



Board of Commissioners
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**MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Tuesday, July 2, 2024
9:00 a.m.**

Present: Xanthippe Augerot, Chair; Nancy Wyse, Commissioner; Pat Malone, Commissioner; Vance Croney, County Counsel; Rick Crager, Assistant County Administrator

Excused: Rachel McEneny, County Administrator

Staff: Cory Grogan, Public Information Officer; April Holland, Health Services; Marilee Hoppner, Financial Services; Amanda Makepeace, BOC Staff; Tracy Martineau, Human Resources; Sean McGuire, Sustainability; Erika Milo, BOC Recorder; Jesse Ott, Adam Stebbins, Natural Areas, Parks, and Events; Bailey Payne, Petra Schuetz, Inga Williams, James Wright, Community Development; Gary Stockhoff, Public Works; Matt Wetherell, Juvenile Services

Guests: Rollie Baxter, Ken Eklund, Joel Geier, Kate Harris, Kevin Kenaga, Mark Yeager, residents; John Harris, Horsepower Productions

1. Opening:

1. Call to Order

Chair Augerot called the meeting to order at 9:02 a.m.

2. Introductions

2. Review & Approve Agenda

No changes were made to the agenda.

3. Comments from the Public

Joel Geier, resident: in December 2022, Geier informed the Board that Benton County was out of compliance with Oregon Revised Statute due to suspending the Disposal Site Advisory Committee (DSAC) in favor of an ad hoc committee. Geier stated that today the Board would vote on a motion (Item 5.3) aimed to circumvent Benton County Code (BCC), which specifies that DSAC shall advise on any application to place solid waste on land not previously designated for that purpose. Geier commented that the Board proposed to delegate DSAC duties to another committee that lacks experience with landfill issues and meets irregularly. This amounts to a

change in BCC, which requires a Public Hearing. Geier asked the Board to table the planned motion until a Public Hearing is held. Geier expressed concern that the County seems to favor expanding Coffin Butte Landfill (CBL). Side-stepping County rules damages the Board's credibility and erodes public trust in government.

Mark Yeager, resident, opposed the proposed action to modify BCC Chapter 77.305, under the motion for Order #D2024-048 (Item 5.3). Yeager stated the Board had gone through a process, and community members had seen the documentation where the Board made its decision on this proposed motion and this effort to transfer duties from the Solid Waste Advisory Committee (SWAC) to the Environment and Natural Resources Advisory Committee (ENRAC). Yeager commented that those discussions violate public meeting laws. The Board cannot change a law with a majority motion without the proper and legal ordinance modification process.

Ken Eklund, resident, Chair of DSAC and SWAC: regarding Item 5.3, Eklund stated BCC assigned the CBL expansion application review duty to SWAC because SWAC's purview is solid waste management in Benton County. The decision to dissolve SWAC was made without public testimony or consulting SWAC members. The only rationale provided was that SWAC's functions would be taken over by the Sustainable Materials Management Planning (SMMP) Task Force, which has yet to convene, and could not have reviewed the application. Eklund stated that County government is trying to disenfranchise community members who have questions about CBL. Eklund added the Benton County Talks Trash (BCTT) 'one table' rule restricted what SWAC and DSAC could discuss and how long those bodies could meet; then the Board withdrew staff support from SWAC and suspended DSAC. DSAC is still active and plans to meet this month.

Kevin Kenaga, resident, concurred with the opinions expressed by Geier, Yeager, and Eklund. Kenaga expressed concern that the Board had already decided to expand CBL and would allow CBL operator Republic Services (RS) to establish a presence on the south side of the site to close Coffin Butte Road in future. CBL attempted to expand in the 1980s, 1990s, and 2021. Not only CBL neighbors, but all Benton County residents are affected by CBL, which does not belong in a residential rural area. The BCTT process determined there is no Conditional Use Permit (CUP) for CBL Cell Six, yet Benton County staff sided with RS during BCTT and want the public to believe there is an approval. An attorney requested that Benton County present the approval document. This has not happened because there is no approval. Kenaga asked the Board to listen to the community. RS wants to expand CBL, but Benton County does not need an expansion.

4. Work Session

4.1 Discussion Regarding Food Truck and Winery Approvals – Petra Schuetz, James Wright; Community Development

Wright provided Community Development's re-interpretation of the food truck and winery approvals. Wright reviewed Oregon Revised Statutes (ORS), Benton County Code (BCC), neighboring County policies, and 2013 Senate Bill (SB) 841, which established new rules about appropriate intensity of agritourism and other commercial events held at wineries. BCC was updated in 2015 to reflect the SB 841 changes. Wineries established under ORS 215.452 are allowed to have food service to enhance wine appreciation and to ensure responsible alcohol

services, but a winery cannot operate as an independent restaurant. ORS Subsection 215.283 allows agritourism events to take place on any Exclusive Farm Use property. If a winery was approved under Subsection 215.452, the winery may not conduct agritourism events outside of approval.

Wright stated Benton County does not recognize agritourism Subsection 215.283. Commercial activities in conjunction with farm use trigger land use approvals. BCC states ORS 215 to 452 verbatim, with the addition that the first six events shall be reviewed every five years for approval for agritourism. Wright summarized that a winery is allowed to have food in conjunction with the Oregon Liquor Control Commission (OLCC) and agritourism events.

Wright contacted Hillary Foote, Farm/Forest Specialist at the Department of Land Conservation and Development (DLCD), about direct prohibitions against outside food vendors at permitted events. Foote replied that ORS has no express prohibition against including outside vendors in permitted agritourism or other commercial events. These events must be subordinate to the production and sale of wine, and must not create a significant adverse impact to uses on surrounding land. Wright also contacted staff at Yamhill, Polk, Marion, Lane, and Linn Counties, which all (except Linn) allow wineries to host food trucks at specific agritourism events.

BCC requires the renewal of agritourism events every five years, and the events shall not exceed 72 hours per event (Friday-Sunday). Income from limited-service restaurants must not exceed 25% of income from wine sales. Wright discussed whether food practices are consistent with SB 841. The key aspect is that the food truck must be subordinate to the wine and not exceed the agritourism allowances.

Benton County staff's re-interpretation of BCC and ORS found no prohibition against using outside food vendors for agritourism events. Other local counties have identified and allowed food trucks at wineries during specific events. BCC is in compliance and allowable of the action.

Responding to questions from Wyse and Augerot, Wright clarified that the map of wineries in the presentation (packet page 227) was not staff-generated, and all wineries on the map could host food trucks during special events.

Wright stated that Community Development will follow policy similar to ORS and neighboring Counties. During the food cart approval process, Environmental Health will continue to make approvals, providing a continuous check on land use. This will allow the planning sector to monitor and engage; staff will also contact wineries about the five-year renewal period. The approach works in tandem with code enforcement.

Wyse and Wright discussed improving communication between Community Development and other departments, such as Environmental Services.

Augerot asked how Wright plans to communicate with Benton County wineries.

Wright will contact all wineries, identify any land use approvals, and follow through with approvals for the agritourism events.

4.2 Update on New Construction at Benton County Facilities – Gary Stockhoff, Public Works

Stockhoff reported that the Crisis Center vapor mitigation passed inspection, and the contractor started to pour the rest of the foundations and slabs. Wall construction would begin in the next two-to-three weeks. Holland and others were working with the Health Resources and Services Administration (HRSA) on the National Environmental Policy Act (NEPA) survey in order to receive a \$1 million grant.

Crager explained Benton County had completed the NEPA survey. The County expected to receive the HRSA grant but was waiting for written confirmation. All facilities were within budget at this time.

Stockhoff updated the Board on the new Courthouse. Building plans were approved. The County still needed two Army Corps of Engineers permits, and was waiting for the State Historic Preservation Office (SHPO) to approve the draft Memorandum of Agreement regarding demolition of the historic Swick house. SHPO had until July 11, 2024 to respond. Staff hoped to break ground on the Courthouse in late August or early September 2024.

Malone asked whether it will take time for the contractor to mobilize after permits are secured.

Stockhoff confirmed.

Wyse noted that the outgoing Chair of the Historic Resources Commission (HRC) wished to view the inside of the Swick House, but had not been able to.

Stockhoff will follow up.

Wyse asked about the disposition of the Swick House.

Stockhoff stated the proposal is for the County to provide about \$50,000 for a subcontractor to demolish the building and salvage historic materials.

Wyse asked whether Benton County could sell the house for a low price to someone who would move it off the property.

Stockhoff replied the option was explored, but the house was in poor condition and would likely not survive a move. Reports on the house's condition could be shared with the Board.

Augerot noted the written update stated that in addition to the careful demolition of the Swick House, the subcontractor would salvage any historic elements; an interpretive display at the new Courthouse and an online exhibit were also planned.

Stockhoff discussed an audit of similar historical structures. The County would pay for a larger study, and the public could use the information to register similar structures as a historic building. That would be a \$15-30,000 mitigation measure after demolition. The previous owner of the Swick House removed some historic architectural features. Preservation efforts are being done where possible.

Stockhoff provided an update on the Emergency Operations Center (EOC). The design plans had gone to all parties involved; six to eight weeks were scheduled for design development, followed by construction plans. The permit would hopefully be issued in early January 2025; the project would start in late spring of 2025 and be completed by late spring-early summer of 2026.

4.3 McBee Forest Stewardship Plan (FSP) Update – Jesse Ott, Adam Stebbins; Natural Areas, Parks, and Events (NAPE)

Ott provided an update on the Hubert K. McBee Memorial Campground (25 acres) and Forest (92 acres). The Forest Stewardship Plan (FSP) guides Benton County forestry activities. Staff had worked on an amendment with the Parks Advisory Board (PAB) which was approved at the June 2024 PAB meeting. This entailed a small logging project on the campground side, and a larger thinning and fire attack route plan on the forest side.

Stebbins explained the FSP covered Fort Hoskins Historic Park, Fitton Green Natural Area, and Beazell Memorial Forest. NAPE recently finished the process to add McBee Forest to the FSP, not including the campground, which will not be involved in any sustainable forestry operation. The first project goal was to prepare the campground side for public parking and establish fire control access, with thinning in the adjacent forest. Development of a harvest plan would begin this month. The parking lot would be built in 2025.

Stebbins detailed the thinning and fire control access project. Permits were acquired from the Oregon Department of Forestry and the logging contractor would start in two weeks.

Augerot mentioned the campground appeals to members of the public because it is forested and popular for mushroom gathering. There is potential for more revenue generation from the forest area that is not part of the campground.

Malone and Stebbins discussed campground access for the public during work on the site.

Chair Augerot recessed the meeting at 9:56 a.m. and reconvened at 10:01 a.m.

5. New Business

5.1 Approval of Contract Between Oregon Youth Authority (OYA) and Linn and Benton Counties – Matt Wetherell, Juvenile Department

Wetherell stated the agreement between the Oregon Youth Authority (OYA) and Linn and Benton Counties covers the Linn-Benton Detention Center campus. Benton County provided \$93,000 toward the \$561,600 land purchase and \$175,000 of \$1.1 million for infrastructure and improvements. After the facility was built, another agreement was issued in 2003 for Linn and

Benton Counties to operate a juvenile detention facility on part of the property at each County's own expense. Benton County has a first right of refusal; if Linn County no longer wants to operate a Juvenile Detention facility, Benton County has the option to take over the facility. Since the old agreement expired in 2022, the Counties have been operating under at least four continuations. The new agreement will be effective from January 1, 2024 to June 30, 2044, and has already been executed by Linn County. The new agreement addresses improvements to the site and facilities.

Augerot noted that Lincoln County also rents beds, but is not part of the agreement. Augerot asked whether that caused a dilemma.

Wetherell replied no. The Linn County Director can contract with other entities to use the allotted bed space. In the original contract, Benton County was responsible for nine of 20 beds, but the number of beds has decreased over time to four. Benton County's share of operating expenses is based on the share of beds.

MOTION: Malone moved to approve the contract between the Oregon Youth Authority and Linn/Benton Counties to operate the detention center. Wyse seconded the motion, which carried 3-0.

5.2 Approval to Apply for Transportation Growth Management Program Grants, Resolutions R2024-020 and R2024-021 – Petra Schuetz, Inga Williams, James Wright, Community Development; Jesse Ott, Natural Areas, Parks, and Events

Williams requested approval for two Resolutions to apply for grants from the Transportation and Growth Management Program, a collaboration between the Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT). The program helps governments develop integrated land use and transportation plans. Natural Areas, Parks, and Events (NAPE) will apply for the Master Trails Update (MTU) grant, and Community Development will apply for the Evacuation Assessment Grant. The County departments are requesting \$200,000 each, which may change. DLCD and ODOT will assess costs, determine whether to hire an MTU consultant, and issue a Request For Proposals. For the Evacuation Assessment Report, Benton County would like to engage two University of Oregon faculty consultants; ODOT agreed the consultant can partner with Community Development on the grant proposal.

Ott explained that Benton County has a disjointed trail system, with many partner projects that involve different agencies and organizations. The grant will help pull the groups together for a comprehensive plan that includes hiking and multi-modal paths.

Williams stated the Evacuation Assessment would include use of the linkages for alternate transportation and recreational uses. The departments jointly requested 20 letters of support and received four back.

Malone asked if the Greenbelt Land Trust (GLT) was involved.

Ott responded the GLT was very involved and supportive.

Augerot asked whether the updated Multi-Trails Plan would become part of the Comprehensive Plan update.

Williams affirmed. The program requires Benton County to adopt a Land Development Policy into the Comprehensive Plan.

MOTION: Malone moved to allow the Natural Areas, Parks, and Events Department and the Community Development Department to each submit an application for a Transportation Growth Management Program grant, Resolutions #R2024-020 and #R2024-021, respectively. Wyse seconded the motion, which **carried 3-0.**

5.3 Delegation of Solid Waste Advisory Council Duties to the Environment and Natural Resources Advisory Committee (ENRAC), Order No. D2024-048 – Vance Croney, County Counsel

Counsel explained that Coffin Butte Landfill (CBL) operator Republic Services plans to apply for a landfill expansion permit. Benton County Code (BCC) Chapter 77.305 allows one of Benton County's advisory committees to review the land use expansion application and make recommendations to the Community Development Department. However, the designated committee, the Solid Waste Advisory Council (SWAC), was disbanded and will be replaced by the Sustainable Materials Management Plan (SMMP) Advisory Committee once that group is operational. That leaves a two-to-three month gap when this review authority will be needed. The Board could designate a different committee to review the application. Or, the Board could omit the review and recommendation step. If the Board chooses not to re-delegate the SWAC authority to the Environment and Natural Resources Advisory Committee (ENRAC), the land use application would go through the normal notice, public comment, and public hearing process, but without committee input. If the Board chooses to designate ENRAC, then ENRAC would perform the same duties SWAC would have. This is not a code amendment, but rather a reassignment of responsibility for a code obligation to an existing committee, which would not require a public hearing or code change. Regarding whether the Disposal Site Advisory Committee (DSAC) should be the designated committee, Counsel and McGuire decided this would create a conflict of interest because DSAC members include a Republic Services employee. Another idea was for the SMMP Ad Hoc Committee to perform the task, but it was rejected because the SMMP is not operating yet. This leaves ENRAC to review and make a recommendation on a landfill expansion application. The parameters are in the Order and mirror the language in BCC, except for holding a public hearing. This is because the timeframe for an advisory committee to review, meet, and make a recommendation to the Planning Commission is very short, and because it is the Planning Commission's role, not that of interim review committees, to take public testimony.

Augerot asked McGuire to give a brief background of ENRAC and its members, and an update on the SMMP Task Force.

McGuire stated ENRAC was formed in 2020 and consists of seven members. ENRAC agreed to review the application, though some members were concerned about potential media coverage and past threats of violence. McGuire added the SMMP Task Force had recently convened.

Malone asked if ENRAC had capacity for this challenge.

McGuire confirmed that ENRAC could accomplish this one-time task.

Counsel clarified that if the Board adopts the Order, there is an amended Order with two changes:

1. In the second paragraph of the Order, the DSAC acronym was spelled out.
2. In the third paragraph, ‘Solid Materials Management Plan’ was changed to ‘Sustainable Materials Management Plan.’

MOTION: Malone moved to adopt Order Number D2024-048 delegating the review and recommendation duties described in Benton County Code chapter 77.305 from the Solid Waste Advisory Council to the Environment and Natural Resources Advisory Committee. Wyse seconded the motion, which **carried 3-0.**

5.4 Amendment to the Library Services Intergovernmental Agreement (IGA) between the City of Monroe, the City of Corvallis, and Benton County – Rick Crager, Assistant County Administrator

Crager explained Benton County collects tax revenue for the Benton County Service District for Library Services, then passes those funds to the City of Corvallis, which provides library services. This continuous IGA was entered in 2010. Over the last six months, there were discussions with the Cities of Monroe and Corvallis regarding concerns over Monroe having to pay for some services. Monroe indicated an intention to terminate the agreement on July 1, 2024, but since then, Monroe wished to extend that period through the end of September 2024. Board approval was needed to proceed. Conversations between Monroe and Corvallis will continue.

Augerot asked whether the intent of the motion was to extend the timeframe for the notice to terminate the agreement to allow for further discussions and potential solutions to the challenges.

Crager confirmed.

Wyse explained that as liaison to the Library Advisory Board and the City of Monroe, she had spoken with Monroe Mayor Dan Sheets and Corvallis-Benton Library Director Ashley Chavez. Chavez noted that all branches had asked that janitorial services be covered by the County Service District (CSD), so perhaps a larger conversation could be held. If the CSD paid for janitorial services, that could mean a reduction in services due to limited funds.

Counsel pointed out that if the Board does not want these contract amendments to return in the future, the Board should amend the motion to give the Chair the authority to sign related documents. If the Board wants to continue to be updated, the motion can be left as is.

MOTION: Malone moved to authorize the Board Chair to sign the amendment and any other documents developed to the Library Services Intergovernmental Agreement between the City of Monroe, City of Corvallis, and Benton County. Wyse seconded the motion, which **carried 3-0.**

6. Other

No other business was discussed.

7. Announcements

No announcements were made.

Chair Augerot recessed the meeting at 10:47 a.m.

Chair Augerot reconvened the regular Board Meeting at 10:52 a.m. and immediately entered Executive Session.

8. Executive Session Under ORS 192.660[2][d] – Labor Negotiations

Chair Augerot recessed Executive Session at 11:25 a.m. and immediately reconvened the regular Board Meeting.

9. Adjournment

Chair Augerot adjourned the meeting at 11:25 a.m.



Nancy Wyse, 2025 Chair



Erika Milo, Recorder



Rachel Bulder, Board Meetings Coordinator

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