



Board of Commissioners
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4500 SW Research Way
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AGENDA

(Chair May Alter the Agenda)

BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, November 1, 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	<u>Click for Zoom link</u>	Dial 1(253) 215-8782	<u>Click for Facebook LiveStream link</u>
	Zoom Meeting ID: 885 6351 0559		
	Zoom Passcode: 179427		

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 15 minutes – COVID Update from Department Operation Center – *April Holland, Health Services*
- 4.2 15 minutes – 2023 Fee Schedule for Environmental Health – *April Holland, Scott Kruger; Health Services*
- 4.3 15 minutes – Update from Justice System Improvement Program – *Nick Kurth, Justice System Improvement Program Manager*
- 4.4 15 minutes – Update from Benton County Talks Trash Solid Waste Process Workgroup – *Darren Nichols, Community Development Director*

- 4.5 15 minutes – Adair Village Urban Growth Boundary: Process Guidance – *Darren Nichols, Greg Verret; Community Development*
- 4.6 45 minutes – Development Code Amendments Regarding Psilocybin – *Vance Croney, Benton County Counsel; Greg Verret, Community Development; Mac Gillespie, Mara Sargent; Health Department*

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 September 20, 2022 meeting minutes

6. Proclamations

- 6.1 In the Matter of Recognizing November 11, 2022, as Veterans Day in Benton County – *Molly Murphy/Ryan Vogt, Oregon Cascades West Council of Governments*

PUBLIC HEARING

(Today's hearing is at **12:00 PM** 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 the First Reading of Ordinance #2022-0313, Development Code Amendments Regarding Psilocybin – *Greg Verret, Community Development*

8. Old Business

- 8.1 In the Matter of Approving the minutes of the August 28, 2017 Joint Work Session with the Fair Board
- 8.2 In the Matter of Conducting the Second Reading for Ordinance #2022-0312, Removing the Sunset Date of Benton County Code Chapter 40 – *Rebecca Taylor; Home Opportunity Planning Equity (HOPE) Project Manager*

9. New Business

- 9.1 Discussion and Adoption of Order #D2022-080 for Natural Areas, Parks and Events 2023 Fees – *Lynne McKee, Natural Areas, Parks and Events Director*

- 9.2 Discussion and Adoption of Order #D2022-079 Authorizing the Payment of Property Taxes to Certain Municipalities or Other Taxing Districts in Advance for the Tax Year 2022-23 as Authorized by ORS 311.392 – *Debbie Bauer, Finance*

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."

**MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS**

Zoom link: <https://us06web.zoom.us/j/88563510559?pwd=UjAzd0RXOWILVEdmT05MV2g1Mm5HUT09>

Livestream: <http://facebook.com/BentonCoGov>

Tuesday, November 1, 2022

9:00 a.m.

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

Staff: **Debbie Bauer**, Rick Crager, Finance; **Mac Gillespie**, Sara Hartstein, Suzanne Hoffman, April Holland, Scott Kruger, Mara Sargent, Health; **Cory Grogan**, Public Information Officer; **Nick Kurth**, JSIP Manager; **Amanda Makepeace**, BOC Staff; **Lynne McKee**, Natural Areas, Parks & Events; **Erika Milo**, BOC Recorder; **Darren Nichols**, **Rebecca Taylor**, **Greg Verret**, Community Development; **Jef Van Arsdall**, Sheriff; **Matt Wetherell**, Juvenile Department

Guests: **Jason Bradford**, **Ken Eklund**, **Dan Goliss**, **Chad Ko**, **Avalon Mason**, **Debbie Palmer**, residents; **John Harris**, Horsepower Productions; **Sam Imperati**, ICM Resolutions; **Molly Murphy**, Oregon Cascades West Council of Governments

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

I. Opening:

A. Introductions

B. Announcements

No announcements were made.

II. Comments from the Public

Debbie Palmer, resident: Palmer provided references on the climate crisis. In the World Meteorological Organization's latest report, the three main greenhouse gases hit record highs in 2021. Methane had the biggest yearly increase since measurements began 40 years ago. The Sierra Club Landfill Gas to Energy Task Force report in 2010 concluded that reliance on landfill gas to generate electricity increases net greenhouse gas emissions, particularly since much new waste could be diverted to waste management facilities more appropriate than landfills. Palmer exhorted the Board to stop approving expansions of Coffin Butte Landfill. Landfills in a wet climate are a climate hazard. Palmer asked if the intended process of the Benton County Talks Trash Work Group is to garner consensus for a landfill expansion, or to explore alternatives.

III. Review and Approve Agenda

No changes were made to the agenda.

IV. Work Session

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

Holland explained that increases in COVID-19 and other respiratory infections are still expected this winter due to variants and waning immunity, but may be mitigated by the bivalent booster.

Overall reported cases of COVID-19 continue to decline statewide. The Centers for Disease Control (CDC) reported case rate for Benton County is 59 per 100,000 residents, down from 112 two weeks ago. Local testing positivity is just under 5% (10% or higher can indicate high transmission and need for more testing). COVID-19 hospitalizations have recently decreased somewhat. There were 238 hospitalizations in Oregon and 29 in Hospital Region Two as of October 26, 2022. Regional hospitalizations in October 2022 varied from 13-38 per day, averaging 29. CDC data shows 4.9 hospitalizations per 100,000 Benton residents, up from 2.2 as of two weeks ago. Oregon Health Sciences University modeling predicts a statewide case increase in the next few weeks, followed by an increase in hospitalizations peaking at 630 in mid-December 2022. Test positivity is rising nationally, and hospitalizations are increasing in many countries. Wastewater surveillance is mostly unchanged in Oregon, but its downward trend stopped two weeks ago.

COVID-19 vaccination is widely available. The County will host November 2022 vaccination events at the Fairgrounds, OSU Memorial Union, Lincoln Elementary, Clemens Elementary, and Boys & Girls Club of Corvallis. Holland encouraged residents to get an influenza vaccination. Nationally, the influenza rate is higher than it has been since 2010. Other common respiratory viruses also spreading. Hospitals remain strained.

Responding to a question from Commissioner Malone, Holland replied that most COVID-19 vaccinations being given in the County are boosters, but first and second doses are also provided.

4.2 *2023 Fee Schedule for Environmental Health (EH) – April Holland, Scott Kruger, Health Services

Holland explained that EH annually reviews expenses and proposes fees. Instead of adjustments across the board, certain exceptions are made to reduce burdens and increase compliance. A 50% credit on 2020 fees was applied to the 2021 license fees due to the pandemic. In 2021, fees increased 3%. No fee changes were made in 2022. From 2010-2019, adjustments ranged from 3%-5%, with some exceptions. In this fiscal year, the total EH budget increased 3.6%. The hourly rate is based on field hours, which were 1,251 hours per EH specialist, for 5,004 in total.

The full cost recovery rate would be \$242.27/hour, increasing fees by 17%. Administrative indirect costs are currently 29% of direct costs, but legally must not be more than 15%. Adjusting to 15% gives a rate of \$215/hour. With the County General Fund (GF) paying any cost beyond 15%, 89% of costs are still covered by fees and the average fee increase would be 5%. The GF contribution would decrease 5% from the previous fiscal year, from \$140,708 to \$134,144. Example of a 5% license fee increase: the fee for a restaurant seating 50-150 people would increase from \$943 to \$989.

Holland presented two other options:

- Fees increase 3%: \$212/hour, 88% cost recovery, GF contribution increases 7% over previous year.
- Fees stay the same: \$205/hour, 85% cost recovery, GF increases 31%. This is not sustainable.

Malone asked about the current business health of restaurants.

Kruger replied that the community is saturated with restaurants. Six restaurants went out of business so far this year. EH issues licenses to 450 facilities, of which 250 are food service facilities.

The Board deliberated about the percentage of fee increase and the date for staff to return with an Order.

Kruger shared that it would be preferable to issue renewal notices with revised fees as soon as possible.

MOTION: Augerot moved to increase the Environmental Health fee schedule on average 3%, and bring back an Order to that effect at the next possible Board meeting. Malone seconded the motion, which **carried 3-0.**

{Exhibit 1: 2023 Fee Schedule for Environmental Health}

4.3 Update from Justice System Improvement Program (JSIP) – Nick Kurth, Justice System Improvement Program Manager

Kurth outlined JSIP milestones.

- November 7, 2022: Kurth to receive final project costing from architects DLR Group.
- November 7, 2022: staff to meet regarding options to include homeless services facilities in the bond, to be presented at the November 15, 2022 Board Meeting if possible. Public feedback on the direction on homeless services is needed before early December 2022 Board deliberations.
- December 6, 2022: the Board will begin bond measure package deliberations; Crager and Kurth will review financials, public feedback, and additional funding opportunities. That meeting could include a decision on the bond measure amount, with a current goal of \$100 million or less. Kurth to work with Kerby to schedule discussions at each Tuesday Board Meeting in December 2022 and early January 2023.

Augerot preferred to not hold a Board Meeting on December 27, 2022.

Kurth concurred. Staff continue to hold public engagement conversations with small groups; six of 21 planned meetings are completed. Staff are evaluating a third large public forum, date to be determined. The second forum received good feedback.

Malone asked how staff would follow up on the small group presentations.

Kurth replied that staff intend to update groups over the next seven months.

Augerot noted that once the County is in safe harbor mode, the Political Action Committee (PAC) that forms around the bond measure will be responsible for continuing community engagement. The Board should discuss that handoff at a meeting such as Goal Setting or Five Electeds. It would also be helpful to speak to consultants Coastline PR.

The Board deliberated and decided that Augerot would call Coastline PR and report to the Board at the November 8, 2022 Goal Setting Meeting.

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

Nichols commented that work was proceeding well with the WG and subcommittees.

Imperati concurred. Each subcommittee has reported to the WG meeting. The November 17, 2022 meeting will include a public open house with stations for each subcommittee. Subcommittees will create a survey for public attendees and report results to the WG.

Nichols added that the previous meeting had guests from six surrounding counties, resulting in helpful dialogue. Public engagement will continue to increase.

4.5 City of Adair Village (AV) Urban Growth Boundary (UGB): Process **Guidance – Darren Nichols, Greg Verret, Community Development**

Nichols explained that the AV City Council (CC) invited the Board to a joint work session on the UGB expansion between now and November 18, 2022. The AV CC will hold a Public Hearing on December 6, 2022. Nichols asked how the Board wanted to receive County Planning Commission recommendations on the UGB and how much of that process the Board wanted to conduct with the AV CC.

Wyse preferred a joint Work Session (WS) and joint Hearing if possible.

Augerot and Malone expressed hesitation about holding a joint meeting before knowing the level of public interest and contentiousness. A two-stage process would provide time to learn more detail.

Crager noted that AV is eager to wrap up its process before the end of 2022, but the County can follow a different timeline.

Verret shared that several members of the public testified at the Planning Commission Hearing, and more public testimony is expected. Verret recommended a WS before the Board's Public Hearing, whether jointly or separately.

Counsel commented that for a previous UGB expansion, AV and the Board held a joint meeting, but when the City of Corvallis expanded, separate meetings were held. The challenge with separate meetings is that the first entity to approve the expansion establishes the parameters. If separate meetings are held and AV goes first, the Board will not be able to modify the decision without going back.

Verret noted that the County's urban growth management agreement with each City includes a resolution process if bodies reach different decisions. Although this could complicate the situation, the Board is allowed to reach a different decision.

Wyse shared concerns that with two separate processes, there may be two different information bases for decision. The community would have to attend multiple meetings. This could also create more work for staff. Wyse preferred at least one joint meeting so the Board could hear the local public perspective.

The Board and staff deliberated on meeting time options.

Nichols summarized: the Board wanted a WS, ideally held jointly with the AV CC if that can occur next week; if not, there are backup dates. In any case, the Board wants a joint City-County Hearing on December 6, 2022, and will determine whether to continue the County's portion of the Hearing at a later date; a second reading will be required. This situation does not require ex parte limitations.

Chair Wyse recessed the meeting at 10:15 a.m. and reconvened at 10:25 a.m.

4.6 *Development Code Amendments Regarding Psilocybin – Vance Croney, Benton County Counsel; Greg Verret, Community Development; Mac Gillespie, Healthy Communities Coordinator, & Mara Sargent, Alcohol, Tobacco, and Other Drug Prevention Coordinator, Health

Sargent provided a local Health perspective on Measure 109, which passed in 2020 and legalizes therapeutic psilocybin services. Research shows that psilocybin can address many mental health ailments including anxiety, trauma, and addiction. Psilocybin primarily affects heart rate and blood pressure, and can increase feelings of spiritual well-being and connectedness.

Gillespie explained that M109 authorized the Oregon Health Authority (OHA) to create a program to license and manufacture psilocybin products for supervised use by persons 21 and older in licensed psilocybin service centers (PSCs). On January 7, 2023, OHA will begin accepting license applications. Local jurisdictions must complete a Land Use Compatibility Statement (LUCS) for this new type of business.

Sargent showed that Benton County approved M109 by a high margin. Many jurisdictions are returning the issue to voters, but Benton County is not.

Gillespie explained that OHA established an Oregon Psilocybin Advisory Board including doctors and therapists to make policy recommendations. OHA is developing a long-term strategic plan to keep services safe, accessible, and affordable for therapeutic use.

Sargent explained that under state rules, psilocybin manufacturers are separated from PSCs. Treatment begins with a preparation/screening session with a licensed facilitator on a separate day from the administration session, which can last 6-10 hours. Administration must occur inside the facility, and the client must stay for entirety of time they feel the effects of psilocybin. The session resembles a regular guided therapy session. It is suggested, but not required, to attend one or more integration sessions afterwards. The client must have a travel plan and emergency plan. There are rules for bringing products to PSCs, which involves different land use considerations.

Gillespie explained there will be licenses for psilocybin growers, manufacturers, PSCs, and facilitators. There is a robust training program for facilitators. There is likely to be more interest in PSCs than growing operations, as a small amount of psilocybin is required. Of 36 Oregon counties, 32 have local psilocybin measures on the ballot, including the City of Philomath, with 132 total ballot measures statewide. Some measures offer a temporary ban. Staff contacted the counties that do not have measures (Gilliam, Wallowa, Multnomah, and Wasco) and heard from Multnomah, which is also examining land use considerations. Multnomah staff did not see a current need to draft psilocybin time, place, and manner restrictions. The State can amend code in future.

Malone felt the process was a carefully designed tool to address certain mental health issues. Malone asked whether the rest of Benton County would move forward with psilocybin treatment if Philomath approved a two-year moratorium.

Gillespie and Verret confirmed.

Responding to a question from Wyse, Verret confirmed that any changes the Board adopts would only apply in unincorporated areas of the County.

Verret addressed County development code and whether the County will adopt amendments regulating time, place, and manner for these activities. There will be a Public Hearing today with a potential first reading of the Ordinance. If the Board makes changes, those will be read into the record before the first reading; the second hearing would be held two weeks later so that the Ordinance goes into effect before the end of 2022. If necessary, the Board could delay the readings, or adopt an emergency Ordinance that would go into effect immediately.

Counsel added that if the Board enacts the Ordinance and first reading today, the second reading could occur on November 29, 2022, effective 30 days later.

Verret noted the second reading is tentatively scheduled for November 15, 2022. To create equal opportunity, any local land use regulations must be in place when the statewide program becomes effective on January 2, 2023. Given limited time, knowledge, and experience on these land use elements, staff have submitted a draft code that cautiously enables businesses to become established while minimizing potential off-site impacts. Staff propose to regulate time, place, and manner in the code, which is based on M109 text, concepts from other counties, and existing code. Multnomah is using existing code from similar types of use. The City of Corvallis will likely consider PSCs as similar to other clinical/medical services. The County's existing framework includes marijuana, which has some similarities in land use implications. However, psilocybin growing is unlikely to have significant land use and off-site impacts compared to marijuana. Psilocybin distribution occurs in a controlled setting, not retail sales. The Planning Commission (PC) agreed in principal that the goal is to set up a basic framework that can be modified over time. It is easier to loosen than to tighten restrictions.

The PC held a Public Hearing on November 18, 2022 and recommended this draft. The County uses slightly different terminology than the measure, distinguishing growing and production from processing. Growing psilocybin per the measure is a farm use, so it be must allowed in Exclusive Farm Use (EFU) and Multi-Purpose Agriculture zones. The PC recommended that production also be allowed in industrial zones (Urban Industrial, Rural Industrial, Agricultural Industrial, and Airport Industrial Park (AIP)). Production is prohibited elsewhere, including home occupation or cottage industry.

PSCs would be allowed through a Conditional Use Permit (CUP) in Urban Commercial, Rural Commercial, Village Commercial, and AIP zones, which currently have provisions for medical clinic uses. M109 includes a separation distance between PSCs and schools; the PC also recommends a minimum distance of 1,000 feet from daycares, public recreation facilities, and other PSCs. The draft limits hours of operation and prohibits overnight accommodations unless already allowed by zone. PSCs are not eligible for a farm-related dwelling, farm stand, or commercial activity in conjunction with farm use. The PC had considerable discussion about whether commercial activity with farm use could have a PSC on the same site as a growing operation; this needs more study, but it is safer and simpler to state it is not allowed at this time.

Malone asked about the rationale for separation between PSCs.

Verret replied this came from other counties. The rationale is not to have multiple PSCs adjacent in a way that might circumvent keeping operations small scale.

Augerot did not necessarily see the need, as the allowable rural zone in the County is small, which would probably preclude more than one business.

Wyse noted it is unknown how much demand there will be.

Verret compared proposed code for psilocybin growing, processing, and sale to recreational marijuana code (exhibit 3). PSCs would be allowed in limited locations in unincorporated Benton County. PSCs in rural settings are not allowed under current State land use rules, a difficulty for many providers. Overnight accommodations are part of some treatment models. Psilocybin growing is not allowed in Forest Conservation (FC) zones. Verret showed a map (exhibit 4) of the overlap of proposed zoning areas for PSCs with schools. Rural Commercial zones are typically found in unincorporated communities such as Alsea, Blodgett, Wren, Kings Valley, Alpine, and Bellfountain. There are Urban Commercial areas within UGBs, such as near the Cities of Lewisburg, Monroe, and the Corvallis AIP. The County does not know locations of daycares, recreational facilities, or other PSCs.

Responding to a question from Counsel, Verret confirmed that the distance between PSCs and schools is a State mandate, so if the County removed daycare and other centers from the exclusion list, it would not make a difference within that zone.

Wyse asked who approves the CUP and what the application process is like.

Verret replied that most CUPs are approved by a planning official, though that can be modified. The applicant applies to the State for licensing and receives a LUCS, which the applicant submits to the local government. The local government decides if the use is allowed outright. If the use is conditional, the applicant must apply for a CUP and address code criteria on compatibility with neighboring uses and potential impacts to public infrastructure. The planning official sends notifications to neighbors, receives public comment, writes a staff report, and issues a decision, which can be appealed by any party to the Planning Commission and the Board.

Responding to a question from Wyse, Verret confirmed that all PSCs must undergo conditional use review, but growing or production is an outright use in the listed zones.

Wyse asked about setbacks from property lines or between uses. The PC removed some setbacks from the draft.

Verret explained that the staff draft included larger setbacks than those zones typically require, which were removed. Standard Industrial Zone setbacks would still apply to manufacturing.

Augerot emphasized the importance of informing the public that a County approval process is required in addition to State licensure.

Malone and Augerot expressed approval for starting with a conditional use process as a precautionary approach that can be adjusted as needed.

Wyse asked about the restriction on growing psilocybin in an FC zone.

Verret replied there is a separate definition of farm use in FC zones. Staff did not anticipate much demand to grow there.

Augerot asked if there would be a chain of custody for psilocybin and quality control to regulate dosage.

Sargent replied this will be regulated by the Department of Agriculture. Psilocybin must be grown in a State-licensed space, labeled, tested, time stamped, and provided to a PSC in specific dosages. Any substance left over from a session must be destroyed; there is no residue. Sargent added that psilocybin is not always administered in a one-on-one session; there can also be group sessions. If land use code only allows treatment indoors, maximum occupancy will be a factor.

{Exhibit 2: Psilocybin Overview Presentation}

{Exhibit 3: Proposed Psilocybin Land Use Code}

{Exhibit 4: Map of Cities Relative to Psilocybin Code}

V. Consent Calendar

5.1 In the Matter of Approving the September 20, 2022 Meeting Minutes

MOTION: Malone moved to approve the Consent Calendar of November 1, 2022. Augerot seconded the motion, which **carried 3-0.**

VI. Proclamations

6.1 In the Matter of Recognizing November 11, 2022 as Veterans Day in Benton County – Molly Murphy, Oregon Cascades West Council of Governments

Murphy read the proclamation aloud.

MOTION: Augerot moved to approve Proclamation #P2022-021. Malone seconded the motion, which **carried 3-0.**

Public Hearing

PH 1 In the Matter of the First Reading of Ordinance #2022-0313, Development Code Amendments Regarding Psilocybin – Greg Verret, Community Development

Chair Wyse recessed at 11:40 and reconvened at 12:00 p.m.

Chair Wyse opened the Public Hearing at 12:00 p.m.

Staff Report

Verret summarized that the Board is considering the recommendation of the Planning Commission on psilocybin businesses in three categories: growing, processing, and treatment. Growing and processing could be done together or separately in Farm and Industrial zones only. Psilocybin service centers (PSCs) would be allowed through Conditional Use review in Urban Commercial, Rural Commercial, Village Commercial, and AIP zones. Code limits hours of operation and minimum distance from certain uses and facilities, and prohibits overnight accommodations unless separately allowed by the zone.

Public Comment

Jason Bradford, resident: Bradford stated that considerable research shows the benefits of psilocybin for multiple mental health problems. Oregon is setting up a very safe and responsible structure. Training for facilitators and PSCs limits risk to public and clientele as much as

possible. The Benton County approach will make it difficult to get many centers in the area. Bradford suggested expanding the allowable Conditional Use zones. Although there is concern about PSCs on EFU or FC land, it is possible to have modest development that does not impact the commercial interests of active farms, yet allows clients to connect to natural settings in ways that help recovery.

Dan Goliss, resident: A practicing psychologist in Corvallis for 25 years, Goliss is very interested in the potential for psilocybin to improve mental health outcomes. Goliss' wife is the psychologist on the OHA Psilocybin Advisory Board and Goliss is versed in the literature. Goliss intends to become trained, own a PSC, and support friends who want to set up PSCs in BC. Access to natural environments increases the benefits of psilocybin for many people. Limiting hours of operation from 8:00 a.m. to 10:00 p.m. is too restrictive; clients often need to be supervised on site for six hours. Goliss offered to consult with the Board as deliberations continue.

Chair Wyse closed the Public Hearing at 12:15 p.m.

Staff Response

Verret noted regarding hours of operation that the draft code does not have that limitation on other commercial uses in commercial zones, so this would be a unique limitation on these uses.

Augerot asked whether hours of operation could be removed from County code, but code would still prohibit overnight stays except in zones where expressly allowed. Verret confirmed.

Augerot noted that would still entail some limitation in Rural Commercial areas. Verret confirmed.

Wyse asked whether it would be necessary to define 'overnight' if hours of operation were dropped.

Sargent replied that proposed OARs allow hours of operation from 6:00 a.m. to 12:00 a.m.

Hoffman requested that the Health Department have more robust engagement in this conversation before final decisions are made. Health has questions and concerns, particularly regarding PSCs and treatment. Psilocybin is not recreational, but code does not consistently treat PSCs like medical clinics. This should be examined through an equity lens.

Augerot commented that a task force or working group could examine the issues after January 1, 2023, but a regulatory framework is needed before applications go in. Augerot supported the proposed iterative process, especially since OARs are not in place yet. The State will probably have to take action to allow treatment in natural environment for treatment. It will take time to clarify the regulatory environment.

Malone asked if the Board could make code changes today. Verret confirmed.

Counsel added that the motion can include changes, which would be shown in the document and available to the public before the next reading.

The Board deliberated and decided to strike the 1,000 foot separation between PSCs.

Counsel clarified that this referred to removing 91.686(2)(D), while retaining the distance limit between PSCs and daycares or natural areas and parks.

Responding to a question from Malone, Verret clarified that 91.686(2)(A) “separations from schools” is from State regulations; (2)(B), (C), and (D) are proposed by the County Planning Commission.

Augerot proposed eliminating the hours of operation limit of 8:00 a.m. to 10:00 p.m.

Wyse noted that traffic impacts on neighbors in rural areas should be considered.

Augerot noted that bars are open until 2:00 a.m. in those areas. Augerot did not anticipate a major issue with traffic.

Malone preferred to drop the local time limit so that State and County rules are consistent.

MOTION: Augerot moved to adopt Ordinance #2022-0313 with two changes to the proposed development code: in 91.686, drop (2)(D) and (3)(b). Malone seconded the motion, which **carried 3-0.**

Wyse stated that Public Health and other stakeholders would be included if/when the matter is re-examined.

Counsel read the Ordinance aloud (short title). Second reading to be on November 15, 2022 under Old Business. The Ordinance with these changes must be posted on the County website.

VIII. Old Business

8.1 In the Matter of Approving the Minutes of the August 28, 2017 Joint Work Session with the Fair Board

Wyse commented that Commissioners who did not attend a meeting usually do not approve the minutes of that meeting, but the State does not require that, so the Board will make an exception.

Counsel noted Augerot will sign the minutes, being the only current Commissioner who was present at that meeting.

MOTION: Augerot moved to approve the minutes of the August 28, 2017. Malone seconded the motion, which **carried 3-0.**

Malone commented that the practice is not written down, so Malone felt comfortable approving minutes as long as complete information was provided.

Wyse agreed, as Boards change frequently. This practice could be discussed at a future meeting such as Goal Setting.

Kerby noted that as staff perform quality control, overlooked items such as this are sometimes found, and are always brought back to the Board.

8.2 In the Matter of Conducting the Second Reading for Ordinance #2022-0312, Removing the Sunset Date of Benton County Code Chapter 40 – Rebecca Taylor, Home, Opportunity, Planning, & Equity (HOPE) Project Manager

MOTION: Augerot moved to conduct the second reading of the Ordinance removing the sunset date of Benton County Code Chapter 40 Part I. Malone seconded the motion, which **carried 3-0.**

Counsel read the Ordinance aloud (short title), effective December 2, 2022.

IX. New Business

9.1 Discussion and Adoption of Order #D2022-080 for Natural Areas, Parks and Events 2023 Fees – Lynne McKee, Natural Areas, Parks and Events Director

McKee presented the annual request for fee increases, which impacts Beazell Forest Education Center, Benton County (BC) Event Center & Fairgrounds, BC Fair & Rodeo, Benton Oaks Recreational Vehicle Campground, Salmonberry Campground, Alsea Guard Station, Crystal Lakes Cemetery, BC parks picnic shelters, and special use permits. Most fees have a typical 5% increase. This will not cover all expenses, but staff want to avoid a high increase. The Fairgrounds has offered a 30% discount to 501(c)3 and 501(c)4 non-profit organizations; staff recommend changing this to 25%. Most fairgrounds do not offer a discount.

Malone asked if BC requires organizations to provide proof of non-profit status.

McKee explained that the discount was discussed with former Chief Financial Officer Mary Otley and Counsel. Some organizations are member-benefiting or social clubs, while 501(c)3 and 501(c)4 organizations support the community. The Fairgrounds hosts many fundraisers. Groups must provide documentation of non-profit status. Operational costs have increased significantly. BC did not increase fees in 2020, but did in 2021. The proposed fees are still very reasonable.

MOTION: Malone moved to approve approve Order #D2022-080 adopting the revised fee schedule for Benton County Natural Areas, Parks and Events, to be effective January 1, 2023. Augerot seconded the motion, which **carried 3-0.**

9.2 Discussion and Adoption of Order #D2022-079 Authorizing the Payment of Property Taxes to Certain Municipalities or Other Taxing Districts in Advance for the Tax Year 2022-23 as Authorized by ORS 311.392 – Debbie Bauer, Finance

Bauer explained that Finance annually pays these funds in advance to small districts that would otherwise receive a very small payment each month, making it difficult to operate.

MOTION: Augerot moved to approve Order #D2022-079 authorizing the payment of property taxes to certain municipalities and other taxing districts as detailed in the attachment to the Order. Malone seconded the motion, which **carried 3-0.**

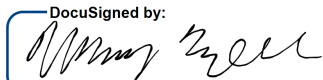
X. Other

No other business was discussed.

XI. Adjournment

Chair Wyse adjourned the meeting at 12:34 p.m.

DocuSigned by:



Nancy Wyse, Chair

DocuSigned by:



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 11/01/22

View [Agenda Tracker](#)

Suggested Placement * Work Session

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
- ☐ Order/Resolution
- ☐ Ordinance/Public Hearing 1st Reading
- ☐ Ordinance/Public Hearing 2nd Reading
- ☐ Proclamation
- ☐ Project/Committee Update
- ☐ Public Comment
- ☐ Special Report
- ☐ Other

Estimated Time * 15 mins

Board/Committee Involvement * ☐ Yes ☒ No

Advertisement *

☐ Yes
☐ No

Issues and Fiscal Impact

Year - Adjustment - Note	Issues	Options	Options	Fiscal Impact	Fiscal Impact	Description
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.						
1) Approve a fee adjustment for 2023 at an average of 5% 2) Approve a fee adjustment for 2023 at an average of 3% 3) Approve the 2023 fee schedule with no adjustments OR 4) Provide Alternative Direction to Staff						
☒ Yes ☐ No						
To adjust fees 5% Hourly rate - \$215 Percent recovery of full costs - 89% GF contribution - \$134,144 GF change from 2022 - -5%						
To adjust fees 3% Hourly rate - \$212 Percent recovery - 88% GF contribution - \$150,000 GF change from 2022 - 7%						
To keep fees same Hourly rate - \$205 Percent recovery - 85% GF contribution - \$185,000 GF change from 2022 - 31%						

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 day care 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
- ☒ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☒ Community Resilience
- ☐ Equity for Everyone
- ☒ Health in All Actions
- ☐ NA

Explain Core Values Selections ^{*} 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.

- ☒ 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
- ☐ NA

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 proposed 2023 Fee Schedule for Environmental Health at a fee adjustment of 3% on average.

Work Session
Motions * I move to ...
...forward this item to the 11/29/2022 Board of Commissioners meeting for approval.

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.

20221025 BOC EH licensing fees.pptx	441.02KB
Attachment A - 2023 Fee Schedule 20221027.xls	194.5KB
Attachment D - Indirect Cost Calculations 2023 20221025.xlsx	14.56KB
Attachment B - 2023 EH Fee Justification 20221024.doc	72.5KB

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

Department Approver SUZANNE HOFFMAN

Comments

Signature

Suzanne Hoffman

Approvals Required ☒ Counsel ☒ Finance ☐ HR

Counsel Approver VANCE CRONEY

Finance Approver RICHARD CRAGER

County Administrator
Approver JOE KERBY

Comments

Comments

Signature

Vance H. Cheney

Comments

Signature

Rick Crager

Comments

Signature

Chapp Kelly

Comments

Signature

Amarda Hakepeace



2023 Environmental Health Fees

Scott Kruger, REHS
EH program interim manager

April Holland, MPH, CIC
Public health administrator

November 1, 2022

Background

- Environmental Health fees are adjusted annually and approved by the Benton County Board of Commissioners
- Fees cover a range of activities, from food service, recreational vehicle parks, day cares, organizational camps, public pools and spas, and tourist accommodation license fees to on-site wastewater systems and more

Context

- No fee adjustments were made in 2022
- In 2021 fees increased 3%.
 - A 50% credit on 2020 fees was applied to the 2021 license fees.
- In 2020, no fee adjustments were made

History

Year	Adjustment	Note
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%	

Process

- EH budget review

	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%

Calculations – hourly rate

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

$$4 \text{ REHS} \times 1,251 \text{ hours/year} = 5004 \text{ hours}$$

Full cost recovery

Full Cost Recovery is the total expenses divided by total hours to available to do field work.

Total expenses	\$1,212,338
Total hours for field work	5004
Full cost recovery (hourly rate)	242.27

Legal limitations

- 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;”*
- Reference: [OAR 333-012-0050](#), and [OAR 333-012-0053](#)

Adjustment for indirect costs

	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	

Adjustment for indirect costs

- Using the partial cost recovery model gives us an hourly rate of \$215 per hour
 - 89% of full costs are recovered
- Corresponds to a fee increase, on average, of 5%
- County general fund contribution decrease of 5% from 2022, from \$140,708 to \$134,144.

Scenarios

To adjust fees 5%

Hourly rate	\$	215
Percent recovery of full costs		89%
GF contribution	\$	134,144
GF change from 2022		-5%

To adjust fees 3%

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

To keep fees same

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

Thank you!



[illegible]

Major Repair	\$543	\$570	5%	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	\$ 10,825.25	\$ 1,359.45	\$12,185
Minor Repair	\$308	\$323	5%	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	\$ 1,935.00	\$ 243.00	\$2,178
Commercial Facility								
Major Repairs	\$543	\$570	5%	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	\$308	\$323	5%	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	\$680	\$713	5%	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	\$ 17,828.88	\$ 2,238.98	\$20,068
If field visit is not required	\$205	\$215	5%	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	\$ 1,505.00	\$ 189.00	\$1,694
Existing System Evaluation								
Existing System Evaluation:								
If Field Visit is Required	\$680	\$713	5%	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	\$205	\$215	5%	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	\$ 215.00	\$ 27.00	\$242
Mobile Home Personal/Medical Hardships Renewal every 5 years with field visit	\$308	\$323	5%	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	\$ 1,290.00	\$ 162.00	\$1,452
Mobile Home Personal/Medical Hardships Renewal every 5 years without field visit	\$103	\$108	5%	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	\$ 322.50	\$ 40.50	\$363
Alternative System Inspections (where required)	\$451	\$473	5%	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	\$ 473.00	\$ 59.40	\$532
Alternative System Inspections - Holding Tanks	\$513	\$538		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	\$51	\$54	5%	New work delegated in 2006. Estimated 15 minutes of work.	28	\$ 1,505.00	\$ 189.00	\$1,694
Annual Report Evaluation Fee for commercial sandfilter, recirculating gravel filters and alternative treatment technologies				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	\$162	\$170	5%	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	\$112	\$117	5%	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 otherwise covered by a fee. Hourly rate	\$205	\$215	5%		0	\$ -	\$ -	\$0
Plan Review, each additional 15 minutes.	\$51	\$54	5%		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	\$472	\$495	5%	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	\$82	\$86	5%	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

Benevolent Single-event, per event (Administrative Fee) ³ (See footnote 3 below) Administrative Fee is waived after first three events.	\$41	\$43	5%	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	\$ 5,461.00	\$ 19,126	\$24,587
Single-event, per event (License Fee) ^{3&4} (Discounted if received 10 or more days before the event)	\$185	\$194	5%	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	\$ 35,604.00	\$ 4,471.20	\$40,075
Single-event, per event (License Fee) ^{3&4} (No Discount if received less than 10 days before the event)	\$215	\$224	4%	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)	\$285	\$294	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 + Penalty for operating without a license) = fee				
Single-event 2 or more days, 30-day intermittent, and 90-day seasonal (License Fee) ^{3&4} (Discounted if received 10 or more days before the event)	\$221	\$232	5%	HB 2868 established two new categories of temporary restaurant license, that included 90-day seasonal and 30-day intermittent temporary restaurant 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 intermittent, and 90-day seasonal (License Fee) ^{3&4} (No Discount if received less than 10 days before the event)	\$251	\$262	4%	HB 2868 established two new categories of temporary restaurant license, that included 90-day seasonal and 30-day intermittent temporary restaurant 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 intermittent, and 90-day seasonal (License Fee) ^{3&4} (Operating without a License on the day of the event)	\$321	\$332	3%	HB 2868 established two new categories of temporary restaurant license, that included 90-day seasonal and 30-day intermittent temporary restaurant 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	\$103	\$108	5%	HB 2868 established two new categories of temporary restaurant license, that included 90-day seasonal and 30-day intermittent temporary restaurant 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 intermittent or 90-day seasonal Temporary Restaurant to verify correction of critical violation	\$154	\$161	5%	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
* License fees in this section include an amount for reimbursement to the Oregon Health Division pursuant to ORS								
**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	\$451	\$473	5%	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	\$ 3,311.00	\$ 415.80	\$3,727
In a Licensed Food Service Facility	\$328	\$344	5%	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	\$308	\$323	5%	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	\$ 645.00	\$ 81.00	\$726
Mobile Unit, per year								
Class I, II and III	\$308	\$323	5%	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	\$ 4,192.50	\$ 526.50	\$4,719
Class IV	\$338	\$355	5%	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	\$ 5,676.00	\$ 712.80	\$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	\$205	\$215	5%	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	\$ 215.00	\$ 27.00	\$242
11 - 20	\$246	\$258	5%	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	\$308	\$323	5%	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	\$410	\$430	5%	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	\$ -	\$ -	\$0
41 - 50	\$492	\$516	5%	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 permitted under OAR 333-012-053(8)				
Food Service Plan Review								
New Restaurant and Major Remodel (Minimum, up to 2.5 hours)	\$513	\$538	5%		32	\$ 17,200.00	\$ 2,160.00	\$19,360
Restaurant Minor Remodel (minimum, up to 1.5 hrs.)	\$308	\$323	5%		0	\$ -	\$ -	\$0
Food Commissary (minimum, up to 1 hr.)	\$205	\$215	5%		0	\$ -	\$ -	\$0
Food Warehouse, Mobile Unit, Push Cart (up to 1 hours)	\$205	\$215	5%		0	\$ -	\$ -	\$0
Plan Review, each additional 15 minutes	\$51	\$54	5%			\$ -	\$ -	\$0
Pre-opening inspection (required on new facilities and major remodels)					21	\$ -	\$ -	\$0
Restaurant (minimum, up to 1 hour)	\$205	\$215	5%		0	\$ -	\$ -	\$0
Other food service (minimum, up to 1/2 hour)	\$103	\$108	5%		0	\$ -	\$ -	\$0
						\$ 321,845.97	\$ 55,853.13	\$377,699.10
Tourist Accommodation/Recreational Park/Bed & Breakfast								
License Fee								
01 - 10 units/spaces	\$390	\$409	5%	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	\$ 408.50	\$ 51.30	\$460
11 - 25	\$410	\$430	5%	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	\$ 860.00	\$ 108.00	\$968
26 - 50	\$472	\$495	5%	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	\$533	\$559	5%	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	\$ 2,236.00	\$ 280.80	\$2,517
76 - 100	\$574	\$602	5%	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	\$ 1,806.00	\$ 226.80	\$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	\$ 18.06		
Plan Review Fee								
Plan Review, Minimum (up to 1 1/2 hours)	\$308	\$323	5%	Plan review based on 1.5 hours per inspection.	0	\$ -	\$ -	\$0
Plan Review, each additional 15 minutes.	\$51	\$54	5%	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 permitted under OAR 333-012-053(8)				
Organization Camp					Total	\$ 5,328.56	\$ 666.90	\$5,977
License Fee	\$410	\$430	5%	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	\$ 860.00	\$ 108.00	\$968
Plan Review Fee								

With Food Service	\$513	\$538	5%	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	\$205	\$215	5%	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		\$ 860.00	\$ 108.00	\$968	\$968
Picnic Park									
License Fee	\$205	\$215	5%	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	\$ 430.00	\$ 54.00	\$484	
Plan Review Fee	\$205	\$215	5%	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		\$ 430.00	\$ 54.00	\$484	\$484
Swimming Pools/Spa/Bathhouse									
License Fee									
Year Around Operation									
First Pool or Spa at Site	\$718	\$753	5%	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	\$ 21,822.50	\$ 2,740.50	\$24,563	
Additional Pools or Spas at Site (each)	\$545	\$572	5%	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	\$482	\$505	5%	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	\$ 20,715.25	\$ 2,601.45	\$23,317	
Additional Pools at Site (each)	\$369	\$387	5%	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	\$103	\$108	5%	Estimated 30 minutes inspection and travel time included.	14				
Plan Review Fee									
Plan Review, Minimum (up to two hours)	\$410	\$430	5%	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	\$51	\$54	5%	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)	\$410	\$430	5%	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)	\$205	\$215	5%	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		\$ 42,537.75	\$ 5,341.95	\$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 permitted 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	\$51	\$54	5%	Based on an estimate of 0.25 hrs of work.					
Change of Business Name, same owners	\$51	\$54	5%	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	\$410	\$430	5%	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	\$328	\$344	5%	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)	\$154	\$161	5%	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	\$103	\$108	5%	Fee based on 0.5 hrs of inspection with travel time included.					

CARE FACILITY INSPECTIONS					Total	\$	-	\$	-	\$0	\$0
Each inspection by Authorized Capacity											
0 - 12 and After School Care Program	\$154	\$161	5%	License fee based on 1 inspection at 0.75 hour/inspection (travel time for each inspection included).	8	\$	1,290.00	\$	162.00	\$1,452	
13 - 30	\$205	\$215	5%	License fee based on 1 inspection at 1.0 hour/inspection (travel time for each inspection included).	39	\$	8,385.00	\$	1,053.00	\$9,438	
31 +	\$256	\$269	5%	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)	\$410	\$430	5%	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	\$51	\$54	5%	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	\$	9,675.00	\$	1,215.00	\$10,890	\$10,890
SPECIAL CONSULTATION FEE											
First 15 minutes Free	No Charge	No Charge									
Each Additional 15 minutes (Support Staff)	\$41	\$43	5%	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)	\$51	\$61	18%	Based on an estimate of 0.25 hrs of work.							
Partial Cost Recovery Rate Per hour (Environmental Health Specialist)	\$205	\$215	5%	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 next whole dollar+ shipping	Cost + 15% of cost for handling rounded up to the next whole dollar+ shipping									
⁸ 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	\$	527,699.93	\$	81,701.87	\$609,384	\$609,383.75

Date: October 25, 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](#)

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 \$134,144 of budgeted County General Funds: \$1,212,338 - \$134,144 = \$1,078,194. The adjusted cost per hour used for calculating fees is \$1,078,194/5004 hours = \$215.47 per hour. Fees will recover 89% (\$215.47 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).

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.

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](#)



2023 Environmental Health Fees

Scott Kruger, REHS
EH program interim manager

April Holland, MPH, CIC
Public health administrator

November 1, 2022

Background

- Environmental Health fees are adjusted annually and approved by the Benton County Board of Commissioners
- Fees cover a range of activities, from food service, recreational vehicle parks, day cares, organizational camps, public pools and spas, and tourist accommodation license fees to on-site wastewater systems and more

Context

- No fee adjustments were made in 2022
- In 2021 fees increased 3%.
 - A 50% credit on 2020 fees was applied to the 2021 license fees.
- In 2020, no fee adjustments were made

History

Year	Adjustment	Note
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%	

Process

- EH budget review

	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%

Calculations – hourly rate

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

$$4 \text{ REHS} \times 1,251 \text{ hours/year} = 5004 \text{ hours}$$

Full cost recovery

Full Cost Recovery is the total expenses divided by total hours to available to do field work.

Total expenses	\$1,212,338
Total hours for field work	5004
Full cost recovery (hourly rate)	242.27

Legal limitations

- 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;”*
- Reference: [OAR 333-012-0050](#), and [OAR 333-012-0053](#)

Adjustment for indirect costs

	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	

Adjustment for indirect costs

- Using the partial cost recovery model gives us an hourly rate of \$215 per hour
 - 89% of full costs are recovered
- Corresponds to a fee increase, on average, of 5%
- County general fund contribution decrease of 5% from 2022, from \$140,708 to \$134,144.

Scenarios

To adjust fees 5%

Hourly rate	\$	215
Percent recovery of full costs		89%
GF contribution	\$	134,144
GF change from 2022		-5%

To adjust fees 3%

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

To keep fees same

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

Thank you!



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

updated 9.29

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.

	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	

To proceed according to calculation above (5% fee increase)

Hourly rate	\$ 215	
Percent recovery of full costs	89%	
GF contribution	\$ 134,144	\$140,708 (2022 GF)
GF change from 2022	-5%	

To keep fees same

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

To adjust fees 3%

Hourly rate	\$ 212	
Percent recovery	88% (same percent recovery as last year)	
GF contribution	\$ 150,000	
GF change from 2022	7%	

3% increase

	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	\$ 150,000	
Revised Administrative Cost	\$ 140,634	15%
Total Expenses - General Fund Contribution	\$ 1,062,338	
Total Hours Available REHS	\$ 5,004	
Hourly Rate Full Cost Recovery	\$ 212	

	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	

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 11/01/22

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Community Development

Contact Name * Darren Nichols

Phone Extension * 5417666394

Meeting Attendee Name * Darren Nichols, Greg Verret

Agenda Item Details



Item Title * Adair Village Urban Growth Boundary: Process Guidance for Public Hearings

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☒ 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 * 15 minutes

Board/Committee Involvement * ☒ Yes ☐ No

Name of
Board/Committee

Planning Commission recommendation

Advertisement *

- ☐ Yes
☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The City of Adair Village will hear a recommendation to amend its Urban Growth Boundary (UGB) on December 6, 2022. Prior to the hearing, the City has inquired whether the Board would like to conduct one or more joint work sessions and/or joint hearings.

The issue impacts: community involvement, interjurisdictional coordination, regional planning and growth management, regional and local transportation, housing, land use policy.

Options *

Advise County staff on:

- the Board's preferences for the timing and format for any work sessions, public hearings and staff reports;
- whether the Board would like to conduct work sessions and public hearing jointly with the Adair Village City Council or independently; and
- other process considerations the Board finds relevant to consider a proposed amendment to the Adair Village urban growth boundary.

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](#).

Mandated Service Description ^{*} If this agenda checklist describes a mandated service or other function, please describe here.
Under Oregon law and County Code, Benton County is required to consider a proposed amendment of an urban growth boundary within its jurisdiction.

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
- ☐ NA

Explain Core Values Selections ^{*} Urban and Regional Planning impact the future of nearly every aspect of County governance, including several of the 2040 core values.

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
- ☐ NA

Explain Focus Areas and Vision Selection ^{*} Regional planning and land use decisions affect many aspects of a community's growth, safety and environmental and economic performance. Those impacts are especially important in making decisions about the location and supply of land for future urban development. The approach that Benton County takes to making this and similar decision directly impacts, indeed determines, the performance of the focus areas and vision for 2040 and other community values.

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations * Staff recommends that the Board provide guidance/direction to staff to schedule one or more work sessions and a public hearing schedule that provides:

- ample time for the Board to consider a recommendation from the Planning Commission;
- opportunity to hear from the local community and other members of the public on this issue; and
- adequately coordinates the decisions of the city and county.

Meeting Motions * I move to ...

I move to direct staff to schedule work session(s) on (date or dates) and schedule public hearings in (dates or month) to consider the Planning Commission's recommendation on proposed amendments to the Adair Village urban growth boundary.

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

Comments

Signature

Darren Nichols

BOC Initial Approval

Approvals Required ☒ Counsel

☐ Finance

☐ HR

Counsel Approver VANCE CRONEY

**County
Administrator
Approver** MAURA KWIATKOWSKY

Comments

Comments

Signature

Vance H. Cheney

County Administrator Approval

Comments

Signature



Hanna Kwiatkowski

BOC Final Approval

Comments

Signature



Amanda Hakepeace

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 11/01/22

View [Agenda Tracker](#)

Suggested Placement * Work Session and Meeting

Department * Community Development

Contact Name * Greg Verret

Phone Extension * 6294

Meeting Attendee Name * Greg Verret

Agenda Item Details



Item Title * Work Session & Public Hearing: Ordinance 2022-0313 Development Code Amendments Regarding Psilocybin

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☐ 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

Board/Committee Involvement * ☒ Yes ☐ No

Name of Board/Committee Planning Commission

Advertisement*

☒ Yes

☐ No

Names/Dates of
Publications

List each publication name and date

Gazette Times, October 7, 2022

Issues and Fiscal Impact

Item Issues and Description

**Identified Salient
Issues ***

Development Code amendments establishing local zoning and siting regulations for psilocybin-related businesses must be in place before January 1, 2023. To meet this timeline, the Board is conducting a worksession and then a public hearing, all on November 1. County Health, Planning and Legal Counsel will provide background information and answer questions during the worksession. During the public hearing, Planning staff will provide a brief presentation, primarily for the benefit of the public. We anticipate some oral testimony from the public. See attached staff report for full discussion of topics related to the proposed Development Code amendments.

Options *

Adopt the amendments as proposed,
or,
Direct staff to make changes to the amendments and delay the first reading,
or,
Read any changes into the ordinance and conduct the first reading.

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](#).

Mandated Service Description *

If this agenda checklist describes a mandated service or other function, please describe here.
 Land use administration is required of counties in Oregon. Measure 109 delegates siting decisions to local jurisdictions.

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
 ☐ NA

Explain Core Values Selections *

Development Code amendments are necessary to balance equitable access to mental health benefits of psilocybin with community needs to minimize conflicts between land uses and conserve rural lands.

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
 ☐ NA

Explain Focus Areas and Vision Selection *

Psilocybin businesses may become an element of the local economy. Conserving rural and resource lands in an important consideration in determining where to allow psilocybin treatment centers.

Recommendations and Motions

Item Recommendations and Motions

Staff	Read any modifications of the draft code into the record, and then conduct the first
Recommendations *	reading of the ordinance.
Work Session	I move to ...
Motions *	N/A
Meeting Motions *	I move to ... Option A: A. I move to enact Ordinance No. 2022-0313, amending the Development Code to add psilocybin regulations, and conduct a first reading of the ordinance. Option B: B. I move to reject the code amendments relating to psilocybin.

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.

Ordinance 2022-0313 Psilocybin Development Code Regulations.docx	44.63KB
Ordinance 2022-0313 Psilocybin Development Code Regulations.pdf	363.14KB
LU-22-048 - BOC Staff Report.pdf	374.06KB

Comments (optional)

Ordinance is attached both in PDF form and Word form, in case the document requires editing.

If you have any questions, please call ext.6800

Department Approver

DARREN NICHOLS

Comments

Signature

Darren Nichols

BOC Initial Approval

Approvals Required ☒ Counsel

☐ Finance

☐ HR

Counsel Approver VANCE CRONEY

**County
Administrator
Approver** JOE KERBY

Comments

Comments

Signature



Vance H. Cheney

Comments

Signature

Chapp Kelly

BOC Final Approval

Comments

Signature



Amanda Makepeace

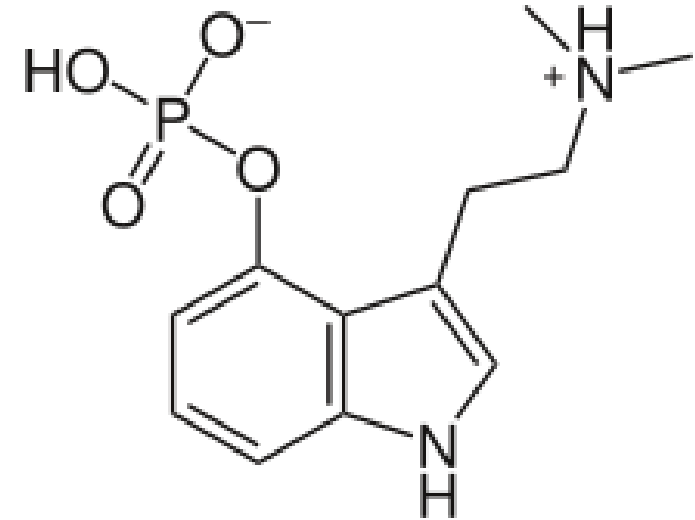
Measure 109: Therapeutic Psilocybin Services

Mara Sargent, Alcohol, Tobacco & Other Drug Prevention Coordinator
Mac Gillespie, Healthy Communities Coordinator
Benton County Board of Commissioners Meeting
November 1, 2022



Psilocybin

- Psilocybin is a naturally occurring psychedelic compound. It is found in over 200 species of fungi (mushrooms). For thousands of years Indigenous and Tribal communities around the world have used psilocybin for spiritual, ceremonial, and other purposes.
- Research going back to the 1950s suggests psilocybin may help address depression, anxiety, trauma, and addiction. Studies have also found it can increase spiritual well-being.



Psilocybin Molecule

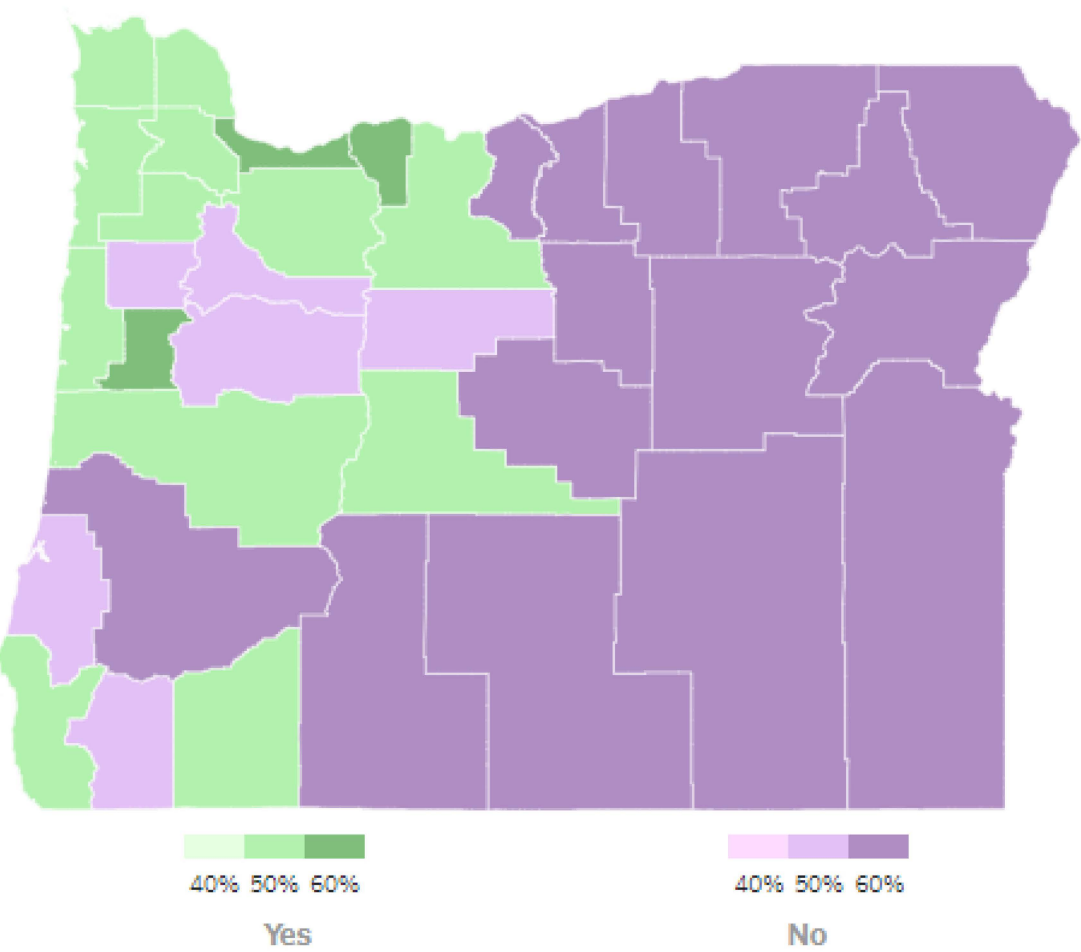
Oregon Ballot Measure 109

- 2020 Oregon Ballot Measure 109 authorized the Oregon Health Authority (OHA) to create a program to license and regulate the manufacture of **psilocybin products for supervised use by persons 21 and older in licensed psilocybin service centers.**
- OHA will begin accepting applications for psilocybin businesses on January 2, 2023. A proposed Psilocybin Business use could involve psilocybin production (growing), processing, laboratory testing and/or service center (therapeutic) business operations.
- As part of the law, local jurisdictions will be required to complete a Land Use Compatibility Statement (LUCS) for all proposed manufacture and service center license applications. A LUCS is an advisory statement that tells a partner agency what land use requirements a local jurisdiction has in place for a proposed use.

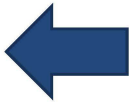
Measure 109

Permits licensed service providers to administer psilocybin-producing mushroom and fungi products to individuals 21 years of age or older.

Yes: 1,270,057 55.7% **No: 1,008,199 44.3%**



Yes		No	
316,831	Multnomah	127,959	
179,189	Washington	124,053	
126,743	Clackamas	115,176	
126,954	Lane	85,120	
77,651	Marion	79,662	
61,625	Jackson	59,035	
61,835	Deschutes	55,776	
30,657	Linn	38,212	
24,177	Douglas	36,752	
27,613	Yamhill	27,494	
32,228	Benton	18,614	
22,474	Josephine	26,065	
22,655	Polk	23,986	
13,859	Klamath	21,096	
15,741	Coos	19,031	
11,154	Umatilla	19,893	
15,426	Columbia	15,035	
16,898	Lincoln	12,433	
12,461	Clatsop	10,229	
8,339	Tillamook	7,869	
5,178	Cook	9,492	



Oregon Psilocybin Advisory Board

- Established by Ballot Measure 109, the Oregon Psilocybin Advisory Board makes recommendations to OHA on available scientific studies and research on the safety and efficacy of psilocybin in treating mental health conditions, and makes recommendations on the requirements, specifications and guidelines for providing psilocybin services in Oregon.
- The Board will also develop a long-term strategic plan for ensuring that psilocybin services will become and remain a safe, accessible and affordable therapeutic option for all persons 21 years of age and older in this state for whom psilocybin may be appropriate and monitor and study federal laws, regulations and policies regarding psilocybin.
- **The Oregon Psilocybin Services Section will begin accepting applications for licensure on January 2, 2023.** Until then, the Oregon Psilocybin Services Section is in a development period, working to build the nation's first regulatory framework for psilocybin services.

OHA Rules

The Oregon Health Authority Psilocybin Services Division has created a framework to license and regulate the manufacturing, transportation, delivery, sale, and purchase of psilocybin products and the provision of psilocybin services.

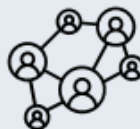
How a client will access psilocybin services



1. Preparation session: [The client](#) meets with a licensed facilitator for a preparation session.



2. Administration session: The client consumes the product at the service center and begins their session with a licensed facilitator.



3. Integration session: The client can take part in an optional session to follow up with a licensed facilitator and learn about additional peer support and other resources.



To provide these services, a [licensed facilitator](#) must complete:

- A training program with curriculum approved by OPS
- An exam administered by OPS, and
- All other license requirements.

How psilocybin products will get to a service center

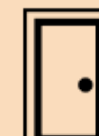
1. Psilocybin products are cultivated, produced and/or processed by a [licensed manufacturer](#). They are tracked in a product tracking system.



2. The products are tested by a [licensed testing laboratory](#). The lab must be accredited by the Oregon Environmental Laboratory Accreditation Program (ORELAP). The test results are entered into the product tracking system.



3. The products are sold or transferred from a licensed manufacturer to a [licensed service center](#). This is tracked in the product tracking system.



Other Jurisdictions

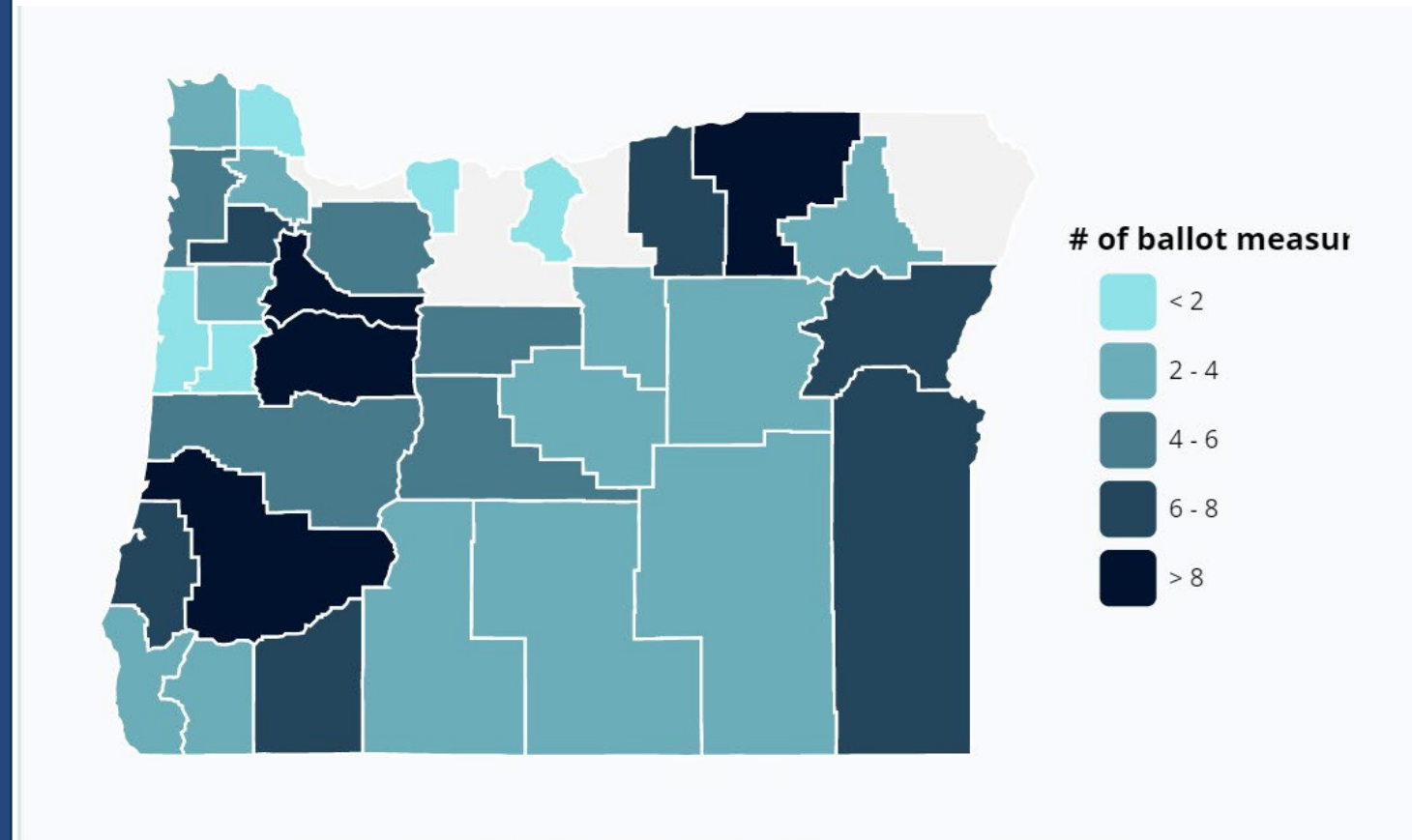
Of the 36 counties, 32 have some local measure on the ballot, with 132 total ballot measures listed throughout the state.

- County level: 8 (Crook, Jackson, Jefferson, Josephine, Klamath, Lake, Linn, Union)
- Unincorporated area level: 17
- City level: 106

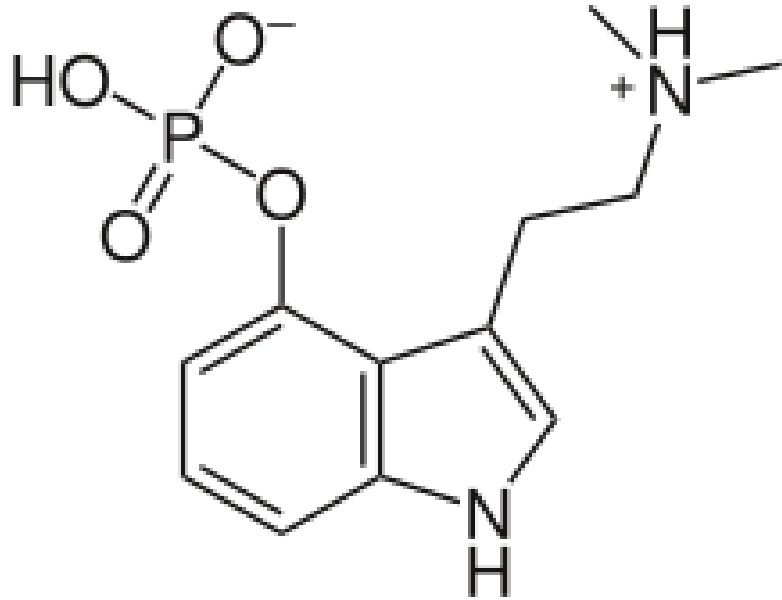
Permanent ban: 5 (specifically mentions “permanent” in the title)

Temporary ban: 25 (specifically mentions “temporary” or “sunset” in the title; most end after 2 years)

4 counties do not have a ballot measure: Gilliam, Multnomah, Wallowa, Wasco



References



Psilocybin Molecule

- Oregon Secretary of State:
<https://secure.sos.state.or.us/orestar/gotoLocalMeasSearch.do>
- Multnomah County:
<https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/FINAL%20Psilocybin%20Briefing%20Memo%2011.7.22.pdf>
- Oregon Health Authority:
<https://www.oregon.gov/oha/ph/preventionwellness/pages/oregon-psilocybin-services.aspx>



At your service,
every day.



/BentonCoGov



@BentonCoGov



@BentonCoGov



/BentonCountyGov

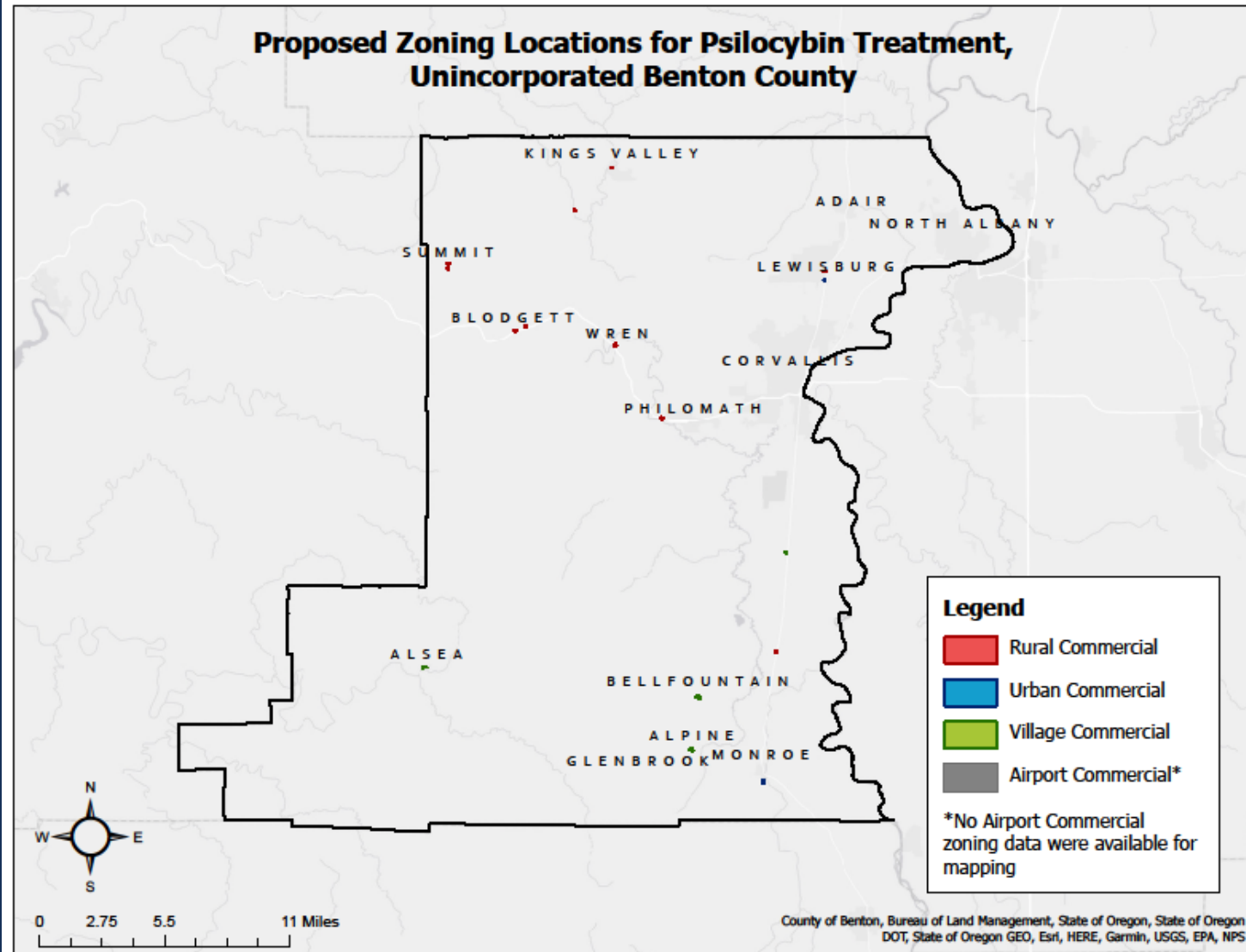


Benton County

Local Considerations

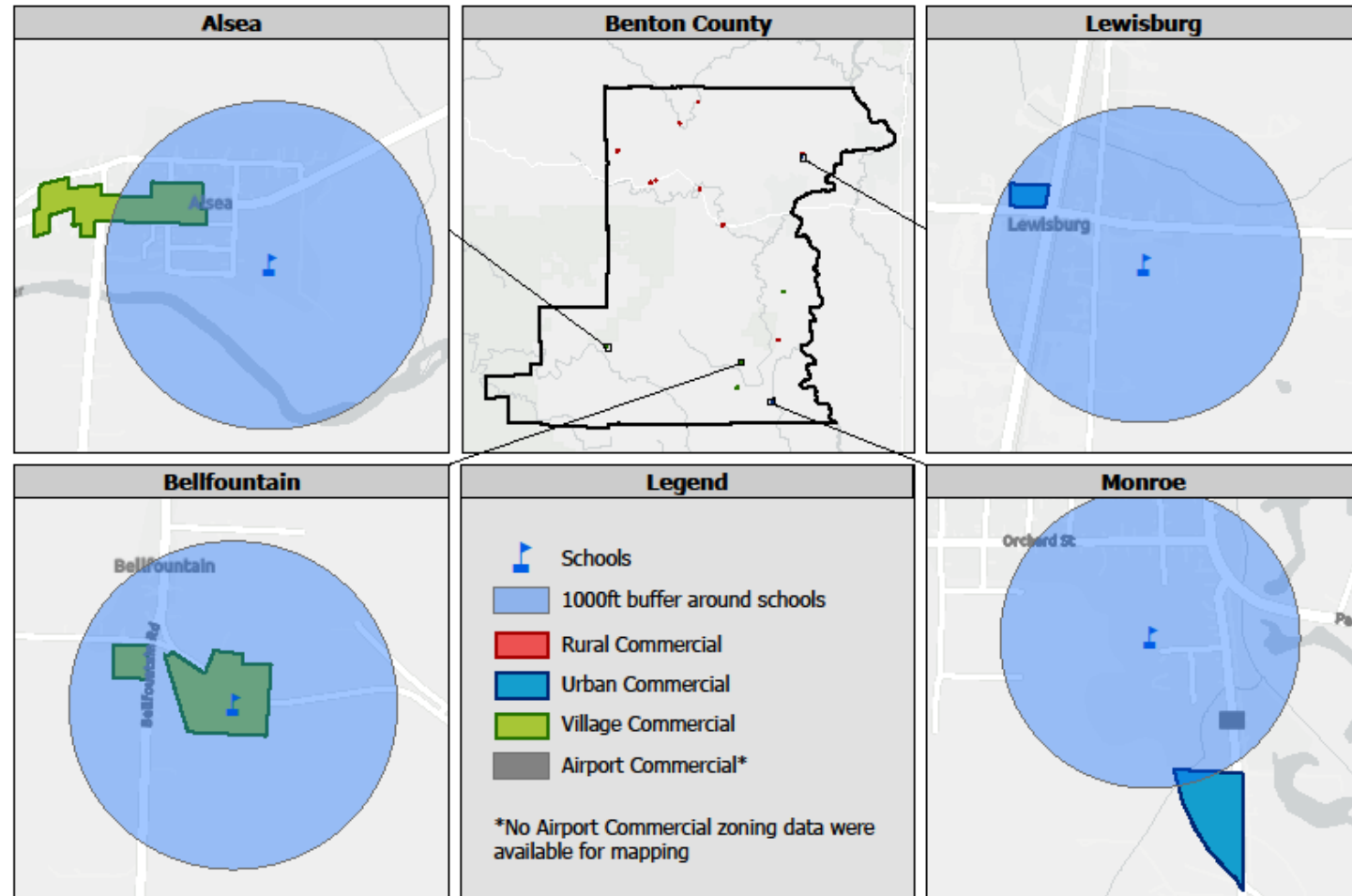
- All cities and counties in Oregon are automatically opted-in (subject to) the BM 109 (2020) psilocybin program unless the jurisdiction specifically opts out, of all or part, by passage of a local ballot measure in a statewide general election.
 - City of Philomath has a moratorium on manufacture and service centers on the ballot, that will sunset after 2 years if passed.
 - City of Corvallis
 - City of Monroe
 - City of Adair Village

GIS Mapping



GIS Mapping

Overlap of Proposed Zoning Areas with Schools, Unincorporated Benton County



Multnomah County Planning Commission

– Staff Report, 11/7/22

- Although it is difficult for staff to estimate potential impacts without real world examples of psilocybin business operations, we do not believe there is an immediate need to draft local Psilocybin time, place, manner (TPM) regulations at this time.
- The limited timeframe available to local jurisdictions to draft and adopt local TPM amendments once the implementing OARs are finalized (some point in December, 2022), and before the OHA begins accepting applications (January 2, 2023), effectively prevents staff from being able to convene work groups, or otherwise carefully study final rules, potential issues and regulatory options. Additionally, the draft OAR rules released to date by the OHA appear to address many of the questions and concerns identified by staff when contemplating potential impacts from these activities.

Multnomah County Planning Commission

– Staff Report, 11/7/22 cont.

- Multnomah County code currently identifies zones where general types of different business activities can occur, and establishes how those activities must be regulated to protect public health and safety and minimize community impact. Absent TPM rules, County staff would apply existing county codes and state statute and administrative rule directly to any application for a Psilocybin Business.
- County staff can prepare local TPM amendments for the Planning Commission's consideration at a future date if specific issues are identified justifying the need for additional regulation, or to help simplify implementation through rule consolidation.

Psilocybin
Proposed
Development
Code in
Concept

Growing (Production)

- Allow in Exclusive Farm Use and Multi-Purpose Agriculture zones
- Allow in Urban Industrial, Rural Industrial, Agricultural Industrial, Airport Industrial Park zones
- Prohibit in all other zones (including as home occupation or cottage industry)

Processing

- Allow in Exclusive Farm Use and Multi-Purpose Agriculture zones, in a facility with a processing area of less than 10,000 sq ft
- Allow in Urban Industrial, Rural Industrial, Agricultural Industrial, Airport Industrial Park
- Prohibit in all other zones (including as home occupation or cottage industry)

Treatment (Service Center)

- Allowable through Conditional Use review in Urban Commercial, Rural Commercial, Village Commercial and Airport Industrial Park zones
- Prohibit in all other zones (including as home occupation or cottage industry)
- Minimum distance from certain uses and facilities: school; daycare; public recreation facility; other psilocybin treatment centers.
- Limits on hours of operation
- Prohibit overnight accommodations unless separately allowed by the zone.

Not eligible for:

- Farm-related dwelling
- Farm stand
- Commercial activity in conjunction with farm use

Development Code Comparison

<u>PSILOCYBIN</u>	<u>RECREATIONAL MARIJUANA</u>
Growing (Production)	
- Allow in Exclusive Farm Use and Multi-Purpose Agriculture zones - Also allow in industrial zones - Prohibit in all other zones (including as home occupation or cottage industry)	- Allow in Exclusive Farm Use, Multi-Purpose Agriculture zones - Also allow in Forest Conservation, industrial zones - Prohibit in all other zones (including as home occupation or cottage industry)
Processing	
- Allow in Exclusive Farm Use and Multi-Purpose Agriculture zones, in a facility with a processing area of less than 10,000 sq ft - Allow in Urban Industrial, Rural Industrial, Agricultural Industrial, Airport Industrial Park - Prohibit in all other zones (including as home occupation or cottage industry)	- Allow in Exclusive Farm Use and Multi-Purpose Agriculture zones, in a facility with a processing area of less than 10,000 sq ft - Allow in Urban Industrial, Rural Industrial, Agricultural Industrial, Airport Industrial Park - Prohibit in all other zones (including as home occupation or cottage industry)
Sale	
Allowed only via a Treatment Service Center (no retail sales). Consumption on-site only.	Allowed through a state-licensed dispensary, open to public aged 21 and over. No on-site consumption.
- Allowable through Conditional Use review in Urban Commercial, Rural Commercial, Village Commercial and Airport Industrial Park zones - Prohibit in all other zones (including as home occupation or cottage industry) - Minimum distance from certain uses: school; daycare; public recreation facility; other psilocybin treatment centers. - Limits on hours of operation - Prohibit overnight accommodations unless separately allowed by the zone.	- Allowed outright in Urban Commercial, , Rural Commercial, and Airport Industrial Park zones. Not allowed in Village Commercial zone. - Prohibit in all other zones (including as home occupation or cottage industry) - No special distance requirements. - No limits on hours of operation - Prohibit overnight accommodations unless separately allowed by the zone.
Not eligible for:	
- Farm-related dwelling - Farm stand - Commercial activity in conjunction with farm use	- Farm-related dwelling - Farm stand - Commercial activity in conjunction with farm use

Topics the Board of Commissioners may wish to consider:

- Treatment service centers
 - Limited location options
 - Separation distances from other uses may be limiting
 - Daycares, publicly owned recreation facilities, another psilocybin service center
 - Separation from schools implemented by State.
 - In rural settings
 - Does not appear allowable under current state land use rules
 - Overnight accommodations
 - Would not be allowed unless the zone otherwise allows
- Growing
 - Would not be allowed in the Forest Conservation zone
 - Would be allowed in the industrial zones

Treatment Service Centers

Allowable as Conditional Use in:

- Urban Commercial zone
- Rural Commercial zone
- Village Commercial zone
- Airport Industrial Park zone

Topics the Board of Commissioners may wish to consider:

- Treatment service centers
 - Limited location options
 - Separation distances from other uses may be limiting
 - Daycares, publicly owned recreation facilities, another psilocybin service center
 - Separation from schools implemented by State.
 - In rural settings
 - Does not appear allowable under current state land use rules
 - Overnight accommodations
 - Would not be allowed unless the zone otherwise allows
- Growing
 - Would not be allowed in the Forest Conservation zone
 - Would be allowed in the industrial zones

Proposed Code in Concept

Growing (Production)

- Allow in Exclusive Farm Use and Multi-Purpose Agriculture zones
- Allow in Urban Industrial, Rural Industrial, Agricultural Industrial, Airport Industrial Park zones
- Prohibit in all other zones (including as home occupation or cottage industry)

Processing

- Allow in Exclusive Farm Use and Multi-Purpose Agriculture zones, in a facility with a processing area of less than 10,000 sq ft
- Allow in Urban Industrial, Rural Industrial, Agricultural Industrial, Airport Industrial Park
- Prohibit in all other zones (including as home occupation or cottage industry)

Treatment (Service Center)

- Allowable through Conditional Use review in Urban Commercial, Rural Commercial, Village Commercial and Airport Industrial Park zones
- Prohibit in all other zones (including as home occupation or cottage industry)
- Minimum distance from certain uses and facilities: school; daycare; public recreation facility; other psilocybin treatment centers.
- Limits on hours of operation
- Prohibit overnight accommodations unless separately allowed by the zone.

Not eligible for:

- Farm-related dwelling
- Farm stand
- Commercial activity in conjunction with farm use



STAFF REPORT TO THE BOARD OF COMMISSIONERS

PROPOSED ACTION:	Amendments to the Benton County Development Code to address the growing and processing of psilocybin-producing fungus and treatment centers (service centers) at which psilocybin-containing products are administered to people. The proposal would amend Chapters 51 (Development Code Administration) and Chapter 91 (Specific Use Standards) of the Development Code.
APPLICABLE CRITERIA:	Benton County Development Code Sections 53.605 through 53.625 (Text Amendment).
AFFECTED PROPERTY:	The proposed Development Code amendments apply to all land in unincorporated Benton County.
STAFF CONTACT:	Greg Verret Greg.Verret@co.benton.or.us 541-766-6819
FILE NUMBER:	LU-22-048 Psilocybin Regulations - Benton County Legislative

I. PLANNING COMMISSION RECOMMENDATION

On October 18, 2022, the Planning Commission held a public hearing¹ regarding these proposed code amendments. The Planning Commission received oral testimony from five members of the public and from Mara Sargent of the Benton County Health Department. Public comments were all in support of making regulations that are less (rather than more) restrictive and on the value of enabling a quiet natural setting for treatment service centers. Mara Sargent provided factual information and offered to serve as a resource for questions.

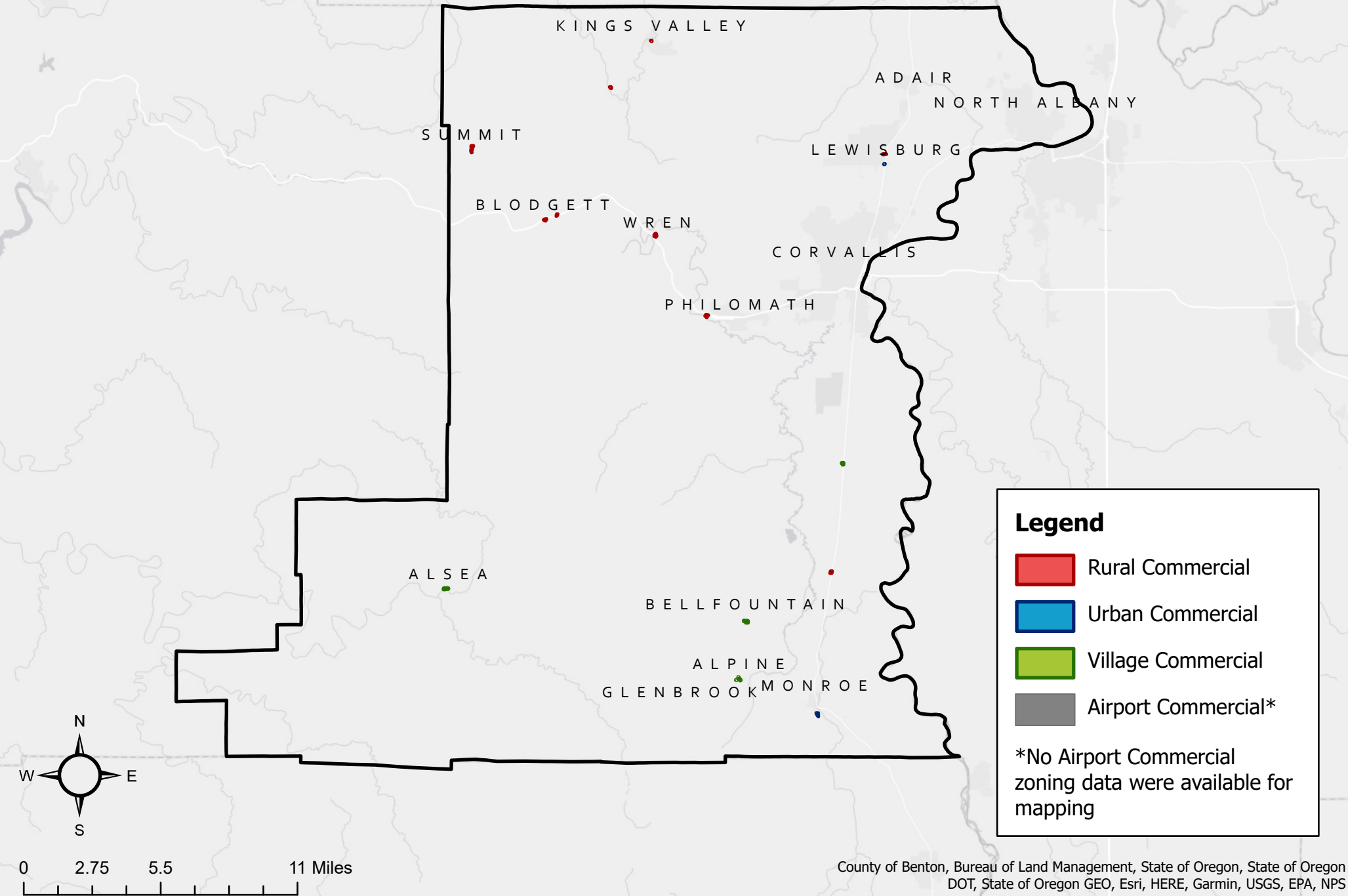
The Planning Commission discussed and deliberated several potential modifications to the proposed Development Code. The recommendation that ultimately passed was to recommend approval of the proposed code, modified to:

- allow growing and processing in industrial zones and to remove the additional setback requirements for growing and processing, leaving them subject to the setback requirements of the given zone; (this portion passed on a 4-3 vote)
- Remove “religious institution” from the list of existing uses that a psilocybin treatment service center must be at least 1,000 feet away from. (this portion passed on a 7-0 vote)

II. NATURE OF THE PROCEEDINGS

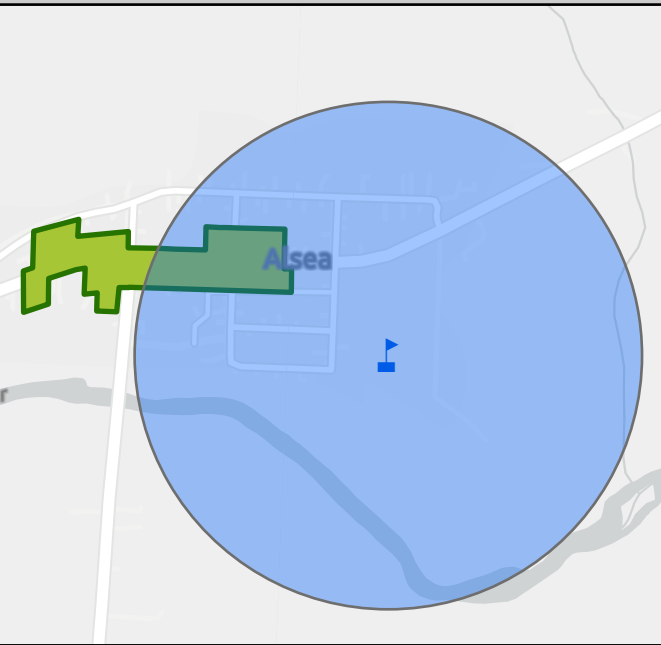
¹ The recording of the meeting can be viewed at the following link; Planning Commission discussion begins at 1:39:00.
<https://transcripts.gotomeeting.com/#/s/9c2eee8923ca4dc1337372360a36c6ef3aa1ef2260d2c51b7e8adee919fe29ef>

Proposed Zoning Locations for Psilocybin Treatment, Unincorporated Benton County

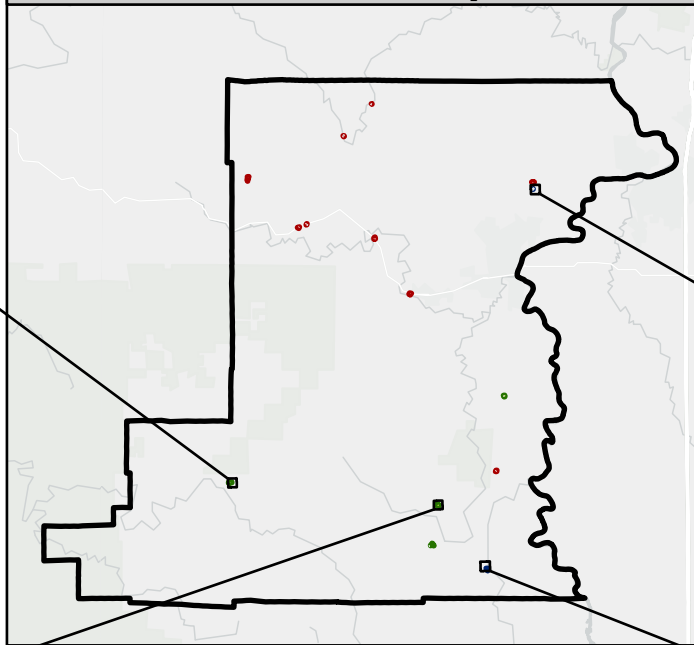


Overlap of Proposed Zoning Areas with Schools, Unincorporated Benton County

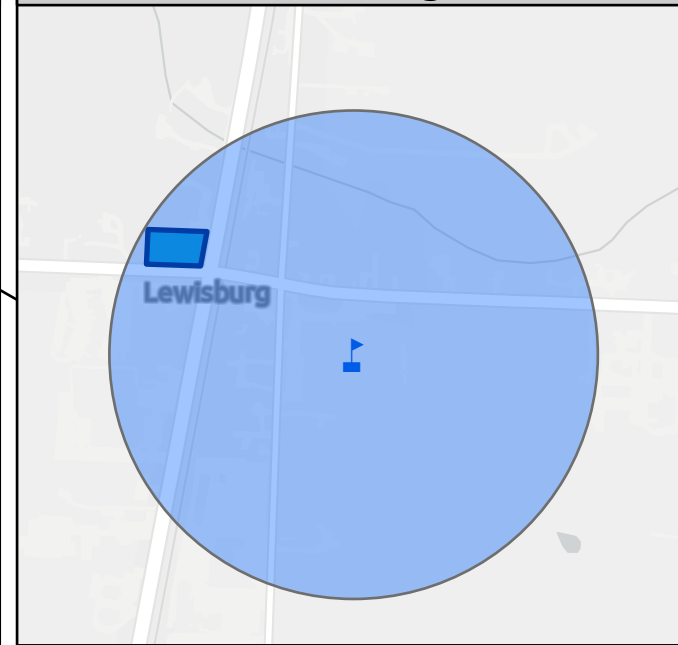
Alsea



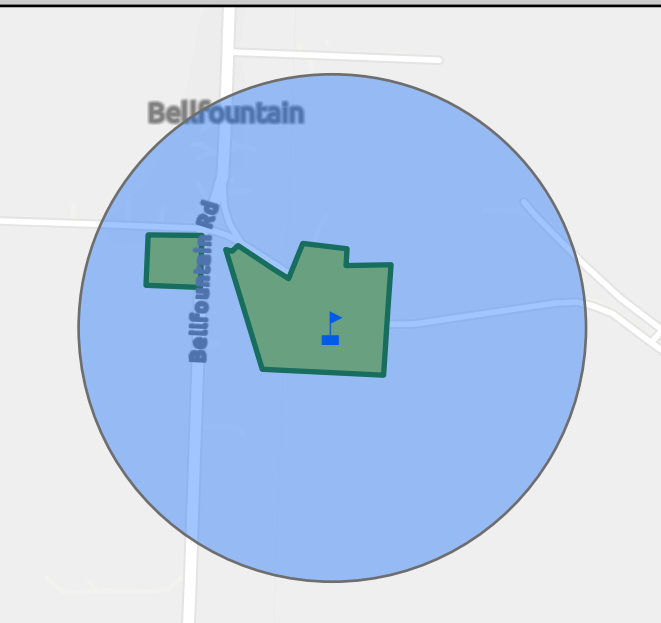
Benton County



Lewisburg



Bellfountain

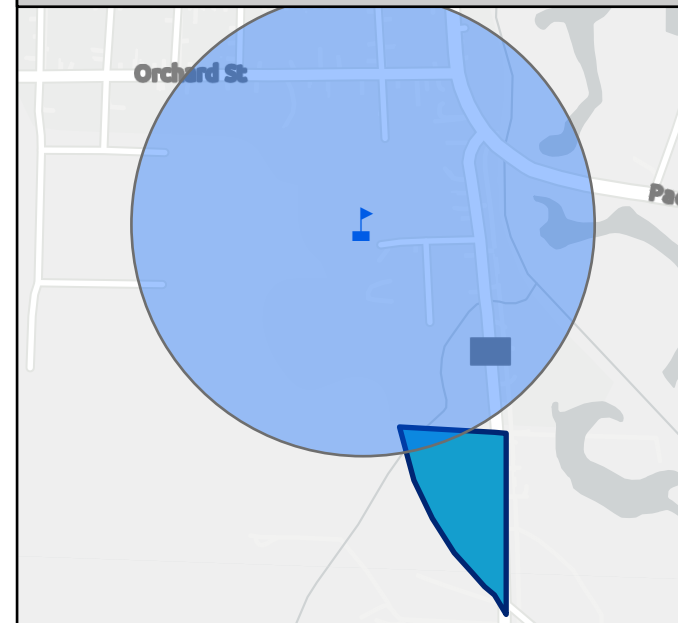


Legend

-  Schools
-  1000ft buffer around schools
-  Rural Commercial
-  Urban Commercial
-  Village Commercial
-  Airport Commercial*

*No Airport Commercial zoning data were available for mapping

Monroe



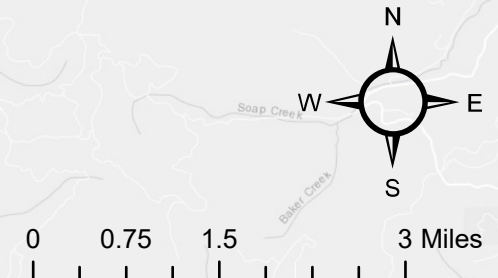
Proposed Zoning Locations for Psilocybin Treatment, Unincorporated Benton County

K I N G S V A L L E Y

S U M M I T

B L O D G E T T

W R E N



Legend

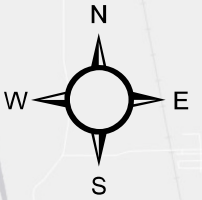
-  Rural Commercial
-  Urban Commercial
-  Village Commercial
-  Airport Commercial*

*No Airport Commercial zoning data were available for mapping

P H I L O M A T H

County of Benton, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

Proposed Zoning Locations for Psilocybin Treatment, Unincorporated Benton County



NORTH ALBANY

ADAIR

LEWISBURG

CORVALLIS

PHILOMATH

0 0.75 1.5 3 Miles

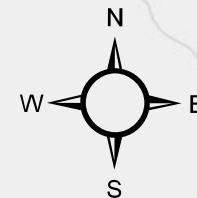
Legend

-  Rural Commercial
-  Urban Commercial
-  Village Commercial
-  Airport Commercial*

*No Airport Commercial zoning data were available for mapping

Proposed Zoning Locations for Psilocybin Treatment, Unincorporated Benton County

A L S E A



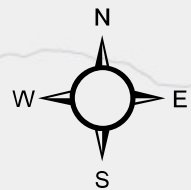
0 0.75 1.5 3 Miles

Legend

-  Rural Commercial
-  Urban Commercial
-  Village Commercial
-  Airport Commercial*

*No Airport Commercial
zoning data were available for
mapping

Proposed Zoning Locations for Psilocybin Treatment, Unincorporated Benton County

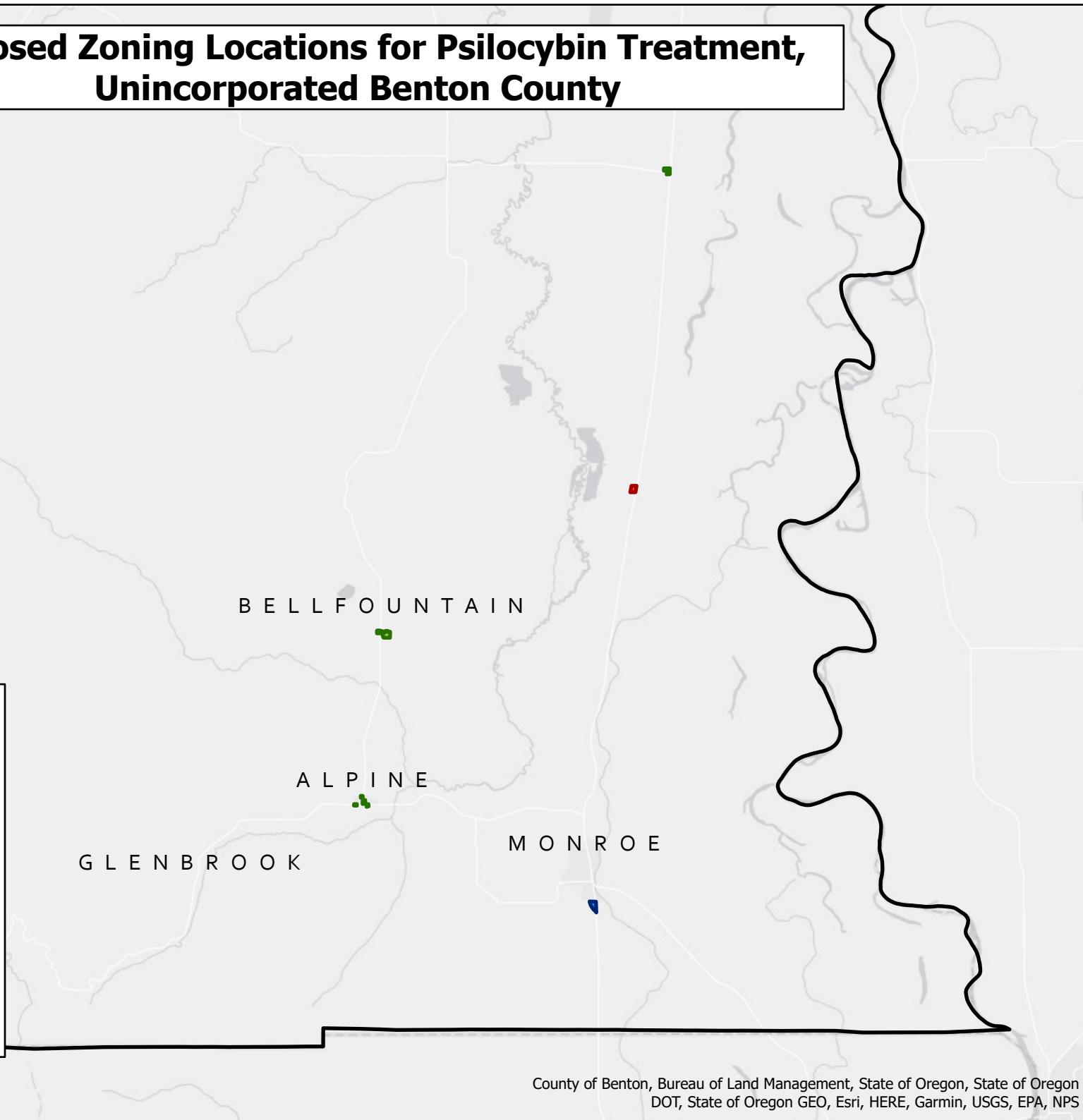


0 0.75 1.5 3 Miles

Legend

-  Rural Commercial
-  Urban Commercial
-  Village Commercial
-  Airport Commercial*

*No Airport Commercial
zoning data were available for
mapping



The Board of County Commissioners initiated a legislative process on August 9, 2022, to consider code amendments to adopt time, place and manner regulations related to psilocybin, as laid out in Ballot Measure 109 approved by Oregon voters in November 2020.

As a legislative matter, the County's review is not subject to the 150-day time limit that applies to application-driven (quasi-judicial) proposals. However, the provisions of Measure 109 become effective on January 1, 2023; Benton County regulations need to be in effect at that time in order to apply to all applicants for state licensing to produce, process or administer under the state's psilocybin program. Given the short time-frame, staff is proposing an initial set of code amendments to establish a baseline regulation and recommends that the County consider a subsequent process with more public engagement and a longer time-frame at some point in the future.

The schedule necessary to meet the deadline of January 1, 2023, requires that the Planning Commission hold a single public hearing on October 18 and make its recommendation at that time. Staff acknowledges the compressed time-frame; many counties are facing similar timing challenges due to the timing of the legislation's effective date. The Board of County Commissioners is scheduled to hold its public hearing on November 1. The Board of Commissioners will then hold a second reading of the ordinance at least 14 days after the public hearing; based on the board's action the ordinance would take effect 30 days after the second reading. The earliest date the ordinance could become effective would be December 15, 2022.

Notification of the proposed code amendment was submitted to the Oregon Department of Land Conservation and Development was provided 35 days prior to the Planning Commission hearing as required by state rules. A legal advertisement was published in the *Corvallis Gazette-Times*, pursuant to BCC 51.610(3). The County emailed notification to 76 agency staff and other interested parties on September 28, 2022, and mailed notification to Oregon Department of Fish and Wildlife as required by BCC 53.615.

III. LEGAL CONTEXT

Measure 109, which legalized psilocybin in Oregon, automatically opts cities and counties into the psilocybin program, which is currently under development and is slated to begin statewide on January 2, 2023. Measure 109 offers the option for cities and counties to opt out via a local ballot measure; the Board of County Commissioners decided not to pursue such a ballot measure. In Benton County, Measure 109 passed by a vote of 63% in favor to 37% opposed.

The statewide Psilocybin Services Program will be overseen by the Oregon Health Authority. The agency maintains full authority over licensing and enforcement for product manufacturers, product testing labs, service centers, facilitators, and facilitator training programs. A local jurisdiction may "adopt ordinances that impose reasonable regulations on the operation" of licensed psilocybin businesses. "Reasonable regulations" is defined to include regulations on the location of businesses, the manner in which psilocybin products are manufactured and the manner in which psilocybin services are provided, hours of operation, and public access. These local regulations must comply with state law and rules. State statute and forthcoming administrative rules are extensive, covering a wide range of considerations related to psilocybin. What falls to

Benton County most directly is the land use element: in what zones and subject to what land use standards should the growing, processing and administering of psilocybin occur.

(Terminology note: Measure 109 uses different terminology than the Benton County Development Code in referring to the manufacture and administering of psilocybin. The measure uses “manufacture” to include typical agricultural activities of planting, growing and harvesting, as well as various forms of processing. In this staff report, “growing” will be used mean the planting, growing and harvesting of a farm crop, as well as the preparation of that crop for distribution, all of which is contained within the definition of “farm use” applicable to the Exclusive Farm Use zone. “Processing” will be used to mean the conversion of a farm crop into a product; for example, processing fungus into an administrable form. “Processing” is not considered part of the defined term “farm use” but is allowable in the farm zone through a ministerial review.

Similarly, the measure uses the term “service center” to describe businesses where psilocybin will be administered to people. The measure seems to envision a variety of related potential activities beyond administering psilocybin that could occur at service centers, including but not limited to counseling, provision of food, overnight accommodations, and outdoor spaces for people receiving psilocybin to be in during the course of an administration session. Note that the only lawful distribution of psilocybin is at a licensed service center through the course of an administration session; retail sales of psilocybin are not allowed. The term “service center” thus covers a variety of land use categories. The proposed Benton County Development Code language would allow a service center as a conditional use in zones that currently allow the land use category of “clinic.” Other associated uses could be allowed as an element of a service center only if those other land uses are also allowed in the given zone.)

Measure 109 does contain some provisions pertaining to land use. The measure states that psilocybin-producing fungi is a crop for the purposes of “farm use” as defined in ORS 215.203. Psilocybin service centers may not be located within 1,000 feet of elementary or secondary schools (500 feet if there is a physical or geographic barrier), and manufacturing facilities may not be located outdoors.² Service centers may not be located in single family dwellings.

Combining the measure’s allowance for “reasonable regulations” with the specific land use provisions in the measure and our existing land use framework, staff drafted the attached code sections.

IV. PROPOSED CODE

The proposed Development Code amendments are intended to establish a basic framework of psilocybin land use regulation to enable businesses to establish and people to access services while limiting the potential for land use conflicts and other off-site impacts. Understanding that our knowledge of psilocybin growing, processing and treatment is limited at this time, and that we have very limited time in which to develop and vet local regulations, staff is proposing a fairly simple code structure at this time, understanding that the code can be re-visited in the future for potential modifications.

² Presumably, the measure requires growing of psilocybin-producing fungi to occur indoors: the growing of the fungus is included in the term “manufacture” and manufacturing is required to be indoors.

To keep the code simple for understanding, quicker to adopt, and more easily modified in the future, staff is proposing psilocybin-related provisions that are all contained within one code chapter rather than listed in each of the zone chapters in which an element of the licensed activities could occur. Hence, Chapter 91 (Specific Use Standards) contains all psilocybin-related regulations (with the exception of the farm use definition which must be updated to reflect that psilocybin-producing fungi are considered a farm crop in the farm zones, but are not considered a farm crop in other zones).

The following table summarizes the proposed code:

Growing (Production)
• Allow in Exclusive Farm Use and Multi-Purpose Agriculture zones • <u>Allow in Urban Industrial, Rural Industrial, Agricultural Industrial, Airport Industrial Park zones</u> (added by Planning Commission) • Prohibit in all other zones (including as home occupation or cottage industry)
Processing
• Allow in Exclusive Farm Use and Multi-Purpose Agriculture zones, in a facility with a processing area of less than 10,000 sq ft • Allow in Urban Industrial, Rural Industrial, Agricultural Industrial, Airport Industrial Park • Prohibit in all other zones (including as home occupation or cottage industry)
Treatment (Service Center)
• Allowable through Conditional Use review in Urban Commercial, Rural Commercial, Village Commercial and Airport Industrial Park zones • Prohibit in all other zones (including as home occupation or cottage industry) • Minimum distance from certain uses and facilities: school; daycare; public recreation facility; ~~religious institution~~ (deleted by Planning Commission); other psilocybin treatment centers. • Limits on hours of operation • Prohibit overnight accommodations unless separately allowed by the zone.
Not eligible for:
• Farm-related dwelling • Farm stand • Commercial activity in conjunction with farm use

Key areas the Board of Commissioners may want to consider regarding the proposed code:

1. Growing psilocybin-producing fungi would not be allowed in the Forest Conservation zone.

The definition of “farm use” is currently identical for the Forest Conservation (FC) zone and the exclusive farm use zones (EFU and MPA – Multi-Purpose Agriculture), meaning that all crops that can be grown in EFU can be grown in FC. Measure 109 requires that psilocybin-producing fungi be allowed in farm zones but does not require the growing to be allowed in forest or other zones. Because the process of growing psilocybin-producing fungi appears

to be fairly industrial and is not well understood from a land use perspective, staff recommends limiting it to the farm zones at this time.

The Planning Commission discussed allowing growing in the Forest Conservation zone and several planning commissioners thought it would be appropriate but they did not include this in the motions they voted on.

2. Growing psilocybin-producing fungi would be allowed in the industrial zones.

The original staff proposed code did not allow growing in industrial zones because a) the statute specifically calls for the growing to be allowed in farm zones but mentions no other zones, and b) a lack of knowledge about how industrial growing might affect other industrial uses led staff to start conservatively with the understanding that regulations could be eased in the future. Growing of psilocybin-producing fungi is apparently a fairly industrial version of crop production and the Planning Commission felt it was appropriate to allow it in industrial zones.

3. Siting standards and review processes might be either too restrictive or too permissive.

Psilocybin-related facilities, such as for growing or processing fungi, or for treatment service centers, would be subject to the siting standards applicable to other structures in the zones they are allowed in. The original staff proposal added a larger setback distance for growing and processing facilities (60 feet minimum; 100 feet adjacent to residential zones). The Planning Commission recommendation was to remove this additional setback, leaving such facilities subject to the standard setbacks of the given zone. The rationale was that there is a lack of evidence that psilocybin growing/processing would be inherently different or more impactful than other growing or processing allowed in farm or industrial zones. An alternate viewpoint was that in the absence of information it is better to establish a conservative/protective code and loosen it in the future if impacts prove to be minor.

Treatment service centers would be subject to a minimum separation distance from certain other land uses and facilities-- schools, daycares, publicly owned recreation facilities, another psilocybin treatment center. The planning commissioners discussed removing most or all of the separation distances but ultimately voted to remove only religious institutions from the list in staff's original proposal. Planning commissioners discussed that these required separation distances could rule out some of the already few locations zoned for treatment service centers (there are only small pockets of commercial zoning in the unincorporated county), and that arbitrary separation distances might be unnecessary given that treatment service centers would be reviewed case-by-case for compatibility through conditional use review. The separation distance from schools is in the statute; if Benton County requires separation distances from certain land uses, it makes sense to include schools to reduce chances of confusion. However, if the Board determines that other separation distances are not necessary as a one-size-fits-all standard, separation from schools will still be required and enforced by the state.

Some other jurisdictions are considering more restrictive siting requirements. For example, Wasco County's draft code³ has an expanded list of land uses which a psilocybin treatment service center must observe a separation distance from (adding public library, licensed treatment center, public housing), and includes a more extensive list of operating standards, specifically addressing access, security cameras, water supply, waste management. Staff feels that these topics are adequately addressed in other sections of County Code and/or state statutes or rules.

4. Treatment Service Centers and rural settings.

From conversation with staff in the Benton County Health Department who have been learning about the upcoming psilocybin program in Oregon, it appears that growing and processing the fungi to produce psilocybin is not likely to be as significant a land use as the treatment service centers. Expectations are that it will take a relatively small amount of fungus production to supply the anticipated demand for psilocybin.

By contrast, the treatment service centers are the focus of considerable discussion. Within the County's land use framework, a treatment service center seems to fit in most logically as a land use similar to a clinic. However, some potential practitioners have testified that a clinical setting would not be the most conducive to obtaining the desired health and wellness benefits from psilocybin treatments. As a therapy in which setting plays a key role in how the person responds to the psilocybin, there is significant interest in being able to provide treatment in a quiet, rural, outdoors, natural environment. Such locations would typically be in farm, forest or rural residential zoning. Under the current draft, this use would not be allowed in those zones. State law proscribes the uses allowable in farm and forest zones, and also places some limits on the uses allowable in rural residential zones. Under state law, the only way I am aware of that a treatment service center could be allowed in a farm zone is as a conditional use in the category of "commercial activity in conjunction with farm use," but it is not as simple as writing into the code that psilocybin treatment service centers are allowed in this category – for reasons I can describe at the hearing.

A comparison could be drawn to wineries, which rely on crops grown in the farm zone and are allowed to hold events and sell the processed farm crop (wine) directly from the farm. The difference is that ORS 215 (the county land use statute) and Oregon Administrative Rule OAR 660-033 (Agricultural Lands) were amended to specifically allow wineries in this fashion. State land use rules do not currently address the siting of psilocybin treatment service centers.

Staff recognizes that optimal siting for treatment service centers may have a public benefit. Reconciling that with the current statewide planning regulations will require a broader and more in-depth conversation than can occur in Benton County by December 31, 2022. Staff recommends that the topic of farm, forest and rural residential locations for treatment service centers be deferred. One option is that the County could establish a workgroup in

³ <https://wcludo.konveio.com/chapter-7-psilocybin-manufacturing-and-service-centers>

2023 or later to evaluate potential changes/improvements to the County's psilocybin regulations. Another option is to encourage state policy-makers to address this conflict at a state-wide level.

At the Planning Commission hearing, significant discussion occurred around the appropriateness of treatment service centers on EFU and Forest Conservation land. Points brought up included:

- Wineries are allowed in EFU, while psilocybin offers more societal benefit than wineries and is not allowed.
- Wineries are a farm use and wine-tasting supports that farm use; psilocybin treatment is a different land use.
- Psilocybin treatment centers could be low impact compared a number of other land uses allowed in EFU and FC zones.
- Natural settings can be created in a variety of locations, including in urban areas; it's not necessary to use farm or forest land for this purpose.

A Planning Commission motion on this topic failed on vote, but it clearly is an issue of concern to the public and the Planning Commission.

Questions raise by Planning Commissioners; responses from staff:

Why require a conditional use permit for treatment service centers?

A use can be allowed outright in a zone if the impacts of the use are expected to be consistent with other uses in the zone and/or can be made compatible through clear and objective standards. A conditional use review enables case-by-case consideration of potential impacts and compatibility concerns and the imposition of conditions of approval to mitigate impacts. The staff proposal is for a conditional use requirement for treatment centers because of the many unknowns regarding what they will look like, how they will operate, what impacts (real or perceived) they will have, and because we are doubtful we can develop clear and objective standards that would anticipate all those potential concerns. We expect there may be a high degree of variability in what constitutes a treatment service center. Given experience and time to research and vet concepts, we as a community may decide that this can be an outright permitted use. Or, the Planning Commission may find that adequate standards can be put in place in this current code to allow treatment centers outright. If we keep the conditional use requirement, we think we could consider removing some of the proposed siting limitations as those types of concerns could be addressed on a case-by-case basis.

How does the proposed framework for regulating psilocybin compare to how the Development Code currently regulates recreational (commercial) marijuana?

The following table provides this comparison.

<u>PSILOCYBIN</u>	<u>RECREATIONAL MARIJUANA</u>
Growing (Production)	
• Allow in Exclusive Farm Use and Multi-Purpose Agriculture zones • Also allow in industrial zones • Prohibit in all other zones (including as home occupation or cottage industry)	• Allow in Exclusive Farm Use, Multi-Purpose Agriculture zones • Also allow in Forest Conservation, industrial zones • Prohibit in all other zones (including as home occupation or cottage industry)
Processing	
• Allow in Exclusive Farm Use and Multi-Purpose Agriculture zones, in a facility with a processing area of less than 10,000 sq ft • Allow in Urban Industrial, Rural Industrial, Agricultural Industrial, Airport Industrial Park • Prohibit in all other zones (including as home occupation or cottage industry)	• Allow in Exclusive Farm Use and Multi-Purpose Agriculture zones, in a facility with a processing area of less than 10,000 sq ft • Allow in Urban Industrial, Rural Industrial, Agricultural Industrial, Airport Industrial Park • Prohibit in all other zones (including as home occupation or cottage industry)
Sale	
Allowed only via a Treatment Service Center (no retail sales). Consumption on-site only. • Allowable through Conditional Use review in Urban Commercial, Rural Commercial, Village Commercial and Airport Industrial Park zones • Prohibit in all other zones (including as home occupation or cottage industry) • Minimum distance from certain uses: school; daycare; public recreation facility; other psilocybin treatment centers. • Limits on hours of operation • Prohibit overnight accommodations unless separately allowed by the zone.	Allowed through a state-licensed dispensary, open to public aged 21 and over. No on-site consumption. • Allowed outright in Urban Commercial, , Rural Commercial, and Airport Industrial Park zones. Not allowed in Village Commercial zone. • Prohibit in all other zones (including as home occupation or cottage industry) • No special distance requirements. • No limits on hours of operation • Prohibit overnight accommodations unless separately allowed by the zone.
Not eligible for:	
• Farm-related dwelling • Farm stand • Commercial activity in conjunction with farm use	• Farm-related dwelling • Farm stand • Commercial activity in conjunction with farm use

If psilocybin is administered under medical supervision, some treatment center models may require extended hours and overnight. Why did we jump to limits and prohibit overnight in some zones?

Clarification: the administration of psilocybin is under trained supervision but does not require medical supervision. Limiting hours and prohibiting overnight was put forward in the draft as a means of keeping this use consistent with the other uses that are currently allowed in those zones. That might limit workable practice models. The Planning Commission should consider whether it is appropriate to introduce overnight accommodations to a zone that currently allows no overnight accommodations. It could be that, as a conditional use, the compatibility of overnight accommodations would be adequately determined on a case-by-case basis and there is not a need for a blanket prohibition.

V. WRITTEN TESTIMONY

No written testimony had been received as of Tuesday, October 18, 2022.

VI. DEVELOPMENT CODE PROVISIONS FOR TEXT AMENDMENTS

BCC 53.605. On occasion, it may be appropriate to amend sections of the Comprehensive Plan or Development Code to respond to changing policies and conditions, or to clarify text.

BCC 53.610(1). The Board of County Commissioners may initiate an amendment to this code. The Board shall direct the Planning Official to prepare a background report discussing the justification for the proposed amendment.

BCC 53.620. The Planning Commission shall conduct a public hearing to review a proposed text amendment. Following the public hearing, the Planning Commission shall make a recommendation to the Board to approve, deny, or modify the proposed amendment.

BCC 53.625. The Board of County Commissioners shall hold a public hearing to review a proposed text amendment. The Board may accept, reject, or modify the proposed text amendment in whole or in part. Incorporation of any text amendment into the Development Code shall proceed pursuant to the Ordinance adoption provisions of the Benton County Charter.

Findings: The proposed text amendments are necessary to address changing conditions, namely the enactment of Measure 109 legalizing and regulating psilocybin. The Board of Commissioners initiated these text amendments. This staff report constitutes the background report discussing the justification for the proposed amendment.

The Planning Commission, at its October 18 hearing, developed a recommendation to the Board of Commissioners. The Board will hold a subsequent hearing and, if approved, adopt Development Code provisions by ordinance.

Conclusion: The process requirements of the Development Code will be met.

VII. RECOMMENDED ACTION

The Planning Commission and staff recommend that the Board of Commissioners:

- A. Discuss and consider the proposed code and any potential revisions, and
- B. Adopt the amendments as shown in the attached ordinance, or with revisions.

VIII. MOTIONS

Option A:

- A. I move to enact Ordinance No. 2022-0313, amending the Development Code to add psilocybin regulations, and conduct a first reading of the ordinance.

Option B:

- B. I move to reject the code amendments relating to psilocybin.

IX. ATTACHMENTS

- A *Proposed Code*

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

**In the Matter of Amending the Benton)
County Development Code Regarding) ORDINANCE #2022-0313
Psilocybin, specifically Chapters 51 and 91.)**

WHEREAS:

Measure 109 was approved by Oregon voters in November 2020, establishing a program for legalized psilocybin in Oregon.

In Benton County, Measure 109 passed by a vote of 63% in favor and 37% opposed.

The Psilocybin Services Program will be overseen by the Oregon Health Authority. The agency maintains full authority over licensing and enforcement for product manufacturers, product testing labs, service centers, facilitators, and facilitator training programs. A local jurisdiction may “adopt ordinances that impose reasonable regulations on the operation” of licensed psilocybin businesses.

Benton County identifies a public interest in enabling psilocybin treatment to be available to members of the community.

Benton County identifies a public interest in limiting conflicts between land uses and maintaining the integrity of the Oregon land use planning system.

Benton County has balanced the various interests and concerns into Development Code provisions that allow the growing and processing of psilocybin-producing fungi and treatment service centers in appropriate locations.

Benton County recognizes an inherent tension between the desire for rural settings for treatment service centers and the principles of the Oregon land use planning system regarding the use and conservation of rural lands. Future work at the state and local levels will be needed to resolve this tension.

The Benton County Planning Commission held a duly advertised public hearing on October 18, 2022, received public testimony, and voted to recommend that the Board of Commissioners approve the Development Code amendments with modifications.

The Benton County Board of Commissioners held a duly advertised public hearing on November 1, 2022, received public testimony, deliberated, and voted to approve the Development Code amendments. The Benton County Board of

Commissioners has considered the staff report, the application materials, the recommendation of the Benton County Planning Commission, and the record as a whole, and finds the proposed Development Code amendments comply with the criteria of Benton County Code 53.605 through 53.625 and are consistent with the applicable policies and procedures of the Benton County Comprehensive Plan.

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

- PART I.** Short Title. Amendments to the Benton County Development Code Regarding Psilocybin.
- PART II.** Authority. The Board of County Commissioners of Benton County has authority to amend the Development Code pursuant to ORS Chapter 215 and the Benton County Charter.
- PART III.** The Development Code amendments proposed in Planning File No. LU-22-048 are hereby approved, based on the Findings and Conclusions contained in the attached “Exhibit 1” and hereby adopted and incorporated herein.
- PART IV.** Chapters 51 and 91 of the Benton County Development Code are hereby amended as shown in “Exhibit 2”.
- PART V.** The effective date for these amendments to the Benton County Development Code will be December 16, 2022.

First Reading: November 1, 2022

Second Reading: November 15, 2022

Effective Date: December 16, 2022

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BENTON COUNTY BOARD OF
COMMISSIONERS

Nancy Wyse, Chair

Pat Malone, Commissioner

Xan Augerot, Commissioner

Approved as to Form:

County Counsel

Recording Secretary

Findings of Fact and Conclusions of Law
Development Code Amendments; File No. LU-22-048

DEVELOPMENT CODE PROVISIONS FOR TEXT AMENDMENTS

BCC 53.605. On occasion, it may be appropriate to amend sections of the Comprehensive Plan or Development Code to respond to changing policies and conditions, or to clarify text.

BCC 53.610(1). The Board of County Commissioners may initiate an amendment to this code. The Board shall direct the Planning Official to prepare a background report discussing the justification for the proposed amendment.

BCC 53.620. The Planning Commission shall conduct a public hearing to review a proposed text amendment. Following the public hearing, the Planning Commission shall make a recommendation to the Board to approve, deny, or modify the proposed amendment.

BCC 53.625. The Board of County Commissioners shall hold a public hearing to review a proposed text amendment. The Board may accept, reject, or modify the proposed text amendment in whole or in part. Incorporation of any text amendment into the Development Code shall proceed pursuant to the Ordinance adoption provisions of the Benton County Charter.

Findings: The Board of Commissioners finds that the proposed text amendments are necessary to address changing conditions, namely the enactment of Measure 109 legalizing and regulating psilocybin. The Board initiated these text amendments. The staff report constitutes the background report discussing the justification for the proposed amendment.

The Planning Commission, at its October 18, 2022, public hearing, developed a recommendation to the Board of Commissioners. The Board of Commissioners held a public hearing on November 1, 2022, and is adopting the Development Code provisions by ordinance.

Conclusion: The requirements of the Development Code will be met.

Amendments to Chapters 51 and 91, Benton County Development Code

File No. LU-22-048

Added text is underlined.

Deleted text is ~~struck through~~.

Chapter 51

Development Code Administration

* * *

51.020 Definitions. As used in BCC Chapters 51 to 100:

* * *

(15) "Farm use" means the following:

- (a) In only the Exclusive Farm Use, Forest Conservation, and Multi-Purpose Agriculture zones, "farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. Marijuana, grown commercially pursuant to a license issued by the State of Oregon, is a crop. In the Exclusive Farm Use and Multi-Purpose Agriculture zones only, psilocybin-producing fungi, grown pursuant to a license from the State of Oregon, is a crop. "Farm Use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm Use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and other animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees defined in ORS 215.203 (3) or land described in ORS 321.267 (3) or 321.824. A wholesale or retail plant nursery is considered horticultural use and therefore is allowed under this definition. [Ord 2015-0270]
- (b) In zones other than Exclusive Farm Use, Forest Conservation and Multi-Purpose Agriculture, "farm use" means the current employment of land for

the primary purpose of obtaining a profit in money by raising, harvesting and selling crops, or by the feeding, breeding, management and sale of livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry, or any combination thereof. "Farm Use" includes the preparation and storage of the products raised on such land for human and animal use and disposal by marketing or otherwise. "Farm Use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees or for hardwood species marketable as fiber for manufacturing paper products as described in ORS 321.267(3) or 321.824. Farm use shall be appropriate for the continuation of existing, or the promotion of new, commercial agriculture enterprise in the area.

"Farm use" in zones other than Exclusive Farm Use, Forest Conservation and Multi-Purpose Agriculture is distinguished from the 51.020(15)(a) definition by the exclusion of:

- (A) "stabling or training equines";
 - (B) "bird and other animal species that are under the jurisdiction of the State Fish and Wildlife Commission";
 - (C) "on-site construction and maintenance of equipment and facilities" used for farm use; and
 - (D) "marijuana, grown commercially pursuant to a license issued by the State of Oregon," as a farm crop. [Ord 2015-0270]
 - (E) Psilocybin-producing fungi, grown pursuant to a license from the State of Oregon, as a farm crop.
- (c) As used in the definition of "farm use",
- (A) "Current employment" of land for farm use includes:
 - (i) Farmland, the operation or use of which is subject to any farm-related government program;
 - (ii) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
 - (iii) Land planted in orchards or other perennials, other than land specified in subparagraph (iv) of this paragraph, prior to maturity;

- (iv) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
 - (v) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
 - (vi) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213 (1)(u) and 215.283 (1)(r) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213 (2)(c) and 215.283 (2)(a);
 - (vii) Water impoundments lying in or adjacent to and in common ownership with farm use land;
 - (viii) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
 - (ix) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
 - (x) Any land described under ORS 321.267 (3) or 321.824 (3); and
 - (xi) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:
 - 1. Only the crops of the landowner are being processed;
 - 2. The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
 - 3. The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.
- (B) "Accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.
- (C) "Cultured Christmas trees" means trees:

- (i) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
 - (ii) Of a marketable species;
 - (iii) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
 - (iv) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.
{ORS 215.203}
- (D) "Preparation" of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products; and
- (E) "Products or by-products raised on such land" means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

[Ord. 2001-0174, Ord 2006-0214, Ord 2015-0269, Ord 2015-0270]

* * *

Chapter 91

Specific Use Standards

91.005 Purpose. A variety of land uses are permitted in more than one zone. It is the purpose of this chapter to provide uniform standards for certain land uses, with the standards applicable to all zones in which such uses are allowed. These standards shall be applied in addition to all other standards and criteria appropriate to the review process required by the zone. [Ord 90-0069]

* * *

PSILOCYBIN-RELATED PRODUCTION, MANUFACTURING AND SERVICE CENTERS

91.680 Generally. Land uses involved in psilocybin-related growing/production, processing manufacturing and treatment service centers shall be governed by BCC 91.680 through 91.688. Other provisions of the Development Code shall also apply except where they conflict with more specific provisions of BCC 91.680 through 91.688.

91.682 Growing/Production. The growing of psilocybin-producing fungi:

- (1) Pursuant to a license from the State of Oregon, is allowed as a farm use in the Exclusive Farm Use, Multi-Purpose Agriculture, Urban Industrial, Rural Industrial, Agricultural Industrial, and Airport Industrial Park zones; and
- (2) Shall be subject to all applicable overlay zones and all siting standards of the zone in which located and any other applicable provisions of the Development Code.

91.684 Processing. The processing of psilocybin products pursuant to a license from the State of Oregon:

- (1) Is permitted in only:
 - (a) The Exclusive Farm Use and Multi-Purpose Agriculture zones pursuant to the provisions for a facility for the processing of farm crops;
 - (b) The Urban Industrial and Rural Industrial zones pursuant to the provisions for a facility for the manufacturing, processing and/or assembling of products;
 - (c) The Agricultural Industrial zone; and
 - (d) The Special Use-Airport Industrial Park zone pursuant to the provisions for manufacturing, processing and assembling, except that on-site sale of such products are not allowed. A treatment service center may be allowed pursuant to BCC 91.686.
- (2) Is prohibited in all other zones, including as a home occupation or cottage industry.
- (3) Shall be subject to all applicable overlay zones and to the siting standards of the

zone in which located.

91.686 Service Centers.

- (1) A psilocybin treatment service center:
 - (a) Is a conditional use in the Urban Commercial, Rural Commercial, Village Commercial, and Special Use-Airport Industrial Park zones, subject to review pursuant to the conditional use provisions of those zones.
 - (b) Is prohibited in all other zones, including as a home occupation or cottage industry.
- (2) Siting Standards.
 - (a) A psilocybin treatment service center shall not be located within 1,000 feet of:
 - (A) Either of the following, unless authorized to be so sited by the Oregon Health Authority:
 - (i) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
 - (ii) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a).
 - (B) A licensed daycare;
 - (C) A publicly owned park, playground or recreation facility; and
 - (D) Another psilocybin treatment service center.
 - (b) If any of the uses described above is established subsequent to the legal establishment of a psilocybin treatment service center, the service center may remain at that location unless the Oregon Health Authority revokes the license of the service center operator or the service center use is otherwise abandoned for a period of more than one year.
- (3) A psilocybin treatment service center shall:
 - (a) Operate only with proper licensing from the State of Oregon;
 - (b) Operate only between the hours of 8:00 a.m. and 10:00 p.m., daily, unless different operating hours are approved through the conditional use review;
 - (c) Operate only indoors or within an enclosed and secured outdoor area;
 - (d) Not include overnight accommodations or other associated uses unless such uses are listed as permitted or conditional uses within the zone. Such associated uses shall require conditional use review either as part of the psilocybin treatment service center conditional use review or as a subsequent stand-alone review in conjunction with an approved psilocybin treatment service center.
 - (e) Be subject to all applicable overlay zones and to the siting standards of the zone in which located.

91.688 Other Land Uses.

- (1) Notwithstanding other provisions of the Development Code, the following are not permitted uses in the Exclusive Farm Use or Multi-Purpose Agriculture zones:
 - (a) A new dwelling used in conjunction with a psilocybin-producing fungi crop;
 - (b) A farm stand used in conjunction with a psilocybin-producing fungi crop;
and
 - (c) A commercial activity in conjunction with farm use, carried on in conjunction with a psilocybin-producing fungi crop.

**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY
STATE OF OREGON**

In the Matter of Amending the Benton	)	ORDINANCE
County Development Code Regarding	)	
Psilocybin, specifically Chapters 51 and 91.	)	No. 2022-0313

WHEREAS:

Measure 109 was approved by Oregon voters in November 2020, establishing a program for legalized psilocybin in Oregon.

In Benton County, Measure 109 passed by a vote of 63% in favor to 37% opposed.

The Psilocybin Services Program will be overseen by the Oregon Health Authority. The agency maintains full authority over licensing and enforcement for product manufacturers, product testing labs, service centers, facilitators, and facilitator training programs. A local jurisdiction may “adopt ordinances that impose reasonable regulations on the operation” of licensed psilocybin businesses.

Benton County identifies a public interest in enabling psilocybin treatment to be available to members of the community.

Benton County identifies a public interest in limiting conflicts between land uses and in maintaining the integrity of the Oregon land use planning system.

Benton County has balanced the various interests and concerns into Development Code provisions that allow the growing and processing of psilocybin-producing fungi and treatment service centers in appropriate locations.

Benton County recognizes an inherent tension between the desire for rural settings for treatment service centers and the principles of the Oregon land use planning system regarding the use and conservation of rural lands. Future work at the state and local levels will be needed to resolve this tension.

The Benton County Planning Commission held a duly advertised public hearing on October 18, 2022, received public testimony, and voted to recommend that the Board of Commissioners approve the Development Code amendments with modifications.

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The Benton County Board of Commissioners held a duly advertised public hearing on November 1, 2022, received public testimony, deliberated, and voted to approve the Development Code amendments. The Benton County Board of Commissioners has considered the staff report, the application materials, the recommendation of the Benton County Planning Commission, and the record as a whole, and finds that the proposed Development Code amendments comply with the criteria of Benton County Code 53.605 through 53.625, and are consistent with the applicable policies and procedures of the Benton County Comprehensive Plan.

The Board of Commissioners conducted the First Reading of the Ordinance on November 1, 2022.

The Benton County Board of Commissioners conducted the Second Reading of the proposed Ordinance on November 15, 2022.

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

PART I. Short Title. Amendments to the Benton County Development Code Regarding Psilocybin.

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

PART III. The Development Code amendments proposed in Planning File No. LU-22-048 are hereby approved, based on the Findings and Conclusions contained in the attached "Exhibit 1" and hereby adopted and incorporated herein.

PART IV. Chapters 51 and 91 of the Benton County Development Code are hereby amended as shown in "Exhibit 2".

PART V. The effective date for these amendments to the Benton County Development Code will be:

First Reading: November 1, 2022

Second Reading: November 15, 2022

Effective Date: December 15, 2022

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**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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Xan Augerot, Commissioner

Approved as to Form:

DocuSigned by:



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County Counsel

DocuSigned by:



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Recording Secretary

Exhibit 1

Findings of Fact and Conclusions of Law Development Code Amendments; File No. LU-22-048

DEVELOPMENT CODE PROVISIONS FOR TEXT AMENDMENTS

BCC 53.605. On occasion, it may be appropriate to amend sections of the Comprehensive Plan or Development Code to respond to changing policies and conditions, or to clarify text.

BCC 53.610(1). The Board of County Commissioners may initiate an amendment to this code. The Board shall direct the Planning Official to prepare a background report discussing the justification for the proposed amendment.

BCC 53.620. The Planning Commission shall conduct a public hearing to review a proposed text amendment. Following the public hearing, the Planning Commission shall make a recommendation to the Board to approve, deny, or modify the proposed amendment.

BCC 53.625. The Board of County Commissioners shall hold a public hearing to review a proposed text amendment. The Board may accept, reject, or modify the proposed text amendment in whole or in part. Incorporation of any text amendment into the Development Code shall proceed pursuant to the Ordinance adoption provisions of the Benton County Charter.

Findings: The Board of Commissioners finds that the proposed text amendments are necessary to address changing conditions, namely the enactment of Measure 109 legalizing and regulating psilocybin. The Board initiated these text amendments. The staff report constitutes the background report discussing the justification for the proposed amendment.

The Planning Commission, at its October 18, 2022, public hearing, developed a recommendation to the Board of Commissioners. The Board of Commissioners held a public hearing on November 1, 2022, and is adopting the Development Code provisions by ordinance.

Conclusion: The requirements of the Development Code will be met.

Exhibit 2

Amendments to Chapters 51 and 91, Benton County Development Code **File No. LU-22-048**

Added text is underlined.
Deleted text is ~~struck through~~.

Chapter 51

Development Code Administration

* * *

51.020 Definitions. As used in BCC Chapters 51 to 100:

* * *

(15) "Farm use" means the following:

- (a) In only the Exclusive Farm Use, Forest Conservation, and Multi-Purpose Agriculture zones, "farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. Marijuana, grown commercially pursuant to a license issued by the State of Oregon, is a crop. In the Exclusive Farm Use and Multi-Purpose Agriculture zones only, psilocybin-producing fungi, grown pursuant to a license from the State of Oregon, is a crop. "Farm Use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm Use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and other animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees defined in ORS 215.203 (3) or land described in ORS 321.267 (3) or 321.824. A wholesale or retail plant nursery is considered horticultural use and therefore is allowed under this definition. [Ord 2015-0270]
- (b) In zones other than Exclusive Farm Use, Forest Conservation and Multi-Purpose Agriculture, "farm use" means the current employment of land for

the primary purpose of obtaining a profit in money by raising, harvesting and selling crops, or by the feeding, breeding, management and sale of livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry, or any combination thereof. "Farm Use" includes the preparation and storage of the products raised on such land for human and animal use and disposal by marketing or otherwise. "Farm Use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees or for hardwood species marketable as fiber for manufacturing paper products as described in ORS 321.267(3) or 321.824. Farm use shall be appropriate for the continuation of existing, or the promotion of new, commercial agriculture enterprise in the area.

"Farm use" in zones other than Exclusive Farm Use, Forest Conservation and Multi-Purpose Agriculture is distinguished from the 51.020(135)(a) definition by the exclusion of:

- (A) "stabling or training equines";
- (B) "bird and other animal species that are under the jurisdiction of the State Fish and Wildlife Commission";
- (C) "on-site construction and maintenance of equipment and facilities" used for farm use; and
- (D) "marijuana, grown commercially pursuant to a license issued by the State of Oregon," as a farm crop. [Ord 2015-0270]
- ~~(D)~~(E) Psilocybin-producing fungi, grown pursuant to a license from the State of Oregon, as a farm crop.

(c) As used in the definition of "farm use",

- (A) "Current employment" of land for farm use includes:
 - (i) Farmland, the operation or use of which is subject to any farm-related government program;
 - (ii) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
 - (iii) Land planted in orchards or other perennials, other than land specified in subparagraph (iv) of this paragraph, prior to maturity;

- (iv) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
 - (v) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
 - (vi) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213 (1)(u) and 215.283 (1)(r) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213 (2)(c) and 215.283 (2)(a);
 - (vii) Water impoundments lying in or adjacent to and in common ownership with farm use land;
 - (viii) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
 - (ix) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
 - (x) Any land described under ORS 321.267 (3) or 321.824 (3); and
 - (xi) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:
 1. Only the crops of the landowner are being processed;
 2. The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
 3. The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.
- (B) "Accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.
- (C) "Cultured Christmas trees" means trees:

- (i) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
 - (ii) Of a marketable species;
 - (iii) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
 - (iv) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation. {ORS 215.203}
- (D) "Preparation" of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products; and
- (E) "Products or by-products raised on such land" means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

[Ord. 2001-0174, Ord 2006-0214, Ord 2015-0269, Ord 2015-0270]

* * *

Chapter 91

Specific Use Standards

91.005 Purpose. A variety of land uses are permitted in more than one zone. It is the purpose of this chapter to provide uniform standards for certain land uses, with the standards applicable to all zones in which such uses are allowed. These standards shall be applied in addition to all other standards and criteria appropriate to the review process required by the zone. [Ord 90-0069]

* * *

PSILOCYBIN-RELATED PRODUCTION, MANUFACTURING AND SERVICE CENTERS

91.680 Generally. Land uses involved in psilocybin-related growing/production, processing manufacturing and treatment service centers shall be governed by BCC 91.680 through 91.688. Other provisions of the Development Code shall also apply except where they conflict with more specific provisions of BCC 91.680 through 91.688.

91.682 Growing/Production. The growing of psilocybin-producing fungi:

- (1) Pursuant to a license from the State of Oregon, is allowed as a farm use in the Exclusive Farm Use, Multi-Purpose Agriculture, Urban Industrial, Rural Industrial, Agricultural Industrial, and Airport Industrial Park zones; and
- (2) Shall be subject to all applicable overlay zones and all siting standards of the zone in which located and any other applicable provisions of the Development Code.

91.684 Processing. The processing of psilocybin products pursuant to a license from the State of Oregon:

- (1) Is permitted in only:
 - (a) The Exclusive Farm Use and Multi-Purpose Agriculture zones pursuant to the provisions for a facility for the processing of farm crops;
 - (b) The Urban Industrial and Rural Industrial zones pursuant to the provisions for a facility for the manufacturing, processing and/or assembling of products;
 - (c) The Agricultural Industrial zone; and
 - (d) The Special Use-Airport Industrial Park zone pursuant to the provisions for manufacturing, processing and assembling, except that on-site sale of such products are not allowed. A treatment service center may be allowed pursuant to BCC 91.686.
- (2) Is prohibited in all other zones, including as a home occupation or cottage industry.
- (3) Shall be subject to all applicable overlay zones and to the siting standards of the

zone in which located.

91.686 Service Centers.

(1) A psilocybin treatment service center:

- (a) Is a conditional use in the Urban Commercial, Rural Commercial, Village Commercial, and Special Use-Airport Industrial Park zones, subject to review pursuant to the conditional use provisions of those zones.
- (b) Is prohibited in all other zones, including as a home occupation or cottage industry.

(2) Siting Standards.

- (a) A psilocybin treatment service center shall not be located within 1,000 feet of:
 - (A) Either of the following, unless authorized to be so sited by the Oregon Health Authority:
 - (i) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
 - (ii) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a).
 - (B) A licensed daycare;
 - (C) A publicly owned park, playground or recreation facility.
- (b) If any of the uses described above is established subsequent to the legal establishment of a psilocybin treatment service center, the service center may remain at that location unless the Oregon Health Authority revokes the license of the service center operator or the service center use is otherwise abandoned for a period of more than one year.

(3) A psilocybin treatment service center shall:

- (a) Operate only with proper licensing from the State of Oregon;
- (b) Operate only indoors or within an enclosed and secured outdoor area;
- (c) Not include overnight accommodations or other associated uses unless such uses are listed as permitted or conditional uses within the zone. Such associated uses shall require conditional use review either as part of the psilocybin treatment service center conditional use review or as a subsequent stand-alone review in conjunction with an approved psilocybin treatment service center.
- (d) Be subject to all applicable overlay zones and to the siting standards of the zone in which located.

91.688 Other Land Uses.

(1) Notwithstanding other provisions of the Development Code, the following are not permitted uses in the Exclusive Farm Use or Multi-Purpose Agriculture zones:

- (a) A new dwelling used in conjunction with a psilocybin-producing fungi crop;

- (b) A farm stand used in conjunction with a psilocybin-producing fungi crop;
and
- (c) A commercial activity in conjunction with farm use, carried on in
conjunction with a psilocybin-producing fungi crop.

CONSENT CALENDAR

MINUTES OF THE MEETING

BENTON COUNTY BOARD OF COMMISSIONERS

Zoom link: <https://us06web.zoom.us/j/95150142198?pwd=NVdyWWJQazFrYnUxQ3loa09KV0Nndz09>

Livestream: <http://facebook.com/BentonCoGov>

Tuesday, September 20, 2022

9:00 a.m.

Present: Nancy Wyse, Chair; **Xanthippe Augerot**, Commissioner; **Pat Malone**, Commissioner; **Vance Croney**, County Counsel; **Tami Tracy**, Acting County Administrator

Excused: **Joe Kerby**, County Administrator

Staff: **Julie Arena**, **Rebecca Taylor**, Home, Opportunity, Planning, & Equity Project; **Rick Crager**, Finance; **Marriah De La Vega**, **Amanda Makepeace**, BOC Staff; **Cynthia De La Torre**, **April Holland**, **Rocio Muñoz**, **Xavier Navarro**, **John Pegg**, Health; **Cory Grogan**, Public Information Officer; **Nick Kurth**, Justice System Improvement Program Manager; **Lynne McKee**, Natural Areas, Parks & Events; **Erika Milo**, BOC Recorder; **Darren Nichols**, Community Development; **Gary Stockhoff**, Public Works

Guests: **John Harris**, Horsepower Productions; **Sam Imperati**, ICM Resolutions; **Peggy Lynch**, League of Women Voters of Oregon; **Brigitta Olson**, City of Corvallis

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

No comments were offered.

III. Review and Approve Agenda

No changes were made to the agenda.

IV. Work Session

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

Holland explained that Oregon Health Authority (OHA) has discontinued certain COVID-19 dashboards and has moved others to different schedules. Though the COVID-19 situation in Oregon is much better than ever before, the pandemic is still present and continues to disrupt lives. Comments that the pandemic is over run at cross-purposes to public health efforts. Holland encouraged everyone to get the bivalent vaccine when possible to reduce the impact of future surges. The Centers for Disease Control (CDC) report shows 77 COVID-19 cases per 100,000 of population in Benton County, down from 95 per 100,000 two weeks ago. Oregon had 254 hospitalizations as of September 13, 2022, down from 464 in mid-July 2022. In Hospital Region

Two, 26 people were hospitalized as of September 14, 2022. In the last few weeks, regional hospitalizations have been steady around 25-35 daily. The last time hospitalizations were at this level was mid-May 2022. The CDC shows 3.1 COVID-19 admissions per 100,000 of population in Linn and Benton Counties, down from 4.5 per 100,000 two weeks ago. Efforts to distribute bivalent boosters to community members have mostly gone well. A local OHA partner administered 2,117 vaccines at the Fairgrounds and Oregon State University. Samaritan Health Services, Linn-Benton Community Health Centers, and local pharmacies and healthcare providers are also providing the vaccine. It is hoped that bivalent vaccine eligibility will be expanded to younger age groups soon. Between now and late October is also the time to get an annual influenza vaccine.

4.2 *Update from Benton County Talks Trash Solid Waste Process (SWP)
Workgroup – Darren Nichols, Community Development Director

Nichols provided an update on the SWP Workgroup (WG). At the first meeting on September 8, 2022, the WG discussed the five charges in the WG Charter and the format of the final report. WG homework included reviewing a preliminary draft of the Common Understandings Document (CUD), a survey of member interests, and developing a table of contents for the Sustainable Materials Management Plan (SMMP). On September 15, 2022, the WG triaged the CUD section on prior Land Use Commission approval. On September 24, 2022, the WG will tour Coffin Butte Landfill (CBL). On October 1, 2022, the WG will tour the neighborhood around CBL. On October 6, 2021, the WG will hear presentations on public officials and land use, and will continue to discuss the SMMP, prior land use conditions of approval, the CUD, and Charge B, clarifying the County's existing policies on land use applications regarding the landfill. There was interest in forming WG committees, which could include other community members who have expressed interest.

Imperati explained there is a WG vacancy because Brandon Bates cannot serve; this should be filled by the next WG meeting. In a poll of WG members on whether the WG is balanced fairly, seven members agreed and four disagreed. Imperati asked how the Board would like to fill the Bates slot.

Augerot noted that other community members have expressed interest in the project, along with those interested in the subgroups; Augerot recommended considering both groups, who are most likely to be up to speed on the topic.

Malone felt that any community members who attended at least one of the two WG meetings should be considered.

Wyse felt that would be ideal, but a community member who did not attend could still get up to speed by watching video recordings of the meetings.

The Board deliberated and directed staff to compile a list of individuals who originally expressed interest in the WG and individuals who attended the meetings, with the decision to be made at the September 27, 2022 Board Meeting.

Imperati shared that the assessment gathered several comments on whether Republic Services (RS) had complied with past conditions in the land use process. Staff created a document of all applications and associated conditions. This week, the WG is providing feedback on staff conclusions, to result in a list of key community concerns for a WG committee to examine. Volunteers for that committee include residents Joel Geier and Nancy Whitcombe, RS

employees, and a County staff member. Imperati recommended inviting Paul Neifeld, resident, who gave a presentation on numbers issues around landfill capacity and the impact of the quarry. The second key issue in the assessment is to identify the best known facts on those topics. Imperati recommended an offline facilitated meeting of this group, which would bring its conclusions to the WG for final comment and polling. Imperati asked the Board's permission to form those committees and use that process.

The Board confirmed.

Imperati to implement the subcommittees and invite members of the public. Imperati to consult with Counsel on providing notice of those meetings.

{Exhibit 1: BCTT Workgroup Poll Results}

4.3 Update from Justice System Improvement Program (JSIP) – Nick Kurth, *Justice System Improvement Program Manager*

Kurth provided an update on the JSIP schedule. On September 13, 2022, the JSIP Mental Health Forum discussed how proposed facilities will improve outcomes in crisis response and the justice system. There were 72 attendees in person, via Facebook, and via Zoom. Tracy Olmon and Brenda Downing (JSIP Consultant) are compiling participant questions. Due to some glitches with Zoom, staff will contact participants to ensure all feedback was captured. A report of questions and responses will be shared with the Board and posted on the new JSIP website in early October 2022. Next is the Community Safety Forum on October 19, 2022.

Malone commented that the current jail video was well done and should be promoted to the wider community.

Kurth noted the video is available on the JSIP website. Results from another community survey should be available tomorrow, with a formal presentation in October 2022. A qualitative survey will go out soon. In October 2022, the new Courthouse (NCH) design phase will officially begin with architects DLR Group under contract, and Stockhoff will convene the Community Advisory Committee. The NCH funding agreement is gaining traction.

Counsel noted the last redline version of the agreement was from May 6, 2022. The State has not worked on it. Last week, the State gave the go-ahead to communicate attorney to attorney. The main challenge is that Benton County does not own the site. The State's template for courthouse funding agreements is based on the County owning the land. Counsel emailed Department of Justice attorneys about Counsel's edits to reflect the eminent domain proceeding, so that the template can be amended to recognize that the eminent domain process will confer the County's authority to access and develop the property, rather than typical deed ownership. Hopefully this will advance the agreement.

Kurth shared that ground-breaking events for the Crisis Center and the Community Safety and Justice Campus are planned in October-November 2022. Kurth is inviting State and Federal Representatives to attend, exact dates to be determined. Kurth and the communications team are discussing another forum in November 2022-January 2023. A third survey is also being discussed, but staff will wait for results of survey two. The Board has only two opportunities in December 2022 to discuss honing the contents of the bond measure, and could decide in December 2022 or January 2023. The final title filing date is February 24, 2022, after which the

County enters safe harbor. Staff will work on safe harbor language with the Oregon Secretary of State throughout January and February 2023.

Counsel noted that the Secretary of State may need more lead time to review the ballot title than in the past, which may restrict January 2023 timing. Counsel recommended Board deliberation at the beginning of December 2022.

Kurth concurred. Kurth to meet regularly with DLR Group to determine final costing in December 2022. Numbers should not change substantially before filing for the bond measure. DLR will also provide final dimensional renderings of the NCH, District Attorney's Office, Sheriff's Office (SO), and Correctional Facility (CF) which can be shared broadly with the public.

Malone stated it would be good to share any information about the appearance of the CF with the public as soon as possible.

Kurth noted the renderings are still conceptual. The public will be involved in the design process.

Wyse asked if there had been further investigation of attaching the SO to the CF.

Kurth replied that after communication between DLR and the SO, those buildings will be pushed closer together for continuity.

4.4 Update on Secure Rural School Act Funds Reauthorization – Rick Crager, Chief Financial Officer

Crager followed up on the Secure Rural Schools Act discussion. Now that the County has this funding, it is possible to change the election between various titles. The current allocation has been in place since 2012, with 85% to Title I and 15% to Title II. The funds are maintained at the Federal level for projects under specific criteria. Last week the Board discussed moving to Title III, with 7% of the funds directed to emergency service needs. However, Title III funds are more limited than staff realized; the County would probably not be able to use the funds as discussed, and may be able to use the funds only in a small portion of County, not necessarily where needed most. Crager proposed maintaining the 85/15% split, which will not require any declaration. Staff can examine Title II more aggressively, and apply or encourage partners to apply.

Malone concurred with this approach.

Augerot had been excited about Title III because it was thought funds could be used to implement the Community Wildfire Protection Plan, but the geography where funds could be used is limited; it would be difficult to meet Title III funds on or adjacent to Bureau of Land Management, Forest Service, or Oregon and California Railroad Revested lands. Augerot felt that keeping the current allocation is the right decision.

Wyse agreed with Augerot and Malone, given that funding for Search & Rescue could only be used in the Siuslaw National Forest.

Chair Wyse recessed the meeting at 9:54 a.m. and reconvened the meeting at 10:00 a.m.

V. Consent Calendar

5.1 In the Matter of Approving the August 2, 2022 Board of Commissioners Meeting Minutes

MOTION: Malone moved to approve the Consent Calendar of September 20, 2022. Augerot seconded the motion, which **carried 3-0.**

VI. Proclamation

6.1 In the Matter of Proclaiming September 15 to October 15 Hispanic Heritage Month in Benton County – Rocio Muñoz, Health Equity and Communications Interim Manager

Muñoz read the proclamation aloud in English and Spanish. The 2022 national theme is “Unidos” (United). Benton County stands in solidarity with most nations, calling for immediate end of separation of families at the border, closing child detention camps, and establishment of compassionate processes for refugee asylum requests.

MOTION: Augerot moved to proclaim September 15 to October 15 as Hispanic Heritage Month in Benton County, Proclamation #P2022-018. Malone seconded the motion, which **carried 3-0.**

VII. Public Hearing

PH1 In the Matter of Requesting an Exemption From Competitive Bidding for the Construction Management/General Contracting Services for the Courthouse/District Attorney’s Office Component of the Benton County Justice System Improvement Plan – Gary Stockhoff, Public Works

Chair Wyse recessed the meeting at 10:30 a.m. and reconvened the meeting at 11:00 a.m.

Chair Wyse explained public hearing procedures and opened the public hearing at 11:01 a.m.

Staff Report

Stockhoff referenced previous discussion on this exception to the bidding procedures, requesting a Construction Manager / General Contractor approach. Staff initially wanted to do this for the entire JSIP campus, but felt it was best to begin with the new Courthouse and District Attorney’s Office.

Public Comment

No comment was offered.

Chair Wyse closed the public hearing at 11:03 a.m.

MOTION: Augerot moved to approve the Order and attached Exhibit A requesting an exemption from competitive bidding for the CM/GC services for the Courthouse/District Attorney’s Office component of the Benton County JSIP, Order #D2022-070. Malone seconded the motion, which **carried 3-0.**

VIII. New Business

8.1 Discussion and Action Regarding Exotic Animal Ordinance Working Group – Lynne McKee, Natural Areas, Parks, and Events Director

McKee explained that the Exotic Animal Ordinance (EAO) was passed in 2018. During the 2019 Benton County Fair and Rodeo, it was discovered that stingrays in an exotic animal show were banned. Staff found that the banned categories cover about 2,000 species including horses. The Ordinance was updated by the Board. A working group was created to examine the Ordinance and develop a recommendation. One recommendation is to not have a list of banned animals. The State already has a list through the Fish and Wildlife Department. The main concern is the welfare of animals exhibited in traveling shows. The group referenced existing welfare ordinances and received input from Jacob Kamins, State prosecutor for animal cruelty. Benton County Animal Control Officer Erica O'Neill requested a special use permit process with a fee. The exhibitor would fill out a form noting what animals are being shown, where shown, how housed, and a veterinarian contact, making it easier for O'Neill to perform inspections. Only about two animal shows per year are anticipated. The recommendation includes an exclusion for common domestic animals such as dogs, cats, and 4-H livestock. The work group recommends examining the welfare of animals and monitoring travel through the County. The Board could leave the Ordinance as is, or draft an Ordinance with this recommendation.

Wyse supported the recommendation.

Augerot was engaged in the first round of this discussion and agreed that treatment was the biggest issue. Augerot felt this was a fair approach given the challenges created by the original Ordinance.

Malone agreed.

McKee noted that Kamins also supported this direction.

Counsel shared that the current Ordinance is incredibly difficult for staff and the public to understand, so simplification is a great step forward.

Malone asked if the Board needed to repeal the existing Ordinance.

Counsel replied that this action is within the context of the larger Ordinance; sections will be repealed.

MOTION: Augerot moved to direct staff to draft an updated Ordinance based on the recommendations of the Exotic Animal Ordinance Work Group and bring it back to the Commissioners for review and discussion. Malone seconded the motion, which carried 3-0.

IX. Departmental Reports and Requests

9.1 Oregon House Bill 4123 Coordinated Homeless Response Memorandum of Understanding – Rebecca Taylor, Home, Opportunity, Planning, & Equity (HOPE) Project Manager; Brigitta Olson, Corvallis Housing Division; Julie Arena, HOPE Coordinator

Olson reported that last night the Corvallis City Council approved the Memorandum of Understanding (MOU) for Coordinated Homeless Response between Benton County, Corvallis, and Community Services Consortium (CSC). There will be a joint work session between City and County staff about the new office. Staff are inviting peers in more rural cities in the County to participate. This office will enable a systems approach to houselessness, with coordinated entry, data on sheltering needs, and upstream solutions for permanent supportive housing.

Arena shared that staff met with Philomath City Manager Chris Workman, Monroe City Manager Steve Martinenko, and will meet with Adair Village City Manager Pat Hare. Initial reception from Philomath and Monroe has been very positive; the Cities would like to be more engaged on this topic and appreciate greater communication and cooperation. HOPE staff may attend other City Council meetings to provide updates on this topic.

Taylor explained that the County is the fiscal agent of the grant funding, and will convene the parties and coordinate the work. The County will identify members for the Advisory Board as described in the MOU, including partnership with HOPE. A meeting tomorrow will discuss strategic planning and other elements to accomplish all aspects of House Bill (HB) 4123. The MOU is template language largely taken from HB 4123.

Augerot asked about the role of the coordinated office Advisory Board in relation to the HOPE Executive Committee, which appear to overlap somewhat. Augerot asked if Philomath or Monroe would also have two members on the advisory body if choosing to join.

Taylor replied that as defined in HB 4123, the Advisory Board must include two elected officials from each member government to make decisions for the office. The HOPE Advisory Board is mentioned in the MOU, with coordination of community stakeholders.

Arena added that staff are working to define the Advisory Body, but the HOPE Board already plays a key role with public engagement, which is a key part of the legislation, so the intention is to use the existing structure of the HOPE Board and Committee.

Malone asked if the additional communities would have a separate MOU, or be part of this one.

Taylor replied that is still to be determined. The MOU might vary based on participation level. The body of the MOU is not specific to Corvallis and CSC, so others could join as is, but there might be clarification of roles and responsibilities of each member government, in which case there would be a new MOU with revised language.

MOTION: Malone moved to approve the City of Corvallis/Benton County/Community Services Consortium Memorandum of Understanding, HB 4123: coordinate homeless response office. Augerot seconded the motion, which **carried 3-0.**

X. Other

No other business was discussed.

IX. Adjournment

Chair Wyse adjourned the meeting at 11:04 a.m.

Nancy Wyse, Chair

Erika Milo, Recorder

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

PROCLAMATIONS

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

**In the Matter of Proclaiming)
November 11 as Veterans Day)
in Benton County)** **PROCLAMATION #P2022-021**

The United States Congress has provided that November 11 of each year shall be set aside as a public holiday to honor veterans; with respect for and in recognition of the contributions our service members have made, we urge all Americans to recognize the valor and sacrifice of our veterans; and

The Officers at Oregon Cascades West Council of Governments and residents of Linn, Benton, and Lincoln Counties have the deepest gratitude toward all veterans and honors the commitment and courage of the many people who have served in the armed forces.

THEREFORE, BE IT PROCLAIMED that the Officers at Oregon Cascades West Council of Governments proclaim November 11, 2022, as the day set aside for honoring our veterans and their families and for holding activities in observance of their contribution to our community, our state, and our Nation.

Adopted this 1st day of November, 2022.

Signed this 1st day of November, 2022.

BENTON COUNTY BOARD OF COMMISSIONERS

Xanthippe Augerot, Chair

Nancy Wyse, Commissioner

Pat Malone, Commissioner

Drafted by Oregon Cascades West Council of Governments
Read by Molly Murphy, Veteran Services Officer

**In the Matter of Proclaiming)
November 11 as Veterans Day) PROCLAMATION #P2022-021
in Benton County)**

Drafted by Oregon Cascades West Council of Governments
Read by Molly Murphy, Veteran Services Officer

PUBLIC HEARINGS



NOTICE OF PUBLIC HEARINGS

HEARING DATES:	October 18, 2022, 7:00pm – Planning Commission November 1, 2022, 12:00 noon – Board of County Commissioners <i>See Page 2 for details on attending the hearings.</i>
PROPOSED ACTION:	Amendments to the Benton County Development Code to address the growing and processing of psilocybin-producing fungus, and treatment centers (service centers) at which psilocybin-containing products are administered to people. The proposal would amend Chapters 51 (Development Code Administration) and Chapter 91 (Specific Use Standards) of the Development Code. <i>A summary of the amendments is included below.</i>
APPLICABLE CRITERIA:	Benton County Development Code Sections 53.605 through 53.625 (Text Amendment).
AFFECTED PROPERTY:	The proposed Development Code amendments apply to all land in unincorporated Benton County.
STAFF CONTACT:	Greg Verret Greg.Verret@co.benton.or.us 541-766-6819
FILE NUMBER:	LU-22-048

SUMMARY OF PROPOSED CODE AMENDMENTS

Ballot Measure 109 established statutes under which a) the fungi (mushrooms) which produce the compound psilocybin may be grown and processed and b) the resulting psilocybin may be administered to people. Local governments may impose “reasonable regulations” on these activities as described in the ballot measure. Benton County is proposing regulations that would allow the following:

Growing (Production)
• Allow in Exclusive Farm Use & Multi-Purpose Agriculture zones (required by state law) • Prohibit in all other zones
Processing (Manufacture)
• Allow in Exclusive Farm Use and Multi-Purpose Agriculture zones, in a facility with a processing area of less than 10,000 sq ft (required by state law) • Allow in Urban Industrial, Rural Industrial, Agricultural Industrial, Airport Industrial Park • Prohibit in all other zones (including as home occupation or cottage industry)
Treatment (Service Center)
• Allow through Conditional Use review in Urban Commercial, Rural Commercial, Village Commercial and Airport Industrial Park zones • Prohibit in all other zones (including as home occupation or cottage industry) • Minimum distance from certain uses: school; daycare; public recreation facility; religious institution; other psilocybin treatment centers. • Limits on hours of operation • Prohibit overnight accommodations unless separately allowed by the zone.
Not eligible for:
• Farm-related dwelling • Farm stand • Commercial activity in conjunction with farm use

HOW TO GET MORE INFORMATION

The full text of the proposed amendments is available on the County website:
www.co.benton.or.us/pc/page/planning-commission-meeting-lu-22-048-psilocybin-code
The staff report will be available beginning on October 12.

TO SUBMIT TESTIMONY

Oral testimony may be presented at the hearing. To put your name on the list to testify, please email PublicComment@co.benton.or.us by 5:00 pm on October 18 (the day of the hearing). No written testimony will be accepted at the hearing.

Written testimony may be submitted prior to the hearing by mail, email or drop-off:

Benton County Community Development Department
Greg Verret
4500 SW Research Way
Corvallis, OR 97333
PublicComment@co.benton.or.us

Testimony must include the name and mailing address of the person commenting. Please also include the above-noted file numbers in all correspondence.

- To inform the staff report and recommendation, your testimony must be received by 8:00 a.m. on Thursday, October 7.
- To be included in the packet of materials sent to the Planning Commission ahead of the hearing, your testimony must be received by 8:00 a.m. on Monday, October 10.
- Testimony received after that time but before 3:00 p.m. on Tuesday, October 18 (the day of the hearing) will be forwarded to the Planning Commissioners; however, they may not have an opportunity to review it prior to the hearing.

All testimony submitted to the Planning Commission will also be forwarded to the Board of Commissioners.

TO JOIN THE HEARING

October 18 -- Planning Commission The Benton County Planning Commission will hold a public hearing on Tuesday, October 18, 2022, at 7:00 p.m. The Planning Commission will then make a recommendation to the Board of Commissioners regarding the proposed code amendments. You can attend the public hearing in person or on-line. <u>In-person:</u> Main Meeting Room (1st Floor), Kalapuya Building, 4500 Research Way, Corvallis. <u>On-line:</u> Please join the meeting from your computer, tablet or smartphone. https://meet.goto.com/291863437 You can also dial in using your phone. United States: +1 (571) 317-3122 Access Code: 291-863-4370 or visit this webpage to get the active link to the meeting: www.co.benton.or.us/pc/page/planning-commission-meeting-lu-22-048-psilocybin-code For any physical or language accommodations you may need, please notify Linda Ray (linda.ray@co.benton.or.us) as far in advance of the hearing as possible.
November 1, 2022 -- Board of County Commissioners. The Benton County Board of Commissioners will hold a public hearing on Tuesday, November 1, 2022, at 12:00 noon. You can attend the public hearing in person or on-line. <u>In-person:</u> Main Meeting Room (1st Floor), Kalapuya Building, 4500 Research Way, Corvallis <u>On-line:</u> https://us06web.zoom.us/j/88563510559?pwd=UjAzd0RXOWlLVEdmT05MV2g1Mm5HUT09 Meeting ID: 885 6351 0559; Passcode: 179427 <u>Via phone:</u> Dial +1(253)215-8782; Meeting ID: 885 6351 0559; Passcode: 179427 <u>Watch on Facebook live:</u> at https://facebook.com/BentonCoGov

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER. <i>The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.</i>
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**In the Matter of Amending the Benton)
County Development Code Regarding) ORDINANCE #2022-0313
Psilocybin, specifically Chapters 51 and 91.)**

WHEREAS:

Measure 109 was approved by Oregon voters in November 2020, establishing a program for legalized psilocybin in Oregon.

In Benton County, Measure 109 passed by a vote of 63% in favor and 37% opposed.

The Psilocybin Services Program will be overseen by the Oregon Health Authority. The agency maintains full authority over licensing and enforcement for product manufacturers, product testing labs, service centers, facilitators, and facilitator training programs. A local jurisdiction may “adopt ordinances that impose reasonable regulations on the operation” of licensed psilocybin businesses.

Benton County identifies a public interest in enabling psilocybin treatment to be available to members of the community.

Benton County identifies a public interest in limiting conflicts between land uses and maintaining the integrity of the Oregon land use planning system.

Benton County has balanced the various interests and concerns into Development Code provisions that allow the growing and processing of psilocybin-producing fungi and treatment service centers in appropriate locations.

Benton County recognizes an inherent tension between the desire for rural settings for treatment service centers and the principles of the Oregon land use planning system regarding the use and conservation of rural lands. Future work at the state and local levels will be needed to resolve this tension.

The Benton County Planning Commission held a duly advertised public hearing on October 18, 2022, received public testimony, and voted to recommend that the Board of Commissioners approve the Development Code amendments with modifications.

The Benton County Board of Commissioners held a duly advertised public hearing on November 1, 2022, received public testimony, deliberated, and voted to approve the Development Code amendments. The Benton County Board of

Commissioners has considered the staff report, the application materials, the recommendation of the Benton County Planning Commission, and the record as a whole, and finds the proposed Development Code amendments comply with the criteria of Benton County Code 53.605 through 53.625 and are consistent with the applicable policies and procedures of the Benton County Comprehensive Plan.

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

PART I. Short Title. Amendments to the Benton County Development Code Regarding Psilocybin.

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

PART III. The Development Code amendments proposed in Planning File No. LU-22-048 are hereby approved, based on the Findings and Conclusions contained in the attached "Exhibit 1" and hereby adopted and incorporated herein.

PART IV. Chapters 51 and 91 of the Benton County Development Code are hereby amended as shown in "Exhibit 2".

PART V. The effective date for these amendments to the Benton County Development Code will be December 16, 2022.

First Reading: November 1, 2022

Second Reading: November 15, 2022

Effective Date: December 16, 2022

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BENTON COUNTY BOARD OF
COMMISSIONERS

Nancy Wyse, Chair

Pat Malone, Commissioner

Xan Augerot, Commissioner

Approved as to Form:

County Counsel

Recording Secretary

Findings of Fact and Conclusions of Law
Development Code Amendments; File No. LU-22-048

DEVELOPMENT CODE PROVISIONS FOR TEXT AMENDMENTS

BCC 53.605. On occasion, it may be appropriate to amend sections of the Comprehensive Plan or Development Code to respond to changing policies and conditions, or to clarify text.

BCC 53.610(1). The Board of County Commissioners may initiate an amendment to this code. The Board shall direct the Planning Official to prepare a background report discussing the justification for the proposed amendment.

BCC 53.620. The Planning Commission shall conduct a public hearing to review a proposed text amendment. Following the public hearing, the Planning Commission shall make a recommendation to the Board to approve, deny, or modify the proposed amendment.

BCC 53.625. The Board of County Commissioners shall hold a public hearing to review a proposed text amendment. The Board may accept, reject, or modify the proposed text amendment in whole or in part. Incorporation of any text amendment into the Development Code shall proceed pursuant to the Ordinance adoption provisions of the Benton County Charter.

Findings: The Board of Commissioners finds that the proposed text amendments are necessary to address changing conditions, namely the enactment of Measure 109 legalizing and regulating psilocybin. The Board initiated these text amendments. The staff report constitutes the background report discussing the justification for the proposed amendment.

The Planning Commission, at its October 18, 2022, public hearing, developed a recommendation to the Board of Commissioners. The Board of Commissioners held a public hearing on November 1, 2022, and is adopting the Development Code provisions by ordinance.

Conclusion: The requirements of the Development Code will be met.

Amendments to Chapters 51 and 91, Benton County Development Code
File No. LU-22-048

Added text is underlined.
Deleted text is ~~struck through~~.

Chapter 51

Development Code Administration

* * *

51.020 Definitions. As used in BCC Chapters 51 to 100:

* * *

(15) "Farm use" means the following:

- (a) In only the Exclusive Farm Use, Forest Conservation, and Multi-Purpose Agriculture zones, "farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. Marijuana, grown commercially pursuant to a license issued by the State of Oregon, is a crop. In the Exclusive Farm Use and Multi-Purpose Agriculture zones only, psilocybin-producing fungi, grown pursuant to a license from the State of Oregon, is a crop. "Farm Use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm Use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and other animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees defined in ORS 215.203 (3) or land described in ORS 321.267 (3) or 321.824. A wholesale or retail plant nursery is considered horticultural use and therefore is allowed under this definition. [Ord 2015-0270]
- (b) In zones other than Exclusive Farm Use, Forest Conservation and Multi-Purpose Agriculture, "farm use" means the current employment of land for

the primary purpose of obtaining a profit in money by raising, harvesting and selling crops, or by the feeding, breeding, management and sale of livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry, or any combination thereof. "Farm Use" includes the preparation and storage of the products raised on such land for human and animal use and disposal by marketing or otherwise. "Farm Use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees or for hardwood species marketable as fiber for manufacturing paper products as described in ORS 321.267(3) or 321.824. Farm use shall be appropriate for the continuation of existing, or the promotion of new, commercial agriculture enterprise in the area.

"Farm use" in zones other than Exclusive Farm Use, Forest Conservation and Multi-Purpose Agriculture is distinguished from the 51.020(15)(a) definition by the exclusion of:

- (A) "stabling or training equines";
 - (B) "bird and other animal species that are under the jurisdiction of the State Fish and Wildlife Commission";
 - (C) "on-site construction and maintenance of equipment and facilities" used for farm use; and
 - (D) "marijuana, grown commercially pursuant to a license issued by the State of Oregon," as a farm crop. [Ord 2015-0270]
 - (E) Psilocybin-producing fungi, grown pursuant to a license from the State of Oregon, as a farm crop.
- (c) As used in the definition of "farm use",
- (A) "Current employment" of land for farm use includes:
 - (i) Farmland, the operation or use of which is subject to any farm-related government program;
 - (ii) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
 - (iii) Land planted in orchards or other perennials, other than land specified in subparagraph (iv) of this paragraph, prior to maturity;

- (iv) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
 - (v) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
 - (vi) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213 (1)(u) and 215.283 (1)(r) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213 (2)(c) and 215.283 (2)(a);
 - (vii) Water impoundments lying in or adjacent to and in common ownership with farm use land;
 - (viii) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
 - (ix) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
 - (x) Any land described under ORS 321.267 (3) or 321.824 (3); and
 - (xi) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:
 - 1. Only the crops of the landowner are being processed;
 - 2. The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
 - 3. The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.
- (B) "Accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.
- (C) "Cultured Christmas trees" means trees:

- (i) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
 - (ii) Of a marketable species;
 - (iii) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
 - (iv) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.
{ORS 215.203}
- (D) "Preparation" of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products; and
- (E) "Products or by-products raised on such land" means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

[Ord. 2001-0174, Ord 2006-0214, Ord 2015-0269, Ord 2015-0270]

* * *

Chapter 91

Specific Use Standards

91.005 Purpose. A variety of land uses are permitted in more than one zone. It is the purpose of this chapter to provide uniform standards for certain land uses, with the standards applicable to all zones in which such uses are allowed. These standards shall be applied in addition to all other standards and criteria appropriate to the review process required by the zone. [Ord 90-0069]

* * *

PSILOCYBIN-RELATED PRODUCTION, MANUFACTURING AND SERVICE CENTERS

91.680 Generally. Land uses involved in psilocybin-related growing/production, processing manufacturing and treatment service centers shall be governed by BCC 91.680 through 91.688. Other provisions of the Development Code shall also apply except where they conflict with more specific provisions of BCC 91.680 through 91.688.

91.682 Growing/Production. The growing of psilocybin-producing fungi:

- (1) Pursuant to a license from the State of Oregon, is allowed as a farm use in the Exclusive Farm Use, Multi-Purpose Agriculture, Urban Industrial, Rural Industrial, Agricultural Industrial, and Airport Industrial Park zones; and
- (2) Shall be subject to all applicable overlay zones and all siting standards of the zone in which located and any other applicable provisions of the Development Code.

91.684 Processing. The processing of psilocybin products pursuant to a license from the State of Oregon:

- (1) Is permitted in only:
 - (a) The Exclusive Farm Use and Multi-Purpose Agriculture zones pursuant to the provisions for a facility for the processing of farm crops;
 - (b) The Urban Industrial and Rural Industrial zones pursuant to the provisions for a facility for the manufacturing, processing and/or assembling of products;
 - (c) The Agricultural Industrial zone; and
 - (d) The Special Use-Airport Industrial Park zone pursuant to the provisions for manufacturing, processing and assembling, except that on-site sale of such products are not allowed. A treatment service center may be allowed pursuant to BCC 91.686.
- (2) Is prohibited in all other zones, including as a home occupation or cottage industry.
- (3) Shall be subject to all applicable overlay zones and to the siting standards of the

zone in which located.

91.686 Service Centers.

- (1) A psilocybin treatment service center:
 - (a) Is a conditional use in the Urban Commercial, Rural Commercial, Village Commercial, and Special Use-Airport Industrial Park zones, subject to review pursuant to the conditional use provisions of those zones.
 - (b) Is prohibited in all other zones, including as a home occupation or cottage industry.
- (2) Siting Standards.
 - (a) A psilocybin treatment service center shall not be located within 1,000 feet of:
 - (A) Either of the following, unless authorized to be so sited by the Oregon Health Authority:
 - (i) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
 - (ii) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a).
 - (B) A licensed daycare;
 - (C) A publicly owned park, playground or recreation facility; and
 - (D) Another psilocybin treatment service center.
 - (b) If any of the uses described above is established subsequent to the legal establishment of a psilocybin treatment service center, the service center may remain at that location unless the Oregon Health Authority revokes the license of the service center operator or the service center use is otherwise abandoned for a period of more than one year.
- (3) A psilocybin treatment service center shall:
 - (a) Operate only with proper licensing from the State of Oregon;
 - (b) Operate only between the hours of 8:00 a.m. and 10:00 p.m., daily, unless different operating hours are approved through the conditional use review;
 - (c) Operate only indoors or within an enclosed and secured outdoor area;
 - (d) Not include overnight accommodations or other associated uses unless such uses are listed as permitted or conditional uses within the zone. Such associated uses shall require conditional use review either as part of the psilocybin treatment service center conditional use review or as a subsequent stand-alone review in conjunction with an approved psilocybin treatment service center.
 - (e) Be subject to all applicable overlay zones and to the siting standards of the zone in which located.

91.688 Other Land Uses.

- (1) Notwithstanding other provisions of the Development Code, the following are not permitted uses in the Exclusive Farm Use or Multi-Purpose Agriculture zones:
 - (a) A new dwelling used in conjunction with a psilocybin-producing fungi crop;
 - (b) A farm stand used in conjunction with a psilocybin-producing fungi crop;
and
 - (c) A commercial activity in conjunction with farm use, carried on in conjunction with a psilocybin-producing fungi crop.

OLD BUSINESS

**MINUTES OF THE WORK SESSION MEETING
BENTON COUNTY FAIR BOARD**

Tuesday, August 28, 2017

6:00 p.m.

Benton County Fairgrounds

Auditorium Board Room

110 53rd Street, Corvallis

Present: Anne Schuster, Chair; Xanthippe Augerot, Commissioner; Annabelle Jaramillo, Commissioner; George Abele, Fair Board Chair; Mark Baumgartner, Mark Gourley, Trudy Overlin, Heather Bodenhamer, Gregg Thompson, Bruce Ashenbrenner, Fair Board Members; Vance Croney, County Counsel

Guest: Bill Blair, Robin Rice, Eric Thompson

Recorder: Teresa Farley, Counsel Staff

Chair Schuster called meeting to order at 6:09 p.m.

Reviewed agenda. No changes made.

I. Welcome and Introductions

II. County Code and Fair Board Membership

Croney explained, County Code Chapter 16 and how it describes Fair Board (FB) duties. Currently, individuals who reside in the county can be a member of the FB. What is also needed is to clarify the property ownership and the fairgrounds management. Croney talked to the County's insurer, CIS, about the liability created by allowing non-employee volunteers to oversee real property. Croney went on to explain why this delegation poses a liability risk. Croney suggested the following - BOC retain authority over the property, with the discretion to delegate some authority. This clarifies the responsibility and insurance coverage. He also suggested having FB volunteers be under the insurance umbrella. It was asked if Croney inquired with others regarding the insurance. Counsel indicated that he had spoken with other county counsels.

Discussed draft copy of the Memorandum of Agreement (MOA) {Exhibit 1}. Croney talked about chapter 16.205 which would be consistent with the MOA. The MOA would describe the delegation and the chapter would reflect the MOA. Croney went on to explain that this would be good business practice for the FB to be effective and the BOC to be covered. Discussed FB authority as opposed to BOC. Overlin would like to see the clauses under the insurance policy for volunteers.

Discussed home-ruled charter. The county is authorized, by the constitution, in making our own rules and not follow state statutes relating to fair board authority. State statute does not control.

FB is concerned with whether the code or MOA should be written first. Croney explained the county process to make the change in the code.

Croney suggested to have one person from the FB and one person from BOC along with Joe and Counsel to put together a draft code and MOA. Kerby asked if the FB and McKee could bring a list of things that are working and are not working.

III. Memorandum of Understanding between Fair Board and Board of Commissioners

Included in discussion above.

IV. Update of Fairgrounds Master Plan

McKee wants to get started on the Fairgrounds Master Plan. Talked about taking existing materials and look at long term goals. How do we make sure all voices are heard in the process? It was discussed the need of the master plan to be in the context of the MOA and how other county departments can be utilized.

V. 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."

Meeting adjourned at 7:38 p.m.

Xanthippe Augerot, Commissioner

Teresa Farley, Recorder

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DocuSigned by:

Xanthippe Augerot, Commissioner

DocuSigned by:

Teresa Farley, Recorder

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 11/01/22

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Health Services

Contact Name * Rebecca Taylor

Phone Extension * 6787

Meeting Attendee Name * Rebecca Taylor

Agenda Item Details



Item Title * In the Matter of Conducting the Second Reading for the Ordinance Removing the Sunset Date of Benton County Code Chapter 40

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☐ 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 Ordinance, 2nd Reading

Board/Committee Involvement *

☐ Yes

☒ No

Advertisement *

☐ Yes

☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

This public hearing will consider the adoption of an ordinance amending Benton County Code Chapter 40 (Vehicle Camping at Religious Institutions) to remove the sunset date of December 31, 2022.

On October 4, 2022, the Benton County Board of Commissioners directed staff to prepare an ordinance removing the sunset date of the ordinance originally adopting Chapter 40 of the Benton County Code that enables the County to authorize religious institutions located within the unincorporated areas of Benton County to offer space for up to three vehicles for camping purposes, subject to certain standards.

The removal of the sunset date will enable the current site operating pursuant to Chapter 40 to continue and will provide time to align further efforts related to the research and development of alternative sheltering and housing options with the provisions of HB 2006 (Relating to housing; creating new provisions; amending ORS 203.082, 446.265 and 458.650, 2021), and the local implementation HB 4123 (Relating to coordinated homeless response, 2022), including public engagement and strategic planning.

No modifications have been made to the original Chapter 40 code language. The only modification is the removal of the sunset date. The first reading of the ordinance removing the sunset date of Benton County Code Chapter 40 was conducted on October 18, 2022.

Options *

- 1) Conduct the second reading of the ordinance removing the sunset date of Benton County Code Chapter 40.
- 2) Reject conducting the second reading of the ordinance removing the sunset date of Benton County Code Chapter 40.
- 3) Provide alternative direction to staff.

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 *

Coordinated responses are needed to address the housing needs of Benton County across the entire housing spectrum. Continuing to provide options for persons experiencing houselessness supports healthier living conditions and addresses a need for a particularly vulnerable and under-represented segment of our community.

House Bill 4123 supports the formation of a coordinated homeless response office between cities and counties that is intended to strengthen existing local homeless response systems that improve the livability of our community by providing services and sheltering to our unhoused community members. HB 4123 sets out minimum standards for participating communities that support community resilience, equity for everyone and health in all action, by prioritizing an equitable, accessible responsive system for community members experiencing homelessness and identifies opportunities to more effectively leverage existing funds and access new resources.

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 The lack of housing is a key element of the topic of Housing and Growth. Chapter 40 creates a temporary housing option for people in need.

Selection *

The coordinated office provides high-level coordination, centralized communication, and strategic visioning enabling multi-disciplinary/multi-jurisdictional collaboration that acknowledges the complexities of the causes and impacts of homelessness in our community, including community safety, environment and natural resources, and housing and growth.

Recommendations and Motions

Item Recommendations and Motions

Staff

Recommendations *

Staff recommends option 1, conducting the second reading of the ordinance removing the sunset date of Benton County Code Chapter 40.

Meeting Motions *

I move to ...

1) conduct the second reading of the ordinance removing the sunset date of Benton County Code Chapter 40.

OR

2) ...reject conducting the second reading of the ordinance removing the sunset date of Benton County Code Chapter 40.

3) Provide alternative direction to staff.

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

Comments

Signature

Suzanne Hoffman

BOC Initial Approval

Approvals Required ☒ Counsel
☐ Finance
☐ HR

Counsel Approver VANCE CRONEY

County Administrator Approver
JOE KERBY

Comments

Counsel Approval

Comments

Signature



Vance H. Cheney

Comments

Signature

Chapp Kelly

BOC Final Approval

Comments

Signature

A rectangular box containing a handwritten signature in black ink. The signature is written in a cursive style and reads "Amanda Hakepeace".

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

In the Matter of Removing the Sunset) ORDINANCE No. 2022-0312
Date of Benton County Code Chapter 40,)
Vehicle Camping at Religious Institutions)

WHEREAS:

The nation as a whole is facing unprecedented housing need and shortage of safe and affordable housing. The shortage has impacted all of Oregon’s housing spectrum in different ways. Rural areas often face unique barriers to accessing resources due to limited service provider capacity and infrastructure.

Many members of the community have vehicles as their primary shelter and no fixed place at which to safely and legally park their vehicle. Additionally, community organizations have constructed temporary transportable sleeping units called “micro-shelters.” Micro-shelters are similar to vehicles in that they can be relocated and are not permanent installations but still provide many benefits when compared to sleeping in a standard vehicle. Several religious institutions within the county have expressed willingness to provide space for people to camp in vehicles and/or micro-shelters.

Benton County is committed to a community dialog on this issue, but the need for swift action in the face of the COVID-19 crisis made it a challenge to do public engagement. To respond to the housing shortage, the County adopted a limited-term ordinance in 2020 and extended the timeline for this ordinance until the end of 2022. One site is registered pursuant to the conditions of Benton County Code Chapter 40 as seen in Exhibit 1. As such, removal of the sunset is crucial to ensure a stable living location at this site.

Pursuant to Oregon Revised Statutes (ORS) 203.082, Benton County may enact an ordinance authorizing vehicle camping at religious institutions.

///
///
///

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

- PART I:** Short Title. Removing the Sunset Date of Benton County Code Chapter Regarding Vehicle Camping at Religious Institutions.
- PART II.** Authority. The Board of County Commissioners of Benton County has authority to amend the County Code pursuant to the Benton County Charter.
- PART III.** The Benton County Code Chapter 40 is hereby amended as shown in “Exhibit 1”.
- PART IV.** The effective date for these amendments to the Benton Code will be December 2, 2022.

First Reading: October 18, 2022

Second Reading: November 1, 2022

Effective Date: December 2, 2022

BENTON COUNTY BOARD OF COMMISSIONERS

Nancy Wyse, Chair

Xanthippe Augerot, Commissioner

Pat Malone, Commissioner

Approved as to Form:

County Counsel

Recording Secretary

Exhibit 1

CHAPTER 40

VEHICLE CAMPING AT RELIGIOUS INSTITUTIONS

40.100. A church, synagogue or other religious institution located in unincorporated Benton County may allow overnight camping in vehicles, subject to the following:

- (1) As used in this chapter, “vehicle” includes a licensed and operable automobile, camper, travel trailer or recreational vehicle. “Vehicle” also includes a rigid-walled, readily transportable temporary sleeping unit exempt from building code and consistent with safety standards issued by the Community Development Director.
- (2) The religious institution shall register with the Benton County Community Development Department prior to establishing overnight camping in vehicles and shall submit a site plan and any other documentation required by the department’s adopted procedures for ensuring compliance with this chapter.
- (3) A maximum of three vehicles is allowed at the registered site at any one time.
- (4) The religious institution shall provide campers with access to onsite sanitary facilities, including at minimum toilet, hand washing and trash disposal facilities.
- (5) The camping occurs on the same property as the religious institution’s facility or an adjacent property that the religious institution owns or leases and has land use approval for religious institutional uses. In the case of leased land, the church shall provide the County with written authorization from the property owner to establish vehicle camping.
- (6) No payment of fee, rent, or other monetary charge shall be required of campers. This provision does not prevent the religious institution from accepting donations.
- (7) The religious institution may select which individuals to allow to camp on the institution’s property, and may revoke this permission at any time and for any reason.
- (8) Vehicles and all associated outside facilities (such as toilet, trash disposal, storage unit) shall be located at least 12 feet from all property lines, road right-of-way or access easements, and each vehicle shall be located at least 12 feet from other vehicles and from associated outside facilities.
- (9) All items and materials must be stored in vehicles or in separate storage unit, other than items designed and intended for outdoor use which shall be screened from adjacent properties and public rights-of-way

- (10) The number of people camping per vehicle is not generally limited by this code; however, notwithstanding any other provision of this chapter, the Benton County Community Development Director or designee may limit the total number of individuals camping on a premises or prohibit vehicle camping as provided in this chapter if the Community Development Director or designee finds that such activity on the premises constitutes a nuisance or other threat to public health, safety, or welfare. In addition to any other penalties that may be imposed, any premises used for vehicle camping in a manner not authorized by this chapter or other provisions of the Benton County Code shall constitute a nuisance and may be abated as such pursuant to Benton County Code Chapter 21 – Nuisance Abatement.
- (11) Upon expiration or revocation of this chapter, all vehicle camping on registered sites shall cease. Authorization of vehicle camping on a site does not establish a land use or a vested right to continue the activity if and when this code is modified.
- (12) Nothing in this chapter creates any duty on the part of the County, its employees, or its agents to ensure the protection of persons or property with regard to overnight sleeping in vehicles. ~~{Ord. 2021-0305 establishes a sunset date of Dec. 31, 2022 for BCC ch. 40}~~

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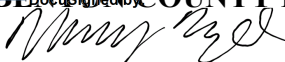
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BENTON COUNTY BOARD OF COMMISSIONERS



Nancy Wyse, Chair

DocuSigned by:



Xanthippe Augerot, Commissioner

DocuSigned by:



Pat Malone, Commissioner

Approved as to Form:

DocuSigned by:



County Counsel

DocuSigned by:



Recording Secretary

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NEW BUSINESS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 11/01/22

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 * Adoption of Order for Natural Areas, Parks and Events 2023 Fees

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☒ 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 * 15 minutes

Board/Committee Involvement * ☒ Yes
☐ No

Name of
Board/Committee

Fair Board and Park Board

Advertisement *

☐ Yes

☒ No

Issues and Fiscal Impact

Item Issues and Description	
Identified Salient Issues *	The fees for services provided by Benton County Natural Areas, Parks and Events (NAPE) have been reviewed and evaluated against comparable facilities with recommended revisions provided in Attachment A. Annual incremental increases for services cover rising operating expenses and support the non-charging services provided by the department, including free park access.
	Fee revisions impact the following facilities: * Beazell Forest Education Center * Benton County Event Center & Fairgrounds * Benton County Fair & Rodeo * Benton Oaks RV Park * Salmonberry Campground * Alsea Guard Station * Crystal Lake Cemetery * Benton County Park Picnic Shelters * NAPE Special Use Permits
Options *	The Park Board and Fair Board have reviewed and approved the proposed fee revisions. 1. Move to revise fees as outlined 2. Move to revise fees at other proposed levels 3. Decline to revise fees
	☒ Yes ☐ No
Fiscal Impact *	Variable based on services and facilities, resulting in increased overall revenues for the Natural Areas, Parks and Events department
Fiscal Impact *	
Description *	

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 *

NAPE operations impact a number of facilities that impact core values including parks, natural areas and fairgrounds.

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 *

NAPE operations impact a number of focus areas due to the various facilities managed including parks, natural areas, fairgrounds, RV park, campground, and cemetery. NAPE also supports emergency response efforts for the county.

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations * Staff recommends the Board move to implement the proposed Natural Areas, Parks and Events fee revisions as outlined in Attachment A.

Meeting Motions * I move to ...
....approve Order #D2022-080 adopting the revised fee schedule for Benton County Natural Areas, Parks and Events to be 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.

NAPE_Revised_2023_Fees_ORDER.docx	15.46KB
Attachment A.pdf	1.66MB

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

Department Approver LYNNE MCKEE

Comments

Signature

Elyse McKee

Approvals Required ☒ Counsel

☒ Finance

☐ HR

Counsel Approver VANCE CRONEY

Finance Approver RICHARD CRAGER

County Administrator JOE KERBY

County Administrator Approver

Comments

Counsel Approval

Comments

Signature



Vance H. Cheney

Comments

Signature

Rick Crager

Comments

Signature

Theresa Kelly

BOC Final Approval

Comments

Signature

A handwritten signature in black ink, reading "Amanda Hakepeace", is centered within a light gray rectangular box.

BENTON COUNTY ORDER # #D2022-080

ATTACHMENT A

**NATURAL AREAS, PARKS AND EVENTS DEPARTMENT
2023 PROPOSED EVENT CENTER & FAIRGROUNDS
FEES FOR SERVICES**

SERVICE	CURRENT FEE	PROPOSED 2023 FEE
RV STORAGE		
Tall Livestock Sheds	\$3.65/linear foot/month	\$3.80/linear foot/month
Short Livestock Sheds	\$3.40/linear foot/month	\$3.55/linear foot/month
BENTON OAKS RV PARK		
Daily Full Hook-Up	\$42	\$45
Daily Partial Hook-Up	\$38	\$40
Weekly Full Hook-Up	\$275	\$290
Weekly Partial Hook-Up	\$250	\$265
Special Event Weekends (two night minimum stay required)	\$65 full hook-up \$55 partial hook-up	\$70 full hook-up \$65 partial hook-up
Monthly Winter Rate for Extended Stays (December – April)	\$700	\$800
Early Arrival/Late Departure	\$15	No Change
Cancellation Fee up to 48 Hours	\$15	No Change
Cancellation Fee within 48 Hours	No Refund	No Change
Dump Station	\$7	\$10
Overnight Parking Per Vehicle (no hook-up)	\$10	No Change
Propane	Based on market	No Change
FACILITY RENTALS		
Nonprofit Discount	30%	25%
Bulk Rental Discount (8+)	25%	No Change
Marquee Sign	\$3,500/year	No Change
BENTON COUNTY FAIR & RODEO		
Adult Day Pass	\$10 Gate/\$8 Advance	No Change
Senior/Youth Day Pass (62+/6-16)	\$5 Gate/\$4 Advance	No Change
Children 5 and Under	Free Admission	No Change
Annual Pass Adult	\$20	No Change
Annual Pass Senior/Youth	\$12	No Change

Veterans/Active Military	Free Admission	No Change
4-H Participants	Free Admission	No Change
Carnival Wristband	Set by Carnival Company	N/A
Family Fun Day (16 & under free)	Wednesday of Fair	No Change
Senior Day (62+ free)	Thursday of Fair	No Change
Fair Parking	\$5/vehicle	No Change
Vendor Indoor 10' x 10' Inline	\$325	\$350
Vendor Indoor 10' x 10' corner	\$375	\$400
Vendor Indoor 10' x 20' dbl inline	\$560	\$600
Vendor Indoor 10' x 20' inline w/ one corner	\$610	\$650
Vendor Indoor 10' x 30' inline triple no corner	\$785	\$800
Vendor indoor 10' x 30' triple with one corner	\$850	\$900
Vendor outdoor 10' x 10' inline	\$270	\$300
Vendor outdoor 10' x 10' corner	\$325	\$350
Vendor outdoor 10' x 20' dbl inline	\$455	\$500
Vendor outdoor 10' x 20' dbl inline/corner combo	\$505	\$550
Food Vendor Space	\$350	No Change
Food Vendor Commission	18%	No Change
Additional 50 amp power	\$35	\$40
Wine & Spirits Sales	30%	No Change
Beer Sales		
\$0 - \$10,000	35%	No Change
\$10,001 - \$20,000	38%	No Change
\$20,001 - \$30,000	41%	No Change
Over \$30,000	44%	No Change

Benton County Event Center & Fairgrounds**110 SW 53rd Street Corvallis, OR 97333****Phone: (541) 766-6521**

Rentals are from 7:30am to Midnight

Effective JANUARY 2023 **rates Subject to Change

Building	General Information	Daily Rate
Auditorium includes parking lot	5,510 sq ft (58'X95') Banquet Seating: 282 Audience Seating: 300	Monday-Thursday - \$580 \$610 Friday-Sunday - \$940 \$990 Monday-Thursday Whole Building - \$740 \$780
	Set up or Teardown Day	Weekend \$470 \$495 /Week Days \$290 \$305
Auditorium Board Room	338.5 sq ft (18'x18') & 103 sq ft (10'x10')	Monday-Thursday \$100 \$105
Auditorium Kitchen	Commercial Caterer ONLY	\$250 \$260 /day (25% off 8+bookings) \$150 \$160 with building rental
Auditorium Conference Room	1,160 sq ft (29'X40') Class Room Seating: 44 Audience Seating: 68	Monday - Thursday- \$200 \$210
	Set up or Teardown Day	100 \$105
Benton Arena	33,000 sq ft (150'X220') 8,000 sq ft paved	Monday-Thursday- \$530 \$555 Friday-Sunday- \$800 \$840
	Set up or Teardown Day	Weekend \$400 \$420 /Week Days \$265 \$280
Floral Courtyard	7,000 sq ft (70'X100') Open Grass 240 sq ft (12'X20') Covered Stage 2,400 sq ft Covered Concrete Walkways	Monday-Thursday - \$300 \$315 Friday-Sunday - \$510 \$535
	Set up or Teardown Day	Weekend \$255 \$270 Week Days \$150 \$160
Guerber Hall	4,320 sq ft (60'X72') Banquet Seating: 165 Audience Seating: 253 Meeting Room Included Friday - Sunday	Monday-Thursday - \$444 \$465 Friday-Sunday - \$660 \$690
	Set up or Teardown Day	Weekend \$330 \$345 Week Days \$222 \$235
Guerber Hall Meeting Room	294 sq ft (21'X14')	Monday-Thursday \$74 \$80
Outdoor Arena	24,000 sq ft (200'X120')	Monday-Thursday - \$370 \$390 Friday-Sunday - \$640 \$670
	Set up & Teardown	Weekends/Weekdays \$150 \$160
Hull Oakes Picnic Table	1,500 sq ft (15'X100') Seats 110	Weekends/Weekdays \$130 \$135
Solar Building NO facilities Port-a-Potty	11,000 sq ft (55'X200')	Monday- Thursday- \$212 \$275 Friday - Sunday - \$318 \$385
	Set up or Teardown	Mon-Thurs \$106 \$135 / Fri-Sun \$159 \$190
Main Lawn	58,077 sq ft	Weekends/Weekdays \$310 \$325
South Lawn	15,841 sq ft	Weekends/Weekdays \$235 \$245
Oak Grove	49,943 sq ft	Weekends/Weekdays \$310 \$325
Auditorium Parking Lot	36,592 sq ft	Weekends/Weekdays \$235 \$245
South Parking Lot Full Lot	209,919 sq ft	Weekends/Weekdays \$398 \$415
South Parking Lot Half Lot	104,959 sq ft	Weekends/Weekdays \$235 \$245

Equipment Request Form

Must be returned 45 days prior to event date

Booking #:	Event Name:	Event Date(s):
------------	-------------	----------------

All full rentals are from 7:30am to Midnight.

List the number of items you will need (as close as possible) so we can make sure all the items you have requested are in the building for your set up.

QTY	Equipment	Rate Per	Used	QTY	Special Services	Rate Per	Used
	Additional Chairs	\$1.50			~~Arena Roll~~	~~\$395~~	
	Classroom Tables	\$7			Arena Till	\$80	\$120
	5ft Round Tables	\$7			Arena Tractor Drag	\$80	\$90
	8ft Rectangular Tables	\$7			Arena Watering	\$50	\$80
	Podium (Large)	\$30	\$50		Forklift & Tractor Work	\$60/hr	\$90/hr
	Podium (Small)	\$10	\$15		Park Bench (Concrete)	\$20	\$30
	Flip Chart With Paper	\$5	\$10		Park Bench (Metal)	\$10	\$20
	Sandwich Boards	\$10	\$12ea		Ticket Booth(Main Gate)	\$150	
	Stage w/Set Up (8'x4')	\$30/sect	\$50/s		Ticket Booth (Portable)	\$100	\$175
	Wooden Trellis	\$45	\$30		Towable for Compactor	\$100ea	
	Picnic Tables	\$20	\$25		Dumpster 500+ People	\$175	
	Barricades/Cones	\$5	\$7ea		Lg. Concrete Blocks	\$75	\$100
	Animal Cages	\$3	\$5ea		Electrical Drop Each	\$105	\$125
	Bleachers (Double set)	\$195	\$205		Cord Cover		\$25ea
	Bleachers (Single set)	\$95	\$100				
QTY	Electronics	Rate Per	Used	QTY	Setup Services	Rate Per	Used
	46" Flat Screen TV	\$30			Tables	\$2	\$2.50
	PA System (Permanent)	\$30			Chairs	\$1	\$1.50
	PA System (Portable)	\$50			Trash Cans	\$10	\$12ea
	Projector & Screen	\$40			~~Loaded ATM~~	~~FREE~~	
	Screen only	\$10			Grounds PA System	FREE	
	Spider Box	\$115	\$125				

Mow Main Lawn \$175; South Lawn \$75; Floral Courtyard \$50

Rentals Come with:

Auditorium 80 Chairs & 10 - 8' Tables,
 Auditorium Boardroom 12 Chairs & 3 - 8' Tables
 Auditorium Conference Room 20 Chairs & 4 - 8' Tables
 Guerber Hall 60 Chairs & 8 - 8' Tables
 Guerber Boardroom 12 Chairs & 3 - 8' Tables
 Solar Building Boardroom 12 Chairs & 3 - 8' Tables
 Lawns & Parking Lots include 2 trash cans

THE FACILITY DOES NOT RENT OR PROVIDE LADDERS OR EXTENSION CORDS

Page 148 of 164
BENTON COUNTY NATURAL AREAS, PARKS & EVENTS DEPARTMENT
 110 SW 53RD STREET, Corvallis OR 97333
 Phone (541) 766-6521
WWW.CO.BENTON.OR.US/PARKS

2023 Proposed Fees

Group Picnic Areas:

Group Picnic Areas may be reserved for exclusive use from May 1 through October 1. The following sites are available to reserve for small or large group functions. Reservations are on a first-come, first-serve basis. Please reserve early to ensure that your request can be processed. Group picnic area reservations are accepted beginning the first working day in January for that current year.

GROUP PICNIC AREAS

SEATING CAPACITY

Adair "A".....	180-200 people
Adair "B".....	120-140 people
North Albany.....	160
Bellfountain.....	120
Fort Hoskins Historic Park Shelter.....	80

GROUP PICNIC AREAS FEES ARE FOR DAY OF USE

\$110/ ~~\$125~~ /day/area	Sat., Sun., or Holiday	ALL GROUPS....	\$100 Refundable Deposit (No Change)
\$60/ ~~\$75~~ /day/area	Mon. – Friday	ALL GROUPS....	\$100 Refundable Deposit (No Change)

\$25.00 Non-Refundable Fee for Cancelled Park Reservations if made 48 hours or more before the reservation date.

If cancellation of park reservation occurs after the 48 hour deadline, all fees paid will be forfeited and no refund is given.

WEDDINGS & OVERNIGHT PARK USE (THIS FEE IS IN ADDITION TO REQUIRED \$60/~~\$70~~ SPECIAL USE PERMIT)

\$20/ ~~\$25~~	Per each Tent or Camping Vehicle (all group sizes)
-----------------------------	--

EQUIPMENT BAG RENTAL FEES

\$15.00/BAG (NO CHANGE)

Bags contain: 2 Softballs, 2 Bats, 1 Volleyball & 1 Net, 4 Throw-Down Bases, & Set of 4 Horseshoes, Football, and Air Pump

SALMONBERRY CAMPGROUND FEES

General Information:

Location: 6.4 miles west of Alsea on Hwy 34 or 32 miles from Corvallis.

Reservations are available.

Salmonberry Campground is open for camping May 1 - October 1 each year.

Camping allowed for up to 14 consecutive days or 14 days within 30-day period.

Amenities: Day Use Area with a Boat Ramp is also available; Campground has Family Atmosphere; Camp Host; Nature Trail; Commons Play Area.

Restrooms: The Campground has Accessible Restrooms with Flush Toilets and Coin Operated Showers.

Campfires: Approved in fire rings only. Utilize dry, seasoned wood only.

Check-In Time: 3PM Check-Out Time: 1PM

Dogs: Allowed only on leash or kept in vehicle.

Sites/Amenities

(13) Trailer Spur Sites with electrical hookups includes (1) handicap accessible site	
(15) Non-electrical Dispersed Sites	
(1) Yurt with electricity – no running water	
(1) Cabin with electricity – no running water	
Additional vehicle fee charge is per vehicle (no charge for in-tow vehicles)	
Senior Discount (55+) per day/per camp site	
Veteran's Discount per night	
Coin-operated Showers	

Campground Fees:

\$35/ ~~\$40~~ (1 tent allowed)
\$30/ ~~\$35~~ (1 tent; max 2 tents)
\$50/ ~~\$60~~
\$50/ ~~\$60~~
\$10 (No Change)
\$3/ ~~\$5~~
\$5/ ~~\$10~~
50¢ / ~~75¢~~ per minute

SPECIAL USE PERMITS

Special Use Permit fees are established in an effort to cover the staff time necessary to manage this program. Parks staff also charges for extra time if the Special Use Permit requires an inordinate amount of assistance. [See also "Overnight Use" above]

Special Use Permit Base Processing Fee	\$60/ ~~\$70~~ per permit
--	----------------------------------

ALSEA GUARD STATION (Open Year Round)

House – 2 bedrooms, 2 bath, kitchen, living area, electricity and water, sleeps 8... **Rental Fee \$90/~~\$115~~ per night +\$100 Refundable Deposit**

On-line Reservation Fee \$10 (No Change)

Dogs – Maximum 2 Dogs Allowed - \$25 Per Dog/Per Day; In Addition a \$100 Refundable Pet Deposit (No Change)

BEAZELL FOREST EDUCATION CENTER

Capacity = 85 people

Non-refundable fees unless date is booked to another renter.

❖ \$25 Charge to re-book event to another date

2023 Pricing for Beazell

Facility Rentals: Friday, Saturday, Sunday or a Holiday	\$900/ ~~\$1,000~~
Refundable Deposit: Friday, Saturday, Sunday or Holiday	\$900/ ~~\$1,000~~
Tuesday – Thursday Rentals	\$550/ ~~\$600~~
Tuesday – Thursday Rental Deposit	\$550/ ~~\$600~~
Deposit Amount for Waived Fee Reservations	\$150/ ~~\$250~~
Full Day Setup Fee for Weekends Only (Fri-Sun & Holiday)	\$450/ ~~\$500~~

MONDAYS RESERVED FOR TOURS ONLY**CRYSTAL LAKE CEMETERY****MAUSOLIUM NICHE**

Plot Sale.....	\$700/ ~~\$800~~	Engraved, Metal Front, Top Level	FULL
Pioneer Section Plot Sale.....	FULL	Glass Front/All Levels/under 550 cu.in.....	FULL
Additional Rights of Interment 2nd, 3 rd , 4 th	\$500/ ~~\$600~~	Glass Front/Mid-Level/over 1900 cu.in.....	FULL
Personal Transfer/Sale (Records).....	\$75/ ~~\$100~~	Additional Urn(s) in Niche (per urn).....	50% of original Niche price
Double Depth Caskets in Plot.....	\$500/ ~~\$600~~	New Section/2 nd Casket Pioneer Section/2 nd Casket	\$1,000
Columbarium Niche.....	\$1,300	Opening and Closing of Niche.....	\$535/~~\$600~~

SOCIAL GATHERING PERMIT

Social Gathering Permits are intended to regulate event gatherings with more than 500 persons, but fewer than 3,000 persons continuously over at least a 24-hour period. Applicant(s) for a Social Gathering Permit will comply with all aspects of Benton County Code (BCC) Chapter 13, Social Gatherings.

Social Gathering Permit Fee **\$1,250** (No Change)

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

In the Matter of Setting User Fees for)
Benton County Natural Areas, Parks)
and Events Services and Facilities)

ORDER D2022-080

WHEREAS, pursuant to Benton County Code Section 15.205, the Board of Commissioners for Benton County has the authority to provide reasonable charges for use of County areas; and

IT APPEARING TO THE BOARD, that it is in the best interest for the general public that fees for Natural Areas, Parks and Events operations should be charged to those persons using Benton County park picnic shelters and equipment bags, Beazell Memorial Forest Education Center, Benton County Event Center & Fairgrounds facilities, Benton County Fair & Rodeo, Crystal Lake Cemetery burial plots and internments, Benton Oaks RV Park, Salmonberry Campground, and Alsea Guard Station to provide for a portion of those costs incurred by the County in making said areas available for public use;

IT FURTHER APPEARING TO THE BOARD, that it is in the best interest for the general public that an administrative fee be charged to those persons required, by the Natural Areas, Parks and Events Director, to obtain a special use permit for activities in a Benton County Park to provide for a portion of those costs incurred by the County in providing said permit;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Benton County Natural Areas, Parks and Events revised fee schedule, as shown on Attachment A, be effective January 1, 2023 and charged to all persons, firms or corporations who contract with the Natural Areas, Parks and Events Department for facilities or services;

BE IT FURTHER ORDERED that said Benton County Natural Areas, Parks and Events shall consider annual incremental fee increases unless a proposed fee increase places Benton County fees in excess of comparable facilities. No fee increase will be implemented without Board approval.

Adopted this 1st day of November, 2022.

Signed this 1st day of November, 2022.

BOARD OF COMMISSIONERS

Nancy Wyse, Chair

Xanthippe Augerot, Commissioner

Pat Malone, Commissioner

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

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Benton County Natural Areas, Parks)
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IT FURTHER APPEARING TO THE BOARD, that it is in the best interest for the general public that an administrative fee be charged to those persons required, by the Natural Areas, Parks and Events Director, to obtain a special use permit for activities in a Benton County Park to provide for a portion of those costs incurred by the County in providing said permit;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Benton County Natural Areas, Parks and Events revised fee schedule, as shown on Attachment A, be effective January 1, 2023 and charged to all persons, firms or corporations who contract with the Natural Areas, Parks and Events Department for facilities or services;

BE IT FURTHER ORDERED that said Benton County Natural Areas, Parks and Events shall consider annual incremental fee increases unless a proposed fee increase places Benton County fees in excess of comparable facilities. No fee increase will be implemented without Board approval.

Adopted this 1st day of November, 2022.

Signed this 1st day of November, 2022.

BOARD OF COMMISSIONERS

DocuSigned by:



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Nancy Wyse, Chair

DocuSigned by:



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Xanthippe Augerot, Commissioner

DocuSigned by:



744FC1377E0E4AF...

Pat Malone, Commissioner

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 11/01/22

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Finance

Contact Name * Debbie Bauer

Phone Extension * 5417666281

Meeting Attendee Name * Debbie Bauer

Agenda Item Details



Item Title * An order authorizing the payment of property taxes to certain municipalities or other taxing districts in advance for the tax year 2022-23 as authorized by ORS 311.392

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☐ 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

Board/Committee Involvement *

☐ Yes

☒ No

Advertisement *

☐ Yes

☒ No

Item Issues and Description	
Identified Salient Issues *	ORS 311.392 allows the county, at the discretion of the governing body, to advance to certain municipalities the total amount of taxes, assessments, or other charges levied against property in the county. This advance comes from the general fund of the county.
	This year, we are advancing taxes to all districts with net levies of less than \$15,000. Last year we advanced taxes to all districts with net levies of less than \$13,000.
Options *	The amount advanced to the municipalities is added to Benton County's levy and is subsequently collected and distributed to Benton County along with its own levy. This is a normal procedure that occurs every year. Generally, the same districts are involved year after year.
	1) Adopt Order 2) Do Not Adopt Order
Fiscal Impact *	☒ Yes ☐ No
Fiscal Impact *	The County will advance the levy amounts (\$91,666.90) to the districts. The amount will be collected by the County in subsequent months.

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 * This helps out the smaller taxing districts.

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 smaller taxing districts will receive their funds in a lump sum.

Recommendations and Motions

Item Recommendations and Motions

Staff Approve the Order

Recommendations *

Meeting Motions * I move to ...

I move to approve Order #D2022-079 authorizing the payment of property taxes to certain municipalities and other taxing districts as detailed in the attachment to the order.

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.

FIN_Tax Payment to Municipalities Order 2022-
2023.pdf

77.63KB

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

**Department
Approver**

DEBBIE PARSONS

Comments

Signature

Dottie Seidman

BOC Initial Approval

Approvals Required ☐ Counsel
☒ Finance
☐ HR

Finance Approver RICHARD CRAGER

County Administrator Approver
JOE KERBY

Comments

Comments

Signature

Rick Crager

County Administrator Approval

Comments

Signature



Hanna Kwiatkowski

BOC Final Approval

Comments

Signature



Amanda Hakepeace

PAGE 162 OF 164
DEPT. OF FINANCE, AUDIT and TAX COLLECTION
TAXING DISTRICT PURCHASES FOR
FISCAL YEAR 2022-23

	PURCHASE THRESHOLD----->		15,000.00				BUY-OUT LEVIES		
DISTRICT NAME	NET LEVY	DISTRIB. RATIO	DIST. TO PURCHASE AMOUNT	RATIO	ADJUSTED NET LEVY AMOUNT	RATIO	TOTAL LEVY	LESS 3% DISCOUNT	NET PURCH. COST
ALSEA SD #7	493,174.60	0.0026499848			493,174.60	0.0026499848			
ALSEA SD #7 - BOND	80,813.80	0.0004342384			80,813.80	0.0004342384			
G.A.P. SD #8	5,772,730.14	0.0310187245			5,772,730.14	0.0310187245			
GAPS 2017 DEBT	3,079,237.21	0.0165457259			3,079,237.21	0.0165457259			
CORVALLIS SD #509J	33,592,355.02	0.1805024622			33,592,355.02	0.1805024622			
CORV. 509J DEBT CAPITAL	14,826,617.10	0.0796681534			14,826,617.10	0.0796681534			
CORV. 509J Local Option	9,807,917.00	0.0527010734			9,807,917.00	0.0527010734			
CENTRAL SD#13J	35,881.26	0.0001928015			35,881.26	0.0001928015			
PHILOMATH SD #17	4,614,914.53	0.0247974111			4,614,914.53	0.0247974111			
PHILOMATH SD #17-DEBT	2,270,067.69	0.0121977994			2,270,067.69	0.0121977994			
PHILOMATH SD LOCAL OPTION	1,346,989.12	0.0072378031			1,346,989.12	0.0072378031			
HARRISBURG ELEMENTARY	19,267.53	0.0001035306			19,267.53	0.0001035306			
HARRISBURG SD - Bond	2,152.33	0.0000115652	2,152.33	0.0000115652			2,152.33	64.57	2,087.76
HARRISBURG UNION HIGH #5	4,070.01	0.0000218695	4,070.01	0.0000218695			4,070.01	122.10	3,947.91
UH #1-MONROE	1,930,357.26	0.0103724266			1,930,357.26	0.0103724266			
LINN BENTON ESD	3,100,269.41	0.0166587386			3,100,269.41	0.0166587386			
WILLAMETTE REGION ESD	1,458.17	0.0000078352	1,458.17	0.0000078352			1,458.17	43.75	1,414.42
LANE CC	169,347.79	0.0009099598			169,347.79	0.0009099598			
LBCC	7,299,716.52	0.0392237104			7,299,716.52	0.0392237104			
CENTRAL LINN SD	1,052.23	0.0000056540	1,052.23	0.0000056540			1,052.23	31.57	1,020.66
TOTAL SCHOOLS	88,448,388.72	0.4752614676	8,732.74	0.0000469239	88,439,655.98	0.4752145437	8,732.74	261.99	8,470.75
BENTON COUNTY (SEE PAGE 2)	22,845,930.85	0.1227584895			22,845,930.85	0.1232662790	USE AMT. AND RATIO AT BOTTOM FOR BENTON CO.		
ADAIR	273,012.58	0.0014669839			273,012.58	0.0014669839			
ALBANY	8,424,165.24	0.0452657328			8,424,165.24	0.0452657328			
CORVALLIS	37,323,327.61	0.2005501707			37,323,327.61	0.2005501707			
MONROE	344,116.28	0.0018490468			344,116.28	0.0018490468			
PHILOMATH	3,034,254.86	0.0163040213			3,034,254.86	0.0163040213			
TOTAL CITIES	49,398,876.57	0.2654359555			49,398,876.57	0.2654359555			
RFD #1-CORVALLIS	2,130,734.28	0.0114491164			2,130,734.28	0.0114491164			
RFD #2-NORTH ALBANY	479,638.56	0.0025772513			479,638.56	0.0025772513			
RFD #3-ADAIR	425,000.25	0.0022836622			425,000.25	0.0022836622			
RFD #4-PHILOMATH	1,490,175.17	0.0080071876			1,490,175.17	0.0080071876			
RFD #4-PHILOMATH BOND	432,829.64	0.0023257320			432,829.64	0.0023257320			
RFD #5-MONROE	533,325.67	0.0028657293			533,325.67	0.0028657293			
RFD #6-PALESTINE	241,244.36	0.0012962831			241,244.36	0.0012962831			
RFD #7-ALSEA	80,459.86	0.0004323365			80,459.86	0.0004323365			
RFD #8-HOSKINS/KINGS VALLEY	67,210.01	0.0003611409			67,210.01	0.0003611409			
RFD #9-BLODGETT/SUMMIT	40,876.03	0.0002196400			40,876.03	0.0002196400			
RFD HALSEY-SHEDD	225.99	0.0000012143	225.99	0.0000012143			225.99	6.78	219.21
RFD HARRISBURG FIRE RESCUE	678.35	0.0000036450	678.35	0.0000036450			678.35	20.35	658.00
TOTAL FIRE DISTRICTS	5,922,398.17	0.0318229386	904.34	0.0000048593	5,921,493.83	0.0318180793	904.34	27.13	877.21

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BENTON COUNTY ADJUSTED LEVY AND RATIO COMPUTATION:

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

An Order Authorizing the Payment of)
Property Taxes to Certain Municipalities)
or Other Taxing Districts in Advance) **ORDER # D2022-079**
For Tax Year 2022-23 as Authorized by)
ORS 311.392)

WHEREAS, ORS 311.392(1) states that "If, in the discretion of the county court, it is more economical to advance to those municipalities from the general fund of the county the total amount of taxes, assessments or other charges levied against property in the county, the county court may advance from the general fund of the county the full amount of the taxes, assessments and charges levied by those subdivisions and the county court may order the county tax collector to revise the tax distribution schedule provided by ORS 311.390 so that all taxes, assessments and charges advanced by the county will be allocated to the county..."; and

WHEREAS, ORS 311.392(2) authorizes the county, provided the county makes payment to the municipality by December 1, 2022 to deduct from the levy the three percent discount which would have been given by the district had all the taxes been paid by November 15, 2022; and

WHEREAS, the Tax Collector for Benton County (the County) has recommended that, in the interest of economy, the County advance to the districts listed in the Attachment to this Order, whose individual levy does not exceed \$15,000, the amount of their levy less the three percent discount as identified in Schedule I, "Net Levy".

THEREFORE IT IS HEREBY ORDERED THAT the Tax Collector shall:

1. Advance to those districts listed in Schedule I of the Attachment to this Order the amount of their tax levy less the three percent discount, the net amount identified in Schedule I, "Net Levy."
2. Revise the county's tax distribution schedule as provided by ORS 311.390 so that all taxes, assessments and charges advanced by the county to these Taxing Districts will be allocated to the county.

Adopted this 1st day of November, 2022

Signed this 1st day of November, 2022

BENTON COUNTY BOARD OF COMMISSIONERS

Nancy Wyse, Chair

Pat Malone, Commissioner

Xanthippe Augerot, Commissioner

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

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For Tax Year 2022-23 as Authorized by)
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WHEREAS, the Tax Collector for Benton County (the County) has recommended that, in the interest of economy, the County advance to the districts listed in the Attachment to this Order, whose individual levy does not exceed \$15,000, the amount of their levy less the three percent discount as identified in Schedule I, "Net Levy".

THEREFORE IT IS HEREBY ORDERED THAT the Tax Collector shall:

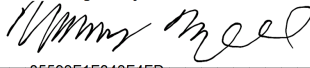
1. Advance to those districts listed in Schedule I of the Attachment to this Order the amount of their tax levy less the three percent discount, the net amount identified in Schedule I, "Net Levy."
2. Revise the county's tax distribution schedule as provided by ORS 311.390 so that all taxes, assessments and charges advanced by the county to these Taxing Districts will be allocated to the county.

Adopted this 1st day of November, 2022

Signed this 1st day of November, 2022

BENTON COUNTY BOARD OF COMMISSIONERS

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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