage.

- This year’s theme is “Pedaling through the Past,” which will feature the history of bicycling in the area, including a number of historic tours conducted by bicycle. Another theme will focus on the history of hops production and beer brewing in the area. The Awards Celebration will be held at a local brewpub, time and place to be determined.

- Thousands of state and local community groups will honor their distinct histories through various activities and bring historic preservation to the forefront of Americans’ daily lives by emphasizing the vital importance of protecting our nation’s past.

- The Benton County Historic Resources Commission is partnering with these groups and others to offer activities and events for the public during May:
  
  o City of Corvallis Historic Resources Commission;
  o Adair Living History, Inc.;
  o Benton County Historical Society;
  o Oregon State University;
  o Independent Community Club;
  o Benton County Natural Areas and Parks Department;
  o Preservation Works;

OPTIONS:

1) To proclaim May as Historic Preservation Month
2) Not to proclaim May as Historic Preservation Month

FISCAL IMPACT:

No fiscal impacts have been identified. Activities are funded through grant funds from the State Historic Preservation Office, with support of Community Development staff.

STAFF RECOMMENDATIONS:

Sign the attached proclamation.

SUGGESTED MOTION(S):

I move that May 2017 be proclaimed Historic Preservation Month in Benton County, and all residents are encouraged to join in this observance.
BEFORE THE BENTON COUNTY BOARD OF COMMISSIONERS
STATE OF OREGON, COUNTY OF BENTON

In the Matter of Proclaiming )
May 2017 as Historic Preservation ) PROCLAMATION No. P2017-005
Month in Benton County )

Historic Preservation Month will be observed during May 2017 to spotlight grassroots preservation efforts around the country, and in Benton County.

Historic preservation is an effective tool for maintaining community character, promoting sustainable development, revitalizing neighborhoods, and fostering local pride; and

Preservation and adaptive reuse of historic buildings is an environmentally viable practice that encourages community reinvestment, and promotes socially, culturally, and economically rich communities; and

This month’s theme “Pedaling through the Past” celebrates the history of bicycling in Benton County. Another theme for the month will focus on the history of hops cultivation and beer production in Benton County; and

Events held during the month of May will be relevant for Benton County residents, both urban and rural, of all ages, walks of life, and ethnic backgrounds.

NOW, THEREFORE, the Board of Commissioners proclaims May 2017 as Historic Preservation Month in Benton County, and invites everyone to join together to recognize and participate in this special observance.

Adopted this 18th day of April, 2017.

Signed this 18th day of April, 2017.

BENTON COUNTY BOARD OF COMMISSIONERS

Anne Schuster, Chair

Xanthippe Augerot, Commissioner

Annabelle Jaramillo, Commissioner
This document must be completed for each agenda item submitted for consideration by the Board of Commissioners at any meeting where a Board quorum is expected.

Suggested Placement for this Agenda Item:
- [x] BOC Tuesday Meeting
- [ ] Other:

Suggested Agenda Date: **April 18, 2017**
Department Submitting: **Community Development**
Short Title of Agenda Item: **Second Reading of Ordinance 2016-0275 (Zoning Map Amendment for 5800 and 5820 NW Highway 99W, Corvallis)**

**Contact Person:** Kristin Anderson  
**Phone Extension:** 6298  
**Person Attending BOC Meeting (REQUIRED):** Kristin Anderson  
**Person(s) Who Should Receive Signed Documents After Meeting:** Kristin Anderson

<table>
<thead>
<tr>
<th>This Item Involves:</th>
<th>(Check all that apply for this meeting.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Order/Resolution/Proclamation</td>
<td>□ Appointments</td>
</tr>
<tr>
<td>[x] Ordinance/Public Hearing</td>
<td>□ Update on Project/Committee</td>
</tr>
<tr>
<td>□ 1st Reading  [x] 2nd Reading</td>
<td>□ Discussion Only</td>
</tr>
<tr>
<td>□ Public Comment Anticipated:</td>
<td>□ Discussion &amp; Action</td>
</tr>
<tr>
<td>[x] 0 minutes Estimated Time</td>
<td>□ 5 min. Estimated Time</td>
</tr>
<tr>
<td>[x] Document Recording Required</td>
<td>□ Special Report:</td>
</tr>
<tr>
<td>□ Contract/Agreement</td>
<td>□ Oral  □ Written</td>
</tr>
</tbody>
</table>

If appropriate, have Boards/Committees been involved?  
Yes  No  [x] Not Applicable
If yes, address under Salient Issues, page 2.
If appropriate, has this agenda/item been advertised?  
[ ] Yes  [ ] No  [x] Not Applicable

**Names of Publications:**  
Corvallis Gazette Times

**Dates of Publication:** **July 6, 2016 (for public hearings)**

**Reviewed By:**  
(Signature and Date Required)

<table>
<thead>
<tr>
<th>Department Head</th>
<th>Required for all BOC meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] 4/5/17</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chief Operating Officer</th>
<th>Required for all BOC meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] 4/6/17</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>County Counsel</th>
<th>Required for all legal documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] 4/6/17</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Budget Office</th>
<th>If appropriate</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Human Resources</th>
<th>Required for all personnel actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BOC Administration</th>
<th>Required for all BOC meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
<td></td>
</tr>
</tbody>
</table>

Provide one original or send electronically to Board Staff.  

DO NOT USE STAPLES!
DATE OF MEETING:
April 18, 2017

TITLE OF AGENDA ITEM:
Second Reading of Ordinance 2016-0275: Zoning Map Amendment to Change 5800 and 5820 NW Highway 99W from Urban Residential to Urban Commercial. LU-16-016.

IDENTIFIED SALIENT ISSUES:
On August 9, 2016, the Board conducted a public hearing and directed staff to prepare an ordinance for approval of the zone change. Prior to the second reading of the ordinance, the applicant will need to demonstrate access acceptable to ODOT and Benton County Public Works.

On September 6, the Board conducted the first reading of the ordinance.

A second reading was scheduled for October 4, then November 1, then January 17, however the applicant was still working on meeting the access requirement and the second reading was postponed.

As of April 4, the applicant thinks it is unlikely the access requirement will be met prior to April 18, the date scheduled for the second reading. If the access requirement is not met prior to this date, then Planning Staff recommends continuing the second reading again. The ordinance will be effective 30 days after the second reading.

The ordinance attached to the submittal for the September 6, 2016 first reading reviews all the relevant criteria in detail.

In summary:

- 5800 and 5820 NW Highway 99W can be referred to as Tax Lots 500 and 400, respectively, of the Tax Assessor’s map for Township 11 South, Range 5 West, Section 12BD. Tax Lot 500 is owned by Frenchay Investments, LLC, represented by Clive Harrison. Tax Lot 400 is owned by VP Real Estate Investment Services, LLC, represented by Vernon and Priscilla Esplin.

- 5800 and 5820 NW Highway 99W are north of Lewisburg Avenue, and are together approximately 0.8 acres.

- Both properties are currently zoned Urban Residential (UR), but have historically been used for a few different uses, including a gas station/convenience store.

- The property owners have requested changing the zone from UR-10 to Urban Commercial. The two properties are designated “Mixed Use Commercial” on the City of Corvallis Comprehensive Plan Map, and the City of Corvallis is in favor of the zone change.

- “Outright permitted uses” in the Urban Commercial zone include professional offices, sales of goods, restaurants, taverns, hotels, membership clubs, service stations, and vehicle parking lots, meaning that, if the zone change is approved, these uses could be established without input from nearby property owners. “Conditional Uses” are limited to schools, one dwelling per property, and radio or communication tower and accessory facilities. Code requires that nearby property owners be given the opportunity to weigh in on these proposed uses.

- Staff notified the owners of 12 surrounding tax lots of the proposed zone change, and only one submitted a comment or testified at the Planning Commission public hearing. This adjacent property
owner was in favor of the zone change.

- Fair Housing Council of Oregon and Housing Land Advocates submitted a joint letter to the Planning Commission expressing concerns about the potential negative impact on affordable housing that would be caused by changing the Comprehensive Plan Map from Residential to Commercial. However, Planning Staff notified the author that the Comprehensive Plan Map is not being changed, as it already designates the land as “Mixed Use Commercial.” Staff received no reply.

- Oregon Department of Transportation (ODOT) is concerned about decreased traffic safety due to the location of the expected increase in vehicles accessing 5820 NW Highway 99W. Therefore, ODOT has requested and the property owner has agreed to either a covenant limiting vehicle trips or an access easement in a new location.

- On July 19 the Planning Commission conducted a public hearing and recommended approval, subject to the applicant addressing ODOT’s concerns, as detailed in the staff report attached to the August 9 agenda checklist and within Exhibit 1 of Ordinance 2016-0275.

OPTIONS:
1) Conduct the second reading of the ordinance; or
2) Request additional information and continue the second reading of the ordinance to June or July.

FISCAL IMPACT:
The southern property has had a gas station and convenience store on it for many years, including when the two properties’ zoning was changed from Urban Residential to Commercial in 1971. After the properties’ zoning was changed back to Residential in 1980, commercial uses became non-conforming, meaning that any changes or expansions to the uses require County applications and approvals. The change back to Commercial zoning would reduce the owners’ financial and time expenditures in pursuing commercial uses.

No significant fiscal impacts have been identified for the County, taxpayers, nor the general public.

STAFF RECOMMENDATION:
If the applicant has demonstrated road access acceptable to ODOT and Benton County Public Works, conduct the second reading.

If the applicant has not demonstrated road access acceptable to ODOT and Benton County Public Works, continue the second reading to June or July.

SUGGESTED MOTIONS:
I MOVE TO:

A. Conduct the second reading of Ordinance 2016-0275, APPROVING the Zoning Map amendment as requested in File LU-16-016, based on the Findings and Conclusions contained in the ordinance.

or,

B. Continue the second reading of the ordinance until the applicant either signs a covenant limiting vehicle trips or demonstrates road access acceptable to ODOT and Benton County Public Works.

Rev: 08/29/05
BEFORE THE BOARD OF COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON

In the Matter of Amending the Benton County Zoning Map from Urban Residential - 10 to Urban Commercial

ORDINANCE No. 2016-0275

WHEREAS, two property owners have requested the Benton County Zoning Map be changed from Urban Residential - 10 to Urban Commercial for the two properties totaling 0.8 acres which can be identified as Tax Lots 400 and 500 of Township 11 South, Range 5 West, Section 12BD (5820 and 5800 NW Hwy 99 W, Corvallis, respectively); and

WHEREAS, the Benton County Planning Commission held a duly advertised public hearing on July 19, 2016, and voted to recommend that the Board of Commissioners approve the Zoning Map amendment; and

WHEREAS, the Benton County Board of Commissioners held a duly advertised public hearing on August 9, 2016, to receive testimony from the public and to consider the request; and

WHEREAS, the Benton County Board of Commissioners finds that the proposed Zoning Map amendments comply with the criteria of Benton County Development Code and are consistent with the applicable policies and procedures of the Benton County Comprehensive Plan for the Corvallis Urban Fringe; and

WHEREAS, the Benton County Board of Commissioners has considered the staff report, the recommendation of the Benton County Planning Commission, and the record as a whole. The Board of Commissioners deliberated and approved the proposed amendment to the Zoning Map, and conducted the First Reading of the Ordinance on September 6, 2016; and

WHEREAS, the Benton County Board of Commissioners conducted the Second Reading of the proposed Ordinance on January 17, 2017.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY ORDAINS AS FOLLOWS:

PART I: Short Title. Amendments to the Benton County Zoning Map from Urban Residential - 10 to Urban Commercial.

PART II: Authority. The Board of County Commissioners of Benton County has authority to amend the Zoning Map pursuant to ORS Chapter 215 and the Benton County Charter.

PART III: The Zoning Map amendment proposed in Planning File No. LU-16-016 is hereby approved, based on the Findings of Fact and Conclusions of Law contained in the attached “Exhibit 1” and hereby adopted and incorporated herein.

PART IV: The Benton County Zoning Map is hereby amended to identify as Urban Commercial the properties pictured on the attached “Exhibit 2” and described in Documents # M-2015-533419 (Tax Lot 400) and # M-2003-351086 (Tax Lot
500), Benton County Deed Records. (Totaling 0.8 acres and identified as Tax Lots 400 and 500 of the Tax Assessor’s map for Township 11 South, Range 5 West, Section 12BD.)

PART V: The effective date for this amendment to the Benton County Zoning Map will be:

First Reading: September 6, 2016
Second Reading: January, 17, 2017
Effective Date: 

BENTON COUNTY BOARD OF COMMISSIONERS

___________________________________________
Anne Schuster, Chair

___________________________________________
Xanthippe Augerot, Commissioner

___________________________________________
Annabelle Jaramillo, Commissioner

Approved as to Form:

___________________________________________
Vance Croney, County Counsel

___________________________________________
Kevin Perkins, Recording Secretary
### Exhibit 1
**Findings of Fact and Conclusions of Law**
**File # LU-16-016**

<table>
<thead>
<tr>
<th>Nature of Request:</th>
<th>These two properties (approximately 0.8 acres total) have historically been used for a gas station/convenience store and materials storage area. The applicants stated: “Commercial uses have continuously been in existence and operation since long before (3 decades) the property was rezoned from Commercial to UR-10.” <strong>The applicants seek to change the zone from Urban Residential- 10 to Urban Commercial</strong> to make the current and proposed uses more compatible with the zone. It is unclear whether the applicants’ intended uses for the northern property would be allowable in the Urban Commercial zone. This action, if approved, will amend the Zoning Map and adopt findings demonstrating compliance with applicable criteria. <strong>These two properties are designated Mixed Use Commercial on the City of Corvallis Comprehensive Plan Map.</strong></th>
</tr>
</thead>
</table>
| Applicable Criteria: | Benton County Comprehensive Plan, Chapter 16 – Corvallis Urban Fringe Policies  
Benton County Code, Sections 53.505 through 53.525 |
| Property Location: | **5800 and 5820 NW Highway 99W, Corvallis.** North of NW Lewisburg Ave. and approximately 1.7 miles north of Corvallis City Limits. T 11S, R 5W, Section 12BD, Tax Lots 400 and 500. |
| Property Owners: | VP Real Estate Investment Services, LLC (Tax Lot 400) and Frenchay Investments, LLC (Tax Lot 500) |
| Current Zone Designation: | Urban Residential-10 (one parcel per 10 acres) | **Staff Contact:** Kristin Anderson |
| City of Corvallis Comprehensive Plan Designation: | Mixed Use Commercial | **File Number:** LU-16-016 |
| CAC Planning Area: | North Benton (not active) |

### A. BACKGROUND AND NOTIFICATION

Tax Lot 400 is owned by VP Real Estate Investment Services, LLC, represented by Vernon and Priscilla Esplin. Tax Lot 500 is owned by Frenchay Investments, LLC, represented by Clive Harrison.

The two tax lots (approximately 0.8 acres total) are currently zoned Urban Residential-10, but have historically been used for a gas station/convenience store (Tax Lot 500) and materials storage area (Tax Lot 400). (See Figure 1.) However, since the commercial use on Tax Lot 400
has been discontinued for more than 12 months, the legal ability to do that use on Urban Residential zoned land has been lost. BCC 53.320 states: "A nonconforming use may not be resumed after a period of interruption or abandonment of one year unless the resumed use complies with the requirements of the Development Code in effect at the time of resumption of the use."

In discussions with staff, the Esplins have expressed the intention of using Tax Lot 400 and the neighboring Tax Lot 300 (not part of this zone change) for their tree care business. The list of uses allowable in the Urban Commercial zone does not specifically include this type of business, nor include uses that are strongly similar to a tree care business; staff has informed the Esplins and encouraged them to apply for a formal interpretation from this department as to whether the activities of the intended business would be allowed in the Urban Commercial zone. Without this formal determination, the Esplins are proceeding with the zone change application at the risk of being unable to operate the business on Tax Lot 400 even if the zoning has been changed.

On March 1, 2016, the applicants met with six City and County staff at a pre-application conference to discuss changing the zone on three tax lots (Tax Lots 300, 400, and 500) from Urban Residential-10 to Urban Commercial, which would have required also amending the Corvallis Comprehensive Plan Map because Tax Lot 300 has a Comprehensive Plan Map designation of Low Density Residential. (The Comprehensive Plan Map designates Tax Lots 400 and 500 as Mixed Use Commercial.) On March 2, the applicants applied to change the zone on only two tax lots, not Tax Lot 300, and thus an application to the City of Corvallis was not necessary. However, subsequently the applicants pursued various ideas, which led to putting this application on hold and also, at one point, withdrawing this application.

![Image](image.png)

Figure 1. Tax Lots 500 (left) and 400 (right), as viewed from Highway 99W. Image capture: Aug. 2015 © 2016 Google

Notice of this proposal was sent to the Department of Land Conservation and Development (DLCD) on June 14, 2016. Notice of the Planning Commission and Board of County Commissioners public hearings was sent to affected public agencies, other interested parties, and surrounding property owners on July 1, 2016. The minimum required distance for notification within an urban growth boundary is 100 feet from the subject properties, which would have
included only four tax lots, including the northern tax lot owned by one of the applicants. Therefore, with the intent of notifying property owners who might be affected by the proposal, Benton County extended the notification area and mailed notice to the owners of an additional eight tax lots. The legal advertisement for the public hearings was published in the Corvallis Gazette-Times on Wednesday, July 6, 2016.

B. COMMENTS

One written comment (see Attachment B) was received the day of the July 19 Planning Commission hearing. Fair Housing Council of Oregon was concerned that the Comprehensive Plan Map was being changed from Residential to Commercial, potentially creating negative impacts for affordable housing. However, the City of Corvallis Comprehensive Plan Map actually designates these two properties as “Mixed Use Commercial,” and therefore the proposed zone change is in accordance with the City’s long-term buildable lands inventory planning.

One person testified at the Planning Commission hearing. Kinsey Bass Green stated she owned the land immediately to the west of the two properties, at 151 NW Lewisburg Avenue. She stated that the Harrisons and Esplins were great neighbors and she was in favor of the zone change.

Because this land is within the Corvallis Urban Growth Boundary, City staff was asked to comment. Because both properties have frontage on Highway 99 West, which is under the jurisdiction of the State of Oregon, Oregon Department of Transportation was asked to comment.

Oregon Department of Transportation (ODOT), stated:

Regarding traffic impact:

This proposal is for the zone change of Tax Lots 400 & 500 T11S R5W Section 12BD. OR99W is a three lane highway section along the frontage of these subject properties. (a thru southbound lane, a southbound left turn lane, and a northbound thru lane) With the proposed zone change, a higher trip generation could be anticipated over the current zoning. ODOT has a concern with future redevelopment of tax lot 400 resulting in an increase of left in and left out turn movements which may conflict with the existing southbound left turn lane. ODOT recommends the County consider requiring easements for inter parcel connectivity that would allow tax lot 400 to be able to access NW Lewisburg Avenue.¹ [Valerie Grigg Devis, Senior Region Planner]

Regarding access to the highway:

Currently tax lot 500 appears to have a connection to OR99W at mile point 78.91. (as well as connections to Lewisburg Avenue) and tax lot 400 appears to use the connection at mile point 78.90. OR99W is a three lane section in this vicinity – a northbound thru lane, a southbound thru lane, and a southbound left turn lane. The zone change itself will not result in ODOT initiating a review of the connections to the highway. When ODOT is

¹ Due to ODOT’s concerns about decreased traffic safety due to the location of the expected increase in vehicles accessing Tax Lot 400, prior to the zone change Tax Lot 400 should acquire an access easement in a location approved by ODOT or Public Works, either onto Highway 99W or Lewisburg Avenue (e.g., through Tax Lot 300 north of the dedicated turn lane or Tax Lot 500), or the owner of Tax Lot 400 may sign a covenant agreeing to limit the amount of traffic generated. This is discussed in Section D’s analysis of BCC 53.505(3).
noticed by the County or City of any future development of these properties, ODOT at that
time may do a change of use evaluation per OAR 734-051-3020. This could result in new
road approach applications being required at that time. [Duane James Liner,
Development Review Coordinator]

Gordon Kurtz, Engineer Associate, Benton County Public Works, stated:
Public Works will take ODOT’s recommendation under advisement and has no further
comments regarding the zone change.

City of Corvallis Public Works stated they had no comment.

City of Corvallis Planning stated that since the Comprehensive Plan Map designation for the
two properties is Mixed Use Commercial, they are supportive of the proposed zone change to
Urban Commercial.

Benton County Environmental Health stated an “Authorization Notice” from Environmental
Health will be required for the proposed business on the VP Real Estate Investment Services
property (Tax Lot 400) to consider use of the existing septic system.

Jeff Prechel, Fire Marshal for Corvallis Fire Department, said that since the buildings already
exist, no additional Fire Department Access or Water Supply will be required with the proposed
zone change. If new development is proposed, that development would be required to comply
with the provisions of the adopted Oregon Fire Code at the time of development. He does not
see any fire-related concerns with the zone change from Urban Residential to Urban
Commercial. All the concerns for uses listed as outright permitted in the Urban Commercial
zone could be addressed at the time of building permit review.

C. GENERAL FINDINGS

Properties
1. The two tax lots are legally existing properties in their current configurations. Tax lot
boundaries are for only tax assessment purposes and do not necessarily coincide with legal
property boundaries. Although prior to November 28, 1975 land could be divided by deed
alone, after this date land divisions had to be approved by Benton County and certain
standards had to be met. Planning Staff reviewed the recorded documents and land use
files associated with the properties and determined that the two tax lots accurately represent
the legal property configurations, which have remained unchanged since at least 1968 (Tax
Lot 400, Book 194, Page 662) and May 13, 1975 (Tax Lot 500, M#55696). The current
deed for Tax Lot 400 is M#2015-533419. The current deed for Tax Lot 500 is M#351086-
2003. (All documents are as recorded within Benton County Deed Records.)

2. The properties are zoned Urban Residential-10 (UR-10), and all of the surrounding
properties are zoned UR-10 or UR-5. The area contains a mix of residential and
commercial uses. Approximately 600 feet to the southeast is Urban Industrial land. (See
Exhibit 2.)

3. There is no regulated floodplain, wetlands, nor other significant natural features or hazards
on the properties.

4. In 1995, the owner of Tax Lot 500 sought to expand the size of the City Limits Country
Store, and applied for an Expansion/Alteration of an Existing Non-Conforming Use (file # PC-95-5). According to the 1995 Staff Report, the existing structure was constructed around 1940 and the property was zoned Community Commercial District (C2) in 1974. When the property was zoned Urban Residential-10 in 1980, the commercial use of the property became a pre-existing, legally established, non-conforming use. The 1995 Staff Report stated that a 1971 septic permit issued by Benton County (permit # 1220) indicated that the store and service station were in use prior to 1971.

5. Although Tax Lot 400 has for many years contained an auction house and, together with Tax Lot 300, a junkyard, staff reports note that the junkyard was never a use that was allowed under any zoning on that property.

Applicants’ Proposal

VP Real Estate Investment Services, LLC, represented by Vernon and Priscilla Esplin, would like to establish a tree care business (Buena Vista Arbor Care) on Tax Lot 400. Clive Harrison, who represents Frenchay Investments, LLC, stated he is not planning to change any activities on Tax Lot 500, which has hosted a gas station for more than 50 years. The applicants propose changing the zone of Tax Lots 400 and 500 from Urban Residential-10 to Urban Commercial, as the zoning is more amenable to those activities. County Planning Staff believe the Urban Commercial and Urban Industrial zones are the most likely zones that might allow the proposed tree care business activities, but an official interpretation would need to be applied for to analyze the situation and allow surrounding property owners to weigh in; at this point it is unknown if the activities would be allowed.

The Esplins stated the specific activities expected as part of the tree care business would include 6 to 8 employees arriving on site in the morning to drive away in company vehicles and returning in the afternoon, however no public is expected to come to the business. The property would contain 3 trucks, 2 bucket trucks, 3 chippers, 3 stump grinders, and a pile of wood chips. (No chipping is expected on site, as trees are chipped at the customers’ homes. The chip pile can become approximately 30 feet by 60 feet by 7 feet tall. They deliver wood chips to people’s homes in the spring/summer.) An existing building would be used as the office. Right now Buena Vista Tree Care is headquartered in Polk County, however they would like to relocate it as 80% of their business is in Corvallis and Albany.

D. FINDINGS APPLYING DEVELOPMENT CODE CRITERIA and COMPREHENSIVE PLAN POLICIES

A change of zoning from Urban Residential to Urban Commercial requires that criteria from Section 53.505 of Benton County Development Code be met, and that procedures comply with the requirements of Sections 53.510 through 53.525. In addition, because these properties are within the Corvallis Urban Growth Boundary (UGB), the zone change must comply with the policies outlined within the Benton County Comprehensive Plan for the Corvallis Urban Fringe (as amended through 2005).

BCC 53.505 Zone Change Criteria. The Official Zoning Map may be amended if:

(1) The proposed zoning for the property is more appropriate than the current zoning, when considering existing uses, changes in circumstances since the current zoning was applied, or information that indicates that the current zoning was not properly applied;

Ord. 2016-0275
Findings in favor: The applicants' statement for Tax Lot 400 and Tax Lot 500 includes:

"Fact: The subject property was zoned commercial and the zoning was consistent with the historic uses on the property until 1980 when the property was re-zoned UR10 (Urban Residential 10).

Fact: The Current [sic] use is Commercial as is the intended use moving forward.

[For Tax Lot 400] Fact: Commercial uses have continuously been in existence and operation since long before (3 decades) the property was rezoned from Commercial to UR-10.

[For Tax Lot 500] Fact: The existing gas station and convenience store on site have been in existence and operation since long before (3 decades) the property was rezoned from Commercial to UR-10.

Fact: The property is developed with a water supply and an on-site wastewater treatment system.

Fact: The property is both within the Urban Growth Boundary and the Lewisburg Major Neighborhood Center of the North Corvallis Area Plan (NCAP, Section 3.3.1).

[For Tax Lot 400] Fact: Portions of the Property are designated Mixed Use Commercial in the North Corvallis Area Plan (Section 3.3.1).

[For Tax Lot 500] Fact: The Property is designated Mixed Use Commercial in the North Corvallis Area Plan (Section 3.3.1).

...

Fact: Continued application of the UR-10 zone is detrimental to the long term viability of the existing and master planned commercial use on this property.

...

Conclusion: Commercial Zone is a more appropriate designation than the current residential designation."

This area has historically been used for residential and commercial uses. According to the information in file # L-84-1 (which sought to change the zoning of approximately 50 acres in the area from Residential to Commercial), in 1968, Tax Lots 300, 400, and 500, as well as approximately 19 tax lots to the west and east, were zoned Urban Residential (UR). In 1971, the zoning of Tax Lots 300, 400, and 500 was changed to Commercial to reflect the presence of the existing commercial uses. In 1974 the County extended the Commercial zoning to include Tax Lot 1601 on the south side of Lewisburg Avenue (where Comcast Service Center is currently located). The UR-10 designation was applied to the entire area in 1980 after the present Corvallis Comprehensive Plan was adopted. At that time, the study area was also designated on the Corvallis Comprehensive Plan as an Intensive Development Sector.

In 1984, as part of zone change application file # L-84-1, the City of Corvallis Planning Commission voted against recommending Commercial zoning for approximately 50 acres, including Tax Lots 300, 400, and 500. At this time, the approximately 22 tax lots contained approximately 11 dwellings and approximately 7 known businesses, plus North Corvallis Mobile Home Park. The existing uses included the Lewisburg Antique Store (Tax Lot 400), which
would be a permitted use in the Commercial zone, and the Lewisburg Market and Service Center (Tax Lot 500), which would be a conditional use, since it included a gas station. The Lewisburg Store (Tax Lot 300) site included a junkyard, and junkyards were specifically excluded from the Commercial zone. However, the City of Corvallis Planning Commission cited concerns about the rezone conflicting with the Corvallis Comprehensive Plan in effect at that time, creating commercial strip development rather than a planned shopping area, and increasing demand for potentially undependable sewer and water systems. Subsequently, the Benton County Planning Commission voted to recommend Commercial zoning for the entire area. However, Benton County Commissioners rejected the zone change, and the entire approximately 50 acre area remained zoned Urban Residential-10.

In 1968, the County chose a single zoning designation (Residential) for a broad area of approximately 50 acres containing a variety of commercial and residential uses. Rezoning Tax Lots 400 and 500 to Commercial in 1971 recognized the commercial nature of the existing land uses. It appears that in 1980 the only impetus for changing the zone of these two tax lots back to Residential was the adoption of the Corvallis Comprehensive Plan. Consistent with that logic, because the current Corvallis Comprehensive Plan Map designates these two tax lots as Mixed Use Commercial, a zone change from Urban Residential to Urban Commercial is appropriate. City Planning Staff and County Planning Staff recognize the commercial uses that have historically existed on these two properties and the changes in circumstances since 1980, and believe that Urban Commercial zoning is more appropriate than the current Residential zoning.

It should be noted that City of Corvallis Public Works, Benton County Public Works, Benton County Environmental Health, and Corvallis Rural Fire Department were all advised of the "outright permitted" uses that would be allowed in the Urban Commercial zone without Planning review and neighborhood notification (BCC 68.105) and of the "conditional uses" that would require it (BCC 68.205). None of them stated concerns regarding the zone change nor recommended Conditions of Approval to mitigate for the proposed zone change. Environmental Health stated there is a plume of ethyl-dibromide under the gas station, which Oregon Department of Environmental Quality has been monitoring for more than 10 years. One of the applicants pointed out that the presence of polluted land supports the zone change from a residential use to a commercial use.

**Conclusion:** Staff concludes that the proposed Urban Commercial zone is more appropriate than the current zoning of Urban Residential-10, considering the existing uses and the changes in circumstances since the current zoning was applied. **This criterion is met.**

(2) The impact on adjacent properties will be minimal;

**Findings:** The impacts on adjacent properties would derive from the future uses being *more* commercial in nature than would be allowed in the Urban Residential zone. Note that although the gas station and convenience store already exist on Tax Lot 500 and the current plan is for a tree care business on Tax Lot 400, the zone change could allow any of the uses listed in the Urban Commercial zone (Chapter 68), and therefore it is necessary to consider the possibilities, not just the current proposal.

---

2 Outright permitted uses include professional offices, sales of goods, restaurants, taverns, hotels, membership clubs, service stations, and vehicle parking lots. Conditional uses are limited to schools, one dwelling per property, and radio or communication tower and accessory facilities.
The conditional uses allowed in the Urban Commercial zone (listed in (1) above) are reviewed for compatibility with surrounding uses and for impacts on public facilities and services, which includes the requirement for surrounding property owner notification and the opportunity for public input. (Although the properties to the east of these two subject properties are on the other side of Highway 99 West and the railroad tracks and more than the required 100 foot notification distance away and thus legally do not require notification, Planning Division practice is to expand the notification area to include these properties, as was done for this zone change.) Thus the potential conditional uses which might be proposed in the future can be analyzed for impacts on a case-by-case basis and have mitigating Conditions of Approval applied to the proposed use.

Therefore it is the outright permitted uses which should be scrutinized more closely at this time. Outright permitted uses in the Urban Commercial zone include professional offices, sales of goods, restaurants, taverns, hotels, membership clubs, service stations, and vehicle parking lots. The potential impacts of these uses could include traffic congestion, an increase in traffic crashes, an increase in water use and sewage output, an increase in noise, an increase in general activity, and a change in the character of the area. When permits are obtained to construct new buildings or to remodel existing buildings for a new use, the review process requires approval by Benton County Public Works and Oregon Department of Transportation (traffic efficiency, safety, road approaches, and internal circulation), Benton County Environmental Health (water safety and sewage), and Benton County Planning (water quantity and quality, parking requirements). These entities can usually require appropriate measures to mitigate these concerns, with the exception of noise and changes to the character of an area.

The noisiest impacts might be from people leaving taverns and membership clubs. However, both properties have frontage along Highway 99W, which has a large volume of fast moving traffic which already creates a lot of noise, rendering the impact of additional noise minimal to the property to the north (Tax Lot 300) and likely undetectable to the properties east of Highway 99W and the railroad tracks. Impacts are unexpected to the land immediately to the south of Lewisburg Avenue, where Comcast Service Center is located. The UR-5 zoned property to the west of Tax Lots 400 and 500 has a dwelling located approximately 150 feet away (at 151 NW Lewisburg Avenue), so noise impacts would seem unlikely unless the commercial use has an outdoor component located immediately adjacent to the property line, such as a tavern with an outdoor beer garden or a sports facility with outdoor volleyball courts. In such cases, the noise impact might be more than "minimal," however such a use immediately adjacent to the western property line is unlikely. The owner of this adjacent property, Kinsey Bass Green of Green Community Development, LLC, testified at the Planning Commission Public Hearing as being in favor of the zone change and stated she did not have concerns about potential noise issues.

Similarly, change to the character of the area could occur from establishment of certain of these outright uses; however, given existing uses on the subject and neighboring properties, it seems unlikely that these uses could have a significant negative impact on the character of the area.

Conclusion: The zone change is expected to have no or minimal impact on adjacent properties. This criterion is met.

(3) Any significant increase in the level of public services which would be demanded as a result of the proposed zone change can be made available to the area; and

Findings: Public services provided in the area include law enforcement, fire and emergency medical services, electricity, U.S. postal service, schools, stormwater drainage, and roads. While
the various uses allowed in the proposed Urban Commercial zone may increase the demand for some of these as compared to a residential use, any increase is likely to be small, with the exception of the demand placed on roads and stormwater drainage.

As buildings and paving replace fields, trees, and other vegetation, rainwater is prevented from soaking into the ground and instead flows over the land and floods drainage ditches and storm sewer lines. Tax Lot 500 is already almost totally covered with paving and buildings, and the zone change would not have any impact on storm drainage. At the time of building permit application for Tax Lot 400, Public Works Engineering is required to analyze the impervious surface, slopes, and drainage, and appropriate measures to ensure adequate drainage would be required at that time. An increase in the level of storm drainage required can be made available to the area.

The zone change from Urban Residential-10 to Urban Commercial is expected to cause no or minimal increase in traffic for Tax Lot 500, as it already contains a gas station/convenience store. However, although only a minimal increase in traffic would be expected on Tax Lot 400 from the applicant’s description of his tree care business, it should be noted that the zone change to Urban Commercial would allow other uses which generate significantly more traffic, such as a professional office/clinic, restaurant, tavern, hotel, and vehicle parking lot. Therefore it is appropriate to consider the impacts of a greater volume of traffic.

In Section B of this report, Oregon Department of Transportation (ODOT) stated concerns about decreased traffic safety due to the location of the expected increase in vehicles accessing Tax Lot 400. (See Exhibit 2.) Northbound vehicles exiting Tax Lot 400 and attempting to turn left onto Highway 99W would necessarily cross the southbound lane and the southbound dedicated left-turn lane, impeding traffic flow and increasing the likelihood of high-speed collisions. When a northbound vehicle tries to enter Tax Lot 400 with a left-turn, if the southbound dedicated left-turn lane is backed up then the access would be blocked, and the vehicle would be forced to wait in the sole northbound lane, which would impede northbound traffic. ODOT requested that the unsafe situations be remedied by a condition of approval requiring that Tax Lot 400 have an access easement through Tax Lot 500 onto Lewisburg Avenue. Through additional discussions with ODOT, it was determined that other alternatives might include an access easement farther north on Tax Lot 300 in a location approved by ODOT, or a covenant limiting trip generating activities on Tax Lot 400 combined with any non-residential activities on Tax Lot 300 to 56 trips per day (this is equal to 28 round trips per day) until an appropriate access easement meeting the requirements of Public Works or Oregon Department of Transportation is obtained. If the covenant option is chosen, then Tax Lot 400 must provide evidence of a legal access to Highway 99W, as it appears that it has been using the access point approximately 30 feet to the north, on Tax Lot 500.

The Planning Commission recommended that the Board of Commissioners adopt the proposed zoning map, contingent upon the following:

To comply with Benton County Code and Comprehensive Plan Policies, prior to the Board of Commissioners’ second reading of an ordinance effecting the zone change, the owners of Tax Lot 400 shall either:

a) For the benefit of Tax Lot 400, provide proof of an access easement through Tax Lot 500 onto Lewisburg Avenue at a location approved by Benton County Public Works or through Tax Lot 300 onto Highway 99W in a new location to be approved by Oregon Department of Transportation as the optimal location;
b) Sign a covenant limiting trip generating activities on Tax Lot 400 combined with any non-residential activities on Tax Lot 300 to 56 trips per day (this is equal to 28 round trips per day) until an appropriate access easement meeting the requirements of Public Works or Oregon Department of Transportation is obtained and provide evidence of legal access from Tax Lot 400 to Highway 99W, even if it is the access point approximately 30 feet to the north of Tax Lot 400, on Tax Lot 300.

Prior to the second reading of the ordinance, the applicant will be required to demonstrate access acceptable to the Oregon Department of Transportation and Benton County Public Works.

The Planning Commission was concerned about using Tax Lot 300, which would remain zoned Residential, for Tax Lot 400’s commercial access. This road approach and driveway area have historically been used for the non-residential activities on Tax Lot 400, so there is potentially legal precedence which would allow this use to continue, even if the northern tax lot was under different ownership than the southern tax lot. Furthermore, the County’s setback for a residential structure that could be placed on Tax Lot 300 is 25 feet from the highway right-of-way and 40 feet from the edge of the highway’s gravel shoulder. The access road which currently exists on the eastern edge of Tax Lot 300 currently extends roughly 40 feet from the right-of-way and roughly 50 feet from the edge of the gravel. Continuing to use this existing access for Tax Lot 400 would not take additional land away from residential uses that would be allowed on Tax Lot 300, and the impacts to expected residential uses on Tax Lot 300 would be negligible.

Any significant increase in the level of public services can be made available to the area.

Conclusion: The proposed zone change is not expected to cause a significant increase in the level of public services demanded, with the possible exceptions of stormwater drainage and roads. However, the increased demand in public services that can be expected can be made available to the area. **This criterion is met.**

4) **The proposed zone change is consistent with the policies of the Comprehensive Plan.**

Background: Because these properties are within the Corvallis Urban Growth Boundary (UGB), the zone change must comply with the policies outlined within the Benton County Comprehensive Plan for the Corvallis Urban Fringe (as amended through 2005), which is an incorporation into the County Comprehensive Plan of policies from the Corvallis Comprehensive Plan, as adopted by the City (1998) and the County (1999). City of Corvallis Planning stated that since the City of Corvallis Comprehensive Plan Map designation for the two properties is Mixed Use Commercial, the City’s Planning division is supportive of the proposed zone change from Urban Residential-10 to Urban Commercial. Also, the North Corvallis Area Plan, which was adopted as a background document to the Benton County Comprehensive Plan, includes the subject properties.

Findings: The North Corvallis Area Plan identifies a future “neighborhood center,” a future park, and a future north-south roadway in the vicinity of the subject properties but not on or adjacent to the subject properties. The proposed zone change is consistent with the North Corvallis Area Plan.
The applicants cited 14 policies from the Benton County Comprehensive Plan, and the entirety of their submittal regarding those policies is contained in the Attachment. Their most relevant statements are:

**Policy 3.1.7** “Benton County shall encourage the preservation of valued natural features such as wetlands and wildlife habitat.” Approval of this request will not adversely affect inventoried natural features because the property is already developed and operating with a land use consistent with the requested commercial zoning.

**Policy 5.6.3** “Benton County shall require land development and transportation projects to be designed to minimize incursions and other impacts to floodplains, wetlands, and riparian areas. When no reasonable option exists, roads, bridges, and access ways may be allowed, provided fish passage is assured, channel capacity is maintained, and removal of riparian vegetation is minimized.” This request will not result in impacts to floodplains, wetlands and riparian areas because the site is already developed. Tax Lot 300 is encumbered by a small area of floodplain in the NE corner of the lot. There are no buildings within the floodplain.

**Policy 6.6.3** “Benton County shall develop and maintain standards to minimize noise pollution and noise trespass as part of land use decisions.” This parcel fronts Hwy 99W. Highway noise is not compatible with residential uses. Commercial zoned property at this location will provide a noise reduction buffer for residential zoned property to the north.

Staff concurs that the proposed zone change would be consistent with these Comprehensive Plan policies.

Staff reviewed the Benton County Comprehensive Plan for the Corvallis Urban Fringe (as amended through 2005), and found the following policies to be the most applicable:

**Article 8. Economy, 8.2 Employment and Economic Development, Policy 8.2.1**

The City and County shall support diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy.

Tax Lot 400 is approximately 12,100 square feet (0.3 acres) and Tax Lot 500 is approximately 20,800 square feet (0.5 acres). There are not many commercially-zoned properties of this size in this area. In fact, the closest commercial land is the Sick Town Derby Dames roller rink property, located approximately 2,000 feet to the north and zoned Rural Commercial, although the zoning overlay restricts activities to uses similar to roller rinks. Approximately 600 feet to the south of Tax Lots 400 and 500 are many properties zoned Urban Industrial. Other than these two areas, there is no other industrial or commercial land within 1.7 miles of Tax Lots 400 and 500. Although it is unclear whether the applicants’ intended tree care business on Tax Lot 400 would be allowable in the Urban

---

3 Approximately 100 feet to the west of Tax Lots 400 and 500 is an approximately 1.9 acre area of “Significant Vegetation” surrounding the existing structures. Approximately 270 feet to the north of Tax Lot 400 is the protected riparian area for Mountain View Creek. These areas are the closest known lands that could be considered as containing wetlands or wildlife habitat. No endangered species are known to be in the area.

4 There is no floodplain on Tax Lots 400 and 500. Benton County Planning would not accept an access easement (discussed above in relation to BCC 53.505(3)) on the northern approximately 30 feet of Tax Lot 300, as it is within Mountain View Creek’s protected riparian area.
Commercial zone, as described in Section C of this report, such a business would promote diversification of the local economy.

Article 8. Economy, 8.10 Commercial and Office Land Development and Land Use, Policies 8.10.1 and 8.10.5

The location, type, and amount of commercial activity within the Urban Growth Boundary shall be based on community needs.

The fact that a gas station has been located on Tax Lot 500 since at least 1971 indicates that the community has been financially supporting that use. The community’s commercial needs have not been determined, and under County Development Code if this land was rezoned Urban Commercial then outright permitted uses include professional offices, taverns, stores, and motels. However, Staff believes the zone change is not inconsistent with the policies of the Comprehensive Plan, especially when considering that the Corvallis Comprehensive Plan Map designates this area as Mixed Use Commercial, as described in this Section’s discussion of BCC 53.505(1).

Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan map, dated December 1998.

Tax Lot 500 is definitely an “existing commercial area” and Tax Lot 400 has historically been used as a commercial area. Highway 99W should be considered an arterial. The Comprehensive Plan Map indicates it is acceptable for Tax Lots 400 and 500 to contain commercial activity, as it designates these areas as Mixed Use Commercial.

Article 10. Public Utilities, Facilities and Services, 10.2 General Public Utilities and Facilities, Policy 10.2.10

The City and County shall develop regulations and procedures which will encourage the appropriate development of public facilities and services within the Urban Growth Boundary. The cost of such facilities and utilities shall primarily be borne by the benefited properties. Where the public is benefited, the public will bear the cost to the degree benefited. [emphasis added]

As described in this Section’s discussion of BCC 53.505(3), rezoning this land from UR-10 to Urban Commercial may cause an increased demand for the public services of stormwater drainage and roads. The applicants would bear the cost of ensuring adequate stormwater drainage on the properties (reviewed at the time of building permit application) and creating an access easement to mitigate the traffic safety concerns (required as a condition of approval for this zone change).

Article 11. Transportation, 11.2 Transportation System Planning, Policy 11.2.2

The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.

The condition of approval described in this Section’s discussion of BCC 53.505(3) would reduce traffic congestion and increase safety and thus allow the zone change to be consistent with this policy.

Article 11. Transportation, 11.3 Auto Traffic and Circulation, Policy 11.3.11
Private driveway access shall be limited on all existing and future arterial streets to reduce interference, improve safety and preserve traffic capacity. New residential driveways shall not directly access arterial streets where alternate access can be developed. At the time of development or redevelopment, opportunities to restrict or combine access points along arterials should be pursued.

The condition of approval described in this Section’s discussion of BCC 53.505(3) seeks to limit private driveway access onto the highway to reduce interference, improve safety, and preserve traffic capacity, and thus allow the zone change to be consistent with this policy.

**Article 40. Comprehensive Plan Map Legend, 40.2 Commercial Use Designations, Policy 40.2.2 Mixed Use Commercial**

These areas will provide for primarily commercial uses but also will allow for some civic, industrial, and residential uses that are compatible with the predominant commercial uses, while maintaining the City’s supply of commercially-designated lands.

The Corvallis Comprehensive Plan Map shows that Tax Lots 400 and 500 are designated as Mixed Use Commercial. Changing the zoning from Urban Residential-10 to Urban Commercial is consistent with this policy.

**Conclusion:** The proposed zone change is consistent with the policies of the Benton County Comprehensive Plan. **This criterion is met.**

**E. SUMMARY AND CONCLUSION**

The Board of Commissioners findings and conclusions are:

The proposed amendment is consistent with the applicable provisions of the Benton County Development Code and Benton County Comprehensive Plan for the Corvallis Urban Fringe.

The applicant has demonstrated access acceptable to the Oregon Department of Transportation and Benton County Public Works by [prior to second reading, insert the method used].

The Board of Commissioners concludes that all criteria have been met and approves the attached zoning map amendment.
Exhibit 2
Zoning Map Amendment - Images
Zone change from Urban Residential - 10 to Urban Commercial
This document must be completed for each agenda item submitted for consideration by the Board of Commissioners at any meeting where a Board quorum is expected.

Suggested Placement for this Agenda Item:  
☑ BOC Tuesday Meeting  
☐ Other:  

Suggested Agenda Date: April 18, 2017  

Department Submitting: Budget  

Short Title of Agenda Item: Approval of Assessment and Tax (CAFFA) Grant Application for the Fiscal Period 2017-18  

Contact Person: Pat Cochran  

Phone Extension: 6257  

Person Attending BOC Meeting (REQUIRED):  

Cochran, Tracy  

Person(s) Who Should Receive Signed Documents After Meeting:  

This Item Involves: (Check all that apply for this meeting.)  

☑ Order/Resolution/Proclamation  
☐ Ordinance/Public Hearing:  
☐ 1st Reading  ☐ 2nd Reading  
☐ Public Comment Anticipated:  

Estimated Time  
☐ Document Recording Required  
☐ Contract/Agreement  
☐ Appointments  
☐ Update on Project/Committee  
☐ Discussion Only  
☐ Discussion & Action  

5 minutes Estimated Time  
☐ Special Report:  

☐ Oral  ☐ Written  

☐ Yes  ☐ No  ☐ Not Applicable  

If appropriate, have Boards/Committees been involved?  

☑ Yes  ☐ No  ☐ Not Applicable  

If appropriate, has this agenda/item been advertised?  

☑ Yes  ☐ No  ☐ Not Applicable  

Names of Publications  

Dates of Publication:  

Reviewed By: (Signature and Date Required)  

☐ Department Head  

☐ Required for all BOC meetings  

☐ Chief Operating Officer  

☐ Required for all BOC meetings  

☐ County Counsel  

☐ Required for all legal documents  

☐ Budget Office  

☐ If appropriate  

☐ Human Resources  

☐ Required for all personnel actions  

☐ BOC Administration  

☐ Required for all BOC meetings  

Provide one original or send electronically to Board Staff.  

DO NOT USE STAPLES!
DATE OF MEETING:
April 18, 2017

TITLE OF AGENDA ITEM:
Approval of Assessment and Tax (CAFFA) Grant Application for the Fiscal Period 2017-18

IDENTIFIED SALIENT ISSUES:
Annually the county is required to file a one-year budget for the Assessment & Taxation (A&T) Program with the Oregon Department of Revenue. A portion of program expenses are reimbursed by the Department of Revenue based on Benton County’s pro-rata share of all Oregon County A&T expenses. The purpose of the state program is to ensure counties are budgeting adequate resources to meet statutory requirements.

The Assessment & Taxation Grant Document must be filed by May 1. Program expenses include property valuation, related cartography, tax collection, property value appeals and supporting data processing systems.

The Department of Revenue does have authority to enforce county funding for A&T programs if it determines resources allocated are inadequate to meet standards. The first level is to discuss with the Assessor and Board of Commissioners its concerns. The second level is to not certify county expenditures, therefore denying program funds to the County.

The budget in the attached grant application is based on the 2017-18 fiscal period of the proposed 2017-19 biennium budget.

OPTIONS:
1) Approve as proposed
2) Hold or modify (The document certified and filed by May 1)
3) Do not approve (Failure to certify the document by May 1 could result in a substantial reduction in General Fund revenue for fiscal period 2017-18)

FISCAL IMPACT:
The proposed amount for the Board to certify is $2,111,238. The amount will produce a state wide ratio value of about 2.0%, generating an estimated $400,000 to cover about 20% of costs of the Assessment and Tax function in fiscal period 2017-18.

STAFF RECOMMENDATIONS:
The application has been prepared with the assistance of Tami Tracy, Assessor, Mary Otley, Finance Director and Tax Collector, Grace McDonald, Chief Information Officer and James Morales, Records and Elections Manager who oversees the Board of Property Tax Appeals (BOPTA).

Staff recommends the Board certify the amount to the Department of Revenue.

SUGGESTED MOTION(S):
I move to approve the 2017-18 CAFFA Grant Document, certifications and resolution as presented and authorize the Budget Manager to digitally sign the on-line documents on behalf of the Board of Commissioners and submit to the Oregon Department of Revenue.
# Grant Application Staffing
## 2017-2018

### Benton County

<table>
<thead>
<tr>
<th>Section</th>
<th>Approved FTE</th>
<th>Budgeted FTE</th>
<th>Change (Column 2 less Column 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Assessment Administration</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assessor, Deputy, etc.</td>
<td>1.00</td>
<td>1.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Assmt. Support Staff, Deed Clerks, &amp; Data Entry Staff</td>
<td>4.00</td>
<td>4.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Total Assessment Administration</td>
<td>5.00</td>
<td>5.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>B. Valuation–Appraisal Staff</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Appraisers/Appraiser Supervisor</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Lead Appraisers</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Residential Appraisers</td>
<td>3.50</td>
<td>3.50</td>
<td>0.00</td>
</tr>
<tr>
<td>Commercial/Industrial Appraisers</td>
<td>1.00</td>
<td>1.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Farm/Forest/Rural Appraisers</td>
<td>1.00</td>
<td>1.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Manufactured Structure/Floating Structure Appraisers</td>
<td>0.50</td>
<td>0.50</td>
<td>0.00</td>
</tr>
<tr>
<td>Personal Property Appraisers</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Personal Property Clerks</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Sales Data Analyst</td>
<td>1.00</td>
<td>1.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Data Gatherers &amp; Appraisal Techs</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Total Valuation–Appraisal Staff</td>
<td>7.00</td>
<td>7.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>C. Clerk/BOPTA Staff</strong></td>
<td>0.20</td>
<td>0.20</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>D. Tax Collection &amp; Distribution Administration</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration, Deputy, etc.</td>
<td>0.50</td>
<td>0.50</td>
<td>0.00</td>
</tr>
<tr>
<td>Support &amp; Collection Staff</td>
<td>2.15</td>
<td>1.65</td>
<td>-0.50</td>
</tr>
<tr>
<td>Tax Distribution</td>
<td>0.10</td>
<td>0.10</td>
<td>0.00</td>
</tr>
<tr>
<td>Foreclosure &amp; Garnishment</td>
<td>0.00</td>
<td>0.50</td>
<td>0.50</td>
</tr>
<tr>
<td>Total Tax Collection &amp; Distribution Staff</td>
<td>2.75</td>
<td>2.75</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>E. Cartography &amp; GIS Administration</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cartographic/GIS Supervisor</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Lead Cartographer</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Cartographers</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>GIS Specialist</td>
<td>2.00</td>
<td>2.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Total Cartographic &amp; GIS Staff</td>
<td>2.00</td>
<td>2.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>F. A&amp;T Data Processing Staff</strong></td>
<td>0.57</td>
<td>0.57</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>G. Total A&amp;T Staffing (the sum of A–F above)</strong></td>
<td>17.52</td>
<td>17.52</td>
<td>0.00</td>
</tr>
</tbody>
</table>
Benton County

In this section, explain any difference between approved staffing for the current year and staffing for the budgeted year. Explain why any funded positions were unfilled for the current year. Use this form to describe the intended use of nonpermanent workers (temporary help, project temporaries, and contractors) by A&T function, along with their cost. Note any special or unique aspects regarding who accomplishes the work and how they accomplish it related to Forms 4, 5, and 6. For example, if you use staff to perform personal property functions, other than reported on Form 1, Section B, note that here and include the FTE.

none
Benton County

Use this form to describe any issue in your budget that needs further clarification. Examples would be significant changes on Form 7, purchase of a new data processing system, salary increases, new car purchases, personal services costs for mapping, etc. You may also use this form to document any miscellaneous comments.

none
Benton County

<table>
<thead>
<tr>
<th>Activities</th>
<th>Number of Accounts by Activity</th>
<th>Number of FTE by Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,341</td>
<td>1,350</td>
</tr>
<tr>
<td></td>
<td>17</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>292</td>
<td>350</td>
</tr>
<tr>
<td></td>
<td>13</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>115</td>
<td>175</td>
</tr>
<tr>
<td></td>
<td>149</td>
<td>150</td>
</tr>
<tr>
<td></td>
<td>1.927</td>
<td>2,055</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>28</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>42</td>
<td>67</td>
</tr>
<tr>
<td></td>
<td>2,775</td>
<td>3,200</td>
</tr>
<tr>
<td></td>
<td>37,049</td>
<td>36,675</td>
</tr>
<tr>
<td></td>
<td>39,824</td>
<td>39,875</td>
</tr>
<tr>
<td></td>
<td>2,203</td>
<td>2,230</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Benton County

### Number of Accounts by Activity

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Number of accounts requiring roll corrections</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Personal Property</td>
<td>35</td>
<td>20</td>
</tr>
<tr>
<td>Personal Property Manufactured Structures</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Real Property</td>
<td>112</td>
<td>150</td>
</tr>
<tr>
<td>2. Number of accounts requiring a refund</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Personal Property</td>
<td>12</td>
<td>8</td>
</tr>
<tr>
<td>Personal Property Manufactured Structures</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Real Property</td>
<td>86</td>
<td>90</td>
</tr>
<tr>
<td>3. Number of delinquent tax notices sent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Personal Property</td>
<td>105</td>
<td>110</td>
</tr>
<tr>
<td>Personal Property Manufactured Structures</td>
<td>193</td>
<td>200</td>
</tr>
<tr>
<td>Real Property</td>
<td>1,646</td>
<td>1,700</td>
</tr>
<tr>
<td>4. Number of foreclosure accounts processed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Real Property only</td>
<td>22</td>
<td>25</td>
</tr>
<tr>
<td>5. Number of accounts issued redemption notices</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Real Property only</td>
<td>11</td>
<td>20</td>
</tr>
<tr>
<td>6. Number of warrants</td>
<td>212</td>
<td>250</td>
</tr>
<tr>
<td>7. Number of garnishments</td>
<td>68</td>
<td>50</td>
</tr>
<tr>
<td>8. Number of seizures</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>9. Number of bankruptcies</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>10. Number of accounts with an address change processed</td>
<td>3,725</td>
<td>3,600</td>
</tr>
<tr>
<td>11. How many second trimester statements do you mail?</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>12. How many third trimester statements do you mail?</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>13. Does the county contract for lock box service?</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>14. Does the county use in-house remittance processing?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>15. Is the tax collector combined with another county function?</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

If tax collector is combined with another county function, please describe that function.

Tax Collection is integrated into the County Finance Department. The statutory duties of Treasurer and Tax Collector are delegated to the Finance Director by the Board of Commissioners by authority of the County Charter.
Benton County

Form 6
Assessment and Administrative Support and Cartography Work Activity
2017-2018

Assessment and Administrative Support Work Activity

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Number of Deeds Worked</td>
<td>3,598</td>
<td>3,500</td>
</tr>
</tbody>
</table>

Cartography Work Activity

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Number of new tax lots</td>
<td>101</td>
<td>130</td>
</tr>
<tr>
<td>2. Number of lot line adjustments</td>
<td>64</td>
<td>65</td>
</tr>
<tr>
<td>3. Number of consolidations</td>
<td>33</td>
<td>40</td>
</tr>
<tr>
<td>4. Number of new maps</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>5. Number of tax code boundary changes</td>
<td>2</td>
<td>4</td>
</tr>
</tbody>
</table>
**Summary of Expenses**  
**2017-2018**

### Current Operating Expenses

<table>
<thead>
<tr>
<th>Category</th>
<th>A. Assessment Administration</th>
<th>B. Valuation</th>
<th>C. BOPTA</th>
<th>D. Tax Collection &amp; Distribution</th>
<th>E. Cartography*</th>
<th>F. A&amp;T Data Processing</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Personal Services</td>
<td>$436,810</td>
<td>$611,534</td>
<td>$12,043</td>
<td>$310,581</td>
<td>$174,724</td>
<td>$52,576</td>
<td>$1,598,268</td>
</tr>
<tr>
<td>2. Materials &amp; Services</td>
<td>$47,052</td>
<td>$65,870</td>
<td>$11,076</td>
<td>$61,880</td>
<td>$18,820</td>
<td>$177,796</td>
<td>$382,494</td>
</tr>
<tr>
<td>3. Transportation</td>
<td>$8,870</td>
<td>$12,418</td>
<td>$400</td>
<td>$650</td>
<td>$3,548</td>
<td>$245</td>
<td>$26,131</td>
</tr>
<tr>
<td>4. Total Current Operating Expenses</td>
<td><strong>$492,732</strong></td>
<td><strong>$689,222</strong></td>
<td><strong>$23,519</strong></td>
<td><strong>$373,111</strong></td>
<td><strong>$197,092</strong></td>
<td><strong>$230,617</strong></td>
<td><strong>$2,006,893</strong></td>
</tr>
</tbody>
</table>

* Include ORMAP-approved grant funding

### Indirect Expenses

1. **Total Direct Expenses** (line 4)
2. If you use the 5 percent method to calculate your indirect expenses, enter .05 in this box.  
   **Total Indirect Expenses** (line 5 × line 6).
3. If you use a percent amount approved by a federal granting agency to calculate your indirect expenses, enter that percentage in this box.  
   **Total Indirect Expenses** (line 6A × the direct expense amount for the category/categories that your certificate allows)
4. **Total Indirect Expenses**

### Capital Outlay

<table>
<thead>
<tr>
<th>Assessment Administration</th>
<th>Valuation</th>
<th>BOPTA</th>
<th>Tax Collection &amp; Distribution</th>
<th>Cartography*</th>
<th>A&amp;T Data Processing</th>
<th>Total Capital Outlay Without Limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Enter the actual capital outlay without regard to limitation.</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$4,000</td>
<td>$0</td>
<td>$4,000</td>
</tr>
<tr>
<td>9. Total direct and indirect expenses (line 4 + line 7)</td>
<td>$2,107,238</td>
<td></td>
<td>$126,434</td>
<td>$126,434</td>
<td>$4,000</td>
<td>$2,111,238</td>
</tr>
<tr>
<td>10. Direct and indirect expenses × 0.06</td>
<td>$126,434</td>
<td></td>
<td>$126,434</td>
<td>$4,000</td>
<td></td>
<td>$130,434</td>
</tr>
<tr>
<td>11. The greater of line 10 or $50,000</td>
<td>$126,434</td>
<td></td>
<td>$126,434</td>
<td>$4,000</td>
<td></td>
<td>$130,434</td>
</tr>
<tr>
<td>12. Capital outlay (the lesser of line 8 or line 11)</td>
<td>$4,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$4,000</td>
</tr>
<tr>
<td>13. Total expenditures for CAFFA consideration (line 4 + line 7 + line 12)</td>
<td>$2,111,238</td>
<td></td>
<td>$126,434</td>
<td>$126,434</td>
<td>$4,000</td>
<td>$2,111,238</td>
</tr>
</tbody>
</table>
Benton County is applying to the Department of Revenue in order to participate in the Assessment and Taxation grant. This state grant provides funding for counties to help them come into compliance or remain in compliance with ORS 308.232, 308.234, Chapters 309, 310, 311, 312, and other laws requiring equity and uniformity in the system of property taxation.

Benton County has undertaken a self-assessment of its compliance with the laws and rules that govern the Oregon property tax system. County is generally in compliance with ORS 308.232, 308.234, Chapters 309, 310, 311, 312, and other laws requiring equity and uniformity in the system of property taxation.

Benton County agrees to appropriate the budgeted dollars based on 100 percent of the expenditures certified in the grant application in the amount of $2,111,238.00, the total expenditure amount for consideration in the grant. If 100 percent is not appropriated, no grant shall be made to the county for the quarter in which the county is out of compliance.

County designates:

Name

Telephone

E-mail Address

as the county contact person for this grant application.

County Approval

Signature (Chair/Judge or Appointee)

Title

Date

Printed Name (Chair/Judge or Appointee)
Form 9
Racial and Ethnic Impact Statement

This form is used for informational purposes only and must be included with the grant application
2017-2018

Benton County

Chapter 600 of the 2013 Oregon Laws require applicants to include with each grant application a racial and ethnic impact statement. The statement provides information as to the disproportionate or unique impact the proposed policies or programs may have on minority persons 1 in the State of Oregon if the grant is awarded to a corporation or other legal entity other than natural persons.

1. ☐ The proposed grant project policies or programs could have a disproportionate or unique positive impact on the following minority persons:

   Indicate all that apply:
   - Women
   - Persons with Disabilities
   - African-Americans
   - Hispanics
   - Asians or Pacific Islanders
   - American Indians
   - Alaskan Natives

2. ☐ The proposed grant project policies or programs could have a disproportionate or unique negative impact on the following minority persons:

   Indicate all that apply:
   - Women
   - Persons with Disabilities
   - African-Americans
   - Hispanics
   - Asians or Pacific Islanders
   - American Indians
   - Alaskan Natives

3. ☐ The proposed grant project policies or programs will have no disproportionate or unique impact on minority persons.

   If you checked numbers 1 or 2 above, on a separate sheet of paper, provide the rationale for the existence of policies or programs having a disproportionate or unique impact on minority persons in this state. Further provide evidence of consultation with representative(s) of the affected minority persons.

☐ I HEREBY CERTIFY on this [Day] day of [Month], [Year], the information contained on this form and any attachment is complete and accurate to the best of my knowledge.

---

1 "Minority persons" are defined in SB 463 (2013 Regular Session) as women, persons with disabilities (as defined in ORS 174.107), African-Americans, Hispanics, Asians or Pacific Islanders, American Indians and Alaskan Natives.