



Board of Commissioners

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**MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 3, 2026, 9:00 AM**

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

Elected Officials: Ryan Joslin, District Attorney; Jef Van Arsdall, Sheriff

Staff: Rachel Bulder, Maura Kwiatkowski, BOC staff; Carly Fredericks, Cory Grogan, Anne Thwaits, Public Information; Dave Malone, Public Works; Sean McGuire, Sustainability; Erika Milo, Board Recorder; Lacey Mollel, Community Health Centers; Melissa Ryan, Land Use Counsel

Guests: Lily Bender, Christopher Jacobs, Corvallis-Benton Economic Development Office; Larissa Gladding, Jesse Winterowd, Winterbrook Planning

1. Call to Order and Introductions

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

2. Review and Approve Agenda

The following item was added under **10. Other:**

10.1 Letter to Representative Val Hoyle Requesting Community-Initiated Project Funding for the Jackson-Frazier Wetland Boardwalk Project –
Rick Crager, Assistant County Administrator

Items 9.1 through 10.1 were heard before **Item 8.1 Public Hearing.**

3. Announcements

No announcements were made.

4. Proclamations

4.1 In the Matter of Proclaiming March 2026 as Women's History Month in Benton County, Proclamation No. P2026-003 - Lacey Mollel, Director of Community Health Centers

Mollel read the Proclamation aloud. The 2026 theme is "Leading the Change: Women Celebrating an Environmental Future."

MOTION: Wyse moved to proclaim March 2026 as Women's History Month in Benton County, Proclamation #P2026-003. Shepherd seconded the motion, which **carried 3-0**.

5. Comments from the Public

The Board did not accept public comment regarding LU-24-027, Application for a Conditional Use Permit for the expansion of Coffin Butte Landfill, as the official record had closed.

Andy Bennett, County resident, described speeding issues on County road Northwest Scenic Drive near Northwest 25th Street in the City of Albany, Oregon, which have resulted in multiple accidents. The current speed limit of 45 miles per hour is too high. Bennett urged the Board to convince the Oregon Department of Transportation to lower the speed limit on that portion of Scenic Drive to 35 miles per hour at most, particularly since area housing developments are expected to increase in the future.

Sheriff Van Arsdall was familiar with the road segment in question and agreed the County should examine the situation.

Wyse asked whether Van Arsdall would contact Senator Sara Gelser Blouin and Representative Shelly Boshart Davis regarding this matter.

Van Arsdall confirmed, and encouraged Bennet to also contact Gelser Blouin and Davis.

Bennett noted that he had already contacted Davis.

Shepherd had been speaking to community members about the intersection, and shared that Benton County had scheduled its own speed study to provide hard data and demonstrate a need to reduce the speed limit.

6. Work Session

6.1 Corvallis-Benton Economic Development Office (CBEDO) Quarterly Update - Christopher Jacobs, Economic Development Manager; Lily Bender, Economic Development Officer, Economic Development Office

Jacobs provided an update on the current state of downtown in the City of Corvallis. There is considerable momentum around the Downtown Strategic Vitality Task Force. The Corvallis City Council has begun a Tax Increment Financing (TIF) feasibility study. Ownership changes are driving much of the activity downtown. Challenges include parking and code changes, which are reshaping development patterns and creating conditions for investment on an unprecedented scale. Market rate and Mixed-use development patterns are also emerging due to new incentives such as the Multi-Unit Property Tax Exemption (MUPTE) program. Two MUPTE applications are underway. The Oregon Main Street organization is organizing projects such as the Holiday Parade, tree lighting, and Wine Walk events.

Unfortunately, downtown Corvallis has a vacancy rate of about 11%, compared to 3% in the rest of the community. Much of this may relate to power constraints from deferred maintenance and the high cost of public infrastructure, both of which block development. The tourism economy is in transition due to the dissolution of the PAC-12 collegiate athletic association.

Jacobs provided an update on industrial development in Benton County. There are 37 vacant industrial sites, 75% in South Corvallis, and 25% in the City of Philomath. Barriers to development include:

- Power capacity and deferred maintenance.
- Transportation System Plan amendments in South Corvallis, which add significant costs.
- Wetland Delineation studies and permitting. The State wetlands report is out of date and newer studies show much smaller wetland areas. CBEDO is working with the Department of Environmental Quality (DEQ) and the Department of State Lands on wetlands permitting.
- Industrial code amendments are a long-time goal for CBEDO. The Airport Industrial Park (AIP) annexation application and the Regionally Significant Industrial Sites (RSIS) application were submitted recently.

Jacobs displayed a slide summarizing CBEDO activities in the last 18 months [see packet page 38], which included:

- Modernizing the Business Retention and Expansion Program.
- Creating a business registry of the County's commercial and industrial properties.
- Utilizing tools such as MUPTE, TIF, the Downtown Revolving Loan Fund, and the Main Street Revitalization Grant Program.
- Updating Food Hub regulations. Just under \$100,000 in the Food Hub Grant Program remains to be distributed, and four out of five projects are complete.

Jacobs described CBEDO's goals for 2026 [see meeting page 39 for details], such as completing the AIP annexation and the downtown TIF implementation, closing out the

Food Hub Grants, and amending the Home Occupation Code.

Malone asked whether the industrial code amendments would involve Corvallis, the County, or both.

Jacobs replied that Corvallis would be involved. Corvallis does not have an airport overlay, so code must be amended to accommodate Federal Aviation Authority regulations in the general industrial area. In the City's industrial code, there are items that do not make sense for the business sectors that Corvallis is trying to attract. But other barriers, such as infrastructure, need to be addressed before revising the industrial code.

Malone asked about progress on disengaging the County from the AIP project

Jacobs replied that siting a Pacific Power substation in the AIP would be a significant victory; there is land available, so Corvallis/Benton County could be competitive by limiting the site acquisition costs for a substation. With the AIP application turned in, a public hearing process will follow over the next 60 days. The RSIS Certification Program is another huge milestone. Corvallis is currently at a competitive disadvantage because developers do not want to pay millions of dollars for city infrastructure, but might be willing to help if they could be reimbursed for public infrastructure costs.

6.2 2025-2027 Financial Status Update through February 15, 2026 -
Jennifer Ferrer-Santa Ines, Chief Financial Officer, Financial Services
Department

Ferrer Santa-Ines presented the 2025-27 biennium budget update [see packet pages 41-58]. As of February 15, 2026, over halfway through the first year in the biennium, the County budget is stable and below spending benchmarks. Ferrer Santa-Ines showed Countywide expenditures by category. The largest expenditure category is personal services. All categories are below the 30% spending threshold. The budget is 23% expended. A high rate of vacancies in the organization contributed to these savings. Outlay is lower than expected and there have been no capital improvement expenses so far. Benton County is in a very good position to finish the first year of the biennium on budget.

Ferrer Santa-Ines showed the status of Department budgets compared to year-to-date benchmarks. The largest expenditure in most Departments was in salary and benefits. Revenue thus far came primarily from income tax collected in November 2025. Some departments and areas are slightly above the 30% spending threshold and will be placed on the watch list: the Board of Commissioners Office, Assessment, Public Works Fleet, Information Technology, and Non-departmental Costs. Financial Services is working closely with those departments to identify the causes of these anomalies. Ferrer Santa Ines reviewed County revenues in the Non-departmental area.

Approved Capital Improvement Projects (CIPs) total \$1 million in this biennium. The list of projects [see packet page 52] totals \$1,592,664, but about \$596,000 in projects are carried over from the previous biennium, including the new Courthouse and District Attorney's Office. The total cost of the new Courthouse is \$86,336,811, including reserves. The County has spent about \$40.9 million on the structure to date. Ferrer Santa-Ines provided an update on new Courthouse construction.

Ferrer Santa-Ines reviewed the status of County Service District budgets. Some districts, such as 911 Emergency Communications and the Benton County Library, have little to no expenditures to date. Last week, Financial Services disbursed property tax funds, of which \$4.3 went to 911 Emergency Communications, and \$3.7 million to the Library, so expenditures in those areas are now equivalent to revenues.

Ferrer Santa-Ines highlighted other budget considerations:

- The American Federation of State, City, and Municipal Employees market study is underway; staff hope to update the Board in May or June 2026, and possibly implement the study beginning July 1, 2026.
- In recruitment and retention, some higher level and technical positions have been difficult to fill, requiring repeated recruitments.
- Finance Services is working with departments to make sure staff understand spending authority levels.
- The Public Employees Retirement System (PERS) cash impact: given that Pension Obligation Bonds will expire in 2028-29, Financial Services and leadership are monitoring overall costs that could be incurred in the next biennium. Forty-six percent of paid benefit cost is currently paid by PERS.

In sum, County expenditures are tracking appropriately overall, revenue collections are aligned, CIPS are progressing, and only a few areas are on the watch list. The County remains stable and is operating within its means.

Shepherd noted he had been working with Ferrer Santa-Ines on the financial situation of non-profit organization Community Services Consortium. Ferrer Santa-Ines will discuss the situation with the Chief Financial Officers for Lincoln and Linn County.

Malone commented that the Board needs several options for how to proceed with CSC. The financial issues have been identified, but a year of deficit spending still needs to be addressed. The three Counties are ultimately responsible for managing the organization.

Responding to a question from Malone, Ferrer Santa-Ines replied that the funds carried over from the previous budget cycle would be part of the April 2026 Supplemental Budget.

Malone noted that County reserves were somewhat low, and if the budget continued to perform well, that might be a good area to strengthen.

Wyse requested a more in-depth report on PERS once more information was available.

Crager offered clarification about CIPs and carryover funds: one project was the Permits, Applications, and Licenses online platform; the other related to the Comprehensive Plan Update. All of those funds have been spent. The County needs to take PERS costs seriously. The good news is that the County will start to see payoff of those bonds in the next biennium, so the County will no longer incur that cost. The bad news is that those bonds lower the County's cost on PERS. This is a significant issue for all local governments. Growth in PERS costs has been greater than growth in property tax revenue.

Malone asked whether the County's side investment account was another way the County was funding its PERS obligation.

Ferrer Santa-Ines replied the account helps lower interest rates, but is a funding source the County pays for, so the amounts come close to canceling each other out.

Crager added that in 2002 and 2004, the County issued PERS bonds to invest and pay down the interest rate. The County has been paying that ever since in the form of bonds and a debt service. The PERS bonds expire in 2028-29. In approximately 2018 or 2019, the County invested \$5 million in a side account, paying that into PERS, which buys down the interest rate the County pays. That investment will expire around 2035.

Malone requested regular budget updates, possibly quarterly.

MOTION: Shepherd moved to accept receipt of the semiannual Finance Report for the period ending February 15, 2026. Wyse seconded the motion, which **carried 3-0.**

7. Consent Calendar

- 7.1 Approval of the December 16, 2025 Board of Commissioners Meeting Minutes**
- 7.2 Approval of the January 6, 2026 Board of Commissioners Meeting Minutes**
- 7.3 Ratification of a Letter Requesting Support Regarding Community Initiated Project (CIP) Funding for the Jackson-Frazier Wetland Boardwalk Project**

7.4 Approval of the Board of Commissioners' Voters' Pamphlet Letter for the May 19, 2026 Primary Election

MOTION: Wyse moved to approve the Consent Calendar. Shepherd seconded the motion, which **carried 3-0**.

8. Public Hearing

8.1 *Board of Commissioners Reconsideration of Appeal Decision in the Matter of Land Use Application No. LU-24-027, Expansion of Coffin Butte Landfill - Pat Malone, Chair, Board of Commissioners

This item was heard after items **9.1** through **10.1**.

Chair Malone reconvened the meeting at 11:01 AM.

This was the continuation of the **Public Hearing for Benton County Case LU-24-027, application for a Conditional Use Permit (CUP) to expand Coffin Butte Landfill (CBL)**. The applicant/appellant was Republic Services. No additional public testimony was taken.

Malone read the Hearing procedures aloud.

***Disclosure of Bias, Conflict of Interest, or Ex Parte Communication**

The Board had no biases or conflicts of interest to declare.

Shepherd read a document [Exhibit 1] aloud which listed Shepherd's new ex parte contacts, including several emails from community members. The document also provided a disclaimer about Shepherd's role as the Chair of Benton County Democrats (BCD). Shepherd also noted having read, seen the title of, or had someone relay the content of various news media pieces related to CBL. Shepherd acknowledged that these articles were not a part of the record and could not be considered when coming to a decision. Shepherd stated that he had approached the CUP reconsideration with an open mind and could still make a fair, unbiased, and impartial decision based on the record and the applicable criteria.

Wyse disclosed the following new ex parte contacts:

- Wyse had also seen many news media items related to CBL and read some of those items.

- Wyse received several text messages from community member Kurt Wright sharing news articles and other material about CBL. All material shared by Wright was public information.
- Wyse received an email regarding CBL to a personal email address from *Gazette-Times* reporter Cody Mann, to which Wyse did not respond. Wyse forwarded the email to County Counsel.
- Wyse received several emails with titles that indicated CBL content. Wyse did not open or read these emails.

Wyse stated she could still make an impartial decision.

Malone disclosed that at a January 30, 2026 meeting, Representative Sarah Finger McDonald started a conversation with Malone about CBL. Malone informed Finger McDonald that he would have to leave the room due to ex parte concerns, after which the discussion changed topic. Malone noted he might have unintentionally omitted from his ex parte list a group of landfill emails which had been automatically moved to an email folder, and which Malone had not read. Malone stated he could still make an unbiased decision.

Malone asked if anyone wished to rebut the substance of the ex parte communications.

No rebuttals were made.

***Staff Report**

Winterowd displayed a presentation [Exhibit 2] and reviewed the timeline of the previous deliberations.

- On November 4, 2025, the Board approved the CUP for CBL expansion.
- On November 6, 2025, the Department of Environmental Quality (DEQ) issued a Pre-Enforcement Notice (PEN) to CBL which identified seven Class 1 violations related to monitoring, gas control, and site operations.
- On December 16, 2025, the Board withdrew its decision for reconsideration and reopened the record to allow the submission of the DEQ PEN.

In addition to the PEN, staff considered public testimony and consulted contracted engineering firm Maul Foster & Alonghi (MFA) to determine how the PEN related to staff's previous findings. MFA determined that some of the applicant/appellant's fundamental application components, particularly an odor model, might not be supported by evidence. Staff's updated findings were largely similar to the previous ones, but because the odor findings changed, the staff recommendation changed from approval to denial of the CUP.

Winterowd explained how Staff concluded that Republic Services had not met the

burden of proof on odor impacts, due to CBL's incomplete monitoring and flawed assumptions in the odor impact model. Staff also noted the discrepancy between the odor model and residents' lived experiences. The applicant did not sufficiently demonstrate that the proposal would not seriously interfere with uses on adjacent properties, the character of the area, or the purpose of the Forest Conservation Zone.

Shepherd asked whether the applicant/appellant had submitted evidence into the record of meeting the response times required by DEQ.

Winterowd replied that the applicant/appellant had not submitted such evidence.

Shepherd read the following passage aloud from page 9 of the staff report [packet page 102] under the heading 'Context of Existing Use versus Proposed Expansion':

"Some commenters and Planning Commissions have argued that the proposed conditional use application should be reviewed as a new use, without considering the existing landfill impacts as a baseline. However, evaluating an expansion of an existing use as an entirely new use would not be consistent with County practice. Staff reviewed this conditional use application as an expansion of the existing landfill. Thus, the existing landfill operations, as they have been previously approved by Benton County, are important contexts, and they form the 'base case' from which potential impacts may be measured.

"However, as indicated by the November DEQ PEN, DEQ and EPA take the position that the existing landfill is not operating consistently with DEQ requirements. This means that, for impacts related to violations identified in the November DEQ PEN, the County may not be able to consider existing conditions as a reliable base case for purposes of conditional use review."

Shepherd asked for clarification that in this case, it was more appropriate to consider 'may' to mean 'might' rather than 'must', and that it fell to the discretion of the Board whether to consider the existing conditions.

Winterowd confirmed.

***Deliberations and Decision**

MOTION: Shepherd moved to adopt an Order reversing the Board's November 17, 2025 decision, and that the Conditional Use Permit be denied based on evidence in the record and findings in the February 24, 2026 staff report, and conclusions developed by the Board of Commissioners during these deliberations, and that these findings and conclusions be adopted as the final decision of the Board. Wyse seconded the motion. Malone invited discussion of the motion.

Wyse stated that in reviewing evidence for this case, she viewed the evidence of the DEQ letter and the evaluation of that letter by the County's experts as more credible than the applicant/appellant's expert evidence. The County's experts concluded that the DEQ letter includes evidence that raises serious and legitimate questions about the odor study, which Republic Services has not provided adequate rebuttal to.

Malone noted the DEQ report showed seven areas where Republic Services was in violation of DEQ rules, which was the basis for Malone's decision.

Shepherd shared that none of the information in the record alleviated his concerns from the original application about impacts on adjacent properties or undue burdens on public improvements, facilities, utilities, or services. Shepherd concurred with the staff report that the PEN called into question the accuracy of Republic Services' odor study. Shepherd also gave weight to the lived experiences of residents adjacent to and beyond the landfill, and greater weight to the DEQ letter as evaluated by MFA than to the odor study provided by the applicant/appellant.

MOTION: Shepherd repeated the motion as above. Wyse seconded the motion. After deliberation, Shepherd clarified that the intention of the motion was that the Staff Report would serve as the findings of fact and would not require an additional Board Meeting on March 17, 2026, so there would be no need for staff to prepare findings of fact before then. The motion **carried 3-0.**

Malone announced that the findings of fact and conclusions of the law were adopted. The decision of the BOC would become final on the date the Board of Commissioners adopted written findings of fact and conclusions of law. The just-adopted written decision was the final written decision of the Board, adopted March 3, 2026. The final decision of the Board may be appealed to the Land Use Board of Appeals.

Chair Malone closed the Public Hearing at 11:29 AM.

{Exhibit 1: Ex Parte Contacts Submitted by Commissioner Shepherd}

{Exhibit 2: Updated Staff Presentation of Denial Recommendation}

{Exhibit 3: Final BOC Order of Denial in LU-24-027}

9. New Business

- 9.1 Acceptance of Right of Way from Ryan and Stacie Cheeke for Public Road and Utility Purposes for Airport Avenue, County Road No. 25280 - Dave Malone, County Surveyor, Public Works**

D. Malone presented a right-of-way dedication on Airport Avenue. The Cheekes applied for a permit to build an accessory farm dwelling, which created an opportunity for road improvements. Engineering staff found this road to be substandard according to the Benton County Transportation Plan. Rather than require the Cheekes to pay for a small portion of the improvements, the County will receive extra right-of-way along the Cheekes' entire frontage, so in the future, the County can create better improvements on the road.

MOTION: Shepherd moved to accept the Right-of-Way dedication from Ryan Pierre Thomas Cheeke and Stacie Marie Cheeke for public road and utility purposes for Airport Avenue, County Road #25280. Wyse seconded the motion, which **carried 3-0**.

9.2 Approval of Letter in Opposition to Clearcutting at Marys Peak and Alsea Falls - Gabe Shepherd, Vice Chair, Board of Commissioners

Shepherd shared that the Federal government had recently announced plans to clear-cut areas near Alsea Falls and on Marys Peak. Shepherd expressed frustration with the idea of clearcutting these important community and cultural resources in Benton County. The Federal public comment period on this matter is still open. Shepherd recommended that the Board go on the record opposing this action.

Wyse received a great deal of input and concern from constituents about this matter.

MOTION: Wyse moved to approve the letter of opposition to clear-cutting at Marys Peak and Alsea Falls, and direct staff to submit the letter to the Bureau of Land Management per the instructions for comment published in the Federal Register. Shepherd seconded the motion, which **carried 3-0**.

Malone asked whether other follow-up was needed.

Shepherd suggested forwarding the letter to Benton County's Federal delegation.

Malone suggested monitoring who else was involved in opposing these actions. Upcoming Association of Oregon Counties meetings could present an opportunity to learn which other areas are affected.

Crager stated that staff would send the letters and follow up with colleagues.

10. Other

10.1 Letter to Representative Val Hoyle Requesting Community-Initiated Project Funding for the Jackson-Frazier Wetland Boardwalk Project –
Rick Crager, Assistant County Administrator

Crager noted that in Item 7.3, the Board ratified a letter requesting a congressional grant for the County's Community-Initiated Project, the Jackson-Frazier Wetland Boardwalk project. The Senate and the House of Representatives have separate grant processes. Shepherd proposed to send the same letter to Representative Val Hoyle.

MOTION: Shepherd moved to approve a letter requesting support from Congresswoman Val Hoyle regarding Community-Initiated Project funding for the Jackson-Frazier Wetland Boardwalk Project. Wyse seconded the motion, which **carried 3-0**.

Chair Malone recessed the meeting at 10:13 AM and reconvened at 11:01 AM with Item 8.1.

11. Adjournment

Chair Malone adjourned the meeting at 11:29 AM.



Pat Malone, Chair



Erika Milo, Recorder

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