

**MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
January 7, 2025, 9:00 AM**

Present: Nancy Wyse, Chair; Pat Malone, Vice Chair; Gabe Shepherd, Commissioner; Vance Croney, County Counsel; Rachel McEneny, County Administrator; Rick Crager, Assistant County Administrator

**Elected
Official:** Jef Van Arsdall, Sheriff

Staff: Maura Kwiatkowski, Board Staff; Toby Lewis, Petra Schuetz, Community Development; Sean McGuire, Sustainability; Erika Milo, Board Recorder; Greg Munn, Financial Services; Molly Perino, Community Health Centers; Anne Thwaits, Public Information Officer

Guests: Andy Bennett, Chris Perry, Karen Perry, Jackson Rheuben, residents; John Harris, Horsepower Productions

1. Call to Order and Introductions

Wyse called the meeting to order at 9:01 AM and introductions were made.

2. Election of 2025 Board Chair and Vice Chair

MOTION: Shepherd moved to nominate Wyse as Chair. Malone seconded the motion, which **carried 3-0**.

MOTION: Shepherd moved to nominate Malone as Vice Chair. Wyse seconded the motion, which **carried 3-0**.

3. Review and Approve Agenda

No changes were made to the agenda.

4. Announcements

No announcements were made.

5. Comments from the Public

Chris Perry, resident, indicated having contacted various Benton County personnel, including Commissioners, both verbally and through emails, regarding the properties at

26360 Shady Oak Drive in the City of Monroe. The Benton County Planning Department advised that a mistake originated in 2006 from an unlawful partition that was apparently overlooked. Seventeen years later, that partition allowed the two unlawfully created units of land to sell in November 2023. This included Deed 2023-64650, even though it had no road frontage and did not meet the minimum lot size requirement.

The Perrys purchased Deed 2023-641390 in December 2024, but did not discover the mistake until after the purchase. However, before the Perrys purchased the property, a predevelopment meeting was held at which Benton County Planning staff told the Perrys the land was buildable. Mr. Perry commented the Planning Department was evidently wrong or did not have all the facts. Augerot later told the Perrys that such mistakes happen due to County data systems which are isolated between departments. Mr. Perry's felt that realtors and title companies rely on County information to be correct, which in turn relies on communication between County departments. According to Mr. Perry, Augerot stated the County now considered to be a civil matter rather than a land use issue. Mr. Perry asked how this could be the case if Benton County allowed it to happen.

In the year since, the Perrys attempted to find a solution, spending over \$25,000 on surveys and attorney fees, but with no success. Mr. Perry asked whether the Board knew if Mr. Perry's emails had caused any County Departments to discuss the situation and find a fair solution.

The Perrys have been looking at ORS 92.176, Section 1, Validation of unit of land not lawfully established. Since the Perrys' circumstances satisfy both A and B in Section 1, Mr. Perry asked whether this might be an option the County could use to make the Perrys' property a legal, buildable property. The Perrys thought they had found a suitable place to build a small retirement house, but instead, they are living in a camper until this gets resolved.

Is it possible for the parties to meet with the County to discuss a resolution to this clerical mistake? If Benton County will not help the Perrys rectify this problem, their only recourse is to file a judicial partition, which will force the sale of the entire property and leave a second property owner homeless. The Perrys ask Benton County to help find a solution together. Any other questions can be addressed to the Perrys at the email address in the exhibit.

{Exhibit 1: Public Comment from Chris Perry}

6. Consent Calendar

6.1 Setting the Board of Commissioners Meeting Schedule for 2025, Order No. D2025-001

6.2 Designation of the 2025 Official Newspapers for Benton County, Order No. D2025-012

6.3 Re/Appointments to the Following Advisory Boards and Committees:

Board or Committee	Order No.	Re/Appointees
Linn-Benton Housing Authority	D2025-028	Steve Michaels
Disposal Site Advisory Committee	D2025-029	Charlene Carroll
Environment and Natural Resources Committee	D2025-030	Damilola Olajubutu Jackson Rheuben
Fair Board	D2025-031	Zel Brook Aurora Jensen
Courthouse Preservation Committee	D2025-032	Adrienne Fritze
Community Services Consortium		Sharon Thornberry
Community Action Advisory Council	D2025-033	Anna Dvorak

6.4 Appointment of Ashton Robertson to the Vineyard Mountain Road District, Order No. D2025-026

6.5 Appointment of Dave Wiger to North F Road District, Order No. D2025-027

6.6 Approval of the December 20, 2024 Board Meeting Minutes

MOTION: Malone moved to approve the Consent Calendar of January 7, 2025. Shepherd seconded the motion, which **carried 3-0**.

Wyse recessed the regular meeting at 9:09 AM and reconvened at 9:17 AM.

7. Work Session

7.1 Floodplain Program Update – Toby Lewis, Community Development

Lewis noted the recent wet weather but indicated there were no reports of significant flooding.

Lewis then reported on the Community Rating System, a program in which the County participates. The goals of the program are to reduce and minimize the hazards of flood-related damage and the impact to people and structures and ensure people are able to get back to their daily lives as quickly as possible after flood events. Outreach to residents is one strategy, and a component of this is an annual mailing to all property owners in unincorporated Benton County where the land is in a floodplain. The trifold brochure is also available in the Kalapuya lobby on the first and second floors. Information is also posted on the Community Development website, and individual conversations occur with property owners about their flood risk, floodplain requirements for construction, and insurance options. There are also several construction standards to help ensure structures weather flood events with minimal damage. There is also recertification. Each year, Community Development goes through an audit process, the

verification is submitted in October, and several months later, a response is received. The most recent audit was approved with no issues.

In December, three elevation certificates were submitted. Elevation certificates document that a structure has been finished and is in compliance with County floodplain standards. There was one manufactured home replacement, one single family or site-built dwelling replacement, and one substantial improvement. There were no issues with any of the three certificates.

Lewis indicated the FEMA Federal Flood Risk Management Standard (FFRMS) affects a number of federal programs, the most notable being the Housing and Urban Development Standards. As part of the compliance with the FFRMS, the Department of Housing and Urban Development adopted a new rule in April, and the most impactful part became effective January 1, 2025 for all new single-family homes and up to four-unit residential homes that have Federally backed insurance or are insured by the Federal Housing Administration. Those dwellings need to be built to two feet above the flood base flood elevation. This is a requirement for obtaining that type of mortgage insurance backing. The County requirement is 18 inches. The Association of State Floodplain Managers and the Department of Housing and Urban Development have both been encouraging communities to consider increasing their free board requirement, so the local requirement matches the two-foot elevation requirement. Lewis referenced two informational exhibits the Board should receive soon. The exhibits are from the Association of State Floodplain Managers about the requirement and where it applies. Lewis indicated a later follow-up date to determine whether the Board would like to consider increasing the County's free board requirement from 18 inches to two feet.

Lewis updated the Board regarding the National Flood Insurance Program and the Endangered Species Act (ESA). The County submitted its FEMA Pre-implementation Compliance Measures as directed by the Board to notify FEMA the County has selected the habitat assessment, or permit-by-permit option, for implementing the interim measures for ESA compliance, with the caveat a final draft of the habitat assessment guidance document is needed. Lewis indicated the guidance document had been issued but not yet reviewed by County staff. Community Development staff will be working on how to incorporate it into County Code and implemented over the next several months. Thus far, the County has commented on eight documents provided to the cooperating agencies.

Lewis updated the Board on the Luckiamute Watershed Flood Map Revision Project, which was submitted to FEMA by the US Army Corps of Engineers (Corps) in December. FEMA assigned it a case number, and their two review teams are coordinating so it will be consistent with the Upper Willamette Watershed Revision Project that covers the rest of the County. The tentative flood risk review meeting timeframe for the Upper Willamette Watershed Project is the end of February to officially present information to County and City staff for review.

Regarding the Luckiamute Watershed Flood Map Revision Project, Malone recalled there were 200-plus structures in the floodplain in 2011. Was this what caused the Corps to develop a more accurate map?

Lewis reported having had conversations with Paul Sclafani at the Corps for a number of years. The Corps had been seeking funding to do smaller watershed map revisions for flood mapping, and it took three requests before they were able to get it approved for grant funding. Because what they had on paper was not accurate, both FEMA and the Corps have been very supportive of revised mapping. Fortunately, the Corps was persistent about pursuing funding. As a result, the number of structures in the floodplain decreased from 230 to approximately 35.

{Exhibit 2: ASFPM Article HUD FFRMS Minimum Property Standards}

{Exhibit 3: ASFPM FAQ HUD FFRMS Minimum Property Standards}

8. Old Business

8.1 Community Health Centers' Endorsement of Bill LC 2423 Regarding Oregon Health Authority Certified In-School Sealant and Screening Programs – Molly Perino, Community Health Centers

Perino indicated Community Health Centers (CHC) was requesting Board endorsement for Legislative Concept 2423, which would direct the Oregon Health Authority to allocate \$900,000 to support school-based sealant programs across 19 eligible programs in the State.

Counsel noted this item was brought before the Board because generally, if a department or staff is asked to support legislation, it is important to ensure that support is aligned with the Board's position.

In response to a question from Malone, Merino confirmed this is a legislative concept, so there is no bill number yet.

Malone noted \$900,000 divided by 19 equals \$47,000 per program and asked whether that is how the funds would be distributed.

Perino replied the allocation was somewhat vague. Perino was not sure if the funds would be distributed equally among the 19 programs or by the number of schools served. In any case, CHC would welcome support for follow-up for children they see in schools. Approximately 40% of children warrant follow-up, and the funding would support extra staffing.

Malone noted that the County has individuals working to promote its legislative priorities, and additional advocacy may be available through that avenue.

Shepherd noted that subsection 3 discusses distribution of funds on a proportionally based on the number of schools, and asked how the \$47,000 would be used.

Merino indicated a staff member is dedicated to do the follow-up work. At least one attempt at contact is made with every child who needs follow-up, and this can take a great deal of time. CHC may be able to help families find resources, but follow-up is currently passive; a note is sent home with the child. Merino indicated it is not necessarily effective and would like to see more in-person outreach to parents.

Shepherd suggested that if staffing is involved, CHC should not create a perception that follow-up would be ongoing. It is one-time funding rather than permanent.

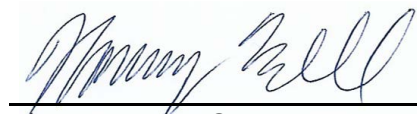
MOTION: Malone moved to approve the use of the Community Health Centers of Benton and Linn Counties logo to endorse LC 2423. Shepherd seconded the motion, which **carried 3-0**.

9. Other

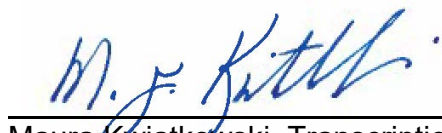
Shepherd requested a discussion of meeting scheduling at the January 14, 2025 Goal-setting Meeting.

10. Adjournment

Chair Wyse adjourned the meeting at 9:40 AM.



Nancy Wyse, Chair

Erika Milo, Recorder

Maura Kwiatkowski, Transcriptionist

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