Board of Commissioners
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4500 SW Research Way
Corvallis, OR 97330
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AGENDA

(Chair May Alter the Agenda)

BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, December 6, 2022, 9 AM

How to Participate in the Board of Commissioners Meeting			
In-Person	**Zoom Video**	**Zoom Phone Audio**	**Facebook LiveStream**
Kalapuya Building 4500 Research Way Corvallis, OR	*Click for Zoom link*	Dial 1(253) 215-8782	*Click for Facebook LiveStream link*
	Zoom Meeting ID: 880 0666 6008		
	Zoom Passcode: 516462		

1. Opening

1.1 Call to Order
1.2 Introductions
1.3 Announcements

2. Review and Approve Agenda

3. Comments from the Public

Time restrictions may be imposed on public comment, dependent on the business before the Board of Commissioners. Individual comment may be limited to three minutes.

4. Work Session

4.1 10 minutes – Recognition of Service: Lynne McKee, Director of Natural Areas, Parks, and Events (NAPE) – *Benton County Board of Commissioners*

4.2 90 minutes – Justice System Improvement Program (JSIP) Bond Measure Package Deliberations – *Nick Kurth, JSIP Manager; Lori Coppenrath, DLR Group; Chris Edmonds, Coastline*

4.3 15 minutes – Update from Benton County Talks Trash Solid Waste Process Workgroup – *Darren Nichols, Community Development*

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.

4.4 15 minutes – COVID Update from Department Operation Center – *Suzanne Hoffman, April Holland; Health Services*

4.5 15 minutes – Discuss Revising Fees for Permits, Applications, and Services in Public Works, Community Development, and Planning Division for 2023 – *Gary Stockhoff, George Looney, Public Works; Darren Nichols, Community Development*

4.6 20 minutes – Discuss 2023 Housing Opportunity Planning Equity (HOPE) Work Plan Development – *Board Chair Nancy Wyse*

The Board will take a brief recess between the Work Session and Business Meeting

BUSINESS MEETING

5. Consent Calendar

5.1 In the Matter of Approving the November 8, 2022 Joint Board of Commissioners/Adair Village Work Session Minutes

5.2 In the Matter of Approving a Letter of Support for the City of Monroe Trail Connectivity Grant Application

Public Hearings

(Hearings are heard at 11:00 a.m., time certain or as soon thereafter as the matter may be heard)

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

PH 1 In the Matter of a First Reading of Amending Benton County Code, Chapter 2, to Replace the Contract Appeal Process – *Gary Stockhoff, Public Works*

7. Old Business

7.1 In the Matter of Adoption of Order No. 2022-081 for Revised Fee Schedule for Environmental Health – *April Holland, Scott Kruger; Health Services*

8. New Business

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8.1 In the Matter of an Updated Memorandum of Agreement between the Fair Board and the Board of Commissioners – *Lynne McKee, Director of Natural Areas, Parks, and Events*

8.2 In the Matter of Adoption of Order No. 2022-085 Granting Honeybrine Catering Sole Source Exemption – *Lynne McKee, Director of Natural Areas, Parks, and Events*

8.3 In the Matter of Adoption of Order No. 2022-086 for the 2023 Revised Fee Schedule for the Assessment Department – *Jenny Anderson, Assessment*

8.4 In the Matter of Adoption of Order No. 2022-084 Revising the Fee Schedule for Civil Division Real and Personal Property Sales – *Dawn Dale, Dean Barnes, Benton County Sheriff's Office*

8.5 In the Matter of Accepting Two 50-foot Easements for Road Right-of-way and Utility Purposes from Legacy Estates LLC for the Subdivision Plat Legacy Estates – *Laurel Byer, David Malone; Public Works*

9. Departmental Requests

9.1 Request for Formal Initiation of Stormwater Amendments to the Development Code – *Greg Verret, Community Development; Gordon Kurtz, Public Works Engineering*

10. 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."

11. Executive Session

ORS 192.660[2][e] – Negotiations for Property Transactions

The Board will discuss negotiations for property transactions.

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MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS

Zoom link: *https://us06web.zoom.us/j/88006666008?pwd=QzM3RU5LS0xLU2xsSGV3d1h2a291Zz09*
Livestream: *http://facebook.com/BentonCoGov*
Tuesday, December 6, 2022
9:00 a.m.

Present: **Nancy Wyse,** Chair; **Xanthippe Augerot,** Commissioner; **Pat Malone,** Commissioner; **Vance Croney,** County Counsel; **Joe Kerby,** County Administrator

Staff: **Dean Barnes, Dawn Dale,** Sheriff's Office; **Laurel Byer, Gordon Kurtz, Joe Mardis, Sheanna Steingass, Gary Stockhoff,** Public Works; **Rick Crager,** Finance; **Suzanne Hoffman, April Holland,** Health; **Nick Kurth,** Justice Systems Improvement Project; **Amanda Makepeace,** BOC Staff; **Lynne McKee,** Natural Areas, Parks & Events; **Erika Milo,** BOC Recorder; **Darren Nichols, Linda Ray, Greg Verret,** Community Development

Guests: **Rollie Baxter, Jim Fairchild, Joel Geier, Bill Gellatly, Helen Higgins, Peggy Lynch, Judy Meredith, Becky Merja, Debbie Palmer, Marge Popp, Greg Storms, Jennifer Williams,** residents; **Lori Coppenrath,** DLR Group; **Chris Edmonds, Lindsey Hendren,** Coastline PR; **John Harris,** Horsepower Productions; **Sam Imperati,** ICM Resolutions; **Alex Powers,** Mid-Valley Media

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

I. Opening:
A. Introductions
B. Announcements

No announcements were made.

II. Comments from the Public

Greg Storms, Corvallis resident: Storms thanked the Board for making the Benton County Talks Trash (BCTT) Work Group (WG) meetings available online. The Board needs expert outside advice when dealing with Republic Services (RS), especially since the end-life of Coffin Butte Landfill (CBL) is starting. Decisions made now will affect County residents for decades.

Joel Geier, resident: Geier, a member of the Disposal Site Advisory Committee (DSAC) and Solid Waste Advisory Committee (SWAC), stated that Benton County is in violation of State law by blocking DSAC from fulfilling its mandatory duties. Geier quoted Oregon Revised Statutes 459.325: "The Committee shall create an annual report summarizing the local citizens' concerns and the manner in which the owner or operator is addressing those concerns." DSAC has been blocked from completing annual reports for 2021 and 2022 by County staff citing the Board's direction. Geier found no record that DSAC approved a report for 2019-2015. With the BCTT WG, the Board has replaced a mandated longstanding committee to protect community interests with an ad hoc process that does not fulfill the same mandate and may allow RS to influence a future land use decision. One person who raised concerns in September 2022 about the process was dismissed. Last week, the Board received a letter from an Oregon land use attorney whom the WG facilitator tried to recruit to participate as part of Charge B. Please allow DSAC members to fulfill their obligation.

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III. Review and Approve Agenda

The following item was removed from the agenda:

8.3 In the Matter of Adoption of Order No. 2022-086 for the 2023 Revised Fee Schedule for the Assessment Department – *Jenny Anderson, Assessment*

IV. Work Session

4.1 Recognition of Service: Lynne McKee, Director of Natural Areas, Parks, and Events (NAPE) – *Benton County Board of Commissioners*

Malone praised McKee for being creative with Fairgrounds events during the pandemic, improving facilities, and smoothly handling the department merger of Natural Areas & Parks with Fairgrounds & Events. Jesse Ott will serve as interim Director.

Augerot praised McKee for balancing various constituencies at the Fairgrounds and professionalizing operations. McKee has kept the Benton County Fair a vibrant, local community event and managed the department merger, which provided synergy.

Wyse echoed these sentiments and commented that McKee will be missed.

Kerby thanked McKee for a positive attitude, contributing many hours beyond the work week, and showing stamina and perseverance in the face of adversity.

The Board presented the service award to McKee in appreciation of over six years of service.

4.2 Update from Justice System Improvement Program – *Nick Kurth, Justice System Improvement Program Manager*

Kurth stated this is the beginning of Board bond measure deliberations, to continue through December 2022 and probably early January 2023. Kurth acknowledged that every County department has contributed to JSIP, along with many committees, consultants, and stakeholders. Several JSIP projects are underway, including a mental health Crisis Center (CC) downtown and a new courthouse (NCH) and District Attorney's Office (DAO) on the Community Safety & Justice Campus (CSJC). If the May 2023 bond measure passes, facilities funding will be increased to include expanded mental health and homeless services facilities, a Correctional Facility (CF), and an Emergency Operations Center (EOC)/ Sheriff's Office (SO). Programs underway include Crisis Outreach, Response, & Engagement (CORE), expanded pre-trial services, and specialized training for Law Enforcement (LE) when interacting with individuals with intellectual or developmental disabilities.

In 2017, the Board hired consultant Ari Basil-Wagner to perform a broad assessment of the Justice System (JS), including extensive public engagement and surveys. The January 2019 report recommended three models for improvement: prevention, accountability, or best practices (prevention, treatment and accountability). The Board adopted the best practices model with the goal of building an equitable, effective, and safe JS for all residents.

Architects DLR Group were hired for the planning and conceptual design phase, which runs from 2019-2023. Two years of public engagement and qualitative surveys led to four conceptual designs, a site selection analysis, space planning, and a site master plan. Kurth reviewed space needs for the EOC, SO, and CF. The current SO was built 50 years ago as a temporary holding

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facility and was only intended to accommodate 20 years of growth. The facility does not reflect best practices. The County rents jail beds in other counties, sending adults-in-custody (AIC) away from support networks, and issues citations excessively to avoid overcrowding. SO leadership is frustrated and wants space for rehabilitative programs to help individuals with mental health or substance abuse. The facilities are just the delivery vehicle for the outcomes.

The JSIP Community Advisory Committee includes diverse stakeholders. Fifteen members have met from December 2020-June 2021 (conceptual design focus) and July 2022-present (bond package focus). The JSIP Technical Advisory Committee includes subject matter experts and County, City, and Oregon Judicial Department (OJD) staff. Fifteen members met from November 2020-June 2021 (conceptual design and site selection focus).

The first round of community engagement in 2021-2022 focused on conceptual design, including site selection and historic Courthouse repurposing. Public engagement was a shortcoming of previous public safety bond efforts. Key takeaways: transportation impacts on neighborhoods; concerns about flooding, infrastructure capacity, and impacts to gateways; economic impacts of added taxes; safety and property valuation near CFs; equity issues of site geography and JS data; lack of trust in County financial decisions.

The second round of engagement runs from 2022-early 2023, aiming to share information on proposed facilities and how they will improve outcomes in crisis response and the JS. Small group presentations have included municipalities, non-profit organizations, and groups that advocate for marginalized communities. There was a mental health forum in September 2022, a community safety forum in October 2022, and there will be a bond package forum in January or February 2023. Key takeaways: concerns and questions about the bond amount, funding sources, impact to taxpayers, operational funding; diversion to reduce incarceration, LE training and response; facility prioritization; mental health treatment in and out of the JS.

Malone commented that forums during the assessment phase had much higher attendance than the two in fall 2022, despite efforts to engage the public.

Kurth noted that hybrid virtual/in-person meetings are technically challenging. Brenda Downham, communications consultant, advocates for an in-person event with subject matter experts at stations. This could improve turnout.

Augerot felt that combined in-person and online attendance was not much lower than at earlier forums, and the biggest difference was COVID-19. There may be some degree of information saturation. Augerot supported the idea of a station-based forum.

Kurth reviewed survey results from May and September 2022. Voter opinion of the County was split, leaning towards negative, but better than in the rest of the state. Homelessness, housing affordability, and public safety were seen as the County's biggest problems. Support was much higher for a measure that includes funding for homelessness service facilities. Strongest reasons to support the bond were mental health, homelessness, and emergency response, which mattered more to voters than bond cost. Staff propose including funding for a navigation center.

Crager explained that Oregon is predicted to have a recession. Revenue is relatively flat, but it is still possible to create funding opportunities.

Kurth noted the costs of inaction: growing construction costs, continued overuse of cite-and-release, worsening jail situation, and more people experiencing homelessness and mental health

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issues. Kurth summarized Board decisions: the CSJC will be located at the site on Highway 20, including the NCH/DAO, CF, and SO/EOC; the CC will be downtown. The bond will include funding for expanded mental health services and homelessness and a housing resource navigation center. Kurth reviewed space planning for facilities. This is a bare bones but best practices solution. There is no space left to cut other than functional, operational capacity.

Coppenrath noted that the estimates can still accommodate modest 20-year growth. People often suggest cutting CF beds, but it is more accurate to look at pods (five beds each), which provide the ability to house people separately, ensuring special needs are considered. Reducing beds is not recommended.

Kurth stated that NCH size is largely dictated by OJD requirements. During the assessment, modeling studies of appropriate CF size all gave similar numbers; 120 beds is practical. DLR revalidated that study. Decreasing CF size reduces mental health and other benefits.

Malone commented that community members often ask about saving money by reducing beds. It is important to explain to voters what pods are and that this number is well-researched.

Coppenrath added that about 20 beds are held in reserve for peak times and maintenance, so a facility of 120 beds holds 100 people at any given time.

Malone asked about current CF usage including beds rented in other facilities.

Kurth replied that the current CF has 40 beds and total need is 70-75 beds. Adding growth and reduced use of cite and release means about 96 beds will be needed by 2040, plus space for peak use and maintenance, hence 120 beds. The CSJC also has room to expand the CF, but if JS programs are successful at reducing incarceration, this may not be necessary.

Malone asked how many individuals are currently being released due to space limitations. Kurth to provide this information.

Augerot noted that the assessment predicted an initial spike in jail bed usage at the new CF due to reducing cite and release, but behavior will change once people are held accountable.

Crager provided a funding summary. Estimated total JSIP cost (including some leeway for escalated costs): $179,610,688. Committed resources before borrowing: $41,023,027. County financing: $33,918,792. Total JSIP funding gap: $104,668,869. The CC is fully funded at $7,700,002, with no uncommitted resources. CSJC: the County is in phase I, with fully committed resources totaling $65,525,284; phase II to be funded by the bond measure. The County will borrow half of phase I funds and receive the other half from OJD. Phase II is largely unfunded, except for $1.3 million in committed resources from Senator Jeff Merkley. Some facilities costs are not yet known, such as the mental health and homelessness service facility. The County has self-funded $383,200 in JSIP program support.

The County is in a good financial position, close to the amount recommended by rating agencies. The Board has approved borrowing for 50% of the NCH cost and 100% of the DAO. Finance will explore borrowing vehicles in January/February 2023. Crager recommended tax-exempt debt (rather than direct borrowing) as the most cost efficient. Tax-exempt funding would likely mean an approximately $34.5 million issuance for $33.2 million of project funds. Issuance would occur in April or May 2023 after validation of State bond issuance for that share of the cost. Once issued, the County must complete the project within 36 months and expend the first 10% of

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proceeds within 6 months, or risk the bonds becoming taxable debt. Proceeds from the OJD funding are also tax-exempt debt. Crager compared 10-year tax exempt interest rates to 10-year treasury interest rates, which usually move together. Rates trended down for a long time, then spiked in 2021-2022. The Federal Reserve may increase rates again. Underwriters will help advise on timing to get the best rate.

Augerot asked how the duration of the bond would impact the rate.

Crager replied that with a longer term, the yield curve is flatter, so rates can stay fairly level. A 40-year bond is possible, but Crager did not recommend it. Crager modeled a 30-year bond as a maximum, but would prefer 20-year. A 30-year bond has a longer period of payment, but costs stay about the same.

Malone asked if the County's flexibility on time of issuance was limited.

Crager replied that the County can front some costs from the General Fund until committed funds are received, but funds must be reconciled by June 30, 2023. If rates dropped dramatically, Finance could consider an internal loan to get through the fiscal year. However, rates are predicted to rise.

Augerot asked if the April/May 2023 was the deadline for OJD borrowing rather than the County bond sale.

Crager confirmed. The County's funding agreement with OJD has three phases, each requiring a separate agreement. Phase I was for $1.3 million. Because of cost escalation, OJD must issue another set of bonds ($5 million) for phase 2. The County should be able to lock in phases II and III around May-June 2023.

Kerby noted that the interest rate is only one of several factors that drive bond amount and timing. Escalating costs are another factor.

Crager summarized decisions for the bond measure package: 1. Determine financing amount. 2. Agree on maximum bond amount to propose in measure. 3. Based on the difference between those, determine the best option: reduce overall scope; increase borrowing (not recommended); reprioritize resources from current and planned 2023-2025 budget; legislative request (must decide this month), a possible contract with lobbyist firm CFM Advocates; or a combination of these.

Kurth summarized next steps:

- December 20, 2022: Board deliberates on bond package.
- January 3, 2023: Board finalizes bond package.
- Late January/early February 2023: Board aligns on bond measure language.
- February 24, 2023: last day to file bond measure title.
- March 16, 2023: last day to file bond measure notice.
- March 20, 2023: last day to file arguments for voter's pamphlet.
- May 16, 2023: bond measure vote.

Crager added that the Board will discuss the State legislative agenda on December 13, 2022.

Chair Wyse recessed the meeting at 10:55 a.m. and reconvened at 11:06 a.m.

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4.3 Update from Benton County Talks Trash (BCTT) Solid Waste Process Work Group (WG) – *Darren Nichols, Community Development Director*

Nichols reported that the WG and its five subcommittees are making good progress. One subcommittee is focused on communication and community engagement. The project is on time and the WG expects to complete its report in late February/early March 2023 and present recommendations to the Board. Each subcommittee will complete report sections to be compiled into the final report. Nichols thanked WG members and other community contributors.

Wyse asked whether the Planning Commission (PC) or DSAC/SWAC would review the final report.

Nichols replied that a draft will go to those bodies and the public for comment. That will feed into the final document and recommendations.

Augerot asked about the open house and the search for an additional legal subcommittee member.

Nichols replied the open house went well, with six stations providing status reports on each subcommittee. Constructive dialogue and collaboration ensued. The legal subcommittee includes a legal representative for the County and one for RS, but staff have not been able to recruit a community voice; several invitees have declined. Imperati will contact retired land use attorney Virginia Gustafson Lucker, who has expressed interest in participating. Lucker could contract through the County or through Imperati/ICM Resolutions; Imperati will ask WG members about that next week. There is one seat open on the WG for a PC representative; no one has volunteered as yet. There are already several vacancies on the PC.

Augerot asked how many PC members are needed.

Nichols replied there will be four or five vacancies by the end of 2022, depending on the outcome of the Board's interview with a new candidate on December 9, 2022.

4.4 COVID-19 Update from Department Operation Center – *Suzanne Hoffman, April Holland; Health Services*

Holland reported that cold viruses, influenza, COVID-19, and Respiratory Syncytial Virus (RSV) are causing considerable illness and disturbance. There is a concerning increase of pediatric hospitalizations. On November 14, 2022, Oregon Governor Kate Brown issued an executive order to give hospitals additional flexibility to staff beds for children. According to Oregon Health Sciences University modeling, hospitals will remain under severe strain until the surge declines over the next few weeks. RSV cases appear to have peaked, but influenza cases are rising sharply, and COVID-19 cases and hospitalizations are up. Everyone should get COVID-19 and influenza vaccinations. Influenza vaccine uptake is low this year. The Communicable Disease team provides infection prevention guidance. To reduce transmission, wash your hands, avoid touching your face, stay home when ill, and consider masking indoors, especially when in a crowd or traveling.

The Centers for Disease Control (CDC) COVID-19 case rate for Benton County is 112 per 100,000 residents, up from 59 a month ago. Local testing positivity rate increased from 5% to 8% in the past month. On November 30, 2022, Oregon had 363 COVID-19 hospitalizations, a 50% increase from 241 on October 30, 2022. COVID-19 hospitalizations are expected to peak at

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408 in the next one-two weeks. In Hospital Region Two, 46 people were hospitalized as of November 30, 2022; in November 2022, regional hospitalizations averaged 33 per day. Wastewater surveillance through November 2022 shows increased activity statewide in November 2022, and Oregon State University wastewater data shows a sustained increase. Bivalent COVID-19 boosters for children aged 6 months-five years should be available mid-December 2022. Primary and booster COVID-19 vaccines continue to be widely available at pharmacies and providers. Funding to continue community vaccination clinics is uncertain at this time. Even if community vaccination clinics with partners are discontinued, the County will continue to provide vaccines for its most vulnerable residents.

4.5 Discuss Revising Fees for Permits, Applications, and Services in Public Works, Community Development, and Planning Division for 2023 – *Gary Stockhoff, George Looney, Public Works; Darren Nichols, Community Development*

Stockhoff noted that the no-spray permit was eliminated per Board direction. For 2022, the erosion and sediment control permit will be increased by 5% to accommodate inflation, but new regulations take effect in March 2023 which may affect the fee. Staff will probably update the fee in late spring/early summer 2023. This will be a significant change in how staff process those permits.

Nichols explained that this request only includes planning division fees; building fees are set in part by the State every April. Staff propose a 5% increase to base fees due to inflation, with exceptions. In 2023, staff plan to examine fees overall. The increase only covers staff time costs, not pass-through fees, but all costs should be examined. Staff propose a new fee for any land use application in the Coffin Butte Landfill zone, based on the 2021 experience with a Conditional Use Application to expand the landfill; the County charged $2,300, but staff time for Community Development (not including the Planning Commission or Public Works) cost over $40,000. Staff propose to set a $10,000 base fee and charge for actual costs, providing a refund if less than $10,000 of staff time is used. Such applications are infrequent and require substantial effort.

Malone asked Nichols to elaborate on plans for an overall fee review on 2023.

Nichols replied there has been substantial staff turnover and internal restructuring of how reviews of building permit applications and land use are processed. Over the next few months, staff will track how much time is spent on various applications, then adjust the fee structure.

MOTION: Augerot moved to forward the Order setting fees for Public Works, Community Development, and Planning for 2023 to the December 20, 2022 Board meeting. Malone seconded the motion, which **carried 3-0.**

4.6 Discuss 2023 Housing Opportunity Planning Equity (HOPE) Work Plan Development – *Suzanne Hoffman, Health Services*

Hoffman explained that the HOPE Advisory Board (AB) is discussing ideas for the best use of its time. Julie Arena, HOPE Program Coordinator, will gather AB feedback next week. City of Corvallis staff are also discussing this with the City Council. Corvallis, Benton County, and Community Services Consortium (CSC) have signed a Memorandum of Agreement to partner on implementation of House Bill (HB) 4123: Coordinated Effort on Homeless Response. Other cities will be invited to participate. The partnership received $1 million to form a five-year strategic plan, a sustainable funding model, structures to support the plan, and identify funding

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sources. The HOPE AB will fulfill the required role of stakeholder coordination board, and will continue to help with outreach, community engagement, and communication. The AB already worked to develop the recommendations adopted by Corvallis and Benton County, which will be a significant part of the strategic plan. In 2023, it would be helpful if Arena could shift some focus from AB support to participating in the implementation team, so there may be fewer/ shorter AB meetings.

Augerot asked about the roles of the HOPE AB and the joint office in strategic planning.

Hoffman replied that the joint office's primary responsibility is to lead the planning. The office is co-directed by Hoffman, Pegge McGuire (CSC), and Paul Bilotta (Corvallis Community Development). The AB will provide guidance and may also be part of other groups.

Augerot expressed concern about spending too much time on process rather than getting things done. It is important to strike a balance between turning the 12 recommendations into a strategic plan as a joint office, and implementing those recommendations.

Hoffman agreed. The plan will reflect the inter-connectivity of the 12 recommendations.

Wyse agreed with having Arena shift focus and emphasized giving staff enough time to accomplish the 12 recommendations, not adding more work. Wyse expressed support for the direction Hoffman described, including the AB taking a support role.

Malone concurred. HB 4123 will aid the shift to an implementation focus.

Hoffman to return with regular updates. The Association of Oregon Counties and League of Oregon Cities are providing coordination and facilitation support.

V. Consent Calendar

5.1 In the Matter of Approving the November 8, 2022 Joint Board of Commissioners/Adair Village Work Session Minutes

5.2 In the Matter of Approving a Letter of Support for the City of Monroe Trail Connectivity Grant Application

MOTION: Augerot moved to approve the Consent Calendar of December 6, 2022. Malone seconded the motion, which **carried 3-0.**

VI. Public Hearing

PH 1 *In the Matter of a First Reading of Amending Benton County Code, Chapter Two, to Replace the Contract Appeal Process – *Gary Stockhoff, Public Works*

Chair Wyse opened the public hearing at 11:19 a.m.

Staff Report

Counsel explained that after the November 29, 2022 Work Session, the Board directed changes to the proposal to modify the appeal process for contract awards. If the appeal to the County Administrative Officer (CAO) is not resolved, an additional appeal to the Board can be made. The scope of the Board appeal is limited to determining whether the CAO acted in an arbitrary or

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capricious manner or showed bias (see exhibit one, item five, redline paragraph). Counsel noted that specific timelines are now defined.

Public Comment
No comment was offered.

Chair Wyse closed the public hearing at 11:24 a.m.

Kerby asked whether the CAO could delegate responsibility for the investigation to a third party if the CAO had a bias or conflict of interest.

Counsel replied there is no alternative as written. Under item three, this phrase could be added to the second sentence: "the CAO or his/her designee shall complete the investigation, which shall not be the department head from which the appeal arose." If there is concern about a bias, the investigation should be a redirected at the outset.

Wyse requested clarification that a designee would be chosen specifically in case of bias, not for other reasons, such as workload.

Augerot suggested, "In the event of a conflict of interest on the part of the CAO, the CAO may designate an alternate who shall not be the director of the department of origin for the contract."

Wyse directed Counsel to write adjusted language and return to the Board later in the meeting.

The Board resumed this discussion at 11:45 a.m. Wyse read the amendment aloud (exhibit 2): "If the CAO believes they may be biased or presented with a conflict of interest, they may appoint a designee, who shall not be part of the department whose contract is at issue, to conduct the investigation and reach a decision."

MOTION: Malone moved to approve Ordinance No. 2022-0315 amending Benton County Code Chapter 2 to replace the Contract Appeal Process and to conduct a first reading, as amended. Augerot seconded the motion, which **carried 3-0.**

Counsel read the ordinance aloud (short title). Second reading to be held December 20, 2022; effective date January 19, 2023.

{Exhibit 1: Revised Ordinance #2022-0315}
{Exhibit 2: Revised Text for Benton County Code 2.805(3)}

VII. Old Business

7.1 In the Matter of Adoption of Order No. 2022-081 for Revised Fee Schedule for Environmental Health – *April Holland, Health Services*

MOTION: Augerot moved to approve Order # D2022-081, implementing the proposed 2023 Fee Schedule for Environmental Health, effective January 1, 2023. Malone seconded the motion, which **carried 3-0.**

VIII. New Business

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8.1 *In the Matter of an Updated Memorandum of Agreement (MOA) between the Fair Board and the Board of Commissioners – *Lynne McKee, Director of Natural Areas, Parks & Events*

Responding to a question from Wyse, Kerby explained that the MOA in the packet was a clean version reflecting changes. Augerot requested a redline copy; this morning McKee provided a version with staff notes (exhibit 3).

Augerot had wanted to compare versions to clarify if the MOA had only received technical updates to fit into the Natural Areas, Parks & Events department, which exhibit 3 confirmed.

Wyse agreed it is always helpful to have both versions of a document in the packet.

Kerby stated that staff will make that a standard practice.

MOTION: Malone moved to approve the Memorandum of Agreement with the Fair Board. Augerot seconded the motion, which **carried 3-0.**

{Exhibit 3: Fair Board MOA With Edits}

8.2 In the Matter of Adoption of Order No. 2022-086 Granting Honeybrine Catering Sole Source Exemption – *Lynne McKee, Director of Natural Areas, Parks & Events*

McKee explained that the original food concessionaire in the Adair Clubhouse was Valley Catering, which went out of business. Kate Lynch of Forks and Corks took over the contract, which ends December 31, 2022. Lynch did a market survey of local caterers to find a successor. Emily Vasey of Honeybrine Catering will purchase Lynch's equipment and take on the contract as of January 1, 2023. Vasey will take over the utilities, which are substantial. Vasey's contract will probably last for three years and can be renewed from there. Vasey wants to pay 50% rent initially, then full rent in the third year of the contract. Adair Clubhouse was difficult to market during COVID-19, so the clientele needs to be built from scratch. Staff are willing to negotiate that arrangement with any concessionaire who takes on utilities, property tax, et cetera.

Kerby asked if Lynch had a similar arrangement.

McKee confirmed. Due to COVID-19 restrictions, Lynch paid no rent initially, and worked to improve the facility.

As liaison to the Community of Adair Village, Wyse noted that residents consider the Clubhouse important and advantageous.

MOTION: Augerot moved to approve Order #2022-085, sole source exemption for Honeybrine Catering to enter into a contract with Benton County as the Adair Clubhouse food concessionaire. Malone seconded the motion, which **carried 3-0.**

8.3 In the Matter of Adoption of Order No. 2022-086 for the 2023 Revised Fee Schedule for the Assessment Department – *Jenny Anderson, Assessment*

This item was postponed until the December 20, 2022 Board Meeting.

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8.4 In the Matter of Adoption of Order No. 2022-084 Revising the Fee Schedule for Civil Division Real and Personal Property Sales – *Dawn Dale, Dean Barnes, Benton County Sheriff's Office*

Dale presented the revised fee schedule. Current fees were set in December 2020 and need to be raised due to changes in wage and union contracts.

Barnes explained that associated costs include providing documents to courts, sending notice of sale to the State and the newspaper of record, and preparing notices of levy.

Dale explained that patrol staff fees would increase from $64.84 to $69.65 per hour and civil staff fees would increase from $44.70 to $51.72 per hour.

Augerot asked how often fees are likely to be increased.

Dale replied that the union contract mandates a percentage increase, but Dale also examines an average of current deputies' salaries. There was no significant change in 2021; this year all the union contracts had a significant increase. There were no sales of this type during 2020, three in 2021, and four in 2022.

MOTION: Augerot moved to approve the revised fee schedule for the sales of real and personal property conducted by the Benton County Sheriff's Office Civil Division. Malone seconded the motion, which **carried 3-0.**

8.5 In the Matter of Accepting Two 50-foot Easements for Road Right-of-way and Utility Purposes from Legacy Estates, LLC for the Subdivision Plat Legacy Estates – *Joe Mardis, Public Works*

Mardis explained that the easements provide connectivity from north and south for future roads, giving the County more leverage to dedicate the road in future.

MOTION: Malone moved to accept both 50 foot easements from Legacy Estates, LLC for road right-of-way and utility purposes. Augerot seconded the motion, which **carried 3-0.**

IX. Departmental Requests

9.1 *Request for Formal Initiation of Stormwater Amendments to the Development Code – *Greg Verret, Community Development; Gordon Kurtz, Public Works Engineering*

Kurtz explained that the Federally-mandated National Pollutant Discharge Elimination System (NPDES) has six control measures focused on non-point source pollution. Measures 4. Construction Site Runoff Control and 5. Post-construction Stormwater Management (PCSWM) in Development and Re-development must be implemented by February 28, 2023. The thresholds and requirements for these measures are becoming more rigorous. Kurtz reviewed current and proposed standards for measures four and five (see exhibit 4), relating to construction ground disturbance and impermeable surfaces on developments relative to the Urban Growth Boundary (UGB) of Municipal Separate Storm Sewer System (MS4) communities. Impermeable surfaces concentrate pollutants, then flush them into waters. Solutions include reducing impermeable footprint and preserving or planting native vegetation. These regulations address the goal of drinkable, fishable, swimmable water.

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Verret explained that staff will use the requirements from the State Department of Environmental Quality (DEQ) to amend Benton County Code 99.650-99.680 – Stormwater Management. Heightened erosion and sediment controls will result in more projects requiring permits, requiring a large staff effort. Changes to PCSWM will reduce runoff and pollutant load into the future, and will apply to all of unincorporated Benton County (standards currently only apply in "urbanized" areas). There is a question of who has long-term maintenance and financial responsibility in a subdivision or partition with multiple property owners feeding into a common facility.

Once the Board approves the changes, staff will refine code amendments, a Planning Commission (PC) hearing will occur on January 3, 2023, the PC will issue a recommendation, the Board will hold a public hearing on February 7, 2023, staff will develop public information, and the Ordinance will be adopted by the end of February 2023 to meet the deadline.

Responding to questions from Wyse, Verret explained that .25 acre of impermeable surface could be comprised of multiple areas on a parcel. The .25 acre threshold is the same regardless of parcel size.

Augerot asked if these requirements had been in place in other jurisdictions for a while.

Kurtz replied that in most urban applications, such as the Cities of Corvallis and Albany, the size thresholds are much lower, around 2,500 square feet, so almost all development must do some treatment of stormwater effluent. Because Benton is an MS4 county, an exception was made to the impermeable surface threshold from 5,000 square feet to .25 acre. This may cause some confusion for the public between the ground disturbance and impermeable surface thresholds.

MOTION: Malone moved to initiate amendments to the Development Code regarding stormwater management in compliance with Benton County's DEQ permit conditions. Augerot seconded the motion, which **carried 3-0.**

Augerot asked if staff had already been talking to the community about this change.

Kurtz replied that the Stormwater Implementation Group has been meeting since 2021, mainly working on outreach and education. The group includes representatives from real estate, local planning, engineers, residents, and builders. At the final meeting on December 8, 2022, staff will encourage group members to advocate on these matters.

{Exhibit 4: Stormwater Code Presentation}

X. Other

No other business was discussed.

XI. Executive Session under ORS 192.660[2][e] – Negotiations for Property Transactions

Chair Wyse recessed the meeting at 12:52 p.m.

Chair Wyse reconvened the meeting at 1:01 p.m. and immediately entered Executive Session.

Chair Wyse exited Executive Session at 1:22 p.m.

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XII. Adjournment

Chair Wyse adjourned the meeting at 1:22 p.m.

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Nancy Wyse, Chair

DocuSigned by:
736EA4FEB0B0496...
Erika Milo, Recorder

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

WORK SESSIONS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 12/06/22

View Agenda Tracker

Suggested Placement * BOC Tuesday Meeting

Department * Board of Commissioners

Contact Name * Nick Kurth

Phone Extension * 6076

Meeting Attendee Name * Nick Kurth, JSIP Manager; Lori Coppenrath, DLR Group; Chris Edmonds, Coastline

Agenda Item Details

Item Title * Justice System Improvement Program (JSI)P Bond Measure Package Deliberations

Item Involves * Check all that apply

- [ ] Appointments
- [ ] Budget
- [ ] Contract/Agreement
- [ ] Discussion and Action
- [x] Discussion Only
- [ ] Document Recording
- [ ] Employment
- [ ] Notice of Intent
- [ ] Order/Resolution
- [ ] Ordinance/Public Hearing 1st Reading
- [ ] Ordinance/Public Hearing 2nd Reading
- [ ] Proclamation
- [ ] Project/Committee Update
- [ ] Public Comment
- [ ] Special Report
- [ ] Other

Estimated Time * 90

Board/Committee Involvement *

- ( ) Yes
- (•) No

Advertisement * ○ Yes
◉ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The Benton County Board of Commissioners will align on a Justice System Improvement Program (JSIP) bond measure package through a series of meetings beginning December 6, 2022. The objective of the first meeting on December 6 is to provide the Commissioners and community with an overview of JSIP to date, including detailed facility costing information and financial considerations, along with salient issues that will drive a final bond package, and provide an opportunity for comments and questions from the Commissioners and community. Salient issues include:
1. Align on a funding amount for mental health and homelessness services facilities to include in the bond measure
2. Agree on the maximum bond amount the County wishes to place on the May 2023 ballot
3. Based on the difference (if applicable) between the total cost of facilities proposed for the bond measure, and the maximum bond measure amount, align on a funding strategy

Options *

The opening meeting on December 6 will not include decisions regarding amounts or funding options. Amounts and options discussions will occur at a subsequent BOC Tuesday meeting, anticipated for December 20, 2022 and January 3, 2023.

Fiscal Impact *

- ○ Yes
- ◉ No

2040 Thriving Communities Initiative

Mandated Service? *

- ○ Yes
- ◉ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website HERE.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- ☑ Vibrant, Livable Communities
- ☑ Supportive People Resources
- ☐ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☑ Community Resilience
- ☑ Equity for Everyone
- ☐ Health in All Actions
- ☐ N/A

Explain Core Values Selections *

The Justice System Improvement Program Vision: The residents of Benton County require an effective, efficient, and equitable criminal justice system that maintains public safety and holds people accountable while providing treatment opportunities that address underlying causes of criminal behavior.

Focus Areas and Vision *

Select all that apply.

- ☑ Community Safety
- ☑ Emergency Preparedness
- ☐ Outdoor Recreation
- ☐ Prosperous Economy
- ☐ Environment and Natural Resources
- ☐ Mobility and Transportation
- ☐ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☐ N/A

Explain Focus Areas and Vision Selection *

The Justice System Improvement Program Vision: The residents of Benton County require an effective, efficient, and equitable criminal justice system that maintains public safety and holds people accountable while providing treatment opportunities that address underlying causes of criminal behavior.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations *

n/a

Meeting Motions *

I move to ...

n/a

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments	Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.
Comments (optional)	JSIP Bond Package Presentation pnkv5.pdf ProjectFinancial120222.pdf If you have any questions, please call ext.6800
Department	JOE KERBY
Approver	

Department Approval

Comments

Signature



BOC Initial Approval

Approvals Required
- [x] Counsel
- [ ] Finance
- [ ] HR

Counsel Approver VANCE CRONEY

County Administrator Approver JOE KERBY

Comments

Counsel Approval

Comments

Signature



County Administrator Approval

Comments

Signature



BOC Final Approval

Comments

Signature



Building Better Outcomes

Justice System Improvement Program Bond Package Deliberations

Nick Kurth, *JSIP Manager*
Rick Crager, *Chief Financial Officer*

December 6, 2022

Benton County OREGON



Background

Benton County
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The Assessment *(2017–2019)*

- Conducted by consultant CGL
- Managed by Greater Oregon Behavioral Health; Ari Basil-Wagner PM
- Comprehensive study of County justice system
- Extensive public engagement; qualitative surveys
- Published January 2019
- Recommends 3 models for improvement
  - Prevention
  - Accountability
  - Best Practices (combination of prevention, treatment, and accountability)
- Board of Commissioners adopt Best Practices
- Best Practices model drives JSIP Vision and Goals

Benton County OREGON

Vision

Balance **treatment** and **accountability** to transform lives, ensure safety, and strengthen the community.

Goal

Build an **equitable, effective,** and **safe** justice system for all Benton County residents.

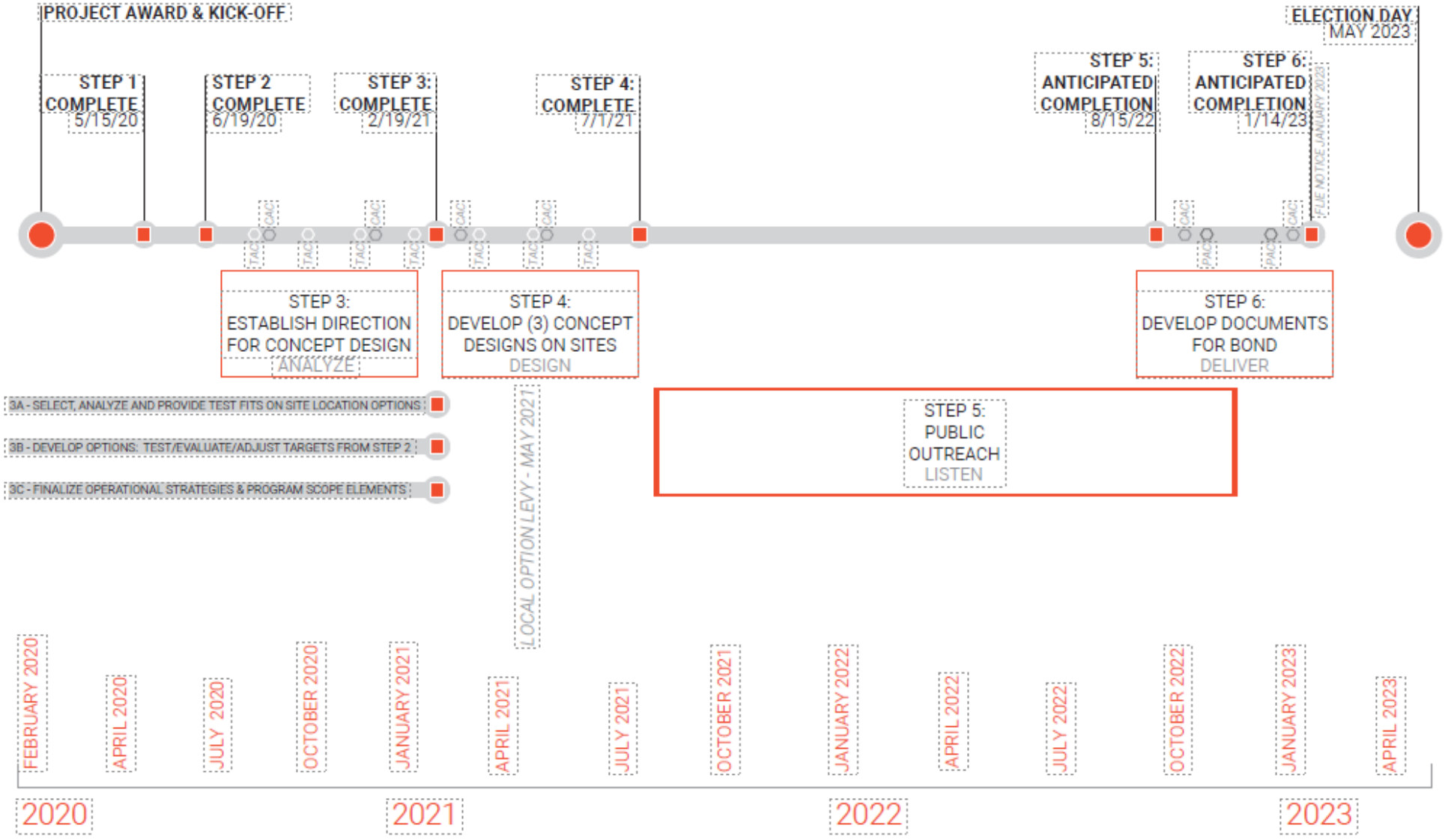
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Planning & Conceptual Design *(2019–2023)*

- Conducted by design/engineering firm DLR Group
- Managed by Benton County; Nick Kurth, PM
- 6-step process spanning 3+ years (impacted by COVID-19)
- Extensive public engagement; quantitative and qualitative surveys
- Multiple deliverables
  - 4 conceptual designs
  - Site selection analysis
  - Space planning
  - Site Master Plan

Benton County OREGON

DLR Group Conceptual Design Process



Benton County OREGON

Facility Findings

- County Emergency Operations Center
  - 778 SF; subject to flooding
  - County moved 4X managing COVID-19 pandemic
- Sheriff's Office
  - Built 50 years ago; planned for 20-years growth
  - Bursting at seams; doesn't reflect best practices
- Jail
  - Built 50 years ago; designed as temporary holding facility
  - No space for therapeutic/rehabilitative program areas
  - Sending adults in custody away from support networks to other counties
  - Issue citations excessively to avoid closing facility

Benton County OREGON

Committees

Benton County
OREGON

Community Advisory Committee

- Key link to diverse stakeholders in the County
- Roster of 15 members met
  - December 2020 - June 2021
  - July 2022 - Current
- Share insights on:
  - Community perceptions/opinions of JSIP activities and elements
  - Feedback, concerns, and questions from the community
  - Provided key input on conceptual design and site selection
- Sounding board for JSIP Operations/Executive Team

Benton County OREGON

Technical Advisory Committee

- County, City, OJD, and at-large subject matter experts representing diverse perspectives spanning justice system
- Roster of 15 members met
  - November 2020 - June 2021
- Instrumental in providing input on conceptual design and site selection
- Sounding board for JSIP Operations and Executive Teams

Benton County OREGON

Community Engagement

Benton County
OREGON

Small Groups & Forums *(2021-2022)*

- Objective: Provide JSIP overview, with focus on conceptual design, including site selection and repurposing historic courthouse

- 26 small group conversations, examples include:
  - BCSO, Corvallis, and Albany Police Department
  - League of Women Voters
  - Hispanic Advisory Committee, Linn Benton Branch
  - NAACP, Corvallis-Albany Branch
  - Corvallis City Council, Oregon State University
  - Various homeowner associations

- 2 virtual community forums
  - September 8, 2021: 79 participants
  - October 13, 2021: 100+ participants

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Key Takeaways *(2021-2022)*

- Transportation impacts to neighborhoods
- Concerns about flooding, infrastructure capacity, and gateways
- Economic impacts of added taxes
- Safety and property valuation concerns near correctional facilities
- Equity issues in relation to site geography and justice system data
- Lack of trust in County financial decisions

Benton County OREGON

Small Groups and Forums *(2022-2023)*

- Objectives
  - Share information on proposed facilities and how they will improve outcomes in crisis response and the justice system
  - Field and answer questions
- Final community outreach before finalizing bond package

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Small Group Presentations *(2022-2023)*

Completed: 11

- Rotary Club of Greater Corvallis
- City of Philomath, City Council
- City of Albany, City Council
- Benton County Community Health Centers, Board of Directors
- City of Monroe, City Council
- City of Adair Village, City Council
- City of Corvallis, City Council
- Home, Opportunity, Planning, and Equity (HOPE) – Advisory Board
- NAACP Linn-Benton Branch
- The Arc of Benton County
- Casa Latino Unidos

Scheduled: 6

- Corvallis Day Time Drop-In Center
- League of Women Voters, Board and Leadership
- Albany Police Department
- Corvallis Chamber of Commerce
- City of Corvallis, Community Police Review Advisory Board
- Academy for Lifelong Learning

Note: scheduling additional 8 in process

Benton County OREGON

Forums *(2022-2023)*

- Mental Health Forum, September 2022
  - Attendees: 25 in person, 49 online
- Community Safety Forum, October 2022
  - Attendees: 25 in person, 60 online
- *Future JSIP forum possible: January/February 2023*

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Key Takeaways *(2022-2023)*

Concerns and questions about…

- Bond amount, funding sources, impact to taxpayers, operational funding
- Diversion, upstream strategies (to reduce incarceration), law enforcement training and response
- Facility prioritization, necessity, and how they fit together
- Validating improved outcomes – metrics and data
- Mental health treatment in and out of the justice system

Benton County OREGON

Forum Comments

“I appreciate the County's effort to minimize the bond ask on our community by creative ways to secure other sources of funding. It seems this bond addresses a broader scope of our community's concerns and needs e.g. from mental health to safety to crime to substance abuse to homelessness to proper care of citizens in custody.”

“We REALLY DO NEED these improvements. I had NO IDEA our system was so antiquated/inadequate.”

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Surveys

Benton County
OREGON

Quantitative Surveys: Key Takeaways

- Two statistically valid surveys conducted: May and September, 2022
- County direction/voter mood is split but leaning towards negative; comparatively better than rest of state
- Homelessness, housing affordability, and public safety are the biggest problems facing the county
- Support is substantially higher for a measure that also includes funding for homelessness service facilities
- Strongest reasons to support the bond are connected to mental health, homelessness, and emergency response
- Facilities and program mix more important than cost relative to bond measure support

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Quantitative Survey: Key Takeaways

- Hypothetical Measure (Sample B)
  - *Q: Shall Benton County issue up to $95 million of General Obligation bonds paid by property taxes for mental health, community safety, and homeless services facilities? If passed, the bond measure would cost $138 per year for a typical home with a taxable value of $266,000. Funds from the proposed bond would be overseen by an independent community oversight committee.*
    - **Support: 54%**
    - **Oppose: 39%**
    - **Net: +15%**

**Alternatives explored fail to achieve comparable support*

Benton County OREGON

Qualitative Survey: Findings

- 367 respondents
- 67.86% had heard of JSIP
- Top 3 objectives bond should achieve:
  - Better outcomes for those experiencing challenges with mental health (72%)
  - Develop homelessness-centered facilities to provide services and help unsheltered persons get off the streets (63%)
  - Provide treatment and rehabilitation for criminal offenders (46%)
  - Increase accountability for those who commit crimes (46%)

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Other Considerations

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Other Considerations

- **Macro-Economics**
  - Inflationary pressure
  - Possible recession

- **State of Oregon Economy**
  - Future funding opportunities waning

- **Cost of Inaction**
  - Construction costs continue to grow
  - Continued overuse of cite and release
  - Revolving door of jail will only get worse
  - More people experiencing homelessness and mental health issues

Benton County OREGON

Key Decisions Made

Benton County
OREGON

Key Decisions by Board of Commissioners

- Site
  - Community Safety and Justice Campus on Hwy. 20
  - Mental Health Crisis Center downtown
- Funding
  - Self-fund OJD's 50-percent match for new Courthouse
  - Self-fund DA Offices as part of Courthouse project
- Design
  - Integrated, one-stop campus for Courthouse/DA Offices and proposed Correctional Facility and Sheriff's Office/Emergency Operations Center
- Mental Health and Homelessness
  - Bond measure to include funding for expanded mental health services and homelessness and housing resource navigation center

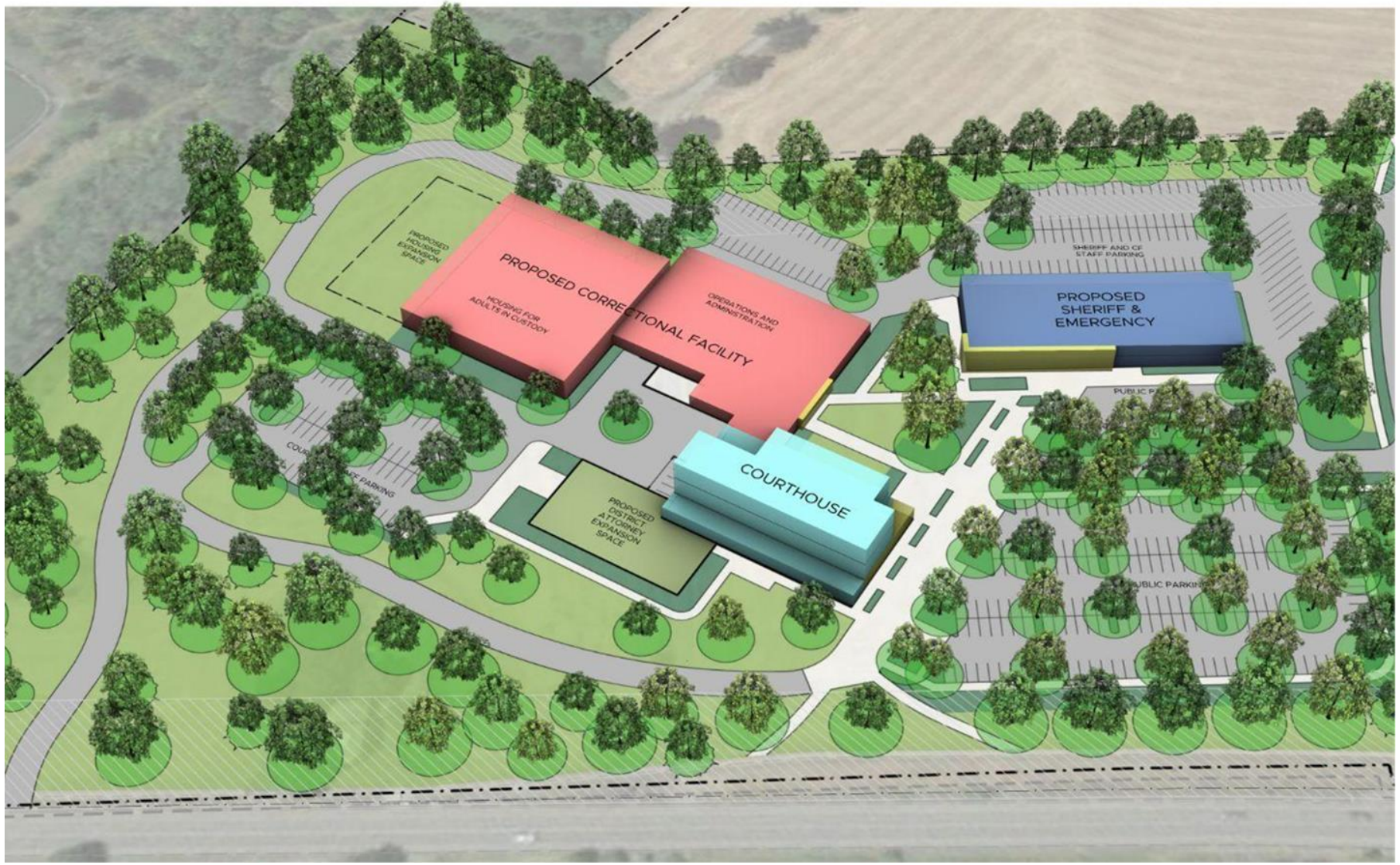
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Space Planning

Facility	Current/Existing (GSF)	First Cut (GSF)	Final Cut (GSF)
Mental Health Crisis Center	N/A	13,880	8,567
Courthouse	19,000	34,790	35,130
District Attorney	8,500	22,750	9,048
Correctional Facility	11,300	63,700	61,992
Sheriff's Office/Emergency Operations	19,475	55,450	44,520

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Future Site:
Community Safety & Justice Campus



Benton County OREGON

Future Site:
Mental Health Crisis Center



Benton County
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Financials

Benton County
OREGON

Current Funding Summary *(12/02/2022)*

Program Categories	Estimated Cost	Committed Resources	Total Gap w/o Financing	County Financing	Total Funding Gap
Mental Health Crisis Center	$ 7,700,002	$ 7,700,002	$ -	$ -	$ -
Community Safety and Justice Campus - Phase I	$ 65,525,284	$ 31,606,492	$ 33,918,792	$ 33,918,792	$ -
Community Safety and Justice Campus - Phase II	$ 106,002,202	$ 1,333,333	$ 104,668,869	$ -	$ 104,668,869
Mental Health and Homelessness Service Facilit	$ -	$ -	$ -	$ -	$ -
JSIP Program Support	$ 383,200	$ 383,200	$ -	$ -	$ -
Total JSIP	**$ 179,610,688**	**$ 41,023,027**	**$ 138,587,661**	**$ 33,918,792**	**$ 104,668,869**

Benton County OREGON

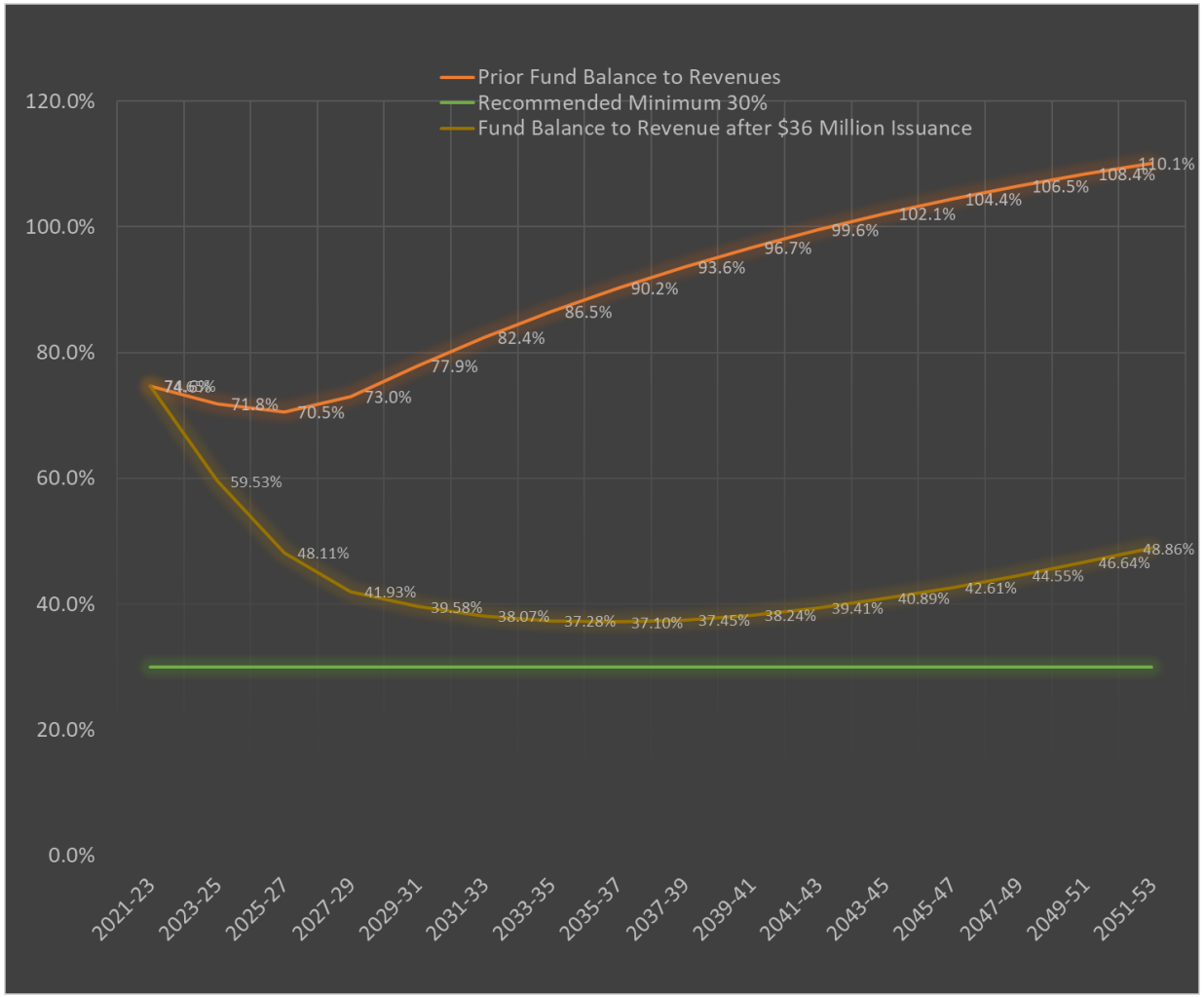
Current Funding Detail *(12/02/2022)*

Project Initiative	Current Cost Estimate	Resources Committed								Total Committed Resources	Total Uncommitted Resource
		County Resources			State Resources			Federal Resources			
		American Rescue Plan Act	Capital Financing	General Fund Reserves	American Rescue Plan Act	Oregon Judicial Dept. - OCCCIF *	General Fund	FEMA - EOC Grants	DHHS - HRSA Grants		
Mental Health Crisis Center											
Site Development	$ 150,000	$ -	$ -	$ -	$ -	$ -	$ 150,000	$ -	$ -	$ 150,000	$ -
Architectural and Engineering	$ 507,500	$ -	$ -	$ -	$ -	$ -	$ 507,500	$ -	$ -	$ 507,500	$ -
Jurisdictional Fees	$ 266,026	$ -	$ -	$ -	$ -	$ -	$ 266,026	$ -	$ -	$ 266,026	$ -
Construction Costs	$ 5,000,660	$ -	$ -	$ -	$ 1,250,000	$ -	$ 2,750,660	$ -	$ 1,000,000	$ 5,000,660	$ -
Furniture, Fixtures, and Equipment	$ 700,000	$ -	$ -	$ -	$ -	$ -	$ 700,000	$ -	$ -	$ 700,000	$ -
Contingency	$ 563,056	$ -	$ -	$ -	$ -	$ -	$ 563,056	$ -	$ -	$ 563,056	$ -
County Cost	$ 512,760	$ -	$ -	$ -	$ -	$ -	$ 512,760	$ -	$ -	$ 512,760	$ -
Total Mental Health Crisis Center	**$ 7,700,002**	**$ -**	**$ -**	**$ -**	**$ 1,250,000**	**$ -**	**$ 5,450,002**	**$ -**	**$ 1,000,000**	**$ 7,700,002**	**$ -**
Community Safety and Justice Campus											
Phase I											
Land Acquisition	$ 5,477,700	$ 3,977,700	$ 1,500,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 5,477,700	$ -
Courthouse Pre-Planning	$ 700,000	$ -	$ -	$ 350,000	$ -	$ -	$ 350,000	$ -	$ -	$ 700,000	$ -
Site Development	$ 15,919,957	$ -	$ 8,846,883	$ -	$ -	$ 5,423,074	$ 1,650,000	$ -	$ -	$ 15,919,957	$ -
Soft Construction Cost - Courthouse and District Attorney Office	$ 12,754,951	$ -	$ 7,088,057	$ -	$ -	$ 5,666,894	$ -	$ -	$ -	$ 12,754,951	$ -
Construction Cost	$ 29,662,676	$ -	$ 16,483,852	$ -	$ -	$ 13,178,824	$ -	$ -	$ -	$ 29,662,676	$ -
Owners Representation	$ 1,010,000	$ -	$ -	$ 1,010,000	$ -	$ -	$ -	$ -	$ -	$ 1,010,000	$ -
Subtotal - Phase I	**$ 65,525,284**	**$ 3,977,700**	**$ 33,918,792**	**$ 1,360,000**	**$ -**	**$ 24,268,792**	**$ 2,000,000**	**$ -**	**$ -**	**$ 65,525,284**	**$ -**
Phase II											
Site Development	$ 4,355,887	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,355,887
Demolition of Current Jail	$ 500,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 500,000
Soft Construction Cost - Both Facilities	$ 30,414,626	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 30,414,626
Correctional Facility Construction Cost	$ 40,382,640	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 40,382,640
Law Enforcement and EOC Facility Construction Cost	$ 30,349,049	$ -	$ -	$ 333,333				$ 1,000,000	$ -	$ 1,333,333	$ 29,015,716
Subtotal - Phase II	**$ 106,002,202**	**$ -**	**$ -**	**$ 333,333**	**$ -**	**$ -**	**$ -**	**$ 1,000,000**	**$ -**	**$ 1,333,333**	**$ 104,668,869**
Total Community Safety and Justice Campus	**$ 171,527,486**	**$ 3,977,700**	**$ 33,918,792**	**$ 1,693,333**	**$ -**	**$ 24,268,792**	**$ 2,000,000**	**$ 1,000,000**	**$ -**	**$ 66,858,617**	**$ 104,668,869**
Mental Health and Homelessness Service Facilities											
Site Development	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Soft Construction Cost	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Construction Cost	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total Mental Health and Homelessness Service Facilities	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
JSIP Program Support											
Program Management	$ 383,200	$ -	$ -	$ 383,200	$ -	$ -	$ -	$ -	$ -	$ 383,200	$ -
Total JSIP Program Support	**$ 383,200**	**$ -**	**$ -**	**$ 383,200**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 383,200**	**$ -**
TOTAL	**$ 179,610,688**	**$ 3,977,700**	**$ 33,918,792**	**$ 2,076,533**	**$ 1,250,000**	**$ 24,268,792**	**$ 7,450,002**	**$ 1,000,000**	**$ 1,000,000**	**$ 74,941,819**	**$ 104,668,869**

**** The 2021 Legislature authorized XI-Q Bonds for construction proceeds in the amount of $20,383,129. OJD is requesting an additional $5.0 million in 2023 to cover their share of increased cost - estimated at $3,885,663***

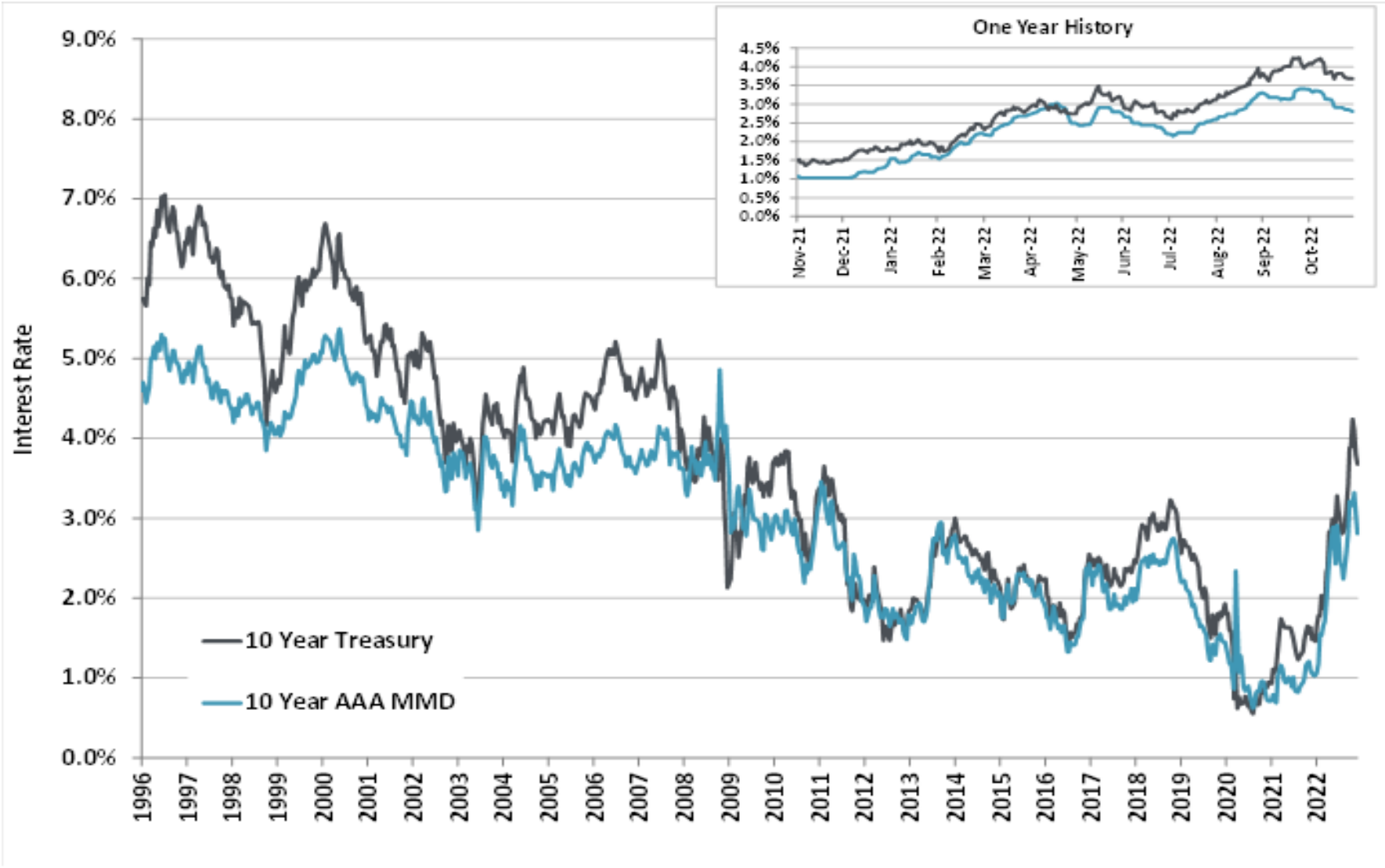
County Finance Summary

- The Board of Commissioners has approved in concept for the County's to borrow resources for the purposes of providing the 50% match requirement for the Courthouse Facility, and 100% of the portion attributable to the District Attorney Office.
- County will begin exploring borrowing vehicle in January/February to determine most cost efficient mechanism – direct borrowing or tax exempt debt.
- Assuming tax-exempt funding, it would likely equate to a $34 million issuance to result in $33.2 million of project funds.
- In review of current project status, and rate of spending, its anticipated the issuance would occur sometime in April or May after validation of the state bond issuance for their share of cost.
- Once issued, the County must complete project within 36 months and expend first 10% of proceed in 6 month, or risk the bonds flipping to taxable with hiring interest rates.



Historical Interest Rates

10-Year Tax Exempt (AAA MMD) vs. 10-Year Treasury



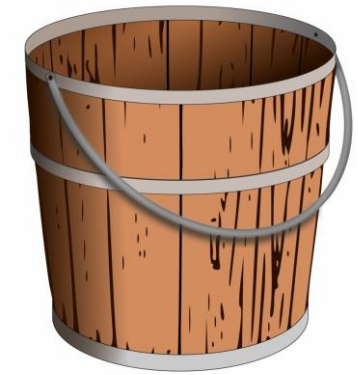
Benton County OREGON

Key Decisions to Make

Benton County OREGON

SIZING THE RESOURCE NEED

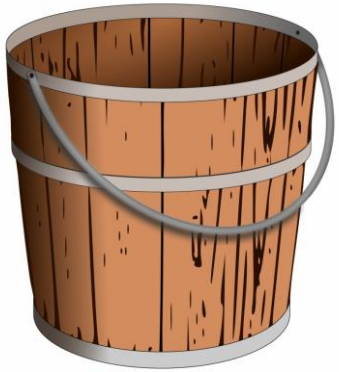
$104.6 Million



LE/EOC Facility: $42.1M
Correctional Facility: $58.2M
Site Development: $4.3M

+

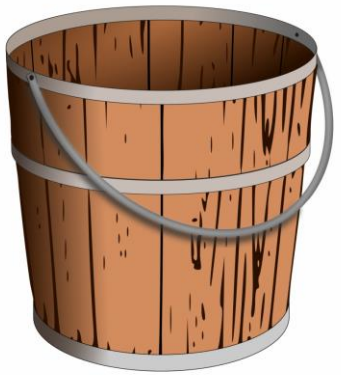
$0.8 Million



Underwriter Fees, Bond Counsel Fees, Financial Advisor Fees, and Rating Agency Fees - $0.8M

+

$TBD



Mental Health and Homelessness Services Facilities - TBD

=

$X
Total Resource Needs

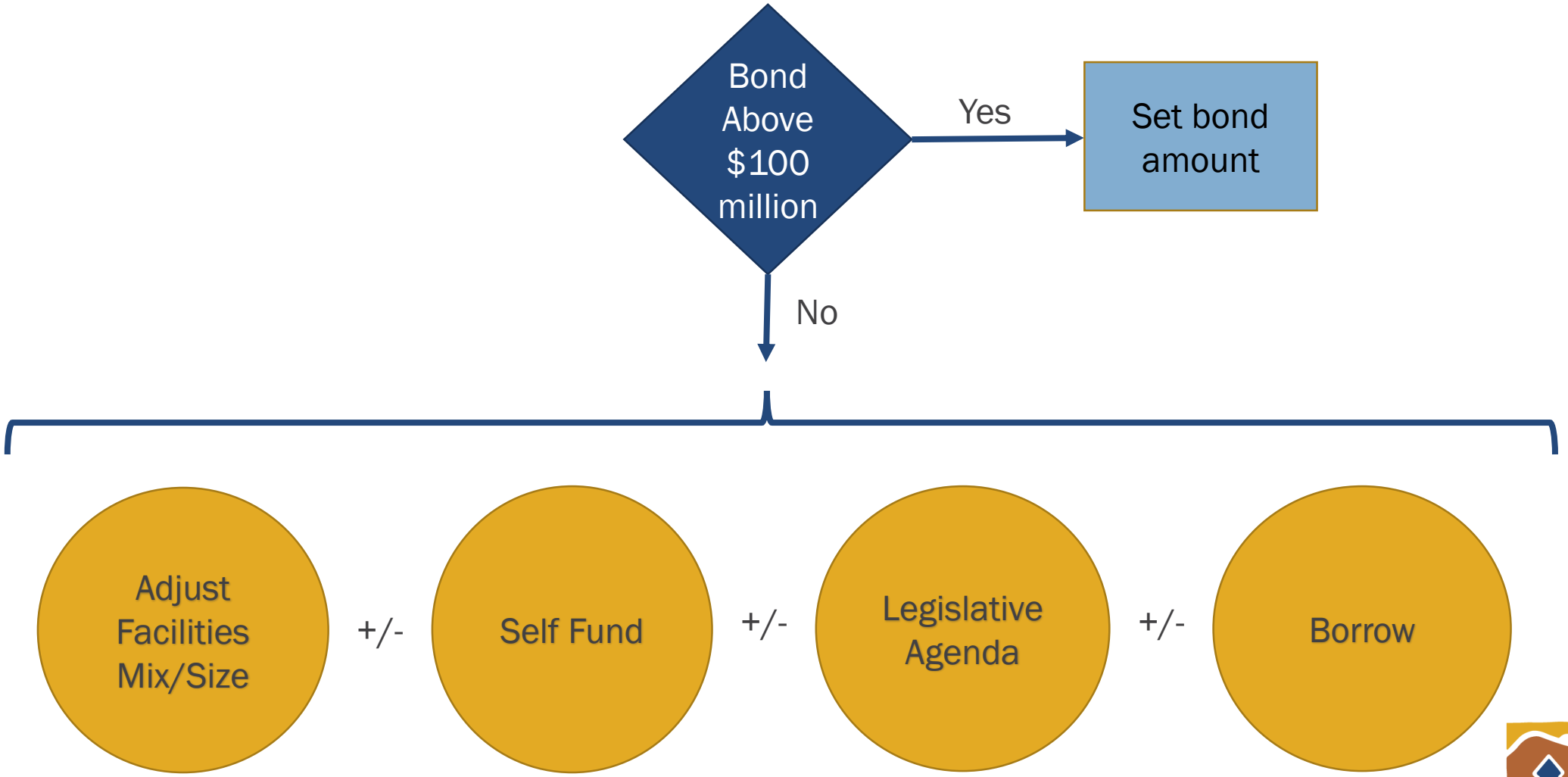
Benton County
OREGON

Decisions to Determine Bond Measure Package

- ✓ Decision 1 – Determine the proposed funding amount for expanded Mental Health and Homelessness services facilities to determine total resources needed.
- ✓ Decision 2 – Agree on the maximum bond amount the County wishes to propose within the bond measure.
- ✓ Decision 3 – Based on the difference between resources needed and max bond amount (if any), determine best option to proceed:
  - Option 1 – Reduce overall scope of project
  - Option 2 – Increase borrowing
  - Option 3 – Shift resources from current and planned budget
  - Option 4 – Legislative request
  - Option 5 – Combination of above

Benton County OREGON

Strategic Funding Options



Benton County OREGON

Next Steps

- December 20: deliberate on bond package
- January 3: finalize bond package
- Late January/early February: BOC align on bond measure language
- February 24: last day to file bond measure title
- March 16: last day to file bond measure notice
- March 20: last day to file arguments for voter's pamphlet
- May 16: bond measure

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Benton County

Benton County
Justice System Improvement Project
Cost Estimate and Funding Overview

Updated: December 2, 2022

Project Initiative	Current Cost Estimate	Resources Committed								Total Committed Resources	Total Uncommitted Resource
		County Resources			State Resources			Federal Resources			
		American Rescue Plan Act	Capital Financing	General Fund Reserves	American Rescue Plan Act	Oregon Judicial Dept. - OCCCIF *	General Fund	FEMA - EOC Grants	DHHS - HRSA Grants		
Mental Health Crisis Center											
Site Development	$ 150,000	$ -	$ -	$ -	$ -	$ -	$ 150,000	$ -	$ -	$ 150,000	$ -
Architectural and Engineering	$ 507,500	$ -	$ -	$ -	$ -	$ -	$ 507,500	$ -	$ -	$ 507,500	$ -
Jurisdictional Fees	$ 266,026	$ -	$ -	$ -	$ -	$ -	$ 266,026	$ -	$ -	$ 266,026	$ -
Construction Costs	$ 5,000,660	$ -	$ -	$ -	$ 1,250,000	$ -	$ 2,750,660	$ -	$ 1,000,000	$ 5,000,660	$ -
Furniture, Fixtures, and Equipment	$ 700,000	$ -	$ -	$ -	$ -	$ -	$ 700,000	$ -	$ -	$ 700,000	$ -
Contingency	$ 563,056	$ -	$ -	$ -	$ -	$ -	$ 563,056	$ -	$ -	$ 563,056	$ -
County Cost	$ 512,760	$ -	$ -	$ -	$ -	$ -	$ 512,760	$ -	$ -	$ 512,760	$ -
Total Mental Health Crisis Center	**$ 7,700,002**	**$ -**	**$ -**	**$ -**	**$ 1,250,000**	**$ -**	**$ 5,450,002**	**$ -**	**$ 1,000,000**	**$ 7,700,002**	**$ -**
Community Safety and Justice Campus											
Phase I											
Land Acquisition	$ 5,477,700	$ 3,977,700	$ 1,500,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 5,477,700	$ -
Courthouse Pre-Planning	$ 700,000	$ -	$ -	$ 350,000	$ -	$ -	$ 350,000	$ -	$ -	$ 700,000	$ -
Site Development	$ 15,919,957	$ -	$ 8,846,883	$ -	$ -	$ 5,423,074	$ 1,650,000	$ -	$ -	$ 15,919,957	$ -
Soft Construction Cost - Courthouse and District Attorney Office	$ 12,754,951	$ -	$ 7,088,057	$ -	$ -	$ 5,666,894	$ -	$ -	$ -	$ 12,754,951	$ -
Construction Cost	$ 29,662,676	$ -	$ 16,483,852	$ -	$ -	$ 13,178,824	$ -	$ -	$ -	$ 29,662,676	$ -
Owners Representation	$ 1,010,000	$ -	$ -	$ 1,010,000	$ -	$ -	$ -	$ -	$ -	$ 1,010,000	$ -
Subtotal - Phase I	**$ 65,525,284**	**$ 3,977,700**	**$ 33,918,792**	**$ 1,360,000**	**$ -**	**$ 24,268,792**	**$ 2,000,000**	**$ -**	**$ -**	**$ 65,525,284**	**$ -**
Phase II											
Site Development	$ 4,355,887	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,355,887
Demolition of Current Jail	$ 500,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 500,000
Soft Construction Cost - Both Facilities	$ 30,414,626	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 30,414,626
Correctional Facility Construction Cost	$ 40,382,640	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 40,382,640
Law Enforcement and EOC Facility Construction Cost	$ 30,349,049	$ -	$ -	$ 333,333				$ 1,000,000	$ -	$ 1,333,333	$ 29,015,716
Subtotal - Phase II	**$ 106,002,202**	**$ -**	**$ -**	**$ 333,333**	**$ -**	**$ -**	**$ -**	**$ 1,000,000**	**$ -**	**$ 1,333,333**	**$ 104,668,869**
Total Community Safety and Justice Campus	**$ 171,527,486**	**$ 3,977,700**	**$ 33,918,792**	**$ 1,693,333**	**$ -**	**$ 24,268,792**	**$ 2,000,000**	**$ 1,000,000**	**$ -**	**$ 66,858,617**	**$ 104,668,869**
Mental Health and Homelessness Service Facilities											
Site Development	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Soft Construction Cost	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Construction Cost	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total Mental Health and Homelessness Service Facilities	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
JSIP Program Support											
Program Management	$ 383,200	$ -	$ -	$ 383,200	$ -	$ -	$ -	$ -	$ -	$ 383,200	$ -
Total JSIP Program Support	**$ 383,200**	**$ -**	**$ -**	**$ 383,200**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 383,200**	**$ -**
TOTAL	**$ 179,610,688**	**$ 3,977,700**	**$ 33,918,792**	**$ 2,076,533**	**$ 1,250,000**	**$ 24,268,792**	**$ 7,450,002**	**$ 1,000,000**	**$ 1,000,000**	**$ 74,941,819**	**$ 104,668,869**

**** The 2021 Legislature authorized XI-Q Bonds for construction proceeds in the amount of $20,383,129. OJD is requesting an additional $5.0 million in 2023 to cover their share of increased cost - estimated at $3,885,663***

Resource Summary	
Total County Resources	$ 39,973,025
Total State Resources	$ 32,968,794
Total Federal Resources	$ 2,000,000
Total Uncommitted Resources (County Bond)	$ 104,668,869
Total Project Resources	**$ 179,610,688**

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 12/06/22

View Agenda Tracker

Suggested Placement * Work Session

Department * Public Works

Contact Name * Jennifer Ficek

Phone Extension * 5417666009

Meeting Attendee Name * Gary Stockhoff, George Looney, Darren Nichols

Agenda Item Details

Item Title * Orders – Revising Fees for Permits, Applications, and Services in Public Works, Community Development, and Planning Division for 2023

Item Involves * Check all that apply

- [ ] Appointments
- [ ] Budget
- [ ] Contract/Agreement
- [ ] Discussion and Action
- [x] Discussion Only
- [ ] Document Recording
- [ ] Employment
- [ ] Notice of Intent
- [ ] Order/Resolution
- [ ] Ordinance/Public Hearing 1st Reading
- [ ] Ordinance/Public Hearing 2nd Reading
- [ ] Proclamation
- [ ] Project/Committee Update
- [ ] Public Comment
- [ ] Special Report
- [ ] Other

Estimated Time * 15 min

Board/Committee Involvement *

- ( ) Yes
- (•) No

Advertisement * ○ Yes
◉ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

This agenda item is prepared collaboratively between Public Works, Community Development, and Planning Division. The departments have reviewed existing fees and bring their issues and recommendations together as one action. The fee tables are proposed to have an effective date of January 1, 2023.

Community Development, Planning Division – See Attachment A

Overview
Community Development proposes across-the-board increases of 5% for land use and related permits. Our goal is to maintain fee revenue relative to increasing costs of providing services.

Existing Fee Changes
The 5% increase to the planning base fee (blue columns) is being calculated separately from the notice fees, legal advertisement fees and recording fees (green columns). The 5% increase has been added to the planning-based fee and then rounded (see "2023 Planning Base Fee, Rounded" column) before the other fees are added to create the total fee. Red font denotes descriptions that have been edited for accuracy.

The different notice categories in the green columns will not be increased. They will remain as a separate line item. This is intended to increase transparency about how much these notice fees are and when they are being charged and to make it easier to calculate the fees each year.

New Fees Proposed
Following the recent conditional use permit (CUP) application for expansion of the Coffin Butte Landfill, staff estimates that the complexity of any land use application at the landfill will require substantially more staff time than a similar land use application elsewhere in Benton County. To help cover these substantial additional costs, Community Development proposes applying an "actual cost recovery" model to any land use application submitted within the Landfill Site zone and setting a $10,000 base deposit. Estimated staff costs for the 2021 CUP application were approximately $40,000; therefore, Community Development believes a $10,000 deposit with actual cost recovery is easily justified and reasonable.

Summary
The Planning Division is approximately 15% fee supported, with the remaining revenue coming from the County General Fund. On the fee schedule, fees under $100 are rounded to the nearest $1, and fees of $100 and greater are rounded to the nearest $5. The fee charged for a particular land use application is intended to cover the cost of processing that application on average. The remaining Division functions – long-range planning, code enforcement, providing information to the public – are funded by the County General Fund. Going forward, Community Development proposes taking a comprehensive review of the department's fee structure to better align with actual costs and industry best practices.

Public Works – See Attachment B

The Public Works Department fees were last increased by 5% on January 1, 2022. For 2023, the Public Works Department proposes using the automatic annual incremental increase by the amount of the Western Region CPI plus 2% or 5%, whichever is lesser (normally greater). It was determined that the inflation rate over the prior 12 months ending September 30, 2022, was 8.3%; however, Public Works proposes to increase its rates by 5.0% for 2023 instead of the allowable 10.3%. On the fee schedule, fees under $100 are rounded to the nearest $1, and fees of $100 and greater are rounded to the nearest $5.

Options *

1) Accept proposed fee increases.
2) Reject the proposed fee increases.
3) Provide alternative direction to staff.

Fiscal Impact *

- (•) Yes
- ( ) No

Fiscal Impact Description *

For Community Development, Planning Division, at projected numbers of permits, the new fees will increase annual revenue by approximately $15,000 plus any additional actual costs recovered.

For the Public Works Department, based on the revenue collected from 2022 permit fees, the new fees will result in increased revenue of approximately $4,000 to $5,000.

2040 Thriving Communities Initiative

Mandated Service? *

- ○ Yes
- ◉ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website HERE.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- ☐ Vibrant, Livable Communities
- ☐ Supportive People Resources
- ☐ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☐ Community Resilience
- ☑ Equity for Everyone
- ☐ Health in All Actions
- ☐ N/A

Explain Core Values Selections *

Fees are charged to those that require the services; making this action equitable for all.

Focus Areas and Vision *

Select all that apply.

- ☑ Community Safety
- ☐ Emergency Preparedness
- ☐ Outdoor Recreation
- ☐ Prosperous Economy
- ☐ Environment and Natural Resources
- ☑ Mobility and Transportation
- ☑ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☐ N/A

Explain Focus Areas and Vision Selection *

These fees support the services the departments' provide.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations *	Staff recommends Option #1 and to forward Order setting fees to the December 20, 2022 Board meeting.
Work Session Motions *	I move to ... forward Order setting fees for Public Works, Community Development, and Planning for 2023 to the December 20, 2022 Board meeting.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

Attachment B PW2023 Fees.pdf	312.95KB
Attachment A CD2023 Fees.pdf	155.6KB
Order - 2023 Fees for Public Works_ Community Development.pdf	88.98KB

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

Department Approver GARY STOCKHOFF

Department Approval

Comments

Signature



BOC Initial Approval

Approvals Required	☑ Counsel ☑ Finance ☐ HR
Counsel Approver	VANCE CRONEY
Finance Approver	RICHARD CRAGER
County Administrator Approver	JOE KERBY
Comments	

Counsel Approval

Comments

Signature



Finance Approval

Comments

Signature



County Administrator Approval

Comments

Signature



BOC Final Approval

Comments

Signature



ATTACHMENT A: COMMUNITY DEVELOPMENT 2023 FEES

Fee Description	2022 Total Fees (Base, notice, legal ad, recording fees)	2022 Planning Base Fee	Add 5% to Base Fee	2023 Planning Base Fee, Rounded	Notice of App. Fee	Notice of Decision Fee	Legal Ad Fee	Fee for Recording Docs	Proposed 2023 Planning Fees	Total % Change
Permit Review and Related Actions										
Code Enforcement	Actual Cost								Actual Cost	No change
Unauthorized Land Use Activities	Double the Standard Applciation Fee								Double the Standard Fee	No change
Erosion & Sediment Control Permit (planning review only, PW fees separate)	$98	$98	$102.90	$105					$105	7%
Floodplain Development Permit (all development activities in a floodplain)	$0	0	$0.00	0					$0	N/A
Floodplain Review of Structural Permit or MH Placement	$160	$160	$168.00	$170					$170	6%
Permit Zoning Compliance Review (Resid/Comm Structural, Change of Use/Occ, Manufactured Home Placement, and Modular/Prefab) (1.5 hr Plan Tech time)	$100	$100	$105.00	$105					$105	5%
Demolition Permit in non-resource zone (1 hr Community Dev. Tech.	$63	$63	$66.15	$66					$66	5%
Demolition Permit in resource zone ~~Replacement Dwelling Permit (Demo~~	$210	$210	$220.50	$220					$220	5%
Agricultural Exemption ~~Building~~ Permit (incl prep/rec. of covenant)	$293	$215	$225.75	$225				$78	$303	3%
Water Reviews (water quality and well pump tests) - for new homes or bldgs. requiring public occupancy	$63	$63	$66.15	$66					$66	5%
Septic Reviews (Full) (Feasibility, Alteration, Authorization)	$120	$120	$126.00	$125					$125	4%
Septic Review (Partial)	$61	$61	$64.05	$64					$64	5%
RV Placement Land Use Application	$100	$100	$105.00	$105					$105	5%
Dwellings on Resource Land										
Dwelling - EFU Accessory Farm-related	$1,348	$1,160	$1,218.00	$1,220		$110		$78	$1,408	4%
Dwelling - EFU Farm Related - 160 acres or more	$528	$450	$472.50	$472				$78	$550	4%
Dwelling - EFU Income Test on less than 160 acres	$1,218	$1,030	$1,081.50	$1,080		$110		$78	$1,268	4%
Dwelling - EFU Farm-help for a Relative	$698	$510	$535.50	$535		$110		$78	$723	4%
Dwelling - EFU Lot of Record: Non-High value soils	$1,818	$1,270	$1,333.50	$1,335	$165	$55	$250	$78	$1,883	4%
High value soils	$2,588	$2,040	$2,142.00	$2,140	$165	$55	$250	$78	$2,688	4%
Dwelling - EFU Non-farm: West of Coast Range (requires Planning Commission hearing)	$2,473	$1,925	$2,021.25	$2,020	$165	$55	$250	$78	$2,568	4%
East of Coast Range	Actual cost; $4,000 dep.								Actual cost; $4,000 dep.	
Fee Description	**2022 Total Fees (Base, notice, legal ad, recording fees)**	**2022 Planning Base Fee**	**Add 5% to Base Fee**	**2023 Planning Base Fee, Rounded**	**Notice of App. Fee**	**Notice of Decision Fee**	**Legal Ad Fee**	**Fee for Recording Docs**	**Proposed 2023 Planning Fees**	**Total % Change**
Dwelling - Forest: 160 acres or more (admin review notice)	$748	$560	$588.00	$590		$110		$78	$778	4%

Fee Description	2022 Total Fees (Base, notice, legal ad, recording fees)	2022 Planning Base Fee	Add 5% to Base Fee	2023 Planning Base Fee, Rounded	Notice of App. Fee	Notice of Decision Fee	Legal Ad Fee	Fee for Recording Docs	Proposed 2023 Planning Fees	Total % Change
Lot of Record Forest Dwelling	$1,818	$1,270	$1333.50	$1,335	$165	$55	$250	$78	$1,883	4%
Template Test Dwelling	$2,638	$2,090	$2194.50	$2,195	$165	$55	$250	$78	$2,743	4%
Land Divisions										
Consolidation per BCC 94.100	$360	$360	$378.00	$380.00					$380	6%
Well Test Notification (4 hours staff time) Base Fee; additional time charged at staff hourly rate provided below	$500	$500	$525.00	$525.00					$525	**4 hrs staff time, base fee**
Land Div. w/in Corvallis UGB (add to partition/subdiv. fees)	$555	$555	$582.75	$585					$585	5%
Partition - No Public Hearing:										
Planning Review for Standard Parcels, ministerial review	$720	$720	$756.00	$755					$755	5%
Planning Review for Standard Parcels, quasi-judicial review	$1,190	$720	$756.00	$755	$165	$55	$250		$1,225	3%
Non-Standard Parcels per BCC 64.305(2) add to std fee	$58	$58	$60.90	$61					$61	5%
Per Parcel Planning Fee	$205	$205	$215.25	$215					$215	5%
Partition - Series or Public Hearing:										
Planning Review	$2,105	$1,635	$1716.75	$1,715	$165	$55	$250		$2,185	4%
Per Parcel Planning Fee	$205	$205	$215.25	$215					$215	5%
Property Line Adjustments:										
Ministerial (incl. fees for 3 recorded docs, 2pgs ea)	$944	$605	$635.25	$635				$339	$974	3%
Quasi-Judicial (incl. fees 3 recorded docs, 2pgs ea)	$1,694	$885	$929.25	$930	$165	$55	$250	$339	$1,739	3%
Additional PLA application(s) concurrently reviewed	50% planning fee	50% planning fee							50% planning fee	
Subdivision:										
Planning Review	$3,595	$3,125	$3281.25	$3,280	$165	$55	$250		$3,750	4%
Per Lot Planning Fee	$250	$250	$262.50	$260					$260	4%
Other Land Use Applications										
Administrative Review (only notice of decision req.)	$700	$590	$619.50	$620		$110			$730	4%
Agritourism: Single-event license, per ORS 215.283(4)(b)	$360	$360	$378.00	$380					$380	6%
Single event/activity, per ORS 215.283(4)(a)	$1,820	$1,350	$1417.50	$1,420	$165	$55	$250		$1,890	4%
Up to 6 events/activities, per ORS 215.283(4)(c)	$2,360	$1,890	$1984.50	$1,985	$165	$55	$250		$2,455	4%
Up to 18 events/activities, per ORS 215.283(4)(d)	$2,645	$2,175	$2283.75	$2,285	$165	$55	$250		$2,755	4%
Conditional Use: Staff Decision or Greenway	$1,820	$1,350	$1,417.50	$1,420	$165	$55	$250		$1,890	4%
Land Use application, including Conditionsl Use Permit, in Landfill Site (LS) Zone - Planning Commission Decision or Staff Decision				$10,000 deposit	$165	$55	$250		Actual Cost*; $10,000 deposit	New Fee
Planning Commission Hearing	$2,395	$1,925	$2,021.25	$2,020	$165	$55	$250		$2,490	4%
Create a Tax Lot/Deed Release	$165	$165	$173.25	$175					$175	6%
Floodplain, Land Development Activities (large projects)	$460	$350	$367.50	$370		$110			$480	4%

Floodplain Minor Variance	$335	$335	$351.75	$350					$350	4%
Home Occupation (not in EFU/FC, or CUPs) (No renewal fee)	$360	$360	$378.00	$380					$380	6%
Hydrogeologic Proposal and Study - Review	Actual cost*; $1,500 deposit	Actual cost*; $1,500 deposit							Actual cost*; $1,500 deposit	No change
Interp. of Code, Written (*Also use this fee for FC siting standard review when dwelling location not previously reviewed thru LU file)*	$835	$475	$498.75	$500		$110	$250		$860	3%
Medical Hardship (EFU, FC) CUP	$1,243	$695	$729.75	$730	$165	$55	$250	$78	$1,278	3%
Medical Hardship (Non-Resource Zone)	$558	$315	$330.75	$330	$165			$78	$573	3%
Ministerial Review, no notice or legal ad	$360	$360	$378.00	$380					$380	6%
Modification to Natural Features Standards (Corvallis UGB):										
Implementation Plan (88.800(3) to (9)) & Non-Discretionary Review (88.800(1))	$630	$630	$661.50	$660					$660	5%
Discretionary review per BCC 88.800(2)	$1,500	$1030	$1,081.50	$1,080	$165	$55	$250		$1,550	3%
Non-Conforming Use Alteration or Expansion	$1,505	$1035	$1,086.75	$1,085	$165	$55	$250		$1,555	3%
Site Development Plan Review: No site visit	$435	$435	$456.75	$455					$455	5%
With site visit	$655	$655	$687.75	$690					$690	5%
Variance	$1,435	$965	$1,013.25	$1015	$165	$55	$250		$1,485	3%
Vested Right	$1,680	$1,210	$1,270.50	$1,270	$165	$55	$250		$1,740	4%
Winery (base fee) per BCC 55.150	$700	$590	$619.50	$620		$110			$730	4%
Winery License for 1 to 6 events	$360	$360	$378.00	$380					$380	6%
Winery Permit for 7+ events	$770	$660	$693.00	$695		$110			$805	5%
Zone/Comp Plan Changes: (incl 2 legal ads, full notice)										
Zone change only	$3,380	$2,660	$2,793.00	$2,795	$165	$55	$500		$3,515	4%
Zone/Comp Plan change without Goal Exception	$3,735	$3,015	$3,165.75	$3,165	$165	$55	$500		$3,885	4%
Zone/Comp Plan change w/ Goal Exception or UGB Expansion	$5,230	$4,510	$4,735.50	$4,735	$165	$55	$500		$5,455	4%
Mineral & Aggregate Overlay-Zone/Comp Plan change	Actual cost*; $4,000 dep.	Actual cost*; $4,000 dep.							Actual cost*; $4,000 dep.	N/A
Fee Description	**2022 Total Fees (Base, notice, legal ad, recording fees)**	**2022 Planning Base Fee**	**Add 5% to Base Fee**	**2023 Planning Base Fee, Rounded**	**Notice of App. Fee**	**Notice of Decision Fee**	**Legal Ad Fee**	**Fee for Recording Docs**	**Proposed 2023 Planning Fees**	**Total % Change**
Appeals										
Appeal of a Planning Commission decision	Actual cost*; deposit of orig. app. fee	Actual cost*; deposit of orig. app. fee							Actual cost*; deposit of orig. app. fee	N/A
Appeal of a Planning Official's decision ($250 per statute)		$250							$250	N/A
Remand hearing	$1,855	$1,385	$1,454.25	$1,455	$165	$55	$250		$1,925	4%
Other										

Research - Hourly Staff Fee - reqs. 1 hr. deposit (non-discretionary legal parcel determinations, extensions, general)	$125	$125	$131.25	$130					$130	4%
Other Services	Actual Hourly Rate	Actual Hourly Rate							Actual Hourly Rate	No change
B&W Photo Copies/Prints Letter & Legal sizes	$0	$0.25	$0.26	$0.25					$0.25	No change
All Color Photo Copies/Prints & 11 x 17 (poster size)	$1	$1	$1.05	$1					$1	No change
Refund Check Processing	$25	$25	$26.25	$25					$25	No change
Insufficient Funds Processing	$25	$25	$26.25	$25					$25	No change
Land Use Permit Extensions Reviewed by Plan. Comm.	$945	$475	$498.75	$500.00	$165	$55	$250		$970	3%
Legal Ad (when not normally req or incl in fee)		$250.00	N/A	N/A					$250	**Avg. actual cost**
Notice of Application (when not normally req or incl in fee)	$165	$165.00	$173.25	$175					$175	6%
Notice of Decision (when notice of app is also sent)	$55	$55.00	$57.75	$58					$58	5%
Notice of Decision (when no notice of app sent)	$110	$110.00	$115.50	$115					$115	5%
Public Hearing requested by app, add on	$575	$575.00	$603.75	$605.00					$605	5%
Pre-application Conf. required by code (subdivision, series partition, partition per Ch. 100)	$695	$695.00	$729.75	$730					$730	5%
Pre-application Conf. requested by customer/Planning Official	$400	$400.00	$420.00	$420					$420	5%
Recording of Docs (non-covenants) prepared by applicant	Actual cost	Actual cost		N/A					Actual Cost	N/A
Preparation and recording of covenants	$164	$86.00	$90.30	$90				$78	$168	2%
Preparation of easements, other legal documents	$86	$86.00	$90.30	$90				Actual cost	$90	5%

ATTACHMENT B: PUBLIC WORKS 2023 FEES

Department: Public Works
Attachment B
Approved Fees: December 2022 (Effective Jan 1, 2023)
Prepared by: Jennifer Ficek

Background
Cost accounting analysis was used to determine the cost of delivering services as compared with the revenue generated by the fees for those services. During the 2004-05 FY and the 2005-06 FY, it was determined that about 50% of the cost of providing services was recovered through the fees for those services. It's Public Works' policy to recover its costs as much as practical, and as much as costs can be assigned to specific activities. One area where it's difficult to recover costs is in the pre-application stage when staff time is required to help customers gather information.

The Public Works Department fees were last increased by 5% on January 1, 2022. For 2023, the Public Works Department proposes using the automatic annual incremental increase by the amount of the Western Region CPI plus 2% or 5%, whichever is lesser (normally greater). It was determined that the inflation rate over the prior 12 months ending September 30, 2022, was 8.3%; however, Public Works proposes to increase its rates by 5.0% for 2023 instead of the allowable 10.3%. On the fee schedule, fees under $100 are rounded to the nearest $1, and fees of $100 and greater are rounded to the nearest $5.

Fee Schedule Title or Description	Current 2022	Approved Changes	Reason for Recommendation
Mailing Services	Actual cost including postage and handling	Actual cost including postage and handling	No change
B&W Photo Copies 8 ½ x 11	$0.25	$0.25	No change
8 ½ x 14	$0.25	$0.25	No change
11 x 17	$1.00	$1.00	No change
18 x 20	$1.50	$1.50	No change
18 x 24	$1.75	$1.75	No change
18 x 30	$2.25	$2.25	No change
24 x 36	$3.25	$3.25	No change
Misc.	$0.60/sq. ft.	$0.60/sq. ft.	No change
Color Photo Copies 8 ½ x 11	$1.00	$1.00	No change
8 ½ x 14	$1.00	$1.00	No change
11 x 17	$1.00	$1.00	No change
Aerial Photos (blackline 18 x 20)	$5.00	$5.00	No change
County Maps – 911	Charge removed per Engineering	Charge removed per Engineering	No longer charging for this service
Custom Maps (special orders)	Actual - $15 minimum	Actual - $15 minimum	No change
Special Plotter Maps	$1.00 sq. ft.	$1.00 sq. ft.	No change
Compact Disc Copies	Actual Cost	Actual Cost	No change
Planning Commission Hearing tapes	$11	$11	No change
Property Services			
Property/Road Vacation	$2,065	$2,170	The property/road vacation process involves set procedures outlined in the Oregon Revised Statutes. The costs include, customer contacts, review of application, deed research, two Board of Commissioner hearings, posting of notice on site and in the newspaper, road official report, recording of documents, and revising various county records. Increased by 5.0%.
Reimbursement Districts Application	$2,065	$2,170	The application fee covers the County's cost for: bringing the application to one or two Board of Commissioners meetings, County Engineer's report and revisions, notification by certified mail to affected property owners both prior to the public meeting and after the decision, and recording the final documents. Increased by 5.0%.
Way of Necessity	Actual	Actual	The level of effort varies with each action.
Survey Map Filing Fee	$220	$230	The level of review for this activity is required though Oregon Revised Statute Chapter 209 and Benton County Map Standards. Increased by 5.0%.
Boundary Certification	Actual	Actual	No change
Legal Descriptions	Actual	Actual	No change
Affidavit to Re-establish	$110	$115	Increased by 5.0%.

Fee Schedule Title or Description	Current 2022	Approved Changes	Reason for Recommendation
Monuments within Recorded Plats			
Affidavit of Correction	$115	$120	Increased by 5.0%.
Covenant Preparation	Actual	Actual	No change
Road Districts	Actual	Actual	No change
Deed Release	Actual	Actual	No change
Other Services (Research, staff time, etc.)	Actual	Actual	No change
Public Improvements:			
Assessment Improvement District:	12 percent for engineering or actual cost, if less. 3 percent for engineering administration and overhead or actual cost, if less. Total charges equal 15 percent of construction cost.	No Change	No Change
Private Contract Improvements: (Improvement Agreements)	2½ percent of construction cost for engineering review, plans check, and administration. 1½ percent of construction cost for inspection. Total charges equal 4 percent of construction cost.	No Change	No Change
Other Road Related Fees or Permits			
Overload Permit/Non Bridge	$8.50	No change	Overload permits fees are set by the State.
Overload Permit/Bridge:	$8.50	No change	Overload permits fees are set by the State.
No Spray Permit	$5	Fee removed per BOC	No longer charging for this service
Special Events Permit	$59	$62	Increased by 5.0%.
Misc. Permit in R.O.W.	4% of the cost of work in R.O.W. Minimum fee of $25.00.	4% of the cost of work in R.O.W. Minimum fee of $25.00.	No increase. For the 2012 year, Public Works **decreased** the minimum fee by 35%, to $25. Also, fees may be waived for activities that benefit the citizens of Benton County as determined by the Road Manager on a case by case basis.
Land Use Application and Permit to Occupy Public Right-of-Way	$77.00 - A one-time fee for each request. Fee pays for sub-sequent inspection.	$81.00 - A one-time fee for each request. Fee pays for sub-sequent inspection.	The application fee is for private citizens that wish to occupy the County ROW (i.e. landscape, pasture, farming, timber). The proposed use cannot interfere with normal County road maintenance, and must be immediately moved out of the ROW at the request of the County. Increased by 5.0%

Fee Schedule Title or Description	Current 2022	Approved Changes	Reason for Recommendation
Road Name Change	$480 Signs and post installations are not charged out (Chapter 7, County Code)	$505 Signs and post installations are not charged out (Chapter 7, County Code)	The road name change requires customer contacts, review of petition, public hearing, and the making and installation of the new sign. Under Chapter 7, Section 7.125 (2), road name signs shall be constructed and installed without charge by the Public Works Department. Increased by 5.0%.
Road Approach	$330	$345	The road approach process requires some engineering site review analysis and several field visits to approve the installation. This fee has an additional $45 fee collected by the Building Department in Community Development that is included in their fees. Prior to 2021, the accumulative of both fees was shown in Public Works; for clarity, they were separated as of 2021. Increased by 5.0%
Address assignment	$69	$72	Increased by 5.0%.
Land Development			
Utility Permit	$420.00 min plus actual	$440.00 min plus actual	Increased by 5.0%.
Building Permits & Plan	Residential: $65 Commercial: $210	Residential: $68 Commercial $220	Review, accessory, remodel, etc. Increased by 5.0%.
Engineering Land Use Application Review Fee	Subdivision: $210 Partition $105	Subdivision: $220 Partition: $110	This fee helps recover a portion of the costs incurred by staff to complete these reviews associated with proposed private developments prior to land use approval. Increased by 5.0%
Erosion and Sediment Control Permit Application	$590	$620	Required under EPA-DEQ mandated NPDES regulations (Benton County Development Code 99.650). Increased by 5.0%.
Modular/ Prefab permit & Plan Review	$65	$68	Increased by 5.0%.
Drainage Analysis	Basic: $99 Advanced: $390	Basic: $105 Advanced: $410	Basic Drainage Analysis – staff review of basic hydraulic calculations. Advanced Drainage Analysis – staff review of computer generated hydraulic analysis model. The fees helps recover a portion of the costs incurred by staff to complete these reviews associated with private developments. Increased by 5.0%
Manufactured Home Permits	$65	$68	Increased by 5.0%.
Other Services	Actual	Actual	No change
Land Use Applications			
Parcel Line Adjustment	$290	$305	The level of review for this activity is required though Oregon Revised Statute Chapter 209 and Benton County Map. Increased by 5.0%.
Partition Plat (County)	$375.00 plus $110.00 per parcel	$395.00 plus $115.00 per parcel	The level of review for this activity is required though Oregon Revised Statute Chapter 92 and Benton County Partition Plat Standards. Increased by 5.0%.
Partition Plat (City)	$375	$395	The County Surveyors office reviews all City and County partitions for statutory and county requirements. Increased by 5.0%.

Fee Schedule Title or Description	Current 2022	Approved Changes	Reason for Recommendation
Subdivisions			
Preliminary Plat.	$280	$295	Increased by 5.0%.
Pre Monumented Subdivision (County)	$1,290.00 plus $115.00 per lot	$1355.00 plus $120.00 per lot	The level of review for this activity is required though Oregon Revised Statute Chapter 92 and Benton County Partition Plat Standards. Increased by 5.0%.
Post Monumented Subdivision (County)	$1,820.00 plus $115.00 per lot plus 120% bond for monumenting property corners	$1,910.00 plus $120.00 per lot plus 120% bond for monumenting property corners	The activity for the post monumented plat is the same as the pre monumented plat except county staff has an additional field check and additional document checks. Increased by 5.0%.
Pre Monumented			
Subdivision (City)	$1,290.00 plus $47.00 per lot	$1,355.00 plus $49.00 per lot	The level of review for this activity is required though Oregon Revised Statute Chapter 92 and Benton County Partition Plat Standards. Increased by 5.0%.
Post Monumented			
Subdivision (City)	$1,820.00 plus $58.00 per lot. Plus 120% bond for monumenting property corners	$1910.00 plus $61.00 per lot. Plus 120% bond for monumenting property corners	The activity for the post monumented plat is the same as the pre monumented plat except county staff has an additional field check and additional document checks. Increased by 5.0%.
Planned Unit Development	$1,820.00 plus $58.00 per lot. Plus 120% bond for monumenting property corners	$1,910.00 plus $61.00 per lot. Plus 120% bond for monumenting property corners	The activity for the post monumented plat is the same as the pre monumented plat except county staff has an additional field check and additional document checks. Increased by 5.0%.
Condominium	$1,290.00 plus $47.00 per unit plus 120% bond for monumenting property corners	$1,355.00 plus $49.00 per unit plus 120% bond for monumenting property corners	Increased by 5.0%.
Government Corners			
Corner Restoration	$10 for each document as authorized under ORS 205.130(2)	$10 for each document as authorized under ORS 205.130(2)	No change. Pursuant to Benton County Code, chapter 25.110, the fee for establishment, reestablishment, and maintenance of corners of government survey under ORS 209.070(5) shall be set annually by order of the Board of Commissioners, upon recommendation of the County Surveyor. Under ORS 205.130(2), $10 is the maximum recording fee that can be assessed on behalf of the Corner Restoration Fund.

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

In the matter of Revising Fees for Permits, Applications and Services Provided by the Public Works, Community Development, and Planning Departments	)))))	**ORDER NO. D2022-083**

IT APPEARING TO THE BOARD THAT, Benton County Board of Commissioners have the authority to establish land use fees under Oregon Revised Statutes (ORS) 215.416; and

THAT the last time the fees were modified in Community Development, Planning Division, was in 2022; and

THAT ORS Chapters 92, 198, 203, 205, 209, and 368 authorize Benton County to establish fees for County surveying, corner restoration, special districts, and road functions; and

THAT the last time the fees in Public Works were modified was in 2022; and

NOW, THEREFORE, IT IS HEREBY ORDERED that Community Development, Planning Division, and Public Works Departments' revised fee schedules, as shown on Attachments A and B, respectively, be approved as of January 1, 2023; and

BE IT FURTHER ORDERED that Benton County Community Development and Public Works shall consider annual incremental fee increases by the amount of 5% or the Western Region CPI plus 2%, whichever is greater, unless a proposed fee increase exceeds this amount requiring additional justification. No fee increase will be implemented without Board approval.

Adopted this 20th day of December, 2022.

Signed this 20th day of December, 2022.

BOARD OF COMMISSIONERS

_____
Nancy Wise, Chair

Approved as to form:

_____
Pat Malone, Commissioner

_____
County Counsel

_____
Xanthippe Augerot, Commissioner

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

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Adopted this 20th day of December, 2022.

Signed this 20th day of December, 2022.

BOARD OF COMMISSIONERS

DocuSigned by:
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Nancy Wyse, Chair

DocuSigned by:
744FC1377E0E4AF...
Pat Malone, Commissioner

DocuSigned by:
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Xanthippe Augerot, Commissioner

Approved as to form:

DocuSigned by:
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County Counsel

Fee Description	2022 Total Fees (Base, notice, legal ad, recording fees)	2022 Planning Base Fee	Add 5% to Base Fee	2023 Planning Base Fee, Rounded	Notice of App. Fee	Notice of Decision Fee	Legal Ad Fee	Fee for Recording Docs	Proposed 2023 Planning Fees	Total % Change
Permit Review and Related Actions										
Code Enforcement	Actual Cost								Actual Cost	No change
Unauthorized Land Use Activities	Double the Standard Applciation Fee								Double the Standard Fee	No change
Erosion & Sediment Control Permit (planning review only, PW fees separate)	$98	$98	$102.90	$105					$105	7%
Floodplain Development Permit (all development activities in a floodplain)	$0	0	$0.00	0					$0	N/A
Floodplain Review of Structural Permit or MH Placement	$160	$160	$168.00	$170					$170	6%
Permit Zoning Compliance Review (Resid/Comm Structural, Change of Use/Occ, Manufactured Home Placement, and Modular/Prefab) (1.5 hr Plan Tech time)	$100	$100	$105.00	$105					$105	5%
Demolition Permit in non-resource zone (1 hr Community Dev. Tech.	$63	$63	$66.15	$66					$66	5%
Demolition Permit in resource zone ~~Replacement Dwelling Permit (Demo~~	$210	$210	$220.50	$220					$220	5%
Agricultural Exemption ~~Building~~ Permit (incl prep/rec. of covenant)	$293	$215	$225.75	$225				$78	$303	3%
Water Reviews (water quality and well pump tests) - for new homes or bldgs. requiring public occupancy	$63	$63	$66.15	$66					$66	5%
Septic Reviews (Full) (Feasibility, Alteration, Authorization)	$120	$120	$126.00	$125					$125	4%
Septic Review (Partial)	$61	$61	$64.05	$64					$64	5%
RV Placement Land Use Application	$100	$100	$105.00	$105					$105	5%
Dwellings on Resource Land										
Dwelling - EFU Accessory Farm-related	$1,348	$1,160	$1,218.00	$1,220		$110		$78	$1,408	4%
Dwelling - EFU Farm Related - 160 acres or more	$528	$450	$472.50	$472				$78	$550	4%
Dwelling - EFU Income Test on less than 160 acres	$1,218	$1,030	$1,081.50	$1,080		$110		$78	$1,268	4%
Dwelling - EFU Farm-help for a Relative	$698	$510	$535.50	$535		$110		$78	$723	4%
Dwelling - EFU Lot of Record: Non-High value soils	$1,818	$1,270	$1,333.50	$1,335	$165	$55	$250	$78	$1,883	4%
High value soils	$2,588	$2,040	$2,142.00	$2,140	$165	$55	$250	$78	$2,688	4%
Dwelling - EFU Non-farm: West of Coast Range (requires Planning Commission hearing)	$2,473	$1,925	$2,021.25	$2,020	$165	$55	$250	$78	$2,568	4%
East of Coast Range	Actual cost; $4,000 dep.								Actual cost; $4,000 dep.	
Fee Description	**2022 Total Fees (Base, notice, legal ad, recording fees)**	**2022 Planning Base Fee**	**Add 5% to Base Fee**	**2023 Planning Base Fee, Rounded**	**Notice of App. Fee**	**Notice of Decision Fee**	**Legal Ad Fee**	**Fee for Recording Docs**	**Proposed 2023 Planning Fees**	**Total % Change**
Dwelling - Forest: 160 acres or more (admin review notice)	$748	$560	$588.00	$590		$110		$78	$778	4%

Lot of Record Forest Dwelling	$1,818	$1,270	$1333.50	$1,335	$165	$55	$250	$78	$1,883	4%
Template Test Dwelling	$2,638	$2,090	$2194.50	$2,195	$165	$55	$250	$78	$2,743	4%
Land Divisions										
Consolidation per BCC 94.100	$360	$360	$378.00	$380.00					$380	6%
Well Test Notification (4 hours staff time) Base Fee; additional time charged at staff hourly rate provided below	$500	$500	$525.00	$525.00					$525	**4 hrs staff time, base fee**
Land Div. w/in Corvallis UGB (add to partition/subdiv. fees)	$555	$555	$582.75	$585					$585	5%
Partition - No Public Hearing:										
Planning Review for Standard Parcels, ministerial review	$720	$720	$756.00	$755					$755	5%
Planning Review for Standard Parcels, quasi-judicial review	$1,190	$720	$756.00	$755	$165	$55	$250		$1,225	3%
Non-Standard Parcels per BCC 64.305(2) add to std fee	$58	$58	$60.90	$61					$61	5%
Per Parcel Planning Fee	$205	$205	$215.25	$215					$215	5%
Partition - Series or Public Hearing:										
Planning Review	$2,105	$1,635	$1716.75	$1,715	$165	$55	$250		$2,185	4%
Per Parcel Planning Fee	$205	$205	$215.25	$215					$215	5%
Property Line Adjustments:										
Ministerial (incl. fees for 3 recorded docs, 2pgs ea)	$944	$605	$635.25	$635				$339	$974	3%
Quasi-Judicial (incl. fees 3 recorded docs, 2pgs ea)	$1,694	$885	$929.25	$930	$165	$55	$250	$339	$1,739	3%
Additional PLA application(s) concurrently reviewed	50% planning fee	50% planning fee							50% planning fee	
Subdivision:										
Planning Review	$3,595	$3,125	$3281.25	$3,280	$165	$55	$250		$3,750	4%
Per Lot Planning Fee	$250	$250	$262.50	$260					$260	4%
Other Land Use Applications										
Administrative Review (only notice of decision req.)	$700	$590	$619.50	$620		$110			$730	4%
Agritourism: Single-event license, per ORS 215.283(4)(b)	$360	$360	$378.00	$380					$380	6%
Single event/activity, per ORS 215.283(4)(a)	$1,820	$1,350	$1417.50	$1,420	$165	$55	$250		$1,890	4%
Up to 6 events/activities, per ORS 215.283(4)(c)	$2,360	$1,890	$1984.50	$1,985	$165	$55	$250		$2,455	4%
Up to 18 events/activities, per ORS 215.283(4)(d)	$2,645	$2,175	$2283.75	$2,285	$165	$55	$250		$2,755	4%
Fee Description	**2022 Total Fees (Base, notice, legal ad, recording fees)**	**2022 Planning Base Fee**	**Add 5% to Base Fee**	**2023 Planning Base Fee, Rounded**	**Notice of App. Fee**	**Notice of Decision Fee**	**Legal Ad Fee**	**Fee for Recording Docs**	**Proposed 2023 Planning Fees**	**Total % Change**
Conditional Use: Staff Decision or Greenway	$1,820	$1,350	$1,417.50	$1,420	$165	$55	$250		$1,890	4%
Land Use application, including Conditionsl Use Permit, in Landfill Site (LS) Zone - Planning Commission Decision or Staff Decision				$10,000 deposit	$165	$55	$250		Actual Cost*; $10,000 deposit	New Fee
Planning Commission Hearing	$2,395	$1,925	$2,021.25	$2,020	$165	$55	$250		$2,490	4%
Create a Tax Lot/Deed Release	$165	$165	$173.25	$175					$175	6%
Floodplain, Land Development Activities (large projects)	$460	$350	$367.50	$370		$110			$480	4%

Floodplain Minor Variance	$335	$335	$351.75	$350					$350	4%
Home Occupation (not in EFU/FC, or CUPs) (No renewal fee)	$360	$360	$378.00	$380					$380	6%
Hydrogeologic Proposal and Study - Review	Actual cost*; $1,500 deposit	Actual cost*; $1,500 deposit							Actual cost*; $1,500 deposit	No change
Interp. of Code, Written (*Also use this fee for FC siting standard review when dwelling location not previously reviewed thru LU file)*	$835	$475	$498.75	$500		$110	$250		$860	3%
Medical Hardship (EFU, FC) CUP	$1,243	$695	$729.75	$730	$165	$55	$250	$78	$1,278	3%
Medical Hardship (Non-Resource Zone)	$558	$315	$330.75	$330	$165			$78	$573	3%
Ministerial Review, no notice or legal ad	$360	$360	$378.00	$380					$380	6%
Modification to Natural Features Standards (Corvallis UGB):										
Implementation Plan (88.800(3) to (9)) & Non-Discretionary Review (88.800(1))	$630	$630	$661.50	$660					$660	5%
Discretionary review per BCC 88.800(2)	$1,500	$1030	$1,081.50	$1,080	$165	$55	$250		$1,550	3%
Non-Conforming Use Alteration or Expansion	$1,505	$1035	$1,086.75	$1,085	$165	$55	$250		$1,555	3%
Site Development Plan Review: No site visit	$435	$435	$456.75	$455					$455	5%
With site visit	$655	$655	$687.75	$690					$690	5%
Variance	$1,435	$965	$1,013.25	$1015	$165	$55	$250		$1,485	3%
Vested Right	$1,680	$1,210	$1,270.50	$1,270	$165	$55	$250		$1,740	4%
Winery (base fee) per BCC 55.150	$700	$590	$619.50	$620		$110			$730	4%
Winery License for 1 to 6 events	$360	$360	$378.00	$380					$380	6%
Winery Permit for 7+ events	$770	$660	$693.00	$695		$110			$805	5%
Zone/Comp Plan Changes: (incl 2 legal ads, full notice)										
Zone change only	$3,380	$2,660	$2,793.00	$2,795	$165	$55	$500		$3,515	4%
Zone/Comp Plan change without Goal Exception	$3,735	$3,015	$3,165.75	$3,165	$165	$55	$500		$3,885	4%
Zone/Comp Plan change w/ Goal Exception or UGB Expansion	$5,230	$4,510	$4,735.50	$4,735	$165	$55	$500		$5,455	4%
Mineral & Aggregate Overlay-Zone/Comp Plan change	Actual cost*; $4,000 dep.	Actual cost*; $4,000 dep.							Actual cost*; $4,000 dep.	N/A
Fee Description	**2022 Total Fees (Base, notice, legal ad, recording fees)**	**2022 Planning Base Fee**	**Add 5% to Base Fee**	**2023 Planning Base Fee, Rounded**	**Notice of App. Fee**	**Notice of Decision Fee**	**Legal Ad Fee**	**Fee for Recording Docs**	**Proposed 2023 Planning Fees**	**Total % Change**
Appeals										
Appeal of a Planning Commission decision	Actual cost*; deposit of orig. app. fee	Actual cost*; deposit of orig. app. fee							Actual cost*; deposit of orig. app. fee	N/A
Appeal of a Planning Official's decision ($250 per statute)		$250							$250	N/A
Remand hearing	$1,855	$1,385	$1,454.25	$1,455	$165	$55	$250		$1,925	4%
Other										

Research - Hourly Staff Fee - reqs. 1 hr. deposit (non-discretionary legal parcel determinations, extensions, general)	$125	$125	$131.25	$130					$130	4%
Other Services	Actual Hourly Rate	Actual Hourly Rate							Actual Hourly Rate	No change
B&W Photo Copies/Prints Letter & Legal sizes	$0	$0.25	$0.26	$0.25					$0.25	No change
All Color Photo Copies/Prints & 11 x 17 (poster size)	$1	$1	$1.05	$1					$1	No change
Refund Check Processing	$25	$25	$26.25	$25					$25	No change
Insufficient Funds Processing	$25	$25	$26.25	$25					$25	No change
Land Use Permit Extensions Reviewed by Plan. Comm.	$945	$475	$498.75	$500.00	$165	$55	$250		$970	3%
Legal Ad (when not normally req or incl in fee)		$250.00	N/A	N/A					$250	**Avg. actual cost**
Notice of Application (when not normally req or incl in fee)	$165	$165.00	$173.25	$175					$175	6%
Notice of Decision (when notice of app is also sent)	$55	$55.00	$57.75	$58					$58	5%
Notice of Decision (when no notice of app sent)	$110	$110.00	$115.50	$115					$115	5%
Public Hearing requested by app, add on	$575	$575.00	$603.75	$605.00					$605	5%
Pre-application Conf. required by code (subdivision, series partition, partition per Ch. 100)	$695	$695.00	$729.75	$730					$730	5%
Pre-application Conf. requested by customer/Planning Official	$400	$400.00	$420.00	$420					$420	5%
Recording of Docs (non-covenants) prepared by applicant	Actual cost	Actual cost		N/A					Actual Cost	N/A
Preparation and recording of covenants	$164	$86.00	$90.30	$90				$78	$168	2%
Preparation of easements, other legal documents	$86	$86.00	$90.30	$90				Actual cost	$90	5%

Department: Public Works
Attachment B
Approved Fees: December 2022 (Effective Jan 1, 2023)
Prepared by: Jennifer Ficek

Background
Cost accounting analysis was used to determine the cost of delivering services as compared with the revenue generated by the fees for those services. During the 2004-05 FY and the 2005-06 FY, it was determined that about 50% of the cost of providing services was recovered through the fees for those services. It's Public Works' policy to recover its costs as much as practical, and as much as costs can be assigned to specific activities. One area where it's difficult to recover costs is in the pre-application stage when staff time is required to help customers gather information.

The Public Works Department fees were last increased by 5% on January 1, 2022. For 2023, the Public Works Department proposes using the automatic annual incremental increase by the amount of the Western Region CPI plus 2% or 5%, whichever is lesser (normally greater). It was determined that the inflation rate over the prior 12 months ending September 30, 2022, was 8.3%; however, Public Works proposes to increase its rates by 5.0% for 2023 instead of the allowable 10.3%. On the fee schedule, fees under $100 are rounded to the nearest $1, and fees of $100 and greater are rounded to the nearest $5.

Fee Schedule Title or Description	Current 2022	Approved Changes	Reason for Recommendation
Mailing Services	Actual cost including postage and handling	Actual cost including postage and handling	No change
B&W Photo Copies 8 ½ x 11	$0.25	$0.25	No change
8 ½ x 14	$0.25	$0.25	No change
11 x 17	$1.00	$1.00	No change
18 x 20	$1.50	$1.50	No change
18 x 24	$1.75	$1.75	No change
18 x 30	$2.25	$2.25	No change
24 x 36	$3.25	$3.25	No change
Misc.	$0.60/sq. ft.	$0.60/sq. ft.	No change
Color Photo Copies 8 ½ x 11	$1.00	$1.00	No change
8 ½ x 14	$1.00	$1.00	No change
11 x 17	$1.00	$1.00	No change
Aerial Photos (blackline 18 x 20)	$5.00	$5.00	No change
County Maps – 911	Charge removed per Engineering	Charge removed per Engineering	No longer charging for this service
Custom Maps (special orders)	Actual - $15 minimum	Actual - $15 minimum	No change
Special Plotter Maps	$1.00 sq. ft.	$1.00 sq. ft.	No change
Compact Disc Copies	Actual Cost	Actual Cost	No change
Planning Commission Hearing tapes	$11	$11	No change
Property Services			
Property/Road Vacation	$2,065	$2,170	The property/road vacation process involves set procedures outlined in the Oregon Revised Statutes. The costs include, customer contacts, review of application, deed research, two Board of Commissioner hearings, posting of notice on site and in the newspaper, road official report, recording of documents, and revising various county records. Increased by 5.0%.
Reimbursement Districts Application	$2,065	$2,170	The application fee covers the County's cost for: bringing the application to one or two Board of Commissioners meetings, County Engineer's report and revisions, notification by certified mail to affected property owners both prior to the public meeting and after the decision, and recording the final documents. Increased by 5.0%.
Way of Necessity	Actual	Actual	The level of effort varies with each action.
Survey Map Filing Fee	$220	$230	The level of review for this activity is required though Oregon Revised Statute Chapter 209 and Benton County Map Standards. Increased by 5.0%.
Boundary Certification	Actual	Actual	No change
Legal Descriptions	Actual	Actual	No change
Affidavit to Re-establish	$110	$115	Increased by 5.0%.

Fee Schedule Title or Description	Current 2022	Approved Changes	Reason for Recommendation
Monuments within Recorded Plats			
Affidavit of Correction	$115	$120	Increased by 5.0%.
Covenant Preparation	Actual	Actual	No change
Road Districts	Actual	Actual	No change
Deed Release	Actual	Actual	No change
Other Services (Research, staff time, etc.)	Actual	Actual	No change
Public Improvements:			
Assessment Improvement District:	12 percent for engineering or actual cost, if less. 3 percent for engineering administration and overhead or actual cost, if less. Total charges equal 15 percent of construction cost.	No Change	No Change
Private Contract Improvements: (Improvement Agreements)	2½ percent of construction cost for engineering review, plans check, and administration. 1½ percent of construction cost for inspection. Total charges equal 4 percent of construction cost.	No Change	No Change
Other Road Related Fees or Permits			
Overload Permit/Non Bridge	$8.50	No change	Overload permits fees are set by the State.
Overload Permit/Bridge:	$8.50	No change	Overload permits fees are set by the State.
No Spray Permit	$5	Fee removed per BOC	No longer charging for this service
Special Events Permit	$59	$62	Increased by 5.0%.
Misc. Permit in R.O.W.	4% of the cost of work in R.O.W. Minimum fee of $25.00.	4% of the cost of work in R.O.W. Minimum fee of $25.00.	No increase. For the 2012 year, Public Works **decreased** the minimum fee by 35%, to $25. Also, fees may be waived for activities that benefit the citizens of Benton County as determined by the Road Manager on a case by case basis.
Land Use Application and Permit to Occupy Public Right-of-Way	$77.00 - A one-time fee for each request. Fee pays for sub-sequent inspection.	$81.00 - A one-time fee for each request. Fee pays for sub-sequent inspection.	The application fee is for private citizens that wish to occupy the County ROW (i.e. landscape, pasture, farming, timber). The proposed use cannot interfere with normal County road maintenance, and must be immediately moved out of the ROW at the request of the County. Increased by 5.0%

Fee Schedule Title or Description	Current 2022	Approved Changes	Reason for Recommendation
Road Name Change	$480 Signs and post installations are not charged out (Chapter 7, County Code)	$505 Signs and post installations are not charged out (Chapter 7, County Code)	The road name change requires customer contacts, review of petition, public hearing, and the making and installation of the new sign. Under Chapter 7, Section 7.125 (2), road name signs shall be constructed and installed without charge by the Public Works Department. Increased by 5.0%.
Road Approach	$330	$345	The road approach process requires some engineering site review analysis and several field visits to approve the installation. This fee has an additional $45 fee collected by the Building Department in Community Development that is included in their fees. Prior to 2021, the accumulative of both fees was shown in Public Works; for clarity, they were separated as of 2021. Increased by 5.0%
Address assignment	$69	$72	Increased by 5.0%.
Land Development			
Utility Permit	$420.00 min plus actual	$440.00 min plus actual	Increased by 5.0%.
Building Permits & Plan	Residential: $65 Commercial: $210	Residential: $68 Commercial $220	Review, accessory, remodel, etc. Increased by 5.0%.
Engineering Land Use Application Review Fee	Subdivision: $210 Partition $105	Subdivision: $220 Partition: $110	This fee helps recover a portion of the costs incurred by staff to complete these reviews associated with proposed private developments prior to land use approval. Increased by 5.0%
Erosion and Sediment Control Permit Application	$590	$620	Required under EPA-DEQ mandated NPDES regulations (Benton County Development Code 99.650). Increased by 5.0%.
Modular/ Prefab permit & Plan Review	$65	$68	Increased by 5.0%.
Drainage Analysis	Basic: $99 Advanced: $390	Basic: $105 Advanced: $410	Basic Drainage Analysis – staff review of basic hydraulic calculations. Advanced Drainage Analysis – staff review of computer generated hydraulic analysis model. The fees helps recover a portion of the costs incurred by staff to complete these reviews associated with private developments. Increased by 5.0%
Manufactured Home Permits	$65	$68	Increased by 5.0%.
Other Services	Actual	Actual	No change
Land Use Applications			
Parcel Line Adjustment	$290	$305	The level of review for this activity is required though Oregon Revised Statute Chapter 209 and Benton County Map. Increased by 5.0%.
Partition Plat (County)	$375.00 plus $110.00 per parcel	$395.00 plus $115.00 per parcel	The level of review for this activity is required though Oregon Revised Statute Chapter 92 and Benton County Partition Plat Standards. Increased by 5.0%.
Partition Plat (City)	$375	$395	The County Surveyors office reviews all City and County partitions for statutory and county requirements. Increased by 5.0%.

Fee Schedule Title or Description	Current 2022	Approved Changes	Reason for Recommendation
Subdivisions			
Preliminary Plat.	$280	$295	Increased by 5.0%.
Pre Monumented Subdivision (County)	$1,290.00 plus $115.00 per lot	$1355.00 plus $120.00 per lot	The level of review for this activity is required though Oregon Revised Statute Chapter 92 and Benton County Partition Plat Standards. Increased by 5.0%.
Post Monumented Subdivision (County)	$1,820.00 plus $115.00 per lot plus 120% bond for monumenting property corners	$1,910.00 plus $120.00 per lot plus 120% bond for monumenting property corners	The activity for the post monumented plat is the same as the pre monumented plat except county staff has an additional field check and additional document checks. Increased by 5.0%.
Pre Monumented			
Subdivision (City)	$1,290.00 plus $47.00 per lot	$1,355.00 plus $49.00 per lot	The level of review for this activity is required though Oregon Revised Statute Chapter 92 and Benton County Partition Plat Standards. Increased by 5.0%.
Post Monumented			
Subdivision (City)	$1,820.00 plus $58.00 per lot. Plus 120% bond for monumenting property corners	$1910.00 plus $61.00 per lot. Plus 120% bond for monumenting property corners	The activity for the post monumented plat is the same as the pre monumented plat except county staff has an additional field check and additional document checks. Increased by 5.0%.
Planned Unit Development	$1,820.00 plus $58.00 per lot. Plus 120% bond for monumenting property corners	$1,910.00 plus $61.00 per lot. Plus 120% bond for monumenting property corners	The activity for the post monumented plat is the same as the pre monumented plat except county staff has an additional field check and additional document checks. Increased by 5.0%.
Condominium	$1,290.00 plus $47.00 per unit plus 120% bond for monumenting property corners	$1,355.00 plus $49.00 per unit plus 120% bond for monumenting property corners	Increased by 5.0%.
Government Corners			
Corner Restoration	$10 for each document as authorized under ORS 205.130(2)	$10 for each document as authorized under ORS 205.130(2)	No change. Pursuant to Benton County Code, chapter 25.110, the fee for establishment, reestablishment, and maintenance of corners of government survey under ORS 209.070(5) shall be set annually by order of the Board of Commissioners, upon recommendation of the County Surveyor. Under ORS 205.130(2), $10 is the maximum recording fee that can be assessed on behalf of the Corner Restoration Fund.

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 12/06/22

View Agenda Tracker

Suggested Placement * Work Session

Department * Board of Commissioners

Contact Name * Board Chair Nancy Wyse

Phone Extension * 6754

Meeting Attendee Name * Board Chair Nancy Wyse

Agenda Item Details

Item Title * Discuss 2023 Home, Opportunity, Planning and Equity (HOPE) Work Plan Development

Item Involves * Check all that apply

- [ ] Appointments
- [ ] Budget
- [ ] Contract/Agreement
- [ ] Discussion and Action
- [x] Discussion Only
- [ ] Document Recording
- [ ] Employment
- [ ] Notice of Intent
- [ ] Order/Resolution
- [ ] Ordinance/Public Hearing 1st Reading
- [ ] Ordinance/Public Hearing 2nd Reading
- [ ] Proclamation
- [ ] Project/Committee Update
- [ ] Public Comment
- [ ] Special Report
- [ ] Other

Estimated Time * 20 minutes

Board/Committee Involvement *

- (•) Yes
- ( ) No

Name of Board/Committee	HOPE Advisory Board
Advertisement *	○ Yes ◉ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

HOPE Advisory Board's 2023 Workplan. Commissioner Wyse who is the Board of Commissioners liaison to the HOPE Advisory Board will provide more context during the Work Session relative to this topic.

Options *

Provide guidance for the HOPE Advisory Board's 2023 Workplan.

Fiscal Impact *

- ○ Yes
- ◉ No

2040 Thriving Communities Initiative

Mandated Service? *

- ○ Yes
- ◉ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website HERE.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- ☑ Vibrant, Livable Communities
- ☐ Supportive People Resources
- ☐ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☐ Community Resilience
- ☑ Equity for Everyone
- ☐ Health in All Actions
- ☐ N/A

Explain Core Values Selections *

HOPE Advisory Board's 2023 work plan development to address homelessness.

Focus Areas and Vision *

Select all that apply.

- ☐ Community Safety
- ☐ Emergency Preparedness
- ☐ Outdoor Recreation
- ☐ Prosperous Economy
- ☐ Environment and Natural Resources
- ☐ Mobility and Transportation
- ☑ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☐ N/A

Explain Focus Areas and Vision Selection *

The vision of the HOPE Advisory Board is that "Everyone in Benton County should have the opportunity to live in decent, safe, and affordable housing."

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations *	N/A
Work Session Motions *	I move to ... N/A

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments	Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.
Comments (optional)	If you have any questions, please call ext.6800
Department Approver	MAURA KWIATKOWSKI

Department Approval

Comments

Signature



BOC Initial Approval

Approvals Required
- [x] Counsel
- [ ] Finance
- [ ] HR

Counsel Approver VANCE CRONEY

County Administrator Approver JOE KERBY

Comments

Counsel Approval

Comments

Signature



County Administrator Approval

Comments

Signature



BOC Final Approval

Comments

Signature



CONSENT CALENDAR

MINUTES OF THE JOINT WORK SESSION
BENTON COUNTY BOARD OF COMMISSIONERS &
CITY OF ADAIR VILLAGE CITY COUNCIL
Zoom link: *https://us06web.zoom.us/j/86839241363*
Livestream: *http://facebook.com/BentonCoGov*
Tuesday, November 8, 2022
4:00 p.m.

Present: **Nancy Wyse,** Chair; **Xanthippe Augerot,** Commissioner; **Pat Malone,** Commissioner; **Joe Kerby,** County Administrator; **Bill Currier,** Mayor of Adair Village; **Dawson Officer, Bret Ray,** Adair Village City Councilors

Staff: **Pat Hare,** Adair Village City Manager; **Erika Milo,** BOC Recorder; **Patrick Depa, Darren Nichols, Linda Ray, Greg Verret,** Community Development

Guests: **Peggy Lynch, Ron Weigel,** residents

I. Call to Order and Roll Call

The meeting was called to order at 4:12 p.m.

II. *Work Session -- Discussion of Adair Village (AV) Urban Growth Boundary (UGB) Amendment

Hare noted that previous public comments about the UGB are in the staff report addendum (Exhibit 1).

Verret presented a slide show (Exhibit 2). A joint City/County public hearing will be held on December 6, 2022 to consider whether and how to amend the AV UGB, so deliberations should be avoided at this meeting. A UGB amendment helps a city develop a more complete and livable community, address housing, transportation, and other regional needs, reduce sprawl, and improve efficiencies.

Nichols commented that AV is helping Benton County (BC) address a portion of the acute regional housing need. The Planning Commissions (PCs) of AV and BC have recommended approving the UGB amendment. The decision should be considered in the context of land supply, infrastructure needs, and long-term growth of the overall Benton County community. Oregon is short about 110,000 housing units, and BC is short around 5,000, which could rise to 15,000 in the next 20 years unless changes are made to address the need. The cost of housing in BC is very high; Corvallis is one of the most expensive housing markets in Oregon. These factors contribute to people living in unsafe and unpleasant places such as tents or recreational vehicles. Depa and Hare have been trying to find enough land for AV's near future needs, create utilities to support that growth potential, and forecast which demographics will want to move to AV. This proposed amendment is the first step; it is also necessary to build infrastructure, homes, schools, and utilities. County-City partnership can aid that process.

Responding to a question from Wyse, Nichols clarified that 5,000 units is the State's estimate for all of BC, including incorporated areas.

Augerot added this was based on the Oregon Housing Needs Analysis (OHNA)[1] conducted by the Land Conservation and Development Commission (LCDC).

Verret explained that AV is responsible within its UGB for long-range city planning and implementing the vison of its Comprehensive Plan. The City chose a Comprehensive Plan Map (CMP) Amendment to adopt the new UGB. Decisions about annexation, rezoning, and development will follow. BC's role is to manage land use between cities, and to arrange regional coordination of broader community needs such as transportation. BC will consider amending the CMP to adopt a UGB, and a Zoning Map Amendment (ZMA) to change two properties from Exclusive Farm Use (EFU) to Urban Residential with a very high minimum parcel size (essentially a holding zone, recognizing that the property will be residentially zoned and developed, but will not be developed until it is annexed). Responding to a question from Wyse, Verret confirmed that the CMP Amendment and the ZMA are two separate decisions.

Verret explained that several months ago, the Board initiated this legislative process on the County side, while the AV City Council has been planning this for a long time. Staff held two joint PC Work Sessions and a joint Public Hearing; each PC voted and made recommendations to the Board and the City Council. Each body will decide based on the joint Public Hearing on December 6. Public engagement has included open houses, outreach at farmers markets, newspaper notification, a mailing to nearby property owners, and written and oral testimony taken at the PC meetings, all of which informed the staff report. Open house meetings were sparsely attended. A few people attended the work sessions, while 20-25 people commented at the public hearing, plus written testimony.

Each city in Oregon has a UGB, jointly established by a city and its county. Urban development is limited to that area. Once land is inside a UGB, it is eligible for annexation into the city, which allows higher density zoning and access to municipal sewer services. Outside of a UGB, farm and forest zoning is typical, which limits development. The UGB promotes efficiency in land use and infrastructure, and preserves contiguous farm and forest land. A UGB designates where the city expects to grow in the next 20 years. That supply of land needs to include all types of land use, including housing and employment. This UGB focuses on housing, but other potential uses should be discussed.

The AV UGB analysis is complete; full findings will be provided to the Board. AV has insufficient land to meet projected 20-year demand for residential development. State law requires this to be corrected. AV is considering an expansion of about 50 acres, primarily for construction of new houses. Local rules governing a UGB amendment include the Comprehensive Plan and Zoning Ordinance. State rules require determining whether there is a need to add to the UGB, and if so, which land. Population projections from Portland State University are the basis for any determination. Those projections go into a Buildable Lands Inventory, this time produced by a consultant, which identified a deficiency. Next, a locational analysis identifies which land to add. Verret displayed a land need table (Exhibit 2). There are 52 vacant acres within the existing AV UGB, but not all are readily available. About 38-47 acres are available for residential development. About 65 acres are needed for the 20-year demand, leaving an estimated deficit of 17-27 acres. The PC concluded that the proposal to bring 50 acres into the UGB was a reasonable amount of flexibility.

Nichols noted that there are only a few hundred acres in the current AV UGB, so this is a small percentage overall.

[1] 20220831_OHNA_Draft_Recommendations.pdf (oregon.gov)

Hare shared that this number was controversial in the planning division, and will be with citizens. However, some of the available acreage has wetlands, and some has other constraints which were factored in. There was a misconception about numbers in the previous process, especially density. The State has requirements for cities of various populations; a city under 5,000 people only has to meet a quarter of those requirements and is not constrained by certain PSU numbers. This chart will help explain that. With buffers, storm drain requirements, and other factors, there are probably only 25 acres of buildable land.

Verret explained that the locational analysis looked at seven sub-areas. Of those, properties one (Cornelius property) and two (Weigel property) best meet the Goal 14 criteria for UGB expansion and have the lowest overall infrastructure costs for development.

Hare noted that the analysis shows that due to factors such as railroad tracks and prime farming areas, there is only one area where AV can expand. The Cornelius property was included in the 2009 UGB expansion, but BC scaled it back. The City dead-ended the road with all the infrastructure there; one piece is not useable now.

Verret explained that property one contains twelve acres zoned EFU, with a conservation easement on about seven acres, leaving about five acres that could be developed.

Hare noted the City wants to bring this easement into the UGB because the landowner will allow a road and path that is important to AV's trails plan.

Verret explained that property two is zoned EFU and is located on three sides of an existing development. This UGB would bring in the rest of that property, leaving about five acres of floodplain that would not be developed. Local criteria, comprehensive plans, and development code for the UGB amendment are addressed in the staff report and findings document. The staff report will include more about deliberations by the PCs. The OHNA shows a limited supply of housing, especially housing attainable to workers. AV is a desirable location with amenities; given the potential for growth and shortfall in need for housing, the UGB amendment will help. The OHNA stated that "the current system of planning for housing in Oregon chronically underestimates housing need, especially for lower income households, and does not enforce responsibilities of local governments to comprehensively address housing need, and perpetuates geographic patterns of racial and economic segregation, exclusion, and inequity."

Nichols noted that smaller communities are not required to complete a full housing needs analysis. This lack of data is an impediment to accurate planning; planners know the number of units AV needs, but not what type. Also, an economic opportunities analysis would show what types of jobs are likely and how much demand there is for a fully functional downtown. BC could partner to help AV and other communities plan for the future.

Hare felt a housing needs analysis was not necessary to know that 200 homes will fit. AV will not solve BC's housing needs problem, but AV does need to know a threshold of population that is sustainable for businesses. Hare stated that most people who bought AV homes came from Corvallis. The same type of home costs $100,000 less in AV than in Corvallis, which shows there is demand. AV has been planning for a downtown for 20 years; a downtown development study was done in 2009, and codes and design standards have been updated. These factors will be taken into consideration.

Currier added that certain amenities are not viable until there is a certain population level. The general goal of AV residents is a sense of identity and relationship to a community that has those amenities.

Hare noted there will be a lot of public comment about transportation. Hare will work with an Oregon Department of Transportation (ODOT) professional. When issues are brought up, Hare will ensure the right people are working on that. AV has code to protect wetlands. There is a safety issue on a street to the Cornelius property; the Fire Department said the location needed a development and a roundabout. AV officials will make sure that happens.

Responding to a question from Wyse, Hare clarified that he was not trying to promote affordable housing or fix the County's housing needs, but to create a community that wants to establish itself with a downtown and feel like more than a bedroom community.

Malone asked about the population necessary to support local businesses.

Hare estimated that a population of 3,000 would sustain businesses, due to the presence of other nearby cities. The current population of AV is 1,485 people.

Officer added that because AV is land-locked, the community is not looking for a lot of growth, just enough to support amenities.

Hare stated that several developers are interested in being a part of an AV downtown. A population this small does not have the services for low-income housing, but when the population is sustained with a higher median, services start to develop.

Currier shared that for residents in a bedroom community, the main stated desire is to have the amenities to have a downtown where residents can interact with each other.

Hare stated that AV officials have met with Oregon State University, the Corvallis School District (CSD), and other stakeholders. A future school in key downtown areas is being considered, although it would not be needed till the next UGB.

Verret added that the CSD identified that there will eventually be a need for a school.

Nichols commented that some undeveloped rural residential areas could contribute to the need for an eventual school site.

Hare added there are possible non-residential sites in AV.

Verret shared that at the PC hearing, a key topic from the public was traffic concerns, particularly one local street with a dead end, and concerns about general traffic levels, especially Highway 99. The BC Transportation System Plan (TSP) identifies improvements in this area. The UGB expansion would not trigger those improvements or a traffic impact analysis; subsequent development would trigger those. Then planners will examine how to offset that impact. However, this process can identify topics for future investigation. Natural hazards, especially seismic, were brought up as a concern. The Corvallis Fault runs through the north Crescent Valley area; it is uncertain how much of a hazard it poses. Staff do not recommend addressing the Fault at this time. Loss of farmland was brought up, but AV has few places to expand, and analysis shows these two properties are fairly impaired for long-term agricultural use compared to other EFU properties.

Kerby requested clarification of the term 'impaired.'

Verret explained that the Weigel property is not well configured for long-term agricultural use and is adjacent to urban density development. The Cornelius property has seven acres in a conservation easement because it is very wet; the remainder is small for agricultural use, difficult to access, and not under cultivation. To expand the UGB, AV must demonstrate that its needs cannot reasonably be accommodated on lands already inside the UGB. The PC determined that policy has been met and a reasonable amount of flexibility needs to be built into those numbers. Verret summarized that the Board can deliberate and decide at the December 6, 2022 Hearing, or later.

Hare added that on December 6, AV will hold its City Council meeting, decide about the amendment, close the meeting, and then the Board will begin its meeting with separate deliberations.

Nichols noted that adopting the UGB Ordinance requires a second reading by the BC BOC.

Hare shared that the AV City Council voted unanimously to proceed and there is a lot of State support for housing currently.

Malone emphasized the importance of multi-modal transportation connections with surrounding areas, including upcoming ODOT projects on the Highway 99-West corridor.

Hare noted that AV's TSP is complete, to be adopted in January, along with a trails plan. Developers in AV are required to provide bicycle lanes, sidewalks and trails. ODOT has brought up a roundabout as being safer than a traffic light, but the AV population would need to be around 3,000 for ODOT to prioritize that option. If the planned development occurs, a turn is likelier than a roundabout.

Discussion of street and path details ensued.

Malone asked if there were studies on where AV residents commute to work.

Hare replied there are no studies, but anecdotally, many AV residents work in Corvallis, and some in the Cities of Albany and Salem; several work at Western Health Sciences University, and six are State Police officers.

Augerot mentioned attending a presentation by Patrick O'Connor, Oregon Employment Department, at a Philomath Chamber of Commerce meeting. The State is using employee transit tax data to determine where residents are working and commuting. If requested, the County could do some analyses of this data for AV.

Wyse asked if the Oregon Department of Fish & Wildlife (ODFW) property was included in this UGB.

Hare replied the property is not in the UGB, but will be added in a separate, simpler UGB process. The property is zoned EFU, has Federal constraints, and has Parks in Perpetuity protection. Parks in Perpetuity would be kept as an overlay. Hare would like to start the process for that property in 2023. This could be great location for a future school and is a huge amenity for trails. The AV City Council wants to do this.

{Exhibit 1: Staff Report & Findings Document}
{Exhibit 2: Adair Village UGB Presentation}

III. Adjournment

The meeting was adjourned at 5:44 p.m.

Nancy Wyse, BOC Chair

Bill Currier, Mayor of Adair Village

Erika Milo, BOC Recorder

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MINUTES OF THE JOINT WORK SESSION
BENTON COUNTY BOARD OF COMMISSIONERS &
CITY OF ADAIR VILLAGE CITY COUNCIL

Zoom link: *https://us06web.zoom.us/j/86839241363*
Livestream: *http://facebook.com/BentonCoGov*
Tuesday, November 8, 2022
4:00 p.m.

Present: **Nancy Wyse,** Chair; **Xanthippe Augerot,** Commissioner; **Pat Malone,** Commissioner; **Joe Kerby,** County Administrator; **Bill Currier,** Mayor of Adair Village; **Dawson Officer, Bret Ray,** Adair Village City Councilors

Staff: **Pat Hare,** Adair Village City Manager; **Erika Milo,** BOC Recorder; **Patrick Depa, Darren Nichols, Linda Ray, Greg Verret,** Community Development

Guests: **Peggy Lynch, Ron Weigel,** residents

I. Call to Order and Roll Call

The meeting was called to order at 4:12 p.m.

II. *Work Session -- Discussion of Adair Village (AV) Urban Growth Boundary (UGB) Amendment

Hare noted that previous public comments about the UGB are in the staff report addendum (Exhibit 1).

Verret presented a slide show (Exhibit 2). A joint City/County public hearing will be held on December 6, 2022 to consider whether and how to amend the AV UGB, so deliberations should be avoided at this meeting. A UGB amendment helps a city develop a more complete and livable community, address housing, transportation, and other regional needs, reduce sprawl, and improve efficiencies.

Nichols commented that AV is helping Benton County (BC) address a portion of the acute regional housing need. The Planning Commissions (PCs) of AV and BC have recommended approving the UGB amendment. The decision should be considered in the context of land supply, infrastructure needs, and long-term growth of the overall Benton County community. Oregon is short about 110,000 housing units, and BC is short around 5,000, which could rise to 15,000 in the next 20 years unless changes are made to address the need. The cost of housing in BC is very high; Corvallis is one of the most expensive housing markets in Oregon. These factors contribute to people living in unsafe and unpleasant places such as tents or recreational vehicles. Depa and Hare have been trying to find enough land for AV's near future needs, create utilities to support that growth potential, and forecast which demographics will want to move to AV. This proposed amendment is the first step; it is also necessary to build infrastructure, homes, schools, and utilities. County-City partnership can aid that process.

Responding to a question from Wyse, Nichols clarified that 5,000 units is the State's estimate for all of BC, including incorporated areas.

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Augerot added this was based on the Oregon Housing Needs Analysis (OHNA)[1] conducted by the Land Conservation and Development Commission (LCDC).

Verret explained that AV is responsible within its UGB for long-range city planning and implementing the vison of its Comprehensive Plan. The City chose a Comprehensive Plan Map (CMP) Amendment to adopt the new UGB. Decisions about annexation, rezoning, and development will follow. BC's role is to manage land use between cities, and to arrange regional coordination of broader community needs such as transportation. BC will consider amending the CMP to adopt a UGB, and a Zoning Map Amendment (ZMA) to change two properties from Exclusive Farm Use (EFU) to Urban Residential with a very high minimum parcel size (essentially a holding zone, recognizing that the property will be residentially zoned and developed, but will not be developed until it is annexed). Responding to a question from Wyse, Verret confirmed that the CMP Amendment and the ZMA are two separate decisions.

Verret explained that several months ago, the Board initiated this legislative process on the County side, while the AV City Council has been planning this for a long time. Staff held two joint PC Work Sessions and a joint Public Hearing; each PC voted and made recommendations to the Board and the City Council. Each body will decide based on the joint Public Hearing on December 6. Public engagement has included open houses, outreach at farmers markets, newspaper notification, a mailing to nearby property owners, and written and oral testimony taken at the PC meetings, all of which informed the staff report. Open house meetings were sparsely attended. A few people attended the work sessions, while 20-25 people commented at the public hearing, plus written testimony.

Each city in Oregon has a UGB, jointly established by a city and its county. Urban development is limited to that area. Once land is inside a UGB, it is eligible for annexation into the city, which allows higher density zoning and access to municipal sewer services. Outside of a UGB, farm and forest zoning is typical, which limits development. The UGB promotes efficiency in land use and infrastructure, and preserves contiguous farm and forest land. A UGB designates where the city expects to grow in the next 20 years. That supply of land needs to include all types of land use, including housing and employment. This UGB focuses on housing, but other potential uses should be discussed.

The AV UGB analysis is complete; full findings will be provided to the Board. AV has insufficient land to meet projected 20-year demand for residential development. State law requires this to be corrected. AV is considering an expansion of about 50 acres, primarily for construction of new houses. Local rules governing a UGB amendment include the Comprehensive Plan and Zoning Ordinance. State rules require determining whether there is a need to add to the UGB, and if so, which land. Population projections from Portland State University are the basis for any determination. Those projections go into a Buildable Lands Inventory, this time produced by a consultant, which identified a deficiency. Next, a locational analysis identifies which land to add. Verret displayed a land need table (Exhibit 2). There are 52 vacant acres within the existing AV UGB, but not all are readily available. About 38-47 acres are available for residential development. About 65 acres are needed for the 20-year demand, leaving an estimated deficit of 17-27 acres. The PC concluded that the proposal to bring 50 acres into the UGB was a reasonable amount of flexibility.

Nichols noted that there are only a few hundred acres in the current AV UGB, so this is a small percentage overall.

[1] 20220831_OHNA_Draft_Recommendations.pdf (oregon.gov)

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Hare shared that this number was controversial in the planning division, and will be with citizens. However, some of the available acreage has wetlands, and some has other constraints which were factored in. There was a misconception about numbers in the previous process, especially density. The State has requirements for cities of various populations; a city under 5,000 people only has to meet a quarter of those requirements and is not constrained by certain PSU numbers. This chart will help explain that. With buffers, storm drain requirements, and other factors, there are probably only 25 acres of buildable land.

Verret explained that the locational analysis looked at seven sub-areas. Of those, properties one (Cornelius property) and two (Weigel property) best meet the Goal 14 criteria for UGB expansion and have the lowest overall infrastructure costs for development.

Hare noted that the analysis shows that due to factors such as railroad tracks and prime farming areas, there is only one area where AV can expand. The Cornelius property was included in the 2009 UGB expansion, but BC scaled it back. The City dead-ended the road with all the infrastructure there; one piece is not useable now.

Verret explained that property one contains twelve acres zoned EFU, with a conservation easement on about seven acres, leaving about five acres that could be developed.

Hare noted the City wants to bring this easement into the UGB because the landowner will allow a road and path that is important to AV's trails plan.

Verret explained that property two is zoned EFU and is located on three sides of an existing development. This UGB would bring in the rest of that property, leaving about five acres of floodplain that would not be developed. Local criteria, comprehensive plans, and development code for the UGB amendment are addressed in the staff report and findings document. The staff report will include more about deliberations by the PCs. The OHNA shows a limited supply of housing, especially housing attainable to workers. AV is a desirable location with amenities; given the potential for growth and shortfall in need for housing, the UGB amendment will help. The OHNA stated that "the current system of planning for housing in Oregon chronically underestimates housing need, especially for lower income households, and does not enforce responsibilities of local governments to comprehensively address housing need, and perpetuates geographic patterns of racial and economic segregation, exclusion, and inequity."

Nichols noted that smaller communities are not required to complete a full housing needs analysis. This lack of data is an impediment to accurate planning; planners know the number of units AV needs, but not what type. Also, an economic opportunities analysis would show what types of jobs are likely and how much demand there is for a fully functional downtown. BC could partner to help AV and other communities plan for the future.

Hare felt a housing needs analysis was not necessary to know that 200 homes will fit. AV will not solve BC's housing needs problem, but AV does need to know a threshold of population that is sustainable for businesses. Hare stated that most people who bought AV homes came from Corvallis. The same type of home costs $100,000 less in AV than in Corvallis, which shows there is demand. AV has been planning for a downtown for 20 years; a downtown development study was done in 2009, and codes and design standards have been updated. These factors will be taken into consideration.

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Currier added that certain amenities are not viable until there is a certain population level. The general goal of AV residents is a sense of identity and relationship to a community that has those amenities.

Hare noted there will be a lot of public comment about transportation. Hare will work with an Oregon Department of Transportation (ODOT) professional. When issues are brought up, Hare will ensure the right people are working on that. AV has code to protect wetlands. There is a safety issue on a street to the Cornelius property; the Fire Department said the location needed a development and a roundabout. AV officials will make sure that happens.

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{Exhibit 1: Staff Report & Findings Document}
{Exhibit 2: Adair Village UGB Presentation}

III. Adjournment

The meeting was adjourned at 5:44 p.m.

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Nancy Wyse, BOC Chair

Bill Currier, Mayor of Adair Village

DocuSigned by:
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Erika Milo, BOC Recorder

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 12/06/22

View Agenda Tracker

Suggested Placement * BOC Tuesday Meeting

Department * Board of Commissioners

Contact Name * Maura Kwiatkowski

Phone Extension * 5417663531

Meeting Attendee Name * Joe Kerby, County Administrator

Agenda Item Details

Item Title * Letter of Support for City of Monroe's Oregon Community Paths 2022 Grant Application for the Monroe Regional Connectivity Path

Item Involves * Check all that apply

- [ ] Appointments
- [ ] Budget
- [ ] Contract/Agreement
- [x] Discussion and Action
- [ ] Discussion Only
- [ ] Document Recording
- [ ] Employment
- [ ] Notice of Intent
- [ ] Order/Resolution
- [ ] Ordinance/Public Hearing 1st Reading
- [ ] Ordinance/Public Hearing 2nd Reading
- [ ] Proclamation
- [ ] Project/Committee Update
- [ ] Public Comment
- [ ] Special Report
- [ ] Other

Estimated Time * 5 minutes

Board/Committee Involvement *

- ( ) Yes
- (•) No

Advertisement * ○ Yes
◉ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The City of Monroe has requested a letter from the Benton County Commissioners in support of the City's application for grant funding for the Monroe Regional Connectivity Path.

Options *

Approve providing a letter to the City of Monroe expressing support of the City's application for grant funding for the Monroe Regional Connectivity Path.

Decline to approve providing a letter to the City of Monroe expressing support of the City's application for grant funding for the Monroe Regional Connectivity Path.

Fiscal Impact *

- ○ Yes
- ◉ No

2040 Thriving Communities Initiative

Mandated Service? *

- ○ Yes
- ◉ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website HERE.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- ☑ Vibrant, Livable Communities
- ☐ Supportive People Resources
- ☑ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☐ Community Resilience
- ☐ Equity for Everyone
- ☐ Health in All Actions
- ☐ N/A

Explain Core Values Selections *

The Monroe Regional Connectivity Path is one of several segments Monroe and Benton County have identified as important components of their respective transportation system plans. The path is part of a greater vision to connect Monroe with surrounding communities and eventually to the larger population centers of Corvallis and Philomath within Benton County.

This regional connectivity path will also provide a safe, parallel alternative for bicyclists and pedestrians that avoids the busy and dangerous section of Highway 99W between the Alpine cutoff and Monroe. Monroe's proposal also offers the opportunity to leverage the pathway to develop a new park; providing a central location for people to embark on cycling or hiking activities.

Focus Areas and Vision *

Select all that apply.

- ☑ Community Safety
- ☐ Emergency Preparedness
- ☑ Outdoor Recreation
- ☐ Prosperous Economy
- ☐ Environment and Natural Resources
- ☑ Mobility and Transportation
- ☐ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☐ N/A

Explain Focus Areas and Vision Selection *	The Monroe Regional Connectivity Path is one of several segments Monroe and Benton County have identified as important components of their respective transportation system plans. The path is part of a greater vision to connect Monroe with surrounding communities and eventually to the larger population centers of Corvallis and Philomath within Benton County. This regional connectivity path will also provide a safe, parallel alternative for bicyclists and pedestrians that avoids the busy and dangerous section of Highway 99W between the Alpine cutoff and Monroe. Monroe's proposal also offers the opportunity to leverage the pathway to develop a new park; providing a central location for people to embark on cycling or hiking activities.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Staff recommends the Board of Commissioners approve issuing the attached letter of support to the City of Monroe for the City's application for grant funding for the Monroe Regional Connectivity Path.

Meeting Motions * I move to ...

...approve issuing the attached letter of support to the City of Monroe for the City's application for grant funding for the Monroe Regional Connectivity Path.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

221206 Monroe Connectivity Path Grant.docx 69.11KB

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

Department Approver JOE KERBY

Department Approval

Comments

Signature



BOC Initial Approval

Approvals Required
- [x] Counsel
- [ ] Finance
- [ ] HR

Counsel Approver VANCE CRONEY

County Administrator Approver JOE KERBY

Comments

Counsel Approval

Comments

Signature



County Administrator Approval

Comments

Signature



BOC Final Approval

Comments

Signature



Benton County
BOARD OF COMMISSIONER'S OFFICE

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

December 6, 2022

Mr. Steve Martineko
City Administrator
City of Monroe
P. O. Box 486
Monroe, Oregon 97456

Re: City of Monroe's Oregon Community Paths 2022 Grant Application

Dear Mr. Martineko:

The Benton County Board of Commissioners is pleased to support the City of Monroe's application for Oregon Community Paths grant funding for the Monroe Regional Connectivity Path.

The Monroe Regional Connectivity Path is one of several segments Monroe and Benton County have identified as important components of our respective transportation system plans. The path is part of a greater vision to connect Monroe with surrounding communities and eventually to the larger population centers of Corvallis and Philomath within Benton County.

In addition to connecting the rural areas outside Monroe to the city's residential and downtown areas, the path will pass directly by the Monroe Community Library and the High School – two important resources for Monroe and the greater Monroe community.

This regional connectivity path will also provide a safe, parallel alternative for bicyclists and pedestrians that avoids the busy and dangerous section of Highway 99W between the Alpine cutoff and Monroe. Monroe's proposal also offers the opportunity to leverage the pathway to develop a new park; providing a central location for people to embark on cycling or hiking activities. Benton County is pleased to support the park's development via leased rail property along the path.

DRAFT

Given the many positive benefits that would result from the Monroe Regional Connectivity Path – from community and regional connectivity to safety and recreation – the Benton County Board of Commissioners fully supports Monroe's Oregon Community Paths 2022 grant application and wishes the city success in securing grant funding for this important community and regional project.

Sincerely,
BENTON COUNTY BOARD OF COMMISSIONERS

Nancy Wyse	Pat Malone	Xanthippe Augerot
Chair	Vice Chair	Commissioner

BOC/mjk

DRAFT

PUBLIC HEARINGS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 12/06/22

View Agenda Tracker

Suggested Placement * BOC Tuesday Meeting

Department * Public Works

Contact Name * Gary Stockoff

Phone Extension * 6010

Meeting Attendee Name * Gary Stockhoff

Agenda Item Details

Item Title * Ordinance No. 2022-0315 Amending BCC Chapter 2 to Replace the Contract Appeal Process

Item Involves * Check all that apply

- [ ] Appointments
- [ ] Budget
- [ ] Contract/Agreement
- [x] Discussion and Action
- [ ] Discussion Only
- [ ] Document Recording
- [ ] Employment
- [ ] Notice of Intent
- [ ] Order/Resolution
- [x] Ordinance/Public Hearing 1st Reading
- [ ] Ordinance/Public Hearing 2nd Reading
- [ ] Proclamation
- [ ] Project/Committee Update
- [ ] Public Comment
- [ ] Special Report
- [ ] Other

Estimated Time * 15 min

Board/Committee Involvement *

- ○ Yes
- ◉ No

Advertisement *

- (•) Yes
- ( ) No

Names/Dates of Publications

List each publication name and date

Gazette Times 11/21/22

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The contract appeals process, BCC chapter 2, has not been substantively updated in more than two decades. Following a recent contract award appeal, county staff determined the existing appeal process is outdated and in need of replacement to reflect the county's current contracting practices and objectives.

BCC 2.805 shall be amended as described herein:

2.805 Procedure. The procedure for appeals (or protests) for decisions rendered by the public contracting officer shall be as follows:

(1) Notice of appeal shall be in writing, addressed to the County Administrative Officer (CAO) and must be received no later than 14 days from the date notice of the challenged decision was issued.

(2) The written appeal must clearly and specifically identify the item or items being appealed, and succinctly state the reasons and/or rationale for submitting the appeal.

(3) Upon receipt of the written appeal the CAO shall initiate an investigation of the appeal. The CAO shall complete the investigation and render a decision on the appeal within 14 calendar days from the date of receipt of the appeal.

(4) The appellant will be notified of the CAO's decision within 5 calendar days of the date of the decision.

(5) If the appellant is dissatisfied with the CAO's decision, it may file a written appeal to the Board of Commissioners (BOC). A written appeal of the CAO's decision may only be based on an allegation that the CAO's decision was arbitrary, capricious or biased. Appellant's written appeal must be submitted within 5 days of the date of the CAO's decision and must state with specificity the reasons why the decision was arbitrary, capricious or biased.

(6) Upon receipt of the written appeal, the BOC shall schedule a review of the appeal at the next available regularly scheduled BOC meeting. A public hearing for the review is not required. The BOC shall only review the CAO's decision to determine whether it was arbitrary, capricious or biased.

(7) The appellant will be notified of the BOC's decision within 5 calendar days of the decision rendered. The decision of the BOC will be final, and no further appeal options will be available. [Ord. 85-0002; Ord. 2000-162; Ord. 2005-205; Ord. 2022-0315]

See ordinance attachment A

Options *

1) Approve amendment as directed at the 29 November 2022 BOC meeting work session.
2) Provide alternative direction to staff
3) Reject the amendment

Fiscal Impact *

- ○ Yes
- ◉ No

2040 Thriving Communities Initiative

Mandated Service? *

- ○ Yes
- ◉ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

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Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

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Select all that apply.

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- ☐ Supportive People Resources
- ☐ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☐ Community Resilience
- ☐ Equity for Everyone
- ☐ Health in All Actions
- ☑ N/A

Explain Core Values Selections *

N/A

Focus Areas and Vision *

Select all that apply.

- ☐ Community Safety
- ☐ Emergency Preparedness
- ☐ Outdoor Recreation
- ☐ Prosperous Economy
- ☐ Environment and Natural Resources
- ☐ Mobility and Transportation
- ☐ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☑ N/A

Explain Focus Areas and Vision Selection *

N/A

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Staff recommends Option #1 and to proceed to the required public hearing on December 6, 2022, and subsequent 2nd Reading on December 20, 2022. The Ordinance, if approved, will become effective on January 19, 2023.

Meeting Motions * I move to ...

approve Ordinance No. 2022-0315 amending Benton County Code Chapter 2 to replace the Contract Appeal Process and to conduct a first reading.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

Attachment A Ordin Chap 2 2022.pdf 168.65KB

Comments (optional)

Person(s) Who Should Receive Signed Documents after Meeting: Jennifer Ficek, PW, Teresa Farley

If you have any questions, please call ext.6800

Department Approver

GARY STOCKHOFF

Department Approval

Comments

Signature



BOC Initial Approval

Approvals Required
- [x] Counsel
- [ ] Finance
- [ ] HR

Counsel Approver VANCE CRONEY

County Administrator Approver JOE KERBY

Comments

Counsel Approval

Comments

Signature



County Administrator Approval

Comments

Signature



BOC Final Approval

Comments

Signature



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

In the Matter of Amending	**)**	
BCC Ch. 2, to Replace the	**)**	**Ordinance No. 2022-0315**
Contract Appeal Process	**)**	

THE BENTON COUNTY BOARD OF COMMISSIONERS HEREBY ORDAIN AS FOLLOWS:

WHEREAS, Benton County has enacted BCC ch. 2, the Benton County Contracting Code in lieu of the State Attorney General Model Contracting Rules; and

WHEREAS, the contract appeals process in BCC ch. 2 has not been substantively updated in more than two decades; and

WHEREAS, following a recent contract award appeal, county staff determined the existing appeal process is outdated and in need of replacement to reflect the county's current contracting practices and objectives; and

NOW, THEREFORE, the Board of Commissioners of Benton County ordain as follows:

I. Short Title.

1. This ordinance shall be known as "Amendment to Benton County Code Chapter 2, County Contracts."

II. Text Amendment.

2. Benton County Code Chapter 2 is hereby amended as described in the attached Exhibit A.

This Ordinance shall become effective on the 19th day of January, 2023.

1st Reading: December 6 2022
2nd Reading: December 20, 2022
Effective Date: January 19, 2023

BOARD OF COMMISSIONERS

_____
Nancy Wyse, Chair

_____
Pat Malone, Commissioner

Approved as to Form:

_____
Vance M. Croney, County Counsel

_____
Xanthippe Augerot, Commissioner

Exhibit "A"

Benton County Code Chapter 2 shall be amended as follows:

1. BCC 2.315 shall be amended as described herein:

2.315 Product Prequalification.

(1) When it is impractical to create or reproduce specific design or performance specifications for a type of product to be purchased, the county may specify a list of approved or qualified products by reference to a particular manufacturer or seller in accordance with the following product prequalification procedure:

(a) The County shall make reasonable efforts to notify all known manufacturers and vendors of competitive products of its intention to accept applications for inclusion in its list of prequalified products. Notification shall include advertisement in a trade journal of state-wide distribution when possible. In lieu of advertising, the County may notify vendors and manufacturers appearing on the appropriate list maintained by the State of Oregon.

(b) The County shall permit application for prequalification of similar products up to 15 days prior to advertisement for bids on the product.

(2) If an application for inclusion in a list of prequalified products is denied, or an existing prequalification revoked, the County shall notify the applicant in writing. The applicant may appeal ~~to the local Contract Review Board~~pursuant to BCC 2.805. [Ord. 85-0002; BCC 2010-0234; formerly BCC 2.720; Ord. 2022-0315]

2. BCC 2.805 shall be amended as described herein:

~~**2.805 Procedure.** The procedure for appeals from decisions of the public contracting officer shall be as follows:~~

~~(1) Notices of appeal shall be in writing addressed to the public contracting officer and must be submitted no later than 14 calendar days from the date of the challenged decision.~~

~~(2) Immediately upon receipt of written notice of appeal, the public contracting officer shall inform the Board.~~

~~(3) Upon receipt of notice of appeal, the Board shall notify the person appealing of the time and place of the hearing.~~

~~(4) The Board shall conduct a de novo hearing according to the provisions of ORS 279.045(3) and decide the appeal within 30 days after receiving the notification and shall set forth in writing the reasons for its decisions.~~

2.805 Procedure. The procedure for appeals (or protests) for decisions rendered by the public contracting officer shall be as follows:

(1) Notice of appeal shall be in writing, addressed to the County Administrative Officer (CAO) and must be received no later than 14 days from the date notice of the challenged decision was issued.

(2) The written appeal must clearly and specifically identify the item or items being appealed, and succinctly state the reasons and/or rationale for submitting the appeal.

(3) Upon receipt of the written appeal the CAO shall initiate an investigation of the appeal. The CAO shall complete the investigation and render a decision on the appeal within 14 calendar days from the date of receipt of the appeal.

(4) The appellant will be notified of the CAO's decision within 5 calendar days of the date of the decision.

(5) If the appellant is dissatisfied with the CAO's decision, it may file a written appeal to the Board of Commissioners (BOC). A written appeal of the CAO's decision may only be based on an allegation that the CAO's decision was arbitrary, capricious or biased. Appellant's written appeal must be submitted within 5 days of the date of the CAO's decision and must state with specificity the reason(s) why the decision was arbitrary, capricious or biased.

(6) Upon receipt of the written appeal, the BOC shall schedule a review of the appeal at the next available regularly scheduled BOC meeting. A public hearing for the review is not required. The BOC shall only review the CAO's decision to determine whether it was arbitrary, capricious or biased.

(7) The appellant will be notified of the BOC's decision within 5 calendar days of the decision rendered. The decision of the BOC will be final, and no further appeal options will be available. [Ord. 85-0002; Ord. 2000-162; Ord. 2005-205; Ord. 2022-0315]

Agenda #: PH1 Exhibit #: 1
Date: 12/6/22
Submitted by: Vance Croney

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

In the Matter of Amending	)	
BCC Ch. 2, to Replace the	)	**Ordinance No. 2022-0315**
Contract Appeal Process	)	

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Effective Date: January 19, 2023

BOARD OF COMMISSIONERS

Nancy Wyse, Chair

Pat Malone, Commissioner

Approved as to Form:

Vance M. Croney, County Counsel

Xanthippe Augerot, Commissioner

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Agenda #: PH 1 Exhibit #: 2
Date: 12/6/22
Submitted by: Vance Croney

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

In the Matter of Amending	**)**	
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1st Reading: December 6 2022
2nd Reading: December 20, 2022
Effective Date: January 19, 2023

BOARD OF COMMISSIONERS

DocuSigned by:
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Nancy Wyse, Chair

DocuSigned by:
744FC1377E0E4AF...
Pat Malone, Commissioner

DocuSigned by:
829B24BF3C13426...
Xanthippe Augerot, Commissioner

Approved as to Form:

DocuSigned by:
B0D67324472D4FA...
Vance M. Croney, County Counsel

DocuSign Envelope ID: 23B5FACE-9C35-41C3-9479-27848C3CB9AF

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OLD BUSINESS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 12/06/22

View Agenda Tracker

Suggested Placement * BOC Tuesday Meeting

Department * Health Services

Contact Name * April Holland

Phone Extension * 6840

Meeting Attendee Name * April Holland and Scott Kruger

Agenda Item Details

Item Title * 2023 Fee Schedule for Environmental Health

Item Involves * Check all that apply

- [ ] Appointments
- [ ] Budget
- [ ] Contract/Agreement
- [ ] Discussion and Action
- [ ] Discussion Only
- [ ] Document Recording
- [ ] Employment
- [ ] Notice of Intent
- [x] Order/Resolution
- [ ] Ordinance/Public Hearing 1st Reading
- [ ] Ordinance/Public Hearing 2nd Reading
- [ ] Proclamation
- [ ] Project/Committee Update
- [ ] Public Comment
- [ ] Special Report
- [ ] Other

Board/Committee Involvement *

- ( ) Yes
- (•) No

Advertisement *

- ( ) Yes
- (•) No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

Year - Adjustment - Note
2022 - 0%
2021 - 3% - 50% credit on 2020 license fees
2020 - 0%
2019 - 3%
2018 - 3%
2017 - 3%
2016 - 5%
2015 - 4%
2014 - 5% - On-site fees flat
2013 - 5% - Restaurant fees flat
2012 - 5%
2011 - 5%
2010 - 3%

Projection for 2023, Environmental Health Division's budget is projected to experience a 3.6% increase ($1,212,338/$1,168,580) FY2023/FY2021.

See Attachment B – 2022 Justification for Environmental Health Fees for more detailed information.

The Board agreed at the 11/01/2023 work session that an average 3% increase was the best course of action for 2023.

Options *

Approve a fee adjustment for 2023 at an average of 3%

OR

Provide Alternative Direction to Staff

Fiscal Impact *

- (•) Yes
- ( ) No

Fiscal Impact Description *

To adjust fees 3%

Hourly rate - $212
Percent recovery - 88%
GF contribution - $150,000
GF change from 2022 - 7%

2040 Thriving Communities Initiative

Mandated Service? *

- (•) Yes
- ( ) No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website HERE.

Mandated Service Description *

If this agenda checklist describes a mandated service or other function, please describe here.

Oregon Health Authority delegated public drinking water systems, certified family and daycare centers, restaurants, school food programs, tourist accommodation, public pools and spas, organizational camps, and recreational parks. Oregon Department of Environmental Quality delegated Onsite wastewater (septic) systems program.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- [ ] Vibrant, Livable Communities
- [ ] Supportive People Resources
- [x] High Quality Environment and Access
- [ ] Diverse Economy that Fits
- [x] Community Resilience
- [ ] Equity for Everyone
- [x] Health in All Actions
- [ ] N/A

Explain Core Values Selections *

Selections*field type multi line

Environmental Health addressed the following core values: High Quality Environment by assuring that onsite wastewater (septic) systems are a permanent approach to treating wastewater for release and reuse and by protection surface and ground water sources. Health in All Actions – for environmental health programs. Community Resilience by assuring that public water systems have emergency response plans in place.

Focus Areas and Vision *

Select all that apply.

- [x] Community Safety
- [ ] Emergency Preparedness
- [x] Outdoor Recreation
- [ ] Prosperous Economy
- [x] Environment and Natural Resources
- [ ] Mobility and Transportation
- [ ] Housing and Growth
- [ ] Arts, Entertainment, Culture, and History
- [ ] Food and Agriculture
- [ ] Lifelong Learning and Education
- [ ] N/A

Explain Focus Areas and Vision Selection *	Community Safety – ensure sanitation and safety in public drinking water systems, certified family and day care centers, food service operations, school food programs, tourist accommodation, public pools and spas. Outdoor Recreation – ensure sanitation and safety at organizational camps, and recreational parks. Environmental and Natural Resources – Onsite wastewater (septic) systems are permanent approaches to treating wastewater for release and reuse in the environment. Onsite systems are recognized as potentially viable, low-cost, longterm, decentralized approaches to wastewater treatment if they are planned, designed, installed, operated, and maintained properly.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Staff recommends approving the order to implement the proposed 2023 Fee Schedule for Environmental Health at a fee adjustment of 3% on average, effective January 1, 2023.

Meeting Motions * I move to ...

...approve Order # D2022-081, implementing the proposed 2023 Fee Schedule for Environmental Health, effective January 1, 2023.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments	Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.
Comments (optional)	If you have any questions, please call ext.6800
Department Approver	SUZANNE HOFFMAN

Department Approval

Comments

Signature



BOC Initial Approval

Approvals Required	☑ Counsel ☑ Finance ☐ HR
Counsel Approver	VANCE CRONEY
Finance Approver	RICHARD CRAGER
County Administrator Approver	MAURA KWIATKOWSKI
Comments	

Counsel Approval

Comments

Signature



Finance Approval

Comments

Signature



County Administrator Approval

Comments

Signature



BOC Final Approval

Comments

Signature



BENTON COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH PROGRAM
2023 FEE SCHEDULE
EH Fees are effective January 1, 2023

									Last Year Partial Cost Hourly Rate	Proposed Partial Cost Hourly Rate
	2022	2023	% Change	Assumptions	Est Workload	Estimated Fee Support	Estimated General Fund Support	Estimated Total Revenue	$207.00	$213.00
	Current	Proposed							Last Year Full Cost Hourly Rate	Propsed Full Cost Hourly Rate
New Site Evaluation									$234.00	$242.00
Single Family Dwelling										
First lot	**$884**	**$910**	**3%**	4.2 hours based on 2008 BCEH Time Study. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	26	$ 23,655.01	$ 3,220.64	$26,876		
Each additional lot (evaluated during initial visit)	**$884**	**$910**	**3%**	4.2 hours based on 2008 BCEH Time Study. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.		$ -	$ -	$0		
Commercial Facility System										
For first 1000 gallons projected daily sewage flow	**$884**	**$910**	**3%**	4.2 hours based on 2008 BCEH Time Study. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	0	$ -	$ -	$0		
PLUS for each additional 500 gallons, or part thereof, above 1,000 gallons	**$228**	**$234**	**3%**	Estimated 1.1 hours						
Construction-Installation Permit										
For first 1000 gallons projected daily sewage flow:										
Standard On-site System	**$1,272**	**$1,308**	**3%**	5.3 hours based on 2008 BCEH Time Study for Standard On-Site System. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	14	$ 18,317.53	$ 2,493.94	$20,811		
Alternative System										
Alternative Treatment Technology	**$1,900**	**$1,955**	**3%**	New work delegated in 2006. 6.8 hours based on similar work with cap and fill, pressure distribution, sand filter, and tile dewatering. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	7	$ 13,682.31	$ 1,862.40	$15,545		
Capping Fill	**$1,900**	**$1,955**	**3%**	Cap and Fill System 6.8 hours. Based on 1993 Time Study. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	2	$ 3,909.23	$ 532.24	$4,441		
Disposal Trenches in Saprolite	**$1,272**	**$1,308**	**3%**	5.3 hours based on 2008 BCEH Time Study for Standard On-Site System. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	0	$ -	$ -	$0		
Gray Water Waste Disposal Sump	**$580**	**$596**	**3%**	Estimated 2.8 hrs	0	$ -	$ -	$0		
Holding tanks	**$994**	**$1,022**	**3%**	Assumption based on estimate of 4.8 hour was lowered in 2018. New work delegated by state in 2006.	1	$ 1,022.40	$ 139.20	$1,162		
Pressure Distribution	**$1,900**	**$1,955**	**3%**	Pressure distribution system 6.8 hours. Based on 1993 Time Study. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	0	$ -	$ -	$0		
Redundant	**$1,272**	**$1,308**	**3%**	5.3 hours based on 2008 BCEH Time Study for Standard On-Site System. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	0	$ -	$ -	$0		
Sand Filter	**$1,900**	**$1,955**	**3%**	Sand filter system 6.8 hours. Based on 1993 Time Study. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	0	$ -	$ -	$0		
Seepage Trench	**$1,272**	**$1,308**	**3%**	5.3 hours based on 2008 BCEH Time Study for Standard On-Site System. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	0	$ -	$ -	$0		
Steep Slope	**$1,272**	**$1,308**	**3%**	5.3 hours based on 2008 BCEH Time Study for Standard On-Site System. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	0	$ -	$ -	$0		
Tile Dewatering	**$1,900**	**$1,955**	**3%**	6.8 hrs. Based on 1993 Time Study. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	0	$ -	$ -	$0		
PLUS for each additional 500 gallons, or part thereof	**$124**	**$128**	**3%**	Estimated 0.6 hrs to review and consult with DEQ on larger system designs.						
Reinspection Fee - In accordance with OAR 340-071-0170(4), an agent may require an owner to pay the reinspection fee when a pre-cover inspection correction notice requires correction of improper construction and, at a subsequent inspection, the agent finds system construction deficiencies have not been corrected.	**$352**	**$362**	**3%**	Estimated 1.7 hrs to reinspect, prepare report or correction notice and consult with DEQ						
Permit Transfer, Reinstatement, or Renewal										
If field visit required	**$684**	**$704**	**3%**	Permit renewal with field visit 2.3 hrs based on Estimated Time for DEQ Activities for Western region for 2000. Includes travel and inspection time, plus time to prepare report or DEQ correction notice. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	0	$ -	$ -	$0		
If no field visit required	**$192**	**$198**	**3%**	Permit renewal without field visit 0.7 hrs based on Estimated Time for DEQ Activities for Western region for 2000. Includes time to review files plus time to prepare report. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	3	$ 593.57	$ 80.81	$674		
Alteration Permit										
Major Alteration	**$1,244**	**$1,280**	**3%**	Alteration with field visit 4.3 hrs based on Estimated Time for DEQ Activities for Western region for 2000. Includes travel and inspection time, plus time to prepare report or DEQ correction notice. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	13	$ 16,645.57	$ 2,266.30	$18,912		
Minor Alteration	**$687**	**$707**	**3%**	Alteration without field visit 2.2 hrs based on Estimated Time for DEQ Activities for Western region for 2000. Includes travel and inspection time, plus time to prepare report or DEQ correction notice. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	3	$ 2,119.95	$ 288.63	$2,409		
Repair Permit										
Single Family Dwelling										

Major Repair	$549	$564	3%	Major repair with field visit 5.3 hrs based on based on 2008 BCEH Time Study. Includes travel and inspection time, plus time to prepare report or DEQ correction notice. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	19	$ 10,724.55	$ 1,460.15	$12,185
Minor Repair	$311	$320	3%	Minor repair with field visit 3.0 hrs based on 2008 BCEH Time Study. Includes travel and inspection time, plus time to prepare report or DEQ correction notice. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	6	$ 1,917.00	$ 261.00	$2,178
Commercial Facility								
Major Repairs	$549	$564	3%	Major repair with field visit 5.3 hrs based on based on 2008 BCEH Time Study. Includes travel and inspection time, plus time to prepare report or DEQ correction notice. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.		$ -	$ -	$0
Minor Repairs	$311	$320	3%	Minor repair with field visit 3.0 hrs based on 2008 BCEH Time Study. Includes travel and inspection time, plus time to prepare report or DEQ correction notice. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.		$ -	$ -	$0
Authorization Notice								
If field visit is required	$687	$707	3%	Authorization Notice with field visit 3.1 hrs based on 2008 BCEH Time Study. Includes travel and inspection time, plus time to prepare report or DEQ correction notice. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	25	$ 17,663.03	$ 2,404.83	$20,068
If field visit is not required	$207	$213	3%	Authorization Notice without field visit 1.0 hrs based on Estimated Time for DEQ Activities for Western region for 2000. Includes time to review application, prepare report or DEQ correction notice.	7	$ 1,491.00	$ 203.00	$1,694
Existing System Evaluation								
Existing System Evaluation:								
If Field Visit is Required	$686	$706	3%	Same as Authorization Notice with field visit 3.0 hrs based on Estimated Time for DEQ Activities for Western region for 2000. Includes travel and inspection time, plus time to prepare report or DEQ correction notice. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	0	$ -	$ -	$0
If Field Visit is Not Required	$207	$213	3%	Same as Authorization Notice without field visit 1.0 hrs based on Estimated Time for DEQ Activities for Western region for 2000. Includes time to review application, prepare report or DEQ correction notice. **Note: Primarily but not limited to land partitions.**	1	$ 213.00	$ 29.00	$242
Mobile Home Personal/Medical Hardships Renewal every 5 years with field visit	$311	$320	3%	Based on Authorization Notice with field visit 3.0 hrs based on Estimated Time for DEQ Activities for Western region for 2000. Includes travel and inspection time, plus time to prepare report or DEQ correction notice. In 2010 a coefficient was added to the formula to help offset Major and Minor repairs, and Medical hardship by 50%.	4	$ 1,278.00	$ 174.00	$1,452
Mobile Home Personal/Medical Hardships Renewal every 5 years without field visit	$104	$107	3%	Estimate of time to perform an Authorization Notice without field visit at 0.5 hrs. Includes time to prepare report or DEQ correction notice.	3	$ 319.50	$ 43.50	$363
Alternative System Inspections (where required)	$455	$469	3%	Annual inspection as may be required under DEQ rules OAR340-071-0260(2) for alternative systems. Estimated time based on Annual Inspections with field visit 2.2 hrs based on Estimated Time for DEQ Activities for Western region for 2000. Includes travel and inspection time, plus time to prepare report or DEQ correction notice.	1	$ 468.60	$ 63.80	$532
Alternative System Inspections - Holding Tanks	$518	$533		New work delegated in 2006. Estimated inspection time is 2.5 hrs with and includes travel and inspection time, plus time to prepare report or DEQ correction notice. **Note: Fee we could charge if we do not receive a timely annual inspection report or if the annual inspection report is deficient, or if we have reason to suspect the holding tank is not being properly maintained.**		$ -	$ -	$0
Annual Report Evaluation Fee Holding Tank	$52	$53	3%	New work delegated in 2006. Estimated 15 minutes of work.	28	$ 1,491.00	$ 203.00	$1,694
Annual Report Evaluation Fee for commercial sandfilter, recirculating gravel filters and alternative treatment technologies	**Current DEQ Fee is $62. Should DEQ adjust fee we will adjust to match**	**Current DEQ Fee is $62. Should DEQ adjust fee we will adjust to match**	**To streamline the process and minimize confusing we will match our fee to DEQ fee.**	New work delegated in 2006. Reports required under OAR 340-071-0345(14)(b)(E). Estimated 20 minutes of work.A coefficient was added to the time study formula to adjust the fee to match DEQ's fee	210			
Sewage Disposal Service								
Pumper Truck Inspection, each vehicle	$163	$168	3%	Pumper Truck Inspection based on Annual Inspections with field visit 0.5 hrs based on Estimated Time for DEQ Activities for Western region for 2000. Includes inspection time, plus time to prepare report or DEQ correction notice. Additional 15 minutes added for travel time.	0	$ -	$ -	$0
pumper Truck Inspection, each additional vehicle	$113	$116	3%	Pumper Truck Inspection based on Annual Inspections with field visit 0.5 hrs based on Estimated Time for DEQ Activities for Western region for 2000. Includes travel and inspection time, plus time to prepare report or DEQ correction notice.	0	$ -	$ -	$0
Plan Review								
Other Onsite Wastewater System Plan/Construction Permit Reviews: including but not limited to vaulted privies, or other construction not other wise covered by a fee. Hourly rate	$207	$213	3%		0	$ -	$ -	$0
Plan Review, each additional 15 minutes.	$52	$53	3%		0	$ -		$0
Plan Review Commercial Facility System								
For a system with a projected daily sewage flow of less than 600 gallons, the cost of plan review is included in the permit application fee.								
For a system with a projected daily sewage flow of 600 gallons, but not more than 1000 gallons	$476	$490	3%	Commercial Plan review fee for systems from 600 to 1000 gpd. Estimated additional 2.3 hours above work performed as part of Construction-installation Permit per OAR 340-071-0140(3)(d)	0	$ -	$ -	$0
PLUS for each additional 500 gallons, or part thereof, above 1000 gallons, to a maximum of 2500	$83	$85	3%	Commercial Plan review fee for systems from 1000 to 25000 gpd. For each 500 gallons or part thereof above 1000 gpd. Estimated additional 0.4 hours above work performed as part of Construction-installation Permit per OAR 340-071-0140(3)(d)(C)	0			$0

Building Signoff	$83	$85	3%	Building signoff estimated at 0.4 hrs	270	$ 23,004.00	$ 3,132.00	$26,136	
Pump evaluation fee for sandfilters, alternative treatment technology, recirculation gravel filter, and pressurized distribution systems	$83	$85	3%	Systems utilizing pumps other than sandfilters and pressure systems estimated at 0.4 hrs.	0	$ -	$ -	$0	
Record Search									
Record Search if part of an onsite application	**No Charge**	**No Charge**							
Record Search if not part of an onsite application. Rate assessed at 10 minute increments	$17	$17	3%	New fee in 2015: Based on 10 minutes of work. Fee discounted by 50% if support staff are able to complete.. Usually involves record searches for onsite program or compiling information on inspection histories for food establishments. **Note: potential ne wrevenue source if we begin charging for all record searchers.**	419	$ 7,139.76	$ 972.08	$8,112	
DEQ Remittance - Remittance to DEQ is a fee established under state statute designed to support the State's Onsite Waste Water Treatment Program. The state fee is an additional charge established by state rule and assessed on site evaluations, construction installation permits, permit renewals, alterations, repairs, and authorizations listed above. In accordance with Oregon Administrative Rule (OAR) 340-071-0140(9) Department surcharge. (a) To offset a portion of the administrative and program oversight costs of the statewide onsite wastewater management program, the department and contract counties must levy a surcharge for each site evaluation, report permit, and other activity for which an application is required in this division. This surcharge does not apply to sewage disposal service license applications, pumper truck inspections, annual report evaluation fees, or certification of installers or maintenance providers. (b) Proceeds from surcharges collected by the department and contract counties must be accounted for separately. Each contract county must forward the proceeds to the department in accordance with its agreement with the department.	**Current DEQ Surcharge/ Remittance of $100 is collected as an add on fee to permits. Should DEQ increase the remittance this cost will be passed on in the permit**	**Current DEQ Surcharge/ Remittance of $100 is collected as an add on fee to permits. Should DEQ increase the remittance this cost will be passed on in the permit**	**Should DEQ increase their remittance to us, this cost will be passed on in the permit**		0	$ -		$0	
					Total	$ 145,655.00	$ 19,830.52	$165,486	$165,486
WATER SYSTEM FEES									
System Evaluation/Sanitary Survey on Domestic Water Supply (samples not included)	$259	$266	3%	Estimated 1.25 hrs.	0	$ -	$ -	$0	
Water Supply System Plan Review									
Private Water System (one to three residential units)									
Spring Development (includes one site visit)	$538	$554	3%	Estimated 2.6 hours Includes travel and inspection time, plus time to prepare report.	0	$ -	$ -	$0	
Auxiliary Storage for Low Yield Wells (other than standard design)	$259	$266	3%	Estimated 1.25 hours Includes travel and inspection time, plus time to prepare report.	0	$ -	$ -	$0	
Other Plan Review and Consultation per hour	$207	$213	3%	Hourly rate that includes salary, benefit, supervision, cost allocation for vehicle, office, computer, legal and support services.	0	$ -	$0.00	$0	
					Total	$ -	$ -	$0	$0
LICENSED FACILITIES[2] (See footnote 2 below.)									
Food Service Operations									
Restaurant License (annual license fee due December 31)									
Limited Service	$621	$639	3%	License fee based on 2 inspections at 1.5 hour/inspection. Calculated based on OAR 333-012-0050(2)(b)(B)(i)(I). Hr rate x 2 inspections x 1.5 hr/inspection = fee	3	$ 1,917.00	$ 261.00	$2,178	
0 - 15 Seating	$745	$767	3%	License fee based on 2 inspections at 1.5 hour/inspection and 40% follow-up inspection rate per semi annual inspection with 0.75 hour/inspection (travel time for each inspection included). Calculated based on OAR 333-012-0050(2)(b)(B)(i)(I) and (ii). (Hr rate x 2 inspections x 1.5 hrs/inspection) + (Hr rate x 2 inspections x 0.75 hrs/follow-up inspection x 0.4 follow-up rate) = fee	54	$ 41,407.20	$ 5,637.60	$47,045	
16 - 50 Seating	$849	$873	3%	License fee based on 2 inspections at 1.75 hour/inspection and 40% follow-up inspection rate per semi annual inspection with 0.75 hour/inspection (travel time for each inspection included). Calculated based on OAR 333-012-0050(2)(b)(B)(i)(I) and (ii). Calculated based on OAR 333-012-0050(2)(b)(B)(i)(II) and (ii). (Hr rate x 2 inspections x 1.75 hrs/inspection) + (Hr rate x 2 inspections x 0.75 hrs/follow-up inspection x 0.4 follow-up rate) = fee	82	$ 71,610.60	$ 8,560.80	$80,171	
51 - 150 Seating	$952	$980	3%	License fee based on 2 inspections at 2.0 hour/inspection and 40% follow-up inspection rate per semi annual inspection with 0.75 hour/inspection (travel time for each inspection included). Calculated based on OAR 333-012-0050(2)(b)(B)(i)(I) and (ii). Calculated based on OAR 333-012-0050(2)(b)(B)(i)(III) and (ii). (Hr rate x 2 inspections x 2.0 hrs/inspection) + (Hr rate x 2 inspections x 0.75 hrs/follow-up inspection x 0.4 follow-up rate) = fee	105	$ 102,879.00	$ 10,962.00	$113,841	
151 + Seating	$1,159	$1,193	3%	License fee based on 2 inspections at 2.5 hour/inspection and 40% follow-up inspection rate per semi annual inspection with 0.75 hour/inspection (travel time for each inspection included). Calculated based on OAR 333-012-0050(2)(b)(B)(i)(I) and (ii). (Hr rate x 2.0 inspections x 2.5 hrs/inspection) + (Hr rate x 2 inspections x 0.75 hrs/follow-up inspection x 0.4 follow-up rate) = fee	22	$ 26,241.60	$ 2,296.80	$28,538	
Benevolent Restaurants	$402	$414	3%	Reduced fee for benevolent restaurants per ORS 624.490(3). 54% Fee/ 46% CURF for 0-15 seating, 47% Fee/53% CURF for 16-50 seating, 42% Fee/58% CURF for seating 51-150, and 35% Fee/65% CURF for 151 + seating	7	$ 2,898.50	$2,469.10	$5,368	
Required Follow-up Inspections Subsequent to Routine Inspections									
First two follow-up Inspection after a routine food restaurant inspection no additional charge					89				
Each Additional Follow-up Inspection	$155	$160	3%	First two follow-up inspections annually are covered under the license fee, each additional follow-up inspection is calculated at .75 hour/inspection based on OAR 333-012-0050(2)(b)(B)(ii).	0	$ -	$ -	$0	
Temporary Restaurant									

Benevolent Single-event, per event (Administrative Fee)[3] **(See footnote 3 below) Adminstrative Fee is waived after first three events.**	**$41**	**$43**	**3%**	Administrative fee covers the cost of processing paper work at 15 minutes.. As per ORS 625.028(c) no inspection fee is charged. County General Revenue pays for the cost of performing the inspection. ORS 624.086 (3) All single-event temporary restaurant licenses shall terminate 30 days after issuance unless within the 30 days the single-event temporary restaurant is discontinued or is moved from the specific location for which the license was issued. If within 30 days after issuance the single-event temporary restaurant is discontinued or moved from the specific location for which the license was issued, the license shall terminate upon the discontinuance or the removal.	127	$ 5,410.20	$ 19,177	$24,587
Single-event, per event (License Fee)[3&4] **(Discounted if received 10 or more days before the event)**	**$186**	**$192**	**3%**	License fee based on 1 inspection at 0.9-hour for/inspection, travel time, menu review, and data processing (travel time for each inspection included). (Hr rate x.1 inspection x 0.9 hrs/inspection) = fee	184	$ 35,272.80	$ 4,802.40	$40,075
Single-event, per event (License Fee)[3&4] **(No Discount if received less than 10 days before the event)**	**$216**	**$222**	**2%**	License fee based on 1 inspection at 0.9-hour for/inspection, travel time, menu review, and data processing (travel time for each inspection included). (Hr rate x.1 inspection x 0.9 hrs/inspection + fee for less than 10 days notice)) = fee				
Single-event, per event (License Fee) **(Operating without a License on the day of the event)**	**$286**	**$292**	**2%**	License fee based on 1 inspection at 0.9-hour for/inspection, travel time, menu review, and data processing (travel time for each inspection included). (Hr rate x.1 inspection x 0.9 hrs/inspection + Penalty for operting without a license) = fee				
Single-event 2 or more days, 30-day intermittant, and 90-day seasonal (License Fee)3&4 **(Discounted if received 10 or more days before the event)**	**$224**	**$230**	**3%**	**HB 2868 established two new categories of temporrary restaurant license, that inclued 90-day seasonal and 30-day intermittant temporary retaurant license. These new license categories will become effective on January 1st 2012.** License fee based on 1 inspection at 0.9-hour for/inspection, travel time, menu review, and data processing (travel time for each inspection included) and a 20% follow-up inspection rate throughout the course of the multi-day event (travel time for each inspection included). (Hr rate x.1 inspection x 0.9 hrs/inspection) + (Hr rate x 1 inspections x 0.9 hrs/follow-up inspection x 0.2 follow-up rate) = fee	0	$ -	$ -	$0
Single-event 2 or more days, 30-day intermittant, and 90-day seasonal (License Fee)3&4 **(No Discount if received less than 10 days before the event)**	**$254**	**$260**	**3%**	**HB 2868 established two new categories of temporrary restaurant license, that inclued 90-day seasonal and 30-day intermittant temporary retaurant license. These new license categories will become effective on January 1st 2012.** License fee based on 1 inspection at 0.9-hour for/inspection, travel time, menu review, and data processing (travel time for each inspection included) and a 20% follow-up inspection rate throughout the course of the multi-day event (travel time for each inspection included). (Hr rate x.1 inspection x 0.9 hrs/inspection) + (Hr rate x 1 inspections x 0.9 hrs/follow-up inspection x 0.2 follow-up rate) = fee				
Single event 2 or more days, 30-day intermittant, and 90-day seasonal (License Fee)[3&4] **(Operating without a License on the day of the event)**	**$324**	**$330**	**2%**	**HB 2868 established two new categories of temporrary restaurant license, that inclued 90-day seasonal and 30-day intermittant temporary retaurant license. These new license categories will become effective on January 1st 2012.** License fee based on 1 inspection at 0.9-hour for/inspection, travel time, menu review, and data processing (travel time for each inspection included) and a 20% follow-up inspection rate throughout the course of the multi-day event (travel time for each inspection included). (Hr rate x.1 inspection x 0.9 hrs/inspection) + (Hr rate x 1 inspections x 0.9 hrs/follow-up inspection x 0.2 follow-up rate) = fee				
Operation Review for 30-day Intermittent or 90 day Seasonal or Temporary Restaurant License	**$104**	**$107**	**3%**	HB 2868 established two new categories of temporrary restaurant license, that inclued 90-day seasonal and 30-day intermittant temporary retaurant license. These new license categories become effective on January 1st 2012. HB 2868 also mandated an operational review for these new license types Operation review is based on an Oregon Health Authority Work Group estimate of 1.0 hour. Estimate could be adjusted based on future time studies.	0	$ -	$ -	$0
Reinspection Fee: for 30-day intermittant or 90-day seasonal Temporary Restaurant to verify correction of critical violation	**$155**	**$160**	**3%**	HB 2868: OHA work group recommendation that a separate reinspection fee be charged to verify that critical violations are corrected. Each additional follow-up inspection is estimated at .75 hour/inspection.	0	$ -	$ -	$0
[2] License fees in this section include an amount for reimbursement to the Oregon Health Division pursuant to ORS								
[3]ORS 624 does not allow a license fee or inspection fee for benevolent. The administrative fee covers cost of clerical								
Commissary License, per year								
Separate Facility	**$455**	**$469**	**3%**	License fee based on 2 inspections annually, at 0.8 hour/inspection and a 40% follow-up rate with 0.75 hour/inspection (travel time for each inspection included). (Hr rate x 2 inspection x 0.8 hrs/inspection) + (Hr rate x 2 inspections x 0.75 hrs/follow-up inspection x 0.4 follow-up rate)= fee	7	$ 3,280.20	$ 446.60	$3,727
In a Licensed Food Service Facility	**$331**	**$341**	**3%**	Commissary fee discounted when a food establishment is also being used by a second party as a commissary. License fee based on 2 inspections annually, at 0.8 hour/inspection (travel time for each inspection included). (Hr rate x 2 inspection x 0.8 hrs/inspection) = fee	0	$ -	$ -	$0
Food Warehouse, per year	**$311**	**$320**	**3%**	License fee based on 2 inspections annually, at 0.75 hour/inspection and no follow-up inspections (travel time for each inspection included). (Hr rate x 2 inspection x 0.75 hrs/inspection) = fee	2	$ 639.00	$ 87.00	$726
Mobile Unit, per year								
Class I, II and III	**$311**	**$320**	**3%**	License fee based on 2 inspections annually, at 0.75 hour/inspection and no follow-up inspections (travel time for each inspection included). (Hr rate x 2 inspection x 0.75 hrs/inspection) = fee	13	$ 4,153.50	$ 565.50	$4,719
Class IV	**$342**	**$351**	**3%**	License fee based on 2 inspections annually, at 0.75 hour/inspection and 10% follow--up inspections (travel time for each inspection included). (Hr rate x 2 inspection x 0.75 hrs/inspection) +(Hr rate x 2 inspection x 0.75 hrs/inspection x 0.10 follow-up rate) = fee	16	$ 5,623.20	$ 765.60	$6,389

Mobile Unit, Inspection Fee for MU not Licensed in Benton County	$25	$25	0%	624.650 Temporary restaurant inspection fee. (1) Notwithstanding any provision of ORS 624.010, 624.025, 624.065, 624.510 or 624.530, a temporary restaurant as defined under ORS 624.010 that is a mobile unit as defined under ORS 624.310 may be required to pay a fee not to exceed $25 for inspection services if the mobile unit is licensed by: (a) The Department of Human Services under ORS 624.320 or a local public health authority acting pursuant to an intergovernmental agreement to conduct inspections in accordance with ORS 624.370; Reduced fee as required under ORS 624.650(1) 12% Fee/88% CURF for Class I through III Mobile Units and 11% Fee/89% CURF for Class IV Mobile Units.	0			$0	
Food Vending Machines, per units, per year									
01 - 10	$207	$213	3%	License fee based on 2 inspections annually, at 0.5 hour/inspection and no follow-up inspections (travel time for each inspection included). (Hr rate x 2 inspection x 0.5 hrs/inspection) = fee	1	$ 213.00	$ 29.00	$242	
11 - 20	$248	$256	3%	License fee based on 2 inspections annually, on at least 2 vending units at 0.6 hour/inspection and no follow-up inspections (travel time for each inspection included). (Hr rate x 2 inspection x 0.6 hrs/inspection) = fee	0	$ -	$ -	$0	
21 - 30	$311	$320	3%	License fee based on 2 inspections annually, on at least 3 vending units at 0.75 hour/inspection and no follow-up inspections (travel time for each inspection included). (Hr rate x 2 inspection x 0.75 hrs/inspection) = fee	0	$ -	$ -	$0	
31 - 40	$414	$426	3%	License fee based on 1 inspection on at least 4 vending units ever six months at 1.0 hour/inspection and no follow-up inspections (travel time for each inspection included). (Hr rate x 2 inspection x 1.0 hrs/inspection) = fee	0	$ -	$ -		
41 - 50	$497	$511	3%	License fee based on 1 inspection on at least 5 vending units ever six months at 1.20 hour/inspection and no follow-up inspections (travel time for each inspection included). (Hr rate x 2 inspection x 1.2 hrs/inspection) = fee	0	$ -	$ -	$0	
Food Handler's Card (3 years)	$10	$10	0%	Fee set under ORS 624.570(5)	0	$ -		$0	
Food Handler's Card Renewal	$10	$10	0%	Fee set under ORS 624.570(5)		$ -		$0	
Replacement Card Issued by Office	$5	$5	0%	Fee set under ORS 624.570(5)		$ -		$0	
Replacement Card Issued on Line	No Charge	No Charge		Fee set under ORS 624.570(5)					
Reinstatement Fee and Penalties for Later Renewal									
Reinstatement Fee if not received by December 31	$100	$100	0%	Reinstatement Fee set under ORS 624.490(2)					
Penalty for Late Payment (Percentage of Annual Fee)									
If not received by January 31 - If the operator has not paid both the reinstatement fee and license fee by January 31st (post mark accepted), the reinstatement fee plus an additional penalty fee of 50% of the annual license fee will be assessed on the first day of each succeeding month until the license is reinstated or the facility is closed.				Late fee permited under OAR 333-012-053(8)					
Food Service Plan Review									
New Restaurant and Major Remodel (Minimum, up to 2.5 hours)	$518	$533	3%		32	$ 17,040.00	$ 2,320.00	$19,360	
Restaurant Minor Remodel (minimum, up to 1.5 hrs.)	$311	$320	3%		0	$ -	$ -	$0	
Food Commissary (minimum, up to 1 hr.)	$207	$213	3%		0	$ -	$ -	$0	
Food Warehouse, Mobile Unit, Push Cart (up to 1 hours)	$207	$213	3%		0	$ -	$ -	$0	
Plan Review, each additional 15 minutes	$52	$53	3%			$ -		$0	
Pre-opening inspection (required on new facilities and major remodels)					21	$ -		$0	
Restaurant (minimum, up to 1 hour)	$207	$213	3%		0	$ -	$ -	$0	
Other food service (minimum, up to 1/2 hour)	$104	$107	3%		0	$ -	$ -	$0	
						$ 318,852.05	$ 58,416.65	$377,269	$377,268.70
Tourist Accommodation/Recreational Park/Bed & Breakfast									
License Fee									
01 - 10 units/spaces	$393	$405	3%	License fee based on 1 inspection ever year at 1.9 hour/inspection and no follow-up inspections (travel time for each inspection included). (Hr rate x 1 inspection x 1.9 hrs/inspection) = fee Note: Bed & Breakfast and tourist accommodations are an annual inspection. Recreational parks are semiannual inspections.	1	$ 404.70	$ 55.10	$460	
11 - 25	$414	$426	3%	License fee based on 1 inspection ever year at 2.0 hour/inspection and no follow-up inspections (travel time for each inspection included). (Hr rate x 1 inspection x 2.0 hrs/inspection) = fee	2	$ 852.00	$ 116.00	$968	
26 - 50	$476	$490	3%	License fee based on 1 inspection ever year at 2.3 hour/inspection and no follow-up inspections (travel time for each inspection included). (Hr rate x 1 inspection x 2.3 hrs/inspection) = fee	0	$ -	$ -	$0	
51 - 75	$538	$554	3%	License fee based on 1 inspection ever year at 2.6 hour/inspection and no follow-up inspections (travel time for each inspection included). (Hr rate x 1 inspection x 2.6 hrs/inspection) = fee	4	$ 2,215.20	$ 301.60	$2,517	
76 - 100	$580	$596	3%	License Fee License fee based on 1 inspection ever year at 2.8 hour/inspection and no follow-up inspections (travel time for each inspection included). (Hr rate x 1 inspection x 2.8 hrs/inspection) = fee	3	$ 1,789.20	$ 243.60	$2,033	
PLUS for each additional unit over	$6	$6	0%	Based on standard hourly rate x 2.8 hours for 100 unit space/100 = Cost per unit (Hr rate x 1 inspection x 2.8 hrs/inspection)/100 = fee	3	$ 17.89			
Plan Review Fee									
Plan Review, Minimum (up to 1 1/2 hours)	$311	$320	3%	Plan review based on 1.5 hours per inspection.	0	$ -	$ -	$0	
Plan Review, each additional 15 minutes.	$52	$53	3%	Additional charge typically assessed when plan review take longer because of incomplete plans or when two or more changes are made by the developer that result in the total time exceeding 1.5 hrs.					
Reinstatement Fee and Penalties for Later Renewal									
Reinstatement Fee if not received by December 31	$100	$100	0%	Reinstatement Fee set under ORS 624.490(2)					
Penalty for Late Payment (Percentage of Annual Fee)									
If not received by January 31 - If the operator has not paid both the reinstatement fee and license fee by January 31st (post mark accepted), the reinstatement fee plus an additional penalty fee of 50% of the annual license fee will be assessed on the first day of each succeeding month until the license is reinstated or the facility is closed.				Late fee permited under OAR 333-012-053(8)					
					Total	$ 5,278.99	$ 716.30	$5,977	$5,977
Organization Camp									
License Fee	$414	$426	3%	License fee based on 1 inspection ever year at 2 hour/inspection and no follow-up inspections (travel time for each inspection included). (Hr rate x 1 inspection x 2 hrs/inspection) = fee	2	$ 852.00	$ 116.00	$968	
Plan Review Fee									

With Food Service	$518	$533	3%	Plan review fee assessed on an organizational camp with food service and is based on 2.5 hour/plan review and no follow-up inspections (travel time for each inspection included). (Hr rate x 1 plan review x 2.5 hrs/plan review) = fee Assumption is based on completed plans with all support materials submitted. incomplete plans or plans that are changed by the developer may require a higher fee.	0	$ -	$ -	$0	
Without Food Service	$207	$213	3%	Plan review fee based on 1 plan review, at 1 hour/plan review and no follow-up inspections (travel time included). (Hr rate x 1 Plan review x 1 hrs/plan review) = fee. Assumption is based on completed plans with all support materials submitted. Incomplete plans or plans that are changed by the developer may require a higher fee.	0	$ -	$ -	$0	
					Total	$ 852.00	$ 116.00	$968	$968
Picnic Park									
License Fee	$207	$213	3%	License fee based on 1 inspections annually, at 1 hour/inspection and no follow-up inspections (travel time for each inspection included). (Hr rate x 1 inspection x 1 hrs/inspection) = fee	2	$ 426.00	$ 58.00	$484	
Plan Review Fee	$207	$213	3%	Plan review fee based on 1 plan review, at 1 hour/plan review and no follow-up inspections (travel time included). (Hr rate x 1 Plan review x 1 hrs/plan review) = fee. Assumption is based on completed plans with all support materials submitted. Incomplete plans or plans that are changed by the developer may require a higher fee.		$ -			
					Total	$ 426.00	$ 58.00	$484	$484
Swimming Pools/Spa/Bathhouse									
License Fee									
Year Around Operation									
First Pool or Spa at Site	$725	$746	3%	License fee based on 2 inspections at 1.45 hour/inspection and 40% follow-up inspection rate per semi annual inspection with 0.75 hour/inspection (travel time for each inspection included). (Hr rate x 2 inspections x 1.45 hrs/inspection) + (Hr rate x 2 inspections x 0.75 hrs/follow-up inspection x 0.40% follow-up rate) = fee	29	$ 21,619.50	$ 2,943.50	$24,563	
Additional Pools or Spas at Site (each)	$551	$567	3%	License fee based on 2 inspections at 1.03 hour/inspection and 40% follow-up inspection rate per semi annual inspection with 0.75 hour/inspection (travel time for each inspection included). (Hr rate x 2 inspections x 1.03 hrs/inspection) + (Hr rate x 2 inspections x 0.75 hrs/follow-up inspection x 0.40% follow-up rate) = fee	0	$ -	$ -	$0	
Seasonal Operation									
First Pool at Site	$486	$501	3%	License fee based on 1 inspection at 2.05 hour/inspection and 40% follow-up inspection rate per semi annual inspection with 0.75 hour/inspection (travel time for each inspection included). (Hr rate x 1 inspection x 2.05 hrs/inspection) + (Hr rate x 1 inspection x 0.75 hrs/follow-up inspection x 0.40% follow-up rate) = fee	41	$ 20,522.55	$ 2,794.15	$23,317	
Additional Pools at Site (each)	$373	$383	3%	License fee based on 1 inspection at 1.50 hour/inspection and 40% follow-up inspection rate per semi annual inspection with 0.75 hour/inspection (travel time for each inspection included). (Hr rate x 1 inspection x 1.50 hrs/inspection) + (Hr rate x 1 inspections x 0.75 hrs/follow-up inspection x 0.40% follow-up rate) = fee	0	$ -	$ -	$0	
Follow-up inspections									
First Follow-up Inspection after a routine inspection no additional charge									
Each Additional Follow-up Inspection	$104	$107	3%	Estimated 30 minutes inspection and travel time included.	14				
Plan Review Fee									
Plan Review, Minimum (up to two hours)	$414	$426	3%	Plan review fee based on 1 plan review, at 2 hour/plan review and no follow-up inspections (travel time included). (Hr rate x 1 Plan review x 2 hrs/plan review) = fee. Assumption is based on completed plans with all support materials submitted. Incomplete plans or plans that are changed by the developer may require a higher fee.					
Plan Review, Each additional 15 minutes	$52	$53	3%	Additional charge typically assessed when plan review take longer because of incomplete plans or when two or more changes are made by the developer that result in the total time exceeding 2 hrs. Based on each increment of 0.25 hrs.					
Construction Permit									
(includes two 1-hr construction inspections)	$414	$426	3%	Construction Permit fee based on 2 construction site inspections at 1 hour/construction site visit and no follow-up inspections (travel time included). (Hr rate x 2 construction site inspections x 1 hrs/construction site visit) = fee.					
Additional Construction Inspections									
3rd and 4th and subsequent, including final (each)	$207	$213	3%	Construction Permit fee based on 1 construction site inspections at 1 hour/construction site visit and no follow-up inspections (travel time included). (Hr rate x 1 construction site inspections x 1 hrs/construction site visit) = fee.					
					Total	$ 42,142.05	$ 5,737.65	$47,880	$47,880
Reinstatement Fee and Penalties for Later Renewal									
Reinstatement Fee if not received by December 31	$100	$100	0%	Reinstatement Fee set under ORS 624.490(2)					
Penalty for Late Payment (Percentage of Annual Fee)									
If not received by January 31 - If the operator has not paid both the reinstatement fee and license fee by January 31st (post mark accepted), the reinstatement fee plus an additional penalty fee of 50% of the annual license fee will be assessed on the first day of each succeeding month until the license is reinstated or the facility is closed.				Late fee permited under OAR 333-012-053(8)					
Adjustments to License Fees									
Food establishments opened from									
January 1 - September 30 - 100% of fee									
October 1 - December 31 - 50% of fee									
Adding or Dropping a Partner	$52	$53	3%	Based on an estimate of 0.25 hrs of work.					
Change of Business Name, same owners	$52	$53	3%	Based on an estimate of 0.25 hrs of work.					
Quarterly Inspection Fees - 50% of annual license fee									
SCHOOL FOOD SERVICE INSPECTIONS									
High School and/or Central Kitchen	$414	$426	3%	Fee based on 1 inspection at 2.0 hour/inspection (travel time for each inspection included).	0	$ -	$ -	$0	
Elementary and Middle School with On-Site Preparation	$331	$341	3%	Fee based on 1 inspection at 1.6 hour/inspection (travel time for each inspection included).	0	$ -	$ -	$0	
Satellite Kitchen (with little or no preparation)	$155	$160	3%	Fee based on 1 inspection at 0.75 hour/inspection (travel time for each inspection included).	0	$ -	$ -	$0	
Recheck Inspections									
First Follow-up Inspection no additional charge	No Charge	No Charge							
Additional Follow-up Inspections	$104	$107	3%	Fee based on 0.5 hrs of inspection with travel time included.					

					Total	$ -	$ -	$0	$0
CARE FACILITY INSPECTIONS									
Each inspection by Authorized Capacity									
0 - 12 and After School Care Program	**$155**	**$160**	**3%**	License fee based on 1 inspection at 0.75 hour/inspection (travel time for each inspection included).	8	$ 1,278.00	$ 174.00	$1,452	
13 - 30	**$207**	**$213**	**3%**	License fee based on 1 inspection at 1.0 hour/inspection (travel time for each inspection included).	39	$ 8,307.00	$ 1,131.00	$9,438	
31 +	**$259**	**$266**	**3%**	License fee based on 1 inspection at 1.25 hour/inspection (travel time for each inspection included).	0	$ -	$ -	$0	
Plan Review									
Plan Review, Minimum (up to two hours)	**$414**	**$426**	**3%**	**Plan Review required under OAR 414-300-0010(8).** Plan review fee based on 1 plan review, at 2 hour/plan review and no follow-up inspections (travel time included). (Hr rate x 1 Plan review x 2 hrs/plan review) = fee. Assumption is based on completed plans with all support materials submitted. Incomplete plans or plans that are changed by the developer may require a higher fee.	0	$ -	$ -	$0	
Plan Review, Each additional 15 minutes	**$52**	**$53**	**3%**	Additional charge typically assessed when plan review take longer because of incomplete plans or when two or more changes are made by the developer that result in the total time exceeding 2 hrs. Based on each increment of 0.25 hrs.					
					Total	$ 9,585.00	$ 1,305.00	$10,890	$10,890
SPECIAL CONSULTATION FEE									
First 15 minutes Free	**No Charge**	**No Charge**							
Each Additional 15 minutes (Support Staff)	**$41**	**$43**	**3%**	Based on 15 minutes of work. Fee discounted by 20% if support staff are able to complete. Usually involves record searches for onsite program or compiling information on inspection histories for food establishments.					
Each Additional 15 minutes (Environmental Health Specialist)	**$52**	**$61**	**17%**	Based on an estimate of 0.25 hrs of work.					
Partial Cost Recovery Rate Per hour (Environmental Health Specialist)	**$207**	**$213**	**3%**	Based on 1 hour of work.					
Full Cost Recovery Rate Per hour (Environmental Health Specialist)	**$234**	**$242**	**3%**						
SUPPLIES									
Food Handler Booklets	**$3**	**$3**	**0%**						
Test Strips - Chlorine (Bailey) 1 vial (100 count)	**$4**	**$4**	**0%**						
Test Strips - Quats QT-10 (Bailey) 1 vial (100 count)	**$7**	**$7**	**0%**						
Thermometer - Pocket Bi-Metal	**$4**	**$4**	**0%**						
Thermometer - Spirit Stem	**$3**	**$3**	**0%**						
Supplies sold to consumer	**Cost + 15% of cost for handling rounded up to the nest whole dollar+ shipping**	**Cost + 15% of cost for handling rounded up to the nest whole dollar+ shipping**							
[6] Fees for tourist accommodations and seasonal facilities normally inspected once per year are not prorated.									
Fees may be changed if supply costs change or if state regulations change the allowable charge(s).									
					Grand Total	$ 522,791.10	$ 86,180.11	$608,953	$608,953.32

2023 JUSTIFICATION FOR ENVIRONMENTAL HEALTH FEES

Date: November 28, 2022

From: Scott Kruger, REHS and April Holland, MPH

Subject: 2023 Justification for Environmental Health Fees

Projected Expenses for Fiscal Year (FY) 2023

	FY 2022-2023	FY 2021-2022	% Change
Salary/Benefits	$784,996	$748,006	4.7%
Material/Services	$427,342	$420,574	1.6%
Total	$1,212,338	$1,168,580	3.6%

Background

Fee History for the last three years:

- In 2022, no fee adjustments were made
- In 2021 fees were adjusted on average 3%. Because of the pandemic, a 50% credit on the 2020 was applied to the 2021 license fees.
- In 2020, no fee adjustments were made.

Projection for 2023, Environmental Health Division's budget is projected to experience a 3.6% increase ($1,212,338/$1,168,580) FY2023/FY2022.

What are the Legal Limits to Fee Setting for the Restaurant Industry in Oregon Administrative Rule (OAR)?

- OAR 333-012-0053(5)(b) "*Administrative costs must be limited to 15 percent of direct costs."*
- OAR 333-012-0050(2)(a) *"Administrative Costs" means those costs that are over the direct costs of providing delegated program services. These include actual departmental, agency or central government charges such as, but not limited to, accounting, purchasing, human resources, data management, legal council and central mail functions;"*
- OAR 333-012-0050(2)(f) provides guidance on what may be charged as direct costs, *"Direct Costs" mean those costs for salaries and benefits of field and support staff and their associated costs including, but not limited to, rent, vehicles and travel, equipment, data management, training, phone, office supplies and the pro-rated portion of direct costs relating to supervision;*
- Reference: OAR 333-012-0050,and OAR 333-012-0053

2023 JUSTIFICATION FOR ENVIRONMENTAL HEALTH FEES

How is the Hourly Rate Calculated?

Hourly rate is based on the total field time that is available for Environmental Health Specialists to do work divided by the projected budget. Field time is the hours available for work after an adjustment is made for holidays, sick leave, vacation, administrative time, and training as follows:

Total Hours	2080
Holidays	- 72
Floating Holidays	- 16
Sick Leave	- 53[1]
Average Vacation Time	-138[2]
Professional Training	- 40[3]
Meetings	- 100[4]
Annual Work Hours (AHW)	1,661(Note: OAR 333-012-0053(4) sets 1640 hrs as the standard)
Administrative Time	-410[5] (Note: 25% based on OAR 333-012-0053(4) AHW of 1640 hrs)
Field	1251 (Note: OAR 333-012-0053(4) sets 1230 hrs at the standard)

4.0 field environmental health specialist x 1,251 hours/year = 5004 hours

Full Cost Recovery:

Full Cost Recovery is the total expenses divided by total hours to available to do field work. Full cost recovery = $1,212,338/5004 hours = $242.27 per hour.

Partial Cost Recovery Model:

Hourly rate is calculated by dividing the total expenses that includes County and Department Cost Allocations up to 15%. Any County and Department Cost Allocations above 15% will be covered by County General Funds. The remainder is then divided by the number of hours available to do work. This rate will then be used to calculate fees.

The Department Cost Allocation for FY 2023, will be offset using $148,000 of budgeted County General Funds: $1,212,338 - $148,000 = $1,064,338. The adjusted cost per hour used for calculating fees is $1,064,338/5004 hours = $212.70 per hour. Fees will recover 88% ($212.70 per hour/$242.27 hour) of full costs. This model will also meet legal requirements that fees cannot pass on more than 15% of administrative costs as defined in OAR 333-012-0053(5)(b).

How is the Hourly Rate Used?

The hourly rate is used to calculate the cost of license fees by multiplying the average number of hours by each license or permit type, times the hourly rate. The average number of hours is based on

[1] Average sick time reported for 1/01/2018 to 12/31/2018 based on 277/5.2 FTE = 53 hours per person.
[2] Average Vacation Time = 551/4 = 138 Hours (Last Revised 8/12/2019)
[3] Professional training to maintain licensing as a Registered Environmental Health Specialist, plus various other county and state mandatory trainings.
[4] Quarterly combined Health Department/Health Services All Staff Meetings 8 hours, Safety and Health Department mandatory meetings 20 hours + Bi-monthly staff meetings 72 hours = 100 hours
[5] Administrative time to return phone calls, schedule work, fuel vehicles, etc. On Average approximately 1.6 hours per day.

requirements found under Oregon Revised Statute (ORS) 624, Oregon Administrative Rule (OAR) 333-012, time studies, or estimates. All fees are then rounded to the nearest whole dollar.

Other Fee Adjustments:

General Fund/CURF Subsidies for Benevolent Food Facilities:

Historically, the Board of Commissioners (BOC) has approved a portion of the county general fund be used to reduce the cost of the license fees for restaurants and temporary food service operated by benevolent organizations that qualify under the Internal Revenue Code:

- **Restaurant Licenses for Benevolent Organizations** – A reduced fee of $402.00 for benevolent restaurants organizations is requested based on ORS 624.020(5). For 2023 it is estimated that there will be seven benevolent restaurants in Benton County. The cost to the County General Fund already allocated to environmental health is estimated $2,376.36. The Division will absorb this cost with the current general fund dollars allocated to Environmental Health.

- **Temporary Restaurant Licenses for Benevolent Organizations** – ORS 624.106(1)(b) "*Notwithstanding ORS 624.490 or 624.650, the authority, or a local public health authority as provided under ORS 624.510, may not charge a benevolent organization a license fee or inspection fee for a single-event temporary restaurant licensed under this subsection*." The Division of Environmental Health proposes to use county general funds to cover inspection cost. The Oregon Health Authority has determined that we may charge an administrative fee for processing and issuing the license. The proposed administrative fee to benevolent organizations is $41.00. It is estimated that 127 benevolent temporary restaurant permits that will be issued in 2021. This number represents our best estimate based on the number of benevolent temporary restaurant licenses issued in 2019, pre-Covid-19 Pandemic. It is estimated that $18,567.00 of county general revenue will be used to offset this cost. The Division will absorb this cost with the current general fund dollars allocated to Environmental Health.

Onsite Waste Water Program: Proposed Continued Reduction in Three Fees:

Three fees are proposed for reduction: major repairs, minor repairs, and mobile home hardships. It is proposed that the cost of these permits be reduced to 50% of their estimated full cost recovery.

Major and Minor Repair Permits at 50% of Cost:
These adjustments would allow a significant reduction in the cost for septic system repair permits, making repairs of existing septic system more affordable. Reduced fees may also help to discourage the repairing of septic systems without a permit. This proposal would not require any additional use of county general fund and would be reduced by other fees collected in the onsite program. Since implementing this reduced fee in 2010, we have seen a consistent pattern of increased repair applications when compared to the baseline of 14.7 repair permits as an average measured over a three-year period. The baseline is 14.7 repair permits and is the average as measured over a three year period in 2007 (15), 2008 (14) and 2009 (15).

2023 JUSTIFICATION FOR ENVIRONMENTAL HEALTH FEES

Percent Increase in Repair Permits by for the last Five Year Compared to Baseline Years

2020	2019	2018	2017	2016
145%(36/14.7)	70% (25/14.7)	110% (31/14.7)	104% (30/14.7)	70% (25/14.7)

Reducing fees appears to be a useful tool to encourage homeowners to apply for repairs to their septic systems. It is recommended that the reduced repair fees be continued for at least one more year and re-evaluated if offering reduced repair fees is working and is sustainable economically.

Mobile Home Personal/Medical Hardship Renewals at 50% of Cost:
Occasionally a mobile home will be placed on the same septic system as a house in order that a caregiver (usually a family member) may help take care of the medical needs of another family member. Once the medical hardship has ended, the mobile home is to be disconnected from the home's septic system and then moved. It is proposed that mobile home hardship renewals be subsidized 50% by other revenue in the onsite program. This proposal would not require any additional use of county general fund and would be offset by other fees collected in the onsite program. It is recommended that the reduced fees be continued and re-evaluated if offering reduced fees is sustainable economically.

Other Fee Adjustments:

Annual Report Evaluation Fee For Sand Filters, Recirculating Gravel Filters, And Alternative Treatment Technology:

Annually DEQ sends out a reminder letter to owners of Sand Filters, Recirculating Gravel Filters, and Alternative Treatment Technology to remind them to have these more complex systems evaluated. Under state law these reports need to be submitted to DEQ or the delegated county. The state fee for performing the service is $62.00. To streamline the process and minimize confusing we are proposing to set our fee at the same dollar amount as DEQ. This will help to eliminate staff time to collect or refund money when the incorrect dollar amount is sent to us. It will also make the process more user friendly for the customer by eliminating confusion about what fee to pay. Should DEQ adjust this fee we will match our fee to the DEQ.

Oregon Department of Environmental Quality Surcharge/Remittance fees:

Current DEQ Surcharge/Remittance is $100, which we collect as an add-on fee to qualifying permits. Should DEQ increase their remittance to us this cost will be passed on in the permit.

Remittance to DEQ is a fee established under state statute designed to support the State's Onsite Waste Water Treatment Program. The state fee is an additional charge established by state rule and assessed on site evaluations, construction installation permits, permit renewals, alterations, repairs, and authorizations listed in our fee schedule to support the state program in rule writing, technical, legal, and quality assurance activities.

2023 JUSTIFICATION FOR ENVIRONMENTAL HEALTH FEES

In accordance with Oregon Administrative Rule (OAR) 340-071-0140(10) Department surcharge says, *"(a) To offset a portion of the administrative and program oversight costs of the statewide onsite wastewater management program, DEQ and contract counties must levy a surcharge for each site evaluation, report permit, and other activity for which an application is required in this division. (b) Proceeds from surcharges collected by the department and contract counties must be accounted for separately. Each contract county must forward the proceeds to the department in accordance with its agreement with the department."*

To reference current DEQ Fee Table may be viewed at: OAR 340-071-0800 Fee Tables

FY2022-2023 Indirect Cost Calculations based on OAR 333-012-0053

A number of protections exist in state rule to cap what costs may be passed on by the health department in setting fees:

OAR 33-012-0053(5) (b) *Administrative costs must be limited to 15 percent of direct costs.*

OAR 333-012-0050(2) also defines (a) "Administrative Costs" means those costs that are over the direct costs of providing delegated program services. These include actual departmental, agency or central government charges such as, but not limited to, accounting, purchasing, human resources, data management, legal counsel and central mail functions[1];

OAR 333-012-0050(2) (f) provides clear guidance on what can be charged as direct costs, *"Direct Costs" mean those costs for salaries and benefits of field and support staff and their associated costs including, but not limited to, rent, vehicles and travel, equipment, data management, training, phone, office supplies and the pro-rated portion of direct costs relating to supervision;*

Full Cost Recovery Model: Using full cost recovery model the total percent of administrative cost exceeds the 15% allowable under OAR 333-012-0053.

	001-33-25-530 Environmental Health	
		Percent of Administrative/ Direct Costs
Total Expenses	$ 1,212,338	
Direct Costs		
Salary/Benefits	$ 784,996	
Materials and Supplies	$ 152,564	
Total Direct Costs	$ 937,560	
Administrative Costs		
Central Cost Allocation	$ 158,484	17%
Health Department Cost Allocation	$ 116,294	12%
Sub-Total	$ 274,778	29%
Total Expenses	$ 1,212,338	
Total Hours Available REHS	$ 5,004	
Hourly Rate Full Cost Recovery	$ 242	

*This is sum of material and services MINUS central and department cost allocation

This must be 15% or lower.

Partial Cost Recovery Model: Using partial cost recovery the total percent of administrative cost could be lowered to the 15% allowable under OAR 333-012-0053. The following scenario shows the minimum general fund support needed.

To adjust fees 3%		**Approved by BOC**
Hourly rate	$ 213	
Percent recovery	88%	(same percent recovery as last year)
GF contribution	$ 148,000	
GF change from 2022	5%	

3% adjustment **Approved by BOC**

	001-33-25-530 Environmental Health	
		Percent of Administrative/ Direct Costs
Total Expenses	$ 1,212,338	
Direct Costs		
Salary/Benefits	$ 784,996	
Materials and Supplies	$ 152,564	
Total Direct Costs	$ 937,560	
Administrative Costs		
Central Cost Allocation	$ 158,484	17%
Health Department Cost Allocation	$ 116,294	12%
Total Administrative Costs	$ 274,778	29%
Total Expenses	$ 1,212,338	
General Fund Contribution to Offset Administrative Cost	$ 148,000	
Revised Administrative Cost	$ 140,634	15%
Total Expenses - General Fund Contribution	$ 1,064,338	
Total Hours Available REHS	$ 5,004	
Hourly Rate Full Cost Recovery	$212.70	

Scenario for 5% increase		**Not selected by BOC**	
Hourly rate	$ 215		
Percent recovery of full costs	89%		
GF contribution	$ 134,144		$140,708 (2022 GF)
GF change from 2022	-5%		

	001-33-25-530 Environmental Health	
		Percent of Administrative/ Direct Costs
Total Expenses	$ 1,212,338	
Direct Costs		
Salary/Benefits	$ 784,996	
Materials and Supplies	$ 152,564	
Total Direct Costs	$ 937,560	
Administrative Costs		
Central Cost Allocation	$ 158,484	17%
Health Department Cost Allocation	$ 116,294	12%
Total Administrative Costs	$ 274,778	29%
Total Expenses	$ 1,212,338	
General Fund Contribution to Offset Administrative Cost	$ 134,144	
Revised Administrative Cost	$ 140,634	15%
Total Expenses - General Fund Contribution	$ 1,078,194	
Total Hours Available REHS	$ 5,004	
Hourly Rate Full Cost Recovery	$ 215	

Scenario keep fees same - no increase **Not selected by BOC**

Hourly rate	$ 205
Percent recovery	85%
GF contribution	$ 185,000
GF change from 2022	31%

	001-33-25-530 Environmental Health	
		Percent of Administrative/ Direct Costs
Total Expenses	$ 1,212,338	
Direct Costs		
Salary/Benefits	$ 784,996	
Materials and Supplies	$ 152,564	
Total Direct Costs	$ 937,560	
Administrative Costs		
Central Cost Allocation	$ 158,484	17%
Health Department Cost Allocation	$ 116,294	12%
Total Administrative Costs	$ 274,778	29%
Total Expenses	$ 1,212,338	
General Fund Contribution to Offset Administrative Cost	$ 185,000	
Revised Administrative Cost	$ 140,634	15%
Total Expenses - General Fund Contribution	$ 1,027,338	
Total Hours Available REHS	$ 5,004	
Hourly Rate Full Cost Recovery	$ 205	

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

In the Matter of Adopting the Revised	**)**	
2023 Environmental Health Fee Schedule	**)**	**ORDER #D2022-081**
for the Benton County Health Department	**)**	

WHEREAS, the Benton County Health Department has submitted a request that its Environmental Health services fee schedule is to reflect the cost of providing the services; and

WHEREAS, the Environmental Health services fees are established based upon the guidelines set forth in the statutes of the State of Oregon; and

WHEREAS, these fees are in keeping with county guidelines for such fees;

THEREFORE, IT IS HEREBY ORDERED that Benton County Health Department proposed fees (Attachment A) are adopted effective January 1, 2023.

Adopted this 6th day of December, 2022.

Signed this 6th day of December, 2022.

BENTON COUNTY BOARD OF COMMISSIONERS

Nancy Wyse, Chair

Pat Malone, Commissioner

Xanthippe Augerot, Commissioner

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

In the Matter of Adopting the Revised 2023 Environmental Health Fee Schedule for the Benton County Health Department) **ORDER #D2022-081**

WHEREAS, the Benton County Health Department has submitted a request that its Environmental Health services fee schedule is to reflect the cost of providing the services; and

WHEREAS, the Environmental Health services fees are established based upon the guidelines set forth in the statutes of the State of Oregon; and

WHEREAS, these fees are in keeping with county guidelines for such fees;

THEREFORE, IT IS HEREBY ORDERED that Benton County Health Department proposed fees (Attachment A) are adopted effective January 1, 2023.

Adopted this 6th day of December, 2022.

Signed this 6th day of December, 2022.

BENTON COUNTY BOARD OF COMMISSIONERS

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

DocuSigned by:
744FC4377E0E4AF...
Pat Malone, Commissioner

DocuSigned by:
829B24BF8C18426...
Xanthippe Augerot, Commissioner

NEW BUSINESS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 12/06/22

View Agenda Tracker

Suggested Placement * BOC Tuesday Meeting

Department * PARKS EVENTS

Contact Name * Lynne McKee

Phone Extension * 6090

Meeting Attendee Name * Lynne McKee

Agenda Item Details

Item Title * Approval of Memorandum of Agreement with Fair Board

Item Involves * Check all that apply

- [ ] Appointments
- [ ] Budget
- [x] Contract/Agreement
- [x] Discussion and Action
- [ ] Discussion Only
- [ ] Document Recording
- [ ] Employment
- [ ] Notice of Intent
- [ ] Order/Resolution
- [ ] Ordinance/Public Hearing 1st Reading
- [ ] Ordinance/Public Hearing 2nd Reading
- [ ] Proclamation
- [ ] Project/Committee Update
- [ ] Public Comment
- [ ] Special Report
- [ ] Other

Estimated Time * 10 minutes

Board/Committee Involvement *

- (•) Yes
- ( ) No

Name of Board/Committee	Fair Board
Advertisement *	○ Yes ◉ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The Memorandum of Agreement (MOA) between the Fair Board and BOC was last revised in January 2018. The MOA designates the role and duties of the Fair Board, clearly delineating the relationship between the parties and defines proper control over county property and personnel. The MOA is scheduled to be updated every five years. Attached is the updated MOA for 2023-2027 reviewed by the Fair Board, County Administrator Joe Kerby and County Counsel Vance Croney.

Options *

1. Approve the MOA
2. Recommend changes to the MOA
3. Do not approve the MOA

Fiscal Impact *

- ○ Yes
- ◉ No

2040 Thriving Communities Initiative

Mandated Service? *

- ○ Yes
- ◉ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website HERE.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- ☑ Vibrant, Livable Communities
- ☑ Supportive People Resources
- ☐ High Quality Environment and Access
- ☑ Diverse Economy that Fits
- ☐ Community Resilience
- ☐ Equity for Everyone
- ☐ Health in All Actions
- ☐ N/A

Explain Core Values Selections *

Fairgrounds functions impact a number of core value areas.

Focus Areas and Vision *

Select all that apply.

- ☐ Community Safety
- ☑ Emergency Preparedness
- ☐ Outdoor Recreation
- ☑ Prosperous Economy
- ☐ Environment and Natural Resources
- ☐ Mobility and Transportation
- ☐ Housing and Growth
- ☑ Arts, Entertainment, Culture, and History
- ☑ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☐ N/A

Explain Focus Areas and Vision Selection *

Fairgrounds functions impact a number of focus areas.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Staff recommends approving the updated Fair Board/BOC Memorandum of Agreement.

Meeting Motions * I move to ...

.... approve the Memorandum of Agreement with the Fair Board.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

MOA with BOC Final September 2022.docx 36.95KB

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

Department Approver LYNNE MCKEE

Department Approval

Comments

Signature



BOC Initial Approval

Approvals Required
- [x] Counsel
- [ ] Finance
- [ ] HR

Counsel Approver VANCE CRONEY

County Administrator Approver JOE KERBY

Comments

Counsel Approval

Comments

Signature



County Administrator Approval

Comments

Signature



BOC Final Approval

Comments

Signature



MEMORANDUM OF AGREEMENT
REGARDING EVENT CENTER AND
FAIRGROUNDS MANAGEMENT BETWEEN
BENTON COUNTY FAIR BOARD
AND
BENTON COUNTY, OREGON

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C. The Director of Natural Areas, Parks, and Events is responsible for the day-to-day operations of the event center and fairgrounds facility, functions, and staff in accordance with County policies and procedures.
D. The Fair Board has authority over event center and fairgrounds functions as outlined in this Memorandum of Agreement and may establish the procedures it deems best in order to discharge its responsibilities subject to the terms of this MOA and to applicable laws, such as Oregon's public records and meeting laws and government standards and practices law. The Fair Board shall comply with all applicable State laws and County policies and procedures in terms of contracts, personnel, budget, and fiscal management.

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6. BUDGET

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General Fund financial support of the Fair Fund is subject to review and approval by the Budget Committee and Board of Commissioners. The Fair Board and Director of Natural Areas, Parks, and Events, in consultation with the County Administrator, will develop and implement business plans to support long-term financial sustainability for the fairgrounds.

Proposed capital improvements will require the final approval of the Board of Commissioners with potential financing coming from the Fair and General Funds, and public or private sources that may be available.

7. CONTRACTING

As a Board of Commissioners-delegated County department, the Director of Natural Areas, Parks, and Events has the authority to sign contracts. The Director of Natural Areas, Parks, and Events must follow public contracting law procedures as set forth in ORS Chapter 279 and use standard County contract forms. The Director of Natural Areas, Parks, and Events will manage contracts, permits, and licenses.

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Major renovations or new construction will be addressed as part of the County's Capital Improvement Plan (CIP) process. The Board of Commissioners has final authority to make and implement capital investment decisions.

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The BOC will advise the Fair Board at least 30 days in advance, where practical, when Benton County projects and planning will potentially impact the event center and fairgrounds facilities and/or staffing. The BOC has final authority to make and implement master plan-related decisions.

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The Fair Board will review policy updates developed by the Director of Natural Areas, Parks, and Events and approve them for submission to the BOC for final review and confirmation that the policies follow County guidelines.

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12. MEDIATION & ARBITRATION

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Arbitration shall be conducted by an arbitrator chosen from the applicable panel of arbitrators available from American Arbitration Association, by mutual agreement between the Fair Board and the County, following the procedure prescribed by that association for such services and shall proceed thereafter in accordance with ORS Chapter 36. Any mutually incurred cost from the provision of these services shall be shared equally between the two parties.

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15. AMENDMENTS

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At any time, with or without cause, either party, in its sole discretion shall have the absolute right to terminate this agreement by giving thirty (30) days' written notice to the other party.

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BENTON COUNTY
FAIR BOARD

Trudy Overlin, Chair Date

APPROVED AS TO FORM:

County Counsel Date

BENTON COUNTY
BOARD OF COMMISSIONERS

Nancy Wyse, Chair Date

Pat Malone, Commissioner Date

Xanthippe Augerot, Commissioner Date

DocuSign Envelope ID: B27B5FAE-D7E7-4C19-94D7-B382AD2BC7A7

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BENTON COUNTY
FAIR BOARD

Trudy Overlin Digitally signed by Trudy Overlin Date: 2023.02.27 07:42:51 -08'00'

Trudy Overlin, Chair — Date

APPROVED AS TO FORM:

2-2-23

County Counsel — Date

BENTON COUNTY
BOARD OF COMMISSIONERS

02/22/23

Nancy Wyse, Chair — Date

DocuSigned by:
Pat Malone 12/06/2022

Pat Malone, Commissioner — Date

DocuSigned by:
Xanthippe Augerot 12/07/2022

Xanthippe Augerot, Commissioner — Date

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 12/06/22

View Agenda Tracker

Suggested Placement * BOC Tuesday Meeting

Department * PARKS EVENTS

Contact Name * Lynne McKee

Phone Extension * 6090

Meeting Attendee Name * Lynne McKee

Agenda Item Details

Item Title * BOC Order Granting Honeybrine Catering Sole Source Exemption

Item Involves * Check all that apply

- [ ] Appointments
- [ ] Budget
- [ ] Contract/Agreement
- [x] Discussion and Action
- [ ] Discussion Only
- [ ] Document Recording
- [ ] Employment
- [ ] Notice of Intent
- [x] Order/Resolution
- [ ] Ordinance/Public Hearing 1st Reading
- [ ] Ordinance/Public Hearing 2nd Reading
- [ ] Proclamation
- [ ] Project/Committee Update
- [ ] Public Comment
- [ ] Special Report
- [ ] Other

Estimated Time * 15 minutes

Board/Committee Involvement *

- ( ) Yes
- (•) No

Advertisement * ○ Yes
◉ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

Valley Catering was the food concessionaire at the Adair Clubhouse for many years, but closed their business in 2020 due to COVID. Kate Lynch, owner of Forks & Corks Catering, took over Valley Catering's contract through December 31, 2022. Kate spent months of time and a significant budget to upgrade the facility including new carpets and lighting fixtures, artwork, interior paint and tilework, and new kitchen equipment.

Kate Lynch is now selling her businesses with plans to relocate to the East Coast. She has done a market search to identify a catering business that would be willing to take over the Adair Clubhouse contract with Benton County, as well as purchase her equipment and fixtures from the facility. Honeybrine Catering has been the sole business willing to take over the Adair Clubhouse operations. Honeybrine Catering currently operates out of a commercial kitchen in Albany, and has been looking for an event venue. The owner, Emily Vasey, is knowledgeable in catering, event planning, health requirements, and commercial kitchen maintenance and licensing. See attached proposal from Honeybrine Catering.

Due to the fact that Kate Lynch has already completed a market search for appropriate catering businesses, and that this arrangement impacts both the Benton County contract, as well as Kate Lynch's ability to sell her business interests, it is requested that the BOC approve a sole source exemption for Honeybrine Catering to enter into a food concessionaire contract with Benton County.

Options *

1) Approve the sole source exemption
2) Reject the sole source exemption

Fiscal Impact *

- (•) Yes
- ( ) No

Fiscal Impact Description *

Revenues from the Adair Clubhouse dependent on the contract negotiated with Honeybrine Catering.

2040 Thriving Communities Initiative

Mandated Service? *

- ○ Yes
- ◉ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website HERE.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- ☑ Vibrant, Livable Communities
- ☐ Supportive People Resources
- ☐ High Quality Environment and Access
- ☑ Diverse Economy that Fits
- ☐ Community Resilience
- ☐ Equity for Everyone
- ☐ Health in All Actions
- ☐ N/A

Explain Core Values Selections *

Adair Clubhouse provides space for community events and programming

Focus Areas and Vision *

Select all that apply.

- ☐ Community Safety
- ☐ Emergency Preparedness
- ☐ Outdoor Recreation
- ☑ Prosperous Economy
- ☐ Environment and Natural Resources
- ☐ Mobility and Transportation
- ☐ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☑ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☐ N/A

Explain Focus Areas and Vision Selection *

Adair Clubhouse provides space for community events, programming and nonprofit fundraising. Supports local farmers with Farm to Fork dinners.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Staff recommends approving the sole source exemption for Honeybrine Catering

Meeting Motions * I move to ...

... approve Order # 2022-085, sole source exemption for Honeybrine Catering to enter into a contract with Benton County as the Adair Clubhouse food concessionaire.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments	Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.	
	BOC ORDER granting Honeybrine Sole Source Exemption.pdf	7.54KB
	Lease Proposal for Officers Club.pdf	125.49KB
Comments (optional)	If you have any questions, please call ext.6800	
Department Approver	LYNNE MCKEE	

Department Approval

Comments

Signature



BOC Initial Approval

Approvals Required	☑ Counsel ☑ Finance ☐ HR
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Comments	

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Comments

Signature



Finance Approval

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County Administrator Approval

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BOC Final Approval

Comments

Signature



Lease Proposal for Officer's Club Venue and Kitchen
Honeybrine Catering

events@honeybrine-oregon.com
www.honeybrine-oregon.com
720-238-1449

1. **Honeybrine Background**
    a. **Business Background**

Honeybrine Catering was founded in October 2019 by myself and my husband. I purchased the equipment and client list from Cody Utzman of Frankie's Restaurant after working under him for 5 years as Restaurant and Catering General Manager. Due to Covid I ran the business by myself until December 2021 at which point, I was able to hire a chef. I now have 2 full time kitchen employees and approximately 10 on call servers/bartenders. We are the exclusive caterer for Santiam Excursion Trains, we have catered the Boys and Girls Club of Albany's semiannual fundraising events for 3 years and have recently signed a catering contract with the Linn County Fair and Expo Center. Our passion is to create delicious made from scratch food with high quality ingredients, to support local agriculture and use local products whenever possible, and to foster community through food. We are excited to be an active and involved addition to Adair Village and have hopes to develop deep roots in the community.

b. Owner Background

I am a culinary school graduate with 25 years of experience in the hospitality industry. I have managed restaurants, written cookbooks, owned a personal chef business and traveled both domestically and abroad to further my culinary experience and education. I own a small farm in Jefferson and have close ties with the agricultural and farmer's market communities in Albany and Corvallis. I am a member of the Albany Downtown Association and the Albany Chamber of Commerce. I have a passion for food, not only as one of the great pleasures in life, but as a way to bring people together and create dynamic fellowship in diverse communities.

2. **Proposed Uses for Venue and Kitchen**
    a. **Uses for Venue**
        - Event Rental (weddings, business meetings, parties, etc.)
        - Farm to Table and Supper Club type dinners (pre-sold tickets)
        - Cooking Classes/Demonstrations
        - Wine Tasting/Pairing Events
        - Open to the Public Evenings/Days (Live Music, Pizza Night, Holiday Themed Open Houses)
    b. **Uses for Kitchen**
        - Cooking for on and off-site catering
        - Cooking for Camron Ridge Kitchen (farm to table prepared food business with my colleague Liz Shinn)
        - Sublet to local small food producers on an hourly or monthly basis
        - Sublet to small farmers for food processing on an hourly or monthly basi

3. **Proposed Rent**

   See table below for past, current and projected revenue and expenses. Proposed rent is highlighted in yellow.

   *Full rent is based on the previous contract with Forks and Corks Catering adjusted for a 3% increase annually.

	Annual Revenue	Monthly Revenue	Monthly Utilities	Monthly Other Fixed Expenses (Insurance, Licenses, Etc.)	Monthly Rent	All Fixed Expenses as a % Of Monthly Revenue
2021	97,500	8,125	-	500	1,650	26%
2022	139,000 YTD 175,000 Projected Annual	14,583	-	1,500	1,650	21%
2023 Projected	250,000	20,833	3,000	2,000	2,100 (50% of full rent)	33%
2024 Projected	350,000	29,166	4,000	3,000	3,200 75% of full rent	24%
2025 Projected	500,00	41,666	5,000	4,000	4,448 full rent	31%

4. **Considerations for Reduction of Rent**

   My request for a reduction of rent for the next 2 years is based on the following.

   a. The time it will take to increase my revenue to be equal to my increase in expenses
   b. The high rate of inflation and increased costs for staff
   c. The possibility of a recession and subsequent dip in business
   d. The increased marketing expenses for the venue and all of the new events we hope to offer there
   e. The uncertainty of Covid and need to plan conservatively based on possible lockdown orders or prohibition of large gatherings again

I am fully committed to making this venue and my business as a whole a long-term success and the ability to keep the transition affordable will help make this possible. We are eager and excited to make the Officer's Club a popular event destination again as well as a vibrant part of Adair Village.

Thanks for your consideration.

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

In the Matter of Granting Exceptions	**)**	
to the Benton County Code Chapter 2	**)**	**ORDER NO. 2022-085**
to Purchase from a Sole Source Vendor	**)**	

THAT, the above-entitled matter comes now for the consideration of the Benton County Board of Commissioners (the Board), a request for sole source exemption pursuant to BCC 2.725 of the Benton County Contract Code; and

THAT, the Board finds the Benton County Natural Areas, Parks and Events Department is in need of a business to provide food concessionaire services for the Adair Clubhouse. The provider of these services must be familiar with catering, event planning, health requirements, and commercial kitchen maintenance and licensing; and

THAT, the Board finds that the existing food concessionaire, Kate Lynch of Forks & Corks Catering, completed a market search to determine which business would purchase the existing equipment and fixtures and enter into a food concessionaire agreement with Benton County and identified Honeybrine Catering: and

Any competitive contracting process would not take into account purchasing the Forks & Corks Catering business in addition to entering into a food concessionaire contract with Benton County; and

THAT, the Board finds the Benton County Natural Areas, Parks and Events Department requests a sole source exemption to the RFP process pursuant to BCC 2.725.

NOW, THEREFORE, IT IS HEREBY ORDERED, based on the findings above, that the Benton County Board of Commissioners authorizes use of the sole source exemption to the RFP process, as described in BCC 2.725, to contract with Honeybrine Catering for food concessionaire services for the Adair Clubhouse.

Adopted this 6th day of December, 2022.

Signed this 6th day of December, 2022.

BOARD OF COMMISSIONERS

Approved as to form:

_____
Nancy Wyse, Chair

_____
Vance Croney, County Counsel

_____
Pat Malone, Commissioner

_____
Xanthippe Augerot, Commissioner

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

In the Matter of Granting Exceptions	**)**	
to the Benton County Code Chapter 2	**)**	**ORDER NO. 2022-085**
to Purchase from a Sole Source Vendor	**)**	

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Adopted this 6th day of December, 2022.

Signed this 6th day of December, 2022.

BOARD OF COMMISSIONERS

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

Approved as to form:

DocuSigned by:
Vance M. Croney
B0D67324472D4FA...
Vance Croney, County Counsel

DocuSigned by:
Pat Malone
744FC1377E0E4AF...
Pat Malone, Commissioner

DocuSigned by:
Xanthippe Augerot
829B24BF3C13426...
Xanthippe Augerot, Commissioner

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 12/06/22

View Agenda Tracker

Suggested Placement * BOC Tuesday Meeting

Department * Assessor's Office

Contact Name * Jenny Anderson

Phone Extension * 6266

Meeting Attendee Name * Jenny Anderson

Agenda Item Details

Item Title * Discussion and Decision to Adopt the 2023 Revised Fee Schedule for Assessment Department

Item Involves * Check all that apply

- [ ] Appointments
- [x] Budget
- [ ] Contract/Agreement
- [ ] Discussion and Action
- [ ] Discussion Only
- [ ] Document Recording
- [ ] Employment
- [ ] Notice of Intent
- [x] Order/Resolution
- [ ] Ordinance/Public Hearing 1st Reading
- [ ] Ordinance/Public Hearing 2nd Reading
- [ ] Proclamation
- [ ] Project/Committee Update
- [ ] Public Comment
- [ ] Special Report
- [ ] Other

Board/Committee Involvement *

- ○ Yes
- ◉ No

Advertisement *

- ○ Yes
- ◉ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The last approved fee schedule was dated January 1, 2021, in which the Department increased all fee's and added several new ones. The Assessment Dept. has proposed a $25.00 overall fee increase for most of the non-statutory fees. This will keep the department in-line with other Assessment Office fees and assist in recouping some of the department's increased cost. The proposed Fee Schedule also seeks to add 3 new fees; one is a Statute driven fee to allow Senior Deferral Applications to file late with a late filing fee, Unrecorded Document Processing Fee and a Tiny Home/Park Model processing fee. Please see attached 2023 Proposed fee schedule, which shows a comparison of our current fee schedule and the proposed fee schedule. All proposed fee changes are highlighted in red.

Options *

1) Reject proposed Fee Schedule
2) Approve proposed Fee Schedule
3) Approve with modifications

Fiscal Impact *

- (•) Yes
- ( ) No

Fiscal Impact Description *

Approximately $3,000-$10,000/yr.

2040 Thriving Communities Initiative

Mandated Service? *

- (•) Yes
- ( ) No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website HERE.

Mandated Service Description *

If this agenda checklist describes a mandated service or other function, please describe here.

Assessor Role mandated by Oregon Department Of Revenue and defined in Chapter 308.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- [ ] Vibrant, Livable Communities
- [ ] Supportive People Resources
- [ ] High Quality Environment and Access
- [ ] Diverse Economy that Fits
- [ ] Community Resilience
- [ ] Equity for Everyone
- [ ] Health in All Actions
- [x] N/A

Explain Core Values Selections *

n/a

Focus Areas and Vision *

Select all that apply.

- [ ] Community Safety
- [ ] Emergency Preparedness
- [ ] Outdoor Recreation
- [ ] Prosperous Economy
- [ ] Environment and Natural Resources
- [ ] Mobility and Transportation
- [ ] Housing and Growth
- [ ] Arts, Entertainment, Culture, and History
- [ ] Food and Agriculture
- [ ] Lifelong Learning and Education
- [x] N/A

Explain Focus Areas and Vision Selection *

n/a

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Approve proposed Fee Schedule

Meeting Motions * I move to ...

Approve proposed Fee Schedule

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

2023_Proposed_Fee_Schedule.xlsx	17.99KB
Assessor_ Order_fees_2023docx.docx	13.34KB

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

Department Approver TAMI TRACY

Department Approval

Comments

Signature



BOC Initial Approval

Approvals Required	☑ Counsel ☑ Finance ☐ HR
Counsel Approver	VANCE CRONEY
Finance Approver	RICHARD CRAGER
County Administrator Approver	JOE KERBY
Comments	

Counsel Approval

Comments

Signature



Finance Approval

Comments

Signature



County Administrator Approval

Comments

Signature



BOC Final Approval

Comments

Signature



Benton County Department of Assessment
Fee Schedule
Effective 1/1/2023

		Proposed
Large Assessment Maps (18 x 24)	$10.00	
Small Assessment Maps (8 ½ x 11)	$2.00	
Photo Copies and Printouts	$1.00/page	
Appraisal Jacket Retrieval	$1.00 jacket	
Fax fee- 1ST Page	$3.00/collectible in advance	
Fax Each Additional Page	$1.00 pg/collectible in advance	
Farm & Forest Disqualification Estimate	$125.00/tax lot	$175.00
* Calculation of potential additional taxes on specially assessed land		
Tax prepayment computation on subdivisions	$150.00/tax lot	$175.00/tax lot
* Calculation of additional taxes on specially assessed land		
Small Tract Late Filing Fee (ORS 321.719)	$200.00 Minimim	
Farm Deferral Re-Application Fee (ORS 308A.089)	$1.00/$1,000 of RMV, Min $10.00, Max $250	
Conservation Easement Application Fee	$350.00	$375.00
Farm/Forest/Wildlife/Riparian/Habitat Special Assessment App	$200.00	$225.00
Custom Report Fee	$65/hour	$90/hour
Research Fee	$65/hour	$90/hour
Mailing Charge	Actual Cost	
Returned Checks	Actual Cost	
Annexation Processing Fee	$150.00 plus $20 per tax lot	$175.00 plus $25.00 per tax lot
Creation of New District	$1,000.00	$1,025.00
Creation of new Urban Renewal District*	$2,000.00 plus $10 per tax lot	$2,025.00 plus $15 per tax lot
Partition Plat Processing Fee	$225.00 plus $25 per tax lot	$250.00 plus $30 per tax lot
Subdivision Plat Processing Fee	$225.00 plus $25 per tax lot	$250.00 plus $30 per tax lot
Exemption Application Fee for special organization	$200.00	$225.00
Property Tax Exemption late filing fee (ORS 307.162)	Greater of $200, or 1/10 of 1 % of RMV	
Enterprise Zone Pre-Authorization Application Fee	$400.00	$425.00
Enterprise Zone Exemption Annual Filing Fee	$200.00	$225.00
Veteran Exemption Late Filing Fee (ORS 307.260)	$10.00	
Manufactured Structure Transfer Fee	$100.00	
Manufactured Structure Exemption Fee	$75.00	
Manufactured Structure Moving Fee	$40.00 total	
Manufactured Structure Un-Exemption Fee	$75.00	

Assessor Web Extract Download	$600/download	$1,000.00
Low Income Housing Special Assessment Application	$300.00	$325.00
Construction in Process Exemption Fee	$200.00	$225.00

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

In the Matter of Adopting the	)	
Revised 2023 Fee Schedule for the	)	**ORDER #D2022-086**
Assessment Department	)	

WHEREAS, pursuant to Benton County Code, Section 1.040, all fees authorized to be charged under the Benton County Code shall be set by order of the Board of Commissioners;

WHEREAS, the current fee schedule in use by the Benton County Assessor's Office has not been revised since January 1, 2021;

IT APPEARING TO THE BOARD, that it is in the best interest for the general public that fees for services provided by the Assessor's Office shall be charged to those persons using those services;

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached "Schedule A" of fees shall be charged to all persons, firms or corporations who use those services provided by the Benton County Assessor's Office.

BE IT FURTHER ORDERED that said schedule shall become effective on January 1, 2023, and shall supersede all previously adopted schedules.

Adopted this 6th day of December, 2022.

Signed this 6th day of December, 2022.

BENTON COUNTY
BOARD OF COMMISSIONERS

_____
Nancy Wyse, Chair

_____
Pat Malone, Commissioner

_____
Xanthippe Augerot, Commissioner

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

In the Matter of Adopting the	)	
Revised 2023 Fee Schedule for the	)	**ORDER #D2022-086**
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NOW, THEREFORE, IT IS HEREBY ORDERED that the attached "Schedule A" of fees shall be charged to all persons, firms or corporations who use those services provided by the Benton County Assessor's Office.

BE IT FURTHER ORDERED that said schedule shall become effective on January 1, 2023, and shall supersede all previously adopted schedules.

Adopted this 20th day of December, 2022.

Signed this 20th day of December, 2022.

BENTON COUNTY
BOARD OF COMMISSIONERS

DocuSigned by:
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Nancy Wyse, Chair

DocuSigned by:
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Pat Malone, Commissioner

DocuSigned by:
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Xanthippe Augerot, Commissioner

DocuSign Envelope ID: B3AF7525-CC44-427A-B2D5-A20B1F591EBD

Benton County Department of Assessment
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Effective 1/1/2023

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Assessor Web Extract Download	$600/download	$1,000.00
Low Income Housing Special Assessment Application	$300.00	$325.00
Construction in Process Exemption Fee	$200.00	$225.00

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 12/06/22

View Agenda Tracker

Suggested Placement * BOC Tuesday Meeting

Department * Sheriff's Office

Contact Name * Dawn Dale

Phone Extension * 6884

Meeting Attendee Name * Dawn Dale, Dean Barnes

Agenda Item Details

Item Title * In the Matter of Setting Fees Charged for Levy & Sale of Real and Personal Property by the Benton County Sheriff's Office

Item Involves * Check all that apply

- [ ] Appointments
- [ ] Budget
- [ ] Contract/Agreement
- [x] Discussion and Action
- [ ] Discussion Only
- [ ] Document Recording
- [ ] Employment
- [ ] Notice of Intent
- [x] Order/Resolution
- [ ] Ordinance/Public Hearing 1st Reading
- [ ] Ordinance/Public Hearing 2nd Reading
- [ ] Proclamation
- [ ] Project/Committee Update
- [ ] Public Comment
- [ ] Special Report
- [ ] Other

Estimated Time * 10 MIN

Board/Committee Involvement *

- ( ) Yes
- (•) No

Advertisement * ○ Yes
◉ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The Benton County Sheriff's Office is respectfully requesting a revision to the existing fee schedule associated with the sale of real and personal property within the civil division of the Sheriff's Office.

ORS18.930 (5) exclaims that "The County may establish a fee to be collected by the sheriff at the time of sale. The amount of the fee shall be established by the governing body of the county and may not be greater than the amount necessary to pay the county for the expenses incurred by the county for giving notice of the sale and conducting the sale and for the anticipated expenses for any notices required to be given after the sale and other post-sale administration of the sale."

The Sheriff's Office initially set the fee schedule in December, 2020 (Order D2020-089), outlining the costs associated with preparing, conducting, and finalizing sales of real and personal property. While some fees are fixed either by statute (ORS 21.410, ORS 18.652), or by the nature of the expense (such as postage, making copies, etc.), other fees, such as employee wages, will be subject to change.

The average hourly rate was calculated using the actual costs associated with Patrol and Civil staff (salary and benefits), and is adjusted for the second half of the calendar year based on the negotiated wage increase effective July 1, 2023 of 4 percent (4%) in the collective bargaining agreement between Benton County and the Benton County Deputy Sheriff's Association. The proposed calculated rate for Patrol staff time is increased from $64.80 to $69.65 per hour. While civil staff is adjusted for the second half of the calendar year based on the negotiated wage increase effective July 1, 2023 of 3.25 percent (3.25%) in the collective bargaining agreement between Benton County and the American Federation of State, County, and Municipal Employees, Local 2064. The proposed calculated rate for civil staff is increased from $44.70 to $51.72 per hour.

Options *

1). Approve the revised fee schedule for the sales of real and personal property conducted by the Civil Division.
2). Modify and approve.
3). Do not approve.

Fiscal Impact *

- (●) Yes
- ( ) No

Fiscal Impact Description *

Approval of the fee schedule will increase the budget in the General Fund, Public Safety program by an indeterminate amount based on the volume of real and personal property sales completed.

2040 Thriving Communities Initiative

Mandated Service?* (•) Yes ( ) No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website HERE.

Mandated Service Description* If this agenda checklist describes a mandated service or other function, please describe here.

ORS 18.930
Conduct of sale generally
• county fee
(5)
The county may establish a fee to be collected by the sheriff at the time of sale. The amount of the fee shall be established by the governing body of the county and may not be greater than the amount necessary to pay the county for the expenses incurred by the county for giving notice of the sale and conducting the sale and for the anticipated expenses for any notices required to be given after the sale and other post-sale administration of the sale.

ORS 21.300
Sheriff and process server fees
(1)
The sheriff of a county shall collect the following fees in civil actions, suits and proceedings for each case delivered to the office of the sheriff:
(a)
$45 for serving a summons, a subpoena, a citation, an order, a notice, including notice of seizure and sale of personal or real property, a notice of restitution and notice of seizure under writ of attachment or execution or a similar document, including small claims or writ of execution, directed to not more than two parties at the same address. If service is requested for more than two parties at the same address, the fee is $25 for each party at the same address. The fee authorized by this paragraph shall not be charged to the state in civil actions, suits and proceedings where one party is a person who has been appointed counsel at state expense.
(b)
For seizure and sale of personal or real property, enforcement of writ of execution of judgment of restitution, or other enforcement or seizure under writ of attachment or execution, or other process or proceeding, $80, and, in addition, such sums as may be reasonable and necessary for the costs of standing by in anticipation of securing custody of the property, the expense of securing each keeper or custodian of property, the expense of inventory of property and the expense incurred in advertising required by law in the sale of the property.
(c)
For making a sheriff's deed, certificate of redemption or conveyance of real property sold on any process, $50, to be paid by, or for, the grantee.
(d)
For making a copy of any process, order, notice or other instrument in writing, when necessary to complete the service thereof, for each folio, $3; but no charge shall be made for copy of complaint or other document not actually made by the sheriff.
(2)
Persons other than a sheriff serving process and other documents may charge any fee agreed to between the server and the person requesting service.
(3)

The county may retain fees collected for service by the sheriff if the party to be served cannot be found.
(4)
A sheriff may not collect mileage or commission for service of any document or process but in any service involving travel in excess of 75 miles round trip a sheriff may bill and collect an additional fee not to exceed $45. Mileage shall be measured from the location at which the service is made to the circuit court in that county.
(5)
Amounts paid for service of process and other documents may be recovered as costs and disbursements to the extent provided by ORS 20.115 (Service expenses recoverable as costs and disbursements).
(6)
A sheriff may not collect a fee under this section for serving a foreign restraining order or an order that only grants relief under ORS 107.095 (Provisions court may make after commencement of suit and before judgment) (1)(c).
(7)
As used in this section:
(a)
“Folio” means 100 words, counting two figures as one word. Any portion of a folio, when the whole paper contains less than a folio, or when such portion is an excess over the last folio, shall be deemed a folio.
(b)
“Foreign restraining order” means a restraining order that is a foreign judgment as defined by ORS 24.105 (Definitions for ORS 24.105 to 24.125, 24.135 and 24.155 to 24.175). [Formerly 21.410; 2017 c.390 §1]Note: Section 3, chapter 390, Oregon Laws 2017, provides:Sec. 3. (1) On January 1, 2021, the Oregon Department of Administrative Services shall determine the cumulative percentage increase or decrease in the cost of living for the previous four years, based on changes in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor. The Oregon Department of Administrative Services shall adjust the fees under ORS 21.300 (Sheriff and process server fees) (1) and (4) as follows:
(a)
If the cost of living has increased, the department shall adjust the fees by multiplying the fee amounts by the percentage amount determined under this subsection. The department shall round the adjusted fees up to the nearest $1. The adjusted fees become effective on July 1, 2021, and apply to all fees incurred on or after July 1, 2021.
(b)
If the cost of living has not increased, the department may not change the fees.
(2)
After the department adjusts the fees under ORS 21.300 (Sheriff and process server fees) (1) and (4) as provided in subsection (1) of this section, the department shall promptly notify the Oregon State Sheriffs’ Association of the adjusted fees. [2017 c.390 §3; 2019 c.57 §1]

ORS 206.325
Expenses of sheriff in caring for property in custody
A sheriff is entitled to claim from the plaintiff or moving party in any account, action or proceeding such reasonable sums of money as the sheriff may have been compelled to pay or incur in the care of property in the custody of the sheriff, under attachment, execution or proceedings for the claim and delivery of personal property. [Formerly 204.425]

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- [ ] Vibrant, Livable Communities
- [ ] Supportive People Resources
- [ ] High Quality Environment and Access
- [ ] Diverse Economy that Fits
- [ ] Community Resilience
- [ ] Equity for Everyone
- [ ] Health in All Actions
- [x] N/A

Explain Core Values Selections *

N/A

Focus Areas and Vision *

Select all that apply.

- [ ] Community Safety
- [ ] Emergency Preparedness
- [ ] Outdoor Recreation
- [ ] Prosperous Economy
- [ ] Environment and Natural Resources
- [ ] Mobility and Transportation
- [ ] Housing and Growth
- [ ] Arts, Entertainment, Culture, and History
- [ ] Food and Agriculture
- [ ] Lifelong Learning and Education
- [x] N/A

Explain Focus Areas and Vision Selection *

N/A

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Sheriff Van Arsdall recommends the approval of the revised fee schedule.

Meeting Motions * I move to ...

..... approve the revised fee schedule for the sales of real and personal property conducted by the Benton County Sheriff's Office Civil Division.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

BOC DRAFT Civil Fees 2022.docx 25.8KB

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

Department Approver JEFRI VANARSDALL

Department Approval

Comments

Signature



BOC Initial Approval

Approvals Required	☑ Counsel ☑ Finance ☐ HR
Counsel Approver	VANCE CRONEY
Finance Approver	RICHARD CRAGER
County Administrator Approver	JOE KERBY
Comments	

Counsel Approval

Comments

Signature



Finance Approval

Comments

Signature



County Administrator Approval

Comments

Signature



BOC Final Approval

Comments

Signature



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

In the Matter of Setting Fees Charged for Levy & Sale of Real and Personal Property by the Benton County Sheriff's Office	} } }	**ORDER NO. D2022-084**

WHEREAS, the Board of Commissioners for Benton County has the authority to set reasonable fees under ORS 18.930 (5); and

IT APPEARING TO THE BOARD, that it is in the best interest for the general public that fees should be charged to those persons requesting Seizure and Sale of Real and Personal Property;

IT FURTHER APPEARING TO THE BOARD, that it is in the best interest for the general public that a reasonable fee be set to provide for a portion of those costs incurred by the County in enforcing said Seizure and Sale of Real and Personal Property;

IT FURTHER APPEARING TO THE BOARD, that it is in the best interest for the general public that these reasonable fees be based on the actual time and material costs incurred by the County in enforcing said Seizure and Sale of Real and Personal Property;

NOW, THEREFORE, IT IS HEREBY ORDERED that the following schedule of fees shall be charged to all persons, firms or corporations who request enforcement of Seizure and Sale of Real and Personal Property from the Benton County Sheriff's Office.

BE IT FURTHER ORDERED that said schedule shall become effective on January 1, 2023, and shall supersede all previously adopted schedules.

Fees for Levy & Sale of Personal Property under ORS 18.930(5), ORS 21.300, and ORS 206.325

- Review Writ of Execution and Instructions, and Prepare Sale Files; $51.72 per hour (calculated by actual time)
- Levy and inventory property; $69.65 per hour, per Patrol Deputy (calculated by actual time)
- Care and custody of property under ORS 206.325 (actual cost)
- Create Notice of Sale and mail; $51.72 per hour (calculated by actual time)
- Conduct sale; $51.72 per hour (calculated by actual time)
- Deputy standby during sale; $69.65 per hour, per Patrol Deputy (calculated by actual time)
- Create Bill of Sale and mail; $51.72 per hour (calculated by actual time)
- Create Return on Writ of Execution and File with court; $51.72 per hour (calculated by actual time)
- Prepare mail for Return on Writ of Execution; $51.72 per hour (calculated by actual time)
- Cost Tracking and Invoicing; $51.72 per hour (calculated by actual time)
- Mail postage fees (actual cost)

Fees for Levy & Sale of Real Property Established under ORS 18.930(5) and ORS 21.300

- Review Writ of Execution and Instructions, and Prepare Sale Files; $51.72 per hour (calculated by actual time)
- Create and file Notice of Levy with court; $51.72 per hour (calculated by actual time)
- Create Notice of Sale and submit for publishing; $51.72 per hour (calculated by actual time)
- Prepare mail for Writ of Execution and Notice of Sale; $51.72 per hour (calculated by actual time)
- Newspaper Publishing and OSSA Website Publishing; (actual cost)
- Conduct sale or postponement; $51.72 per hour (calculated by actual time)
- Deputy standby to conduct sale; $69.65 per hour, per Patrol Deputy (calculated by actual time)
- Create Certificate of Sale and mail; $51.72 per hour (calculated by actual time)
- Create Notice of Completed Sale and mail; $51.72 per hour (calculated by actual time)
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- Prepare mail for Return on Writ of Execution; $51.72 per hour (calculated by actual time)
- Cost Tracking and Invoicing; $51.72 per hour (calculated by actual time)
- Mail postage fees (actual cost)

Fees Established under ORS 21.300 and ORS 18.652

- Service of Notice Process
- Delivery of Writ of Garnishment under ORS 18.652.
- Enforcement of Writ of Execution.
- Making a copy of any process, order or notice for each folio (100 words minimum).
- Creating a Conveyance (Deed) of Real Property.

Adopted this 6th day of December, 2022.

Signed this 6th day of December, 2022.

BENTON COUNTY
BOARD OF COMMISSIONERS

Nancy Wyse, Chair

Pat Malone, Commissioner

Xanthippe Augerot, Commissioner

DocuSign Envelope ID: 7B9D7F7B-7ADE-4B47-99A3-80A032A34B82

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

In the Matter of Setting Fees Charged for Levy & Sale of Real and Personal Property by the Benton County Sheriff's Office	} } }	**ORDER NO. D2022-084**

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- Creating a Conveyance (Deed) of Real Property.

Adopted this 6th day of December, 2022.

Signed this 6th day of December, 2022.

BENTON COUNTY
BOARD OF COMMISSIONERS

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

DocuSigned by:
744EC1377E0E4AE...
Pat Malone, Commissioner

DocuSigned by:
829B24BE3C13426...
Xanthippe Augerot, Commissioner

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 12/06/22

View Agenda Tracker

Suggested Placement * Work Session

Department * Public Works

Contact Name * Joe Mardis

Phone Extension * 6285

Meeting Attendee Name * Joe Mardis

Agenda Item Details

Item Title * Accept two 50 foot easements for road right-of-way and utility purposes from Legacy Estates LLC for the subdivision plat Legacy Estates.

Item Involves * Check all that apply

- [ ] Appointments
- [ ] Budget
- [ ] Contract/Agreement
- [x] Discussion and Action
- [ ] Discussion Only
- [x] Document Recording
- [ ] Employment
- [ ] Notice of Intent
- [ ] Order/Resolution
- [ ] Ordinance/Public Hearing 1st Reading
- [ ] Ordinance/Public Hearing 2nd Reading
- [ ] Proclamation
- [ ] Project/Committee Update
- [ ] Public Comment
- [ ] Special Report
- [ ] Other

Estimated Time * 15 min

Board/Committee Involvement *

- ○ Yes
- ◉ No

Advertisement * ○ Yes
◉ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

Two 50 foot easements for road right-of-way and utility purposes was requested by Benton County to be given by Legacy Estates LLC, Sandra Villwock, Manager in order to preserve a location for future dedicated public right-of-way to provide connections to properties to the north and south of the Legacy Estates subdivision in the event that the properties are further divided and need alternate exits.

Options *

1) Accept the Easement
2) Deny the Easement

Fiscal Impact *

- ○ Yes
- ◉ No

2040 Thriving Communities Initiative

Mandated Service? *

- ○ Yes
- ◉ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website HERE.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- ☑ Vibrant, Livable Communities
- ☐ Supportive People Resources
- ☑ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☐ Community Resilience
- ☐ Equity for Everyone
- ☐ Health in All Actions
- ☐ N/A

Explain Core Values Selections *

The acquisition of the easement will provide safe access to other communities.

Focus Areas and Vision *

Select all that apply.

- ☑ Community Safety
- ☐ Emergency Preparedness
- ☐ Outdoor Recreation
- ☐ Prosperous Economy
- ☐ Environment and Natural Resources
- ☑ Mobility and Transportation
- ☐ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☐ N/A

Explain Focus Areas and Vision Selection *

The acquisition of the easement will provide safe access to other communities.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Staff recommends that the Board of Commissioners accept both 50 foot easements from Legacy Estates LLC for road right-of-way and utility purposes.

Work Session Motions *

I move to ...

accept both 50 foot easements from Legacy Estates LLC for road right-of-way and utility purposes.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

Legacy Estates R.O.W.pdf 525.4KB

Comments (optional) Original to be wet signed by BOC and filed.
If you have any questions, please call ext.6800

Department Approver GARY STOCKHOFF

Department Approval

Comments

Signature



BOC Initial Approval

Approvals Required
- [x] Counsel
- [ ] Finance
- [ ] HR

Counsel Approver VANCE CRONEY

County Administrator Approver JOE KERBY

Comments

Counsel Approval

Comments

Signature



County Administrator Approval

Comments

Signature

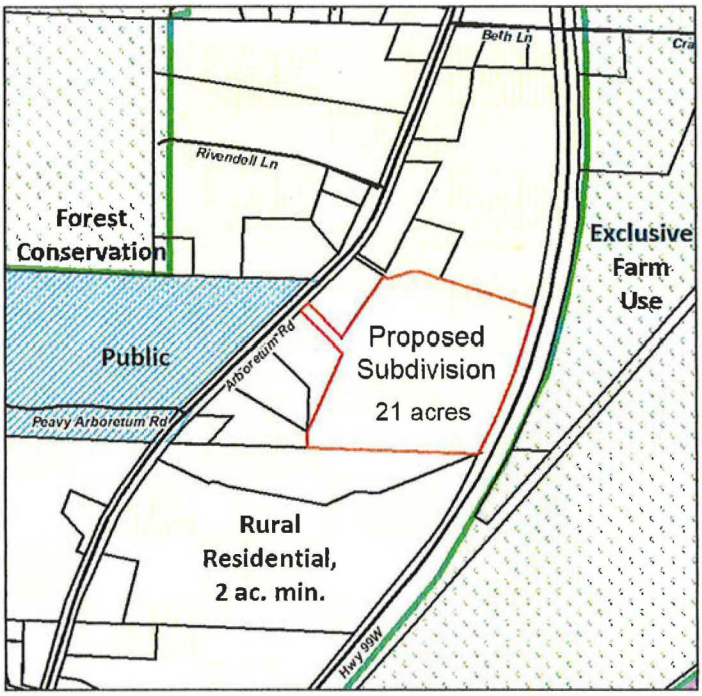


BOC Final Approval

Comments

Signature

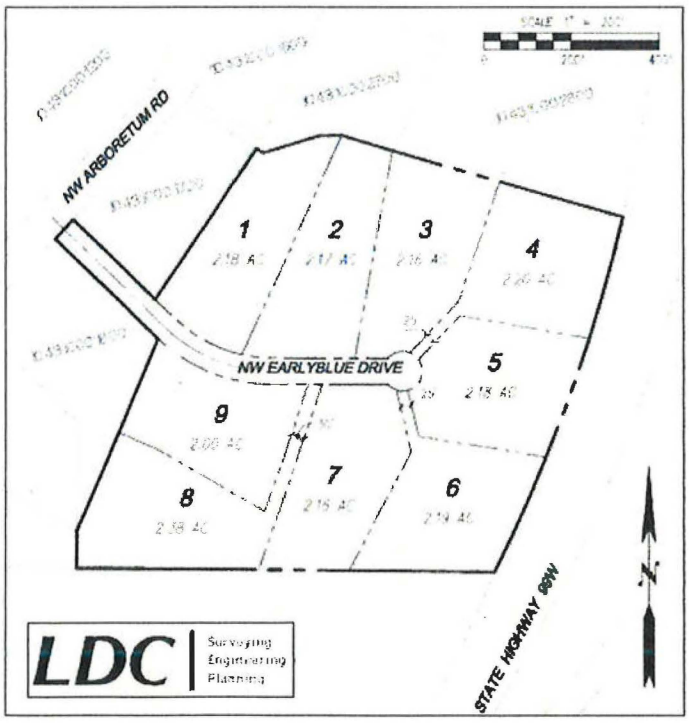




Surrounding zones and tax lots.



Aerial photo of area and wetlands on the property.



Lot configuration.

After Recording Return To:
Benton County Public Works
360 SW Avery Avenue
Corvallis, Oregon 97333

EASEMENT

T10 S, R 4W, Section 31C, Tax Lot 2800

Legacy Estates, LLC, hereinafter referred to as the GRANTOR does hereby and forever grant, assign, agree to and set over unto Benton County, hereinafter referred to as the County, it's heirs, successors and assigns the following permanent easement for road right-of-way and utility purposes, from that parcel described as Legacy Estates Subdivision, Benton County Oregon Subdivision Plat Records, the easement in Exhibit "A" more particularly described as follows:

SEE EXHIBIT "A"
SEE MAP EXHIBIT "B"

With the right of ingress and egress to, over, and from said premises at all times and the right privilege and authority, to the County, to construct, maintain, replace, reconstruct and/or remove road improvements with all appurtenances incident thereto or necessary therewith, on under and across the said premises, and to cut and remove from said right-of-way any trees and other obstructions which may endanger the safety or interfere with the construction, use, or maintenance of said road and all rights and privileges incident thereto.

Benton County has no responsibility to build, improve, maintain, or otherwise service the easement contained within, but shall have the option to dedicate said premises as a public roadway.

Except as to the rights herein granted, GRANTOR reserve the right to full use and control of the above-described real property in a manner consistent with these purposes. No building or other permanent structure that would enjoin the County from the intended purpose of this easement shall be placed upon the premises without the written permission of the County, it's heirs, successors and assigns as applicable.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned Declarant herein has executed this Instrument this 7th day of November, 2022.

Legacy Estates, LLC

Sandra Villwock

By: Sandra Villwock
Its: Manager

STATE OF OREGON)
) ss.
County of Polk)

This instrument was acknowledged before me on November 7th, 2022, by Sandra Villwock, as Manager of Legacy Estates, LLC an Oregon Limited Liability Company.

OFFICIAL STAMP
KAYLEA RAE DOVER
NOTARY PUBLIC - OREGON
COMMISSION NO. 986770
MY COMMISSION EXPIRES MAY 05, 2023

NOTARY PUBLIC FOR OREGON
My Commission Expires: May 5th, 2023

ACCEPTED BY BENTON COUNTY
BOARD OF COMMISSIONERS

BY: _____

DATE: _____

Northstar SURVEYING

David Lee Schlosser Jr. - REGISTERED SURVEYOR

720 NW 4th Street, Corvallis, Oregon 97330; Phone 541-757-9050

Exhibit A

PROPERTY DESCRIPTION FOR LEGACY ESTATES

Easement 1

A 50.00 foot wide strip of land 25.00 feet on each side of the following described centerline:

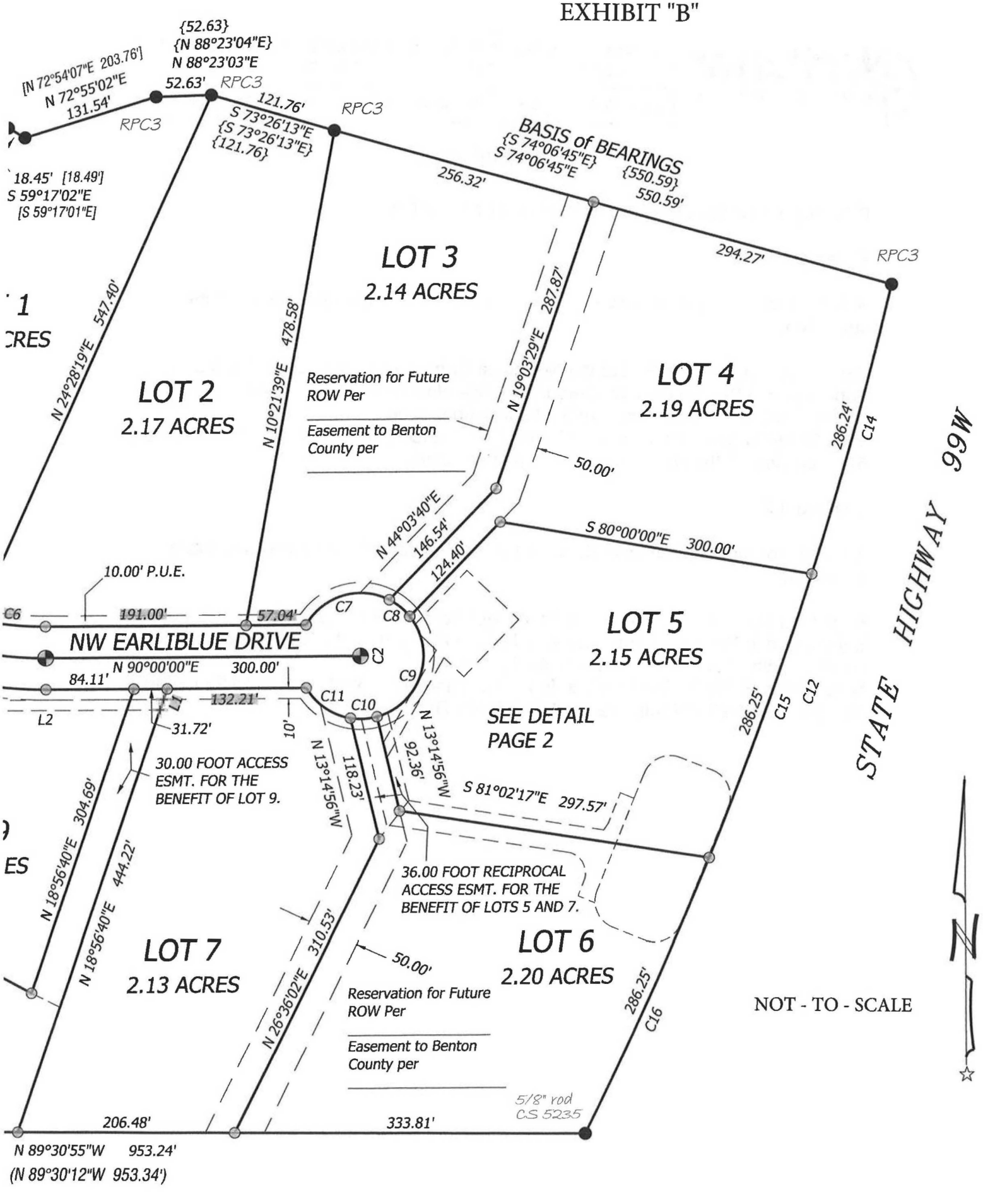
Beginning at a 5/8" Iron Rod at the Northeast Corner of Lot 3, Legacy Estates, a Subdivision in Benton County, Oregon; Thence along the Lot 3 East line being the line common with Lots 4 and then Lot 5, of said Subdivision;
S 19°03'29" W 287.87 feet to a 5/8" Iron Rod: Thence S 44°03'40" W 146.55 feet to a 5/8" Iron Rod on the North line of NW Earliblue Drive.

Easement 2

A 50.00 foot wide strip of land 25.00 feet on each side of the following described centerline:

Beginning at a 5/8" Iron Rod at the Southeast Corner of Lot 7, Legacy Estates, a Subdivision in Benton County, Oregon; Thence along the Lot 7 East line being the line common with Lots 6 and then Lot 5, said Subdivision;
N 26°36'02" E 310.53 feet to a 5/8" Iron Rod; Thence N 13°14'56" W 118.22 feet to a 5/8" Iron Rod on the South line of NW Earliblue Drive.

EXHIBIT "B"


{52.63}
{N 88°23'04"E}
N 88°23'03"E
[N 72°54'07"E 203.76']
N 72°55'02"E
131.54'
52.63'
RPC3
121.76'
S 73°26'13"E
{S 73°26'13"E}
{121.76}
RPC3
RPC3
BASIS of BEARINGS
{S 74°06'45"E}
S 74°06'45"E
{550.59}
550.59'
256.32'
18.45' [18.49']
S 59°17'02"E
[S 59°17'01"E]
294.27'
RPC3
LOT 3
2.14 ACRES
LOT 4
2.19 ACRES
LOT 2
2.17 ACRES
N 24°28'19"E 547.40'
N 10°21'39"E 478.58'
N 19°03'29"E 287.87'
Reservation for Future
ROW Per
Easement to Benton
County per
50.00'
286.24'
C14
N 44°03'40"E
146.54'
124.40'
S 80°00'00"E 300.00'
10.00' P.U.E.
C6
191.00'
57.04'
C7
C8
NW EARLIBLUE DRIVE
C2
N 90°00'00"E 300.00'
84.11'
L1
132.21'
L2
31.72'
10'
C11
C10
C9
LOT 5
2.15 ACRES
SEE DETAIL
PAGE 2
286.25'
C15
C12
STATE HIGHWAY 99W
30.00 FOOT ACCESS
ESMT. FOR THE
BENEFIT OF LOT 9.
N 13°14'56"W
118.23'
92.36'
S 81°02'17"E 297.57'
N 18°56'40"E 304.69'
N 18°56'40"E 444.22'
36.00 FOOT RECIPROCAL
ACCESS ESMT. FOR THE
BENEFIT OF LOTS 5 AND 7.
LOT 7
2.13 ACRES
LOT 6
2.20 ACRES
310.53'
N 26°36'02"E
50.00'
Reservation for Future
ROW Per
Easement to Benton
County per
286.25'
C16
NOT - TO - SCALE
5/8" rod
CS 5235
206.48'
333.81'
N 89°30'55"W 953.24'
(N 89°30'12"W 953.34')

DEPARTMENTAL REPORTS AND REQUESTS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 12/06/22

View Agenda Tracker

Suggested Placement * Work Session

Department * Community Development

Contact Name * Greg Verret

Phone Extension * 6294

Meeting Attendee Name * Greg Verret, Community Development;
Gordon Kurtz, Public Works Engineering

Agenda Item Details

Item Title * Initiate Development Code Amendments Regarding Stormwater

Item Involves * Check all that apply

- [ ] Appointments
- [ ] Budget
- [ ] Contract/Agreement
- [x] Discussion and Action
- [ ] Discussion Only
- [ ] Document Recording
- [ ] Employment
- [ ] Notice of Intent
- [ ] Order/Resolution
- [ ] Ordinance/Public Hearing 1st Reading
- [ ] Ordinance/Public Hearing 2nd Reading
- [ ] Proclamation
- [ ] Project/Committee Update
- [ ] Public Comment
- [ ] Special Report
- [ ] Other

Estimated Time * 30 minutes

Board/Committee Involvement *

- ( ) Yes
- (•) No

Advertisement * ○ Yes
◉ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

Staff is requesting the Board formally initiate the amendment process for Chapter 99 of the Development Code, relating to stormwater management.

Staff will present background information and answer any questions.

Benton County needs to amend its stormwater code due to new requirements from the Oregon Department of Environmental Quality (DEQ) which Benton County and similar jurisdictions are mandated to implement, pursuant to the federal Clean Water Act. The County is required to have updated regulations adopted by March 1, 2023.

The two fundamental changes required by the state are:
1. The threshold for the amount of ground disturbance that triggers the requirement for an erosion and sediment control (ESC) permit is changing from 1 acre to one-quarter acre. This means that many more development activities will require an ESC permit.

2. The threshold for the amount of impervious surface that triggers the requirement for stormwater detention and treatment is changing. Currently, the requirement applies only within the Corvallis Urbanized Area and the UGBs of Corvallis and Philomath, and is triggered by ground disturbance of 1 acre or more or by impervious surface exceeding 25,000 square feet. The new requirement will apply in all of unincorporated Benton County and be triggered by impervious surface exceeding 10,580 square feet (one-quarter acre).

Additionally, staff is proposing to remove design standards from the code and place them in stormwater support documents that include a design manual, a best management practices manual, and the County's overall Stormwater Management Plan. This will simplify updating of design standards in the future as needed to keep up with new technology, including adopted best practices and low impact design principles. We are also proposing modifying the provisions for ongoing maintenance responsibility for stormwater detention and treatment facilities.

A Planning Commission hearing on the proposed code amendments is scheduled for January 3, 2023, followed by a Board public hearing on February 7, 2023.

Staff from Public Works Engineering and Community Development will present more details of the code at the worksession and be prepared to answer questions.

Options *

A. Initiate the amendments
or,
B. Decline to initiate the amendments and give staff alternative direction.

Fiscal Impact *

- (•) Yes
- ( ) No

Fiscal Impact Description *

Initiating the Code amendment process will not have a direct fiscal impact but adopting new code and implementing that program will. Staff will prepare an assessment of the fiscal impact prior to the Board's public hearing (scheduled for 2/7/2023), but in general the revised provisions will result in a significant increase in the number of erosion and sediment control permits and the number of stormwater detention and treatment facilities the County must permit, inspect and ensure are in compliance.

2040 Thriving Communities Initiative

Mandated Service? *

- (•) Yes
- ( ) No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website HERE.

Mandated Service Description *

If this agenda checklist describes a mandated service or other function, please describe here.

Oregon DEQ rules require local jurisdictions such as Benton County to regulate stormwater to state and federal standards.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- [ ] Vibrant, Livable Communities
- [ ] Supportive People Resources
- [x] High Quality Environment and Access
- [ ] Diverse Economy that Fits
- [ ] Community Resilience
- [ ] Equity for Everyone
- [ ] Health in All Actions
- [ ] N/A

Explain Core Values Selections *

The proposed stormwater code provisions are part of Benton County's program to improve water quality in our region.

Focus Areas and Vision *

Select all that apply.

- [ ] Community Safety
- [ ] Emergency Preparedness
- [ ] Outdoor Recreation
- [ ] Prosperous Economy
- [x] Environment and Natural Resources
- [ ] Mobility and Transportation
- [x] Housing and Growth
- [ ] Arts, Entertainment, Culture, and History
- [ ] Food and Agriculture
- [ ] Lifelong Learning and Education
- [ ] N/A

Explain Focus Areas and Vision Selection *

Stormwater runoff is a key component of water quality, which is a key environmental resource. These stormwater regulations will affect many developers, landowners and property managers, requiring permits and implementation of water quality protection measures. This may increase the cost of housing and other development.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations *	Formally initiate the stormwater amendments to the Development Code in compliance with Benton County's DEQ permit conditions.
Work Session Motions *	I move to ... Initiate amendments to the Development Code regarding stormwater management in compliance with Benton County's DEQ permit conditions.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments	Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.
Comments (optional)	If you have any questions, please call ext.6800
Department Approver	DARREN NICHOLS

Department Approval

Comments

Signature



BOC Initial Approval

Approvals Required	☑ Counsel ☑ Finance ☐ HR
Counsel Approver	VANCE CRONEY
Finance Approver	RICHARD CRAGER
County Administrator Approver	JOE KERBY
Comments	

Counsel Approval

Comments

Signature



Finance Approval

Comments

Signature



County Administrator Approval

Comments

Signature



BOC Final Approval

Comments

Signature





National Pollutant Discharge Elimination System Phase II:

Implementation of Upcoming Regulatory Changes for Water Quality

Gordon Kurtz – Associate Engineer – Public Works

December 6, 2022

Benton County OREGON

ACRONYMS IN THIS PRESENTATION

- **NPDES** — **N**ational **P**ollutant **D**ischarge **E**limination **S**ystem
- **BMP(s)** — **B**est **M**anagement **P**ractice(s)
- **OR DEQ** — **Or**egon **D**epartment of **E**nvironmental **Q**uality
- **EPA** — U.S. **E**nvironmental **P**rotection **A**gency
- **ESC** — **E**rosion and **S**ediment **C**ontrol
- **LID** — **L**ow **I**mpact **D**evelopment (green infrastructure)
- **MS4's** — Municipal **S**eparate **S**torm **S**ewer **S**ystems
- **SWM** — **S**torm**w**ater **M**anagement
- **TMDL** — **T**otal **M**aximum **D**aily **L**oad







Benton County OREGON

NPDES PHASE II IMPLEMENTATION PLAN:

Six control measures
Focused on non-point source pollution
Mandated by EPA through Oregon DEQ



1) Public Education & Outreach on Stormwater Impacts
2) Public Involvement & Participation
3) Illicit Discharge Detection & Elimination

IMPLEMENTATION BY 2/28/2023

4) Construction Site Runoff Control

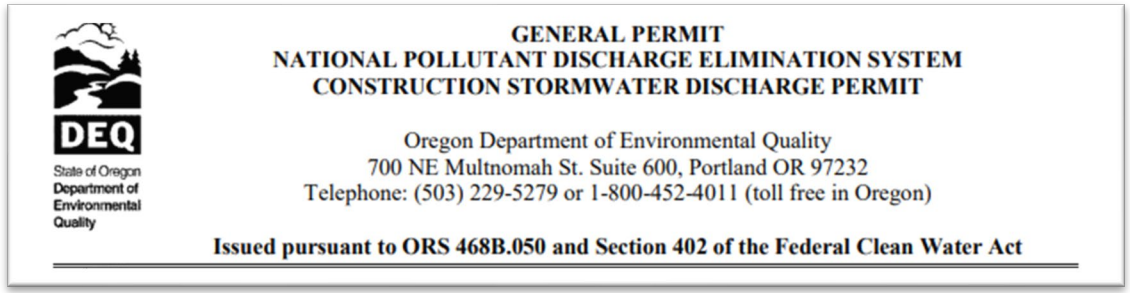
5) Post-Construction Storm water Management in New Development & Redevelopment

6) Pollution Prevention and Good Housekeeping for Local Agency Operations

Benton County OREGON

CURRENT (OLD) STANDARDS: CONSTRUCTION SITES

1. Development projects resulting in ≥1 acres of ground disturbance (clearing vegetation, paving, digging, etc.) must obtain an **Oregon DEQ 1200-C permit** for construction site management.



DEQ
State of Oregon Department of Environmental Quality

GENERAL PERMIT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
CONSTRUCTION STORMWATER DISCHARGE PERMIT

Oregon Department of Environmental Quality
700 NE Multnomah St. Suite 600, Portland OR 97232
Telephone: (503) 229-5279 or 1-800-452-4011 (toll free in Oregon)

Issued pursuant to ORS 468B.050 and Section 402 of the Federal Clean Water Act

2. Once the DEQ permit is issued, these projects must *then* obtain a **Benton County Erosion and Sediment Control Permit.**



Page 1 of 4

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Erosion and Sediment Control (ESC) Permit Application

Benton County Public Works & Community Development
360 SW Avery Ave., Corvallis, OR 97333-1139 (541) 766-6821
www.co.benton.or.us/cd/stormwater/

Department Use Only
PW#: 22-ESC-_____
PW:102-41-20-461-431610
CD#: ESC-22-_____
CD: 001-02-10-155-431075
Receipt #: _____
Date rec'd: _____
Fee: $688
(PW $590 + CD $98)

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NOTE: Currently, projects *under* the 1 acre disturbance threshold do not need an Oregon DEQ permit or a Benton County ESC permit.

PROPOSED STANDARDS: CONSTRUCTION SITES

- Development projects within Benton County that result in **ground disturbance of ¼ acre or more** must obtain a Benton County Erosion and Sediment Control Permit.
- The standards for **1 acre or more remain the same.**



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Current Standards – Post-Construction SWM

- Projects creating **1 or more acres** of ground disturbance within the Urban Growth Boundary of MS4 communities must comply with the respective communities' post-construction stormwater management requirements.
- Projects within Benton County **outside the MS4 communities' UGB *may* be required** to provide post-construction stormwater management measures at the discretion of the County Engineer.
- Projects ***under* the 1 acre threshold** do not need to address post-construction stormwater management.

Proposed Standards – Post-Construction SWM

- Projects within Benton County that result in the creation of ¼ **or more acres** of impermeable area must comply with treatment and detention standards established by current permit for post-construction stormwater management requirements.
- Development projects within Benton County **that fall inside the MS4 communities' UGB will be required** to comply with their more rigorous standards established for post-construction stormwater management.
- Projects ***under* the ¼ acre threshold** do not need to address post-construction stormwater management.

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POST-CONSTRUCTION SWM – CONTINUED

What are the solutions to problems caused by impermeable surfaces?

- ✓ Reduce the proposed impermeable footprint
- ✓ Remove existing impermeable features
- ✓ Preserve/establish natural drainage systems
- ✓ Preserve/plant native vegetation
- ✓ Slow or eliminate runoff
- ✓ Retain and infiltrate runoff

Finally, at last resort: Detain and treat runoff with structures and bioengineering



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Development Code Amendments

- BCC 99.650 through 99.680 – Stormwater Management
  - Definitions
  - Erosion & Sediment Control
  - Post-Construction (Long-Term) Stormwater Management
  - Compliance/Enforcement

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Erosion & Sediment Control

- Reduce threshold to 0.25 acre (10,890 sq ft)
- Close loophole for logged land that is not replanted
- Move details regarding level of erosion control required to support documents
- Identify situations in which additional BMPs may be required:
  - Landslides, steep slopes, protected conservation areas, etc.

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Post-Construction Stormwater Mgt

- Reduce runoff and pollutant load into the future
- Will apply to all of unincorporated Benton County
  - Currently only “urbanized” areas
- 0.25-acre or more of impervious surface triggers requirements
  - Submit plan by appropriate professional
- Question of long-term maintenance responsibility

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Next Steps

- Board of Commissioners formally initiate code amendment process (today)
- Staff refining code amendments
  - send to Planning Commission in preparation for January 3 public hearing
  - Planning Commission make recommendation to Board of Commissioners
- BOC hearing February 7
- Developing information for the public
- Internal procedures and staffing
  - Permit intake, review, issuance; inspection; enforcement

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Questions?
Discussion?

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