Board of Commissioners
Office: (541) 766-6800
Fax: (541) 766-6893

4500 SW Research Way
Corvallis, OR 97330
co.benton.or.us

AGENDA REV1

(Chair May Alter the Agenda)

BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, February 7, 2023, 9 AM

How to Participate in the Board of Commissioners Meeting			
In-Person	**Zoom Video**	**Zoom Phone Audio**	**Facebook LiveStream**
Kalapuya Building 4500 Research Way Corvallis, OR	*Click for Zoom link*	Dial 1(253) 215-8782	*Click for Facebook LiveStream link*
	Zoom Meeting ID: 889 5496 4239		
	Zoom Passcode: 870870		

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

4.3 45 minutes – Multi-Unit Property Tax Exemption (MUPTE) and Low Income Rental Housing Property Tax Exemption (LIRPTE) – *Brigetta Olson, Manager; Sarah Sullivan, Coordinator; Housing and Neighborhood Services, City of Corvallis*

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

The Board of Commissioners may call an executive session when necessary pursuant to ORS 192.660. The Board is not required to provide advance notice of an executive session. However, every effort will be made to give notice of an executive session. If an executive session is the only item on the agenda for the Board meeting, notice shall be given as for all public meetings (ORS 192.640(2)) and the notice shall state the specific reason for the executive session as required by ORS 192.660.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the Board of Commissioners Office, (541) 766-6800.

BUSINESS MEETING

5. Consent Calendar

5.1 In the Matter of Approving the Minutes of the January 24, 2023 Board of Commissioners Tuesday Board Meeting

5.2 In the Matter of Approving the Minutes of the January 17, 2023 Board of Commissioners Tuesday Board Meeting

5.3 In the Matter of Approving the Minutes of the December 6, 2022 Board of Commissioners/Adair Village City Council Joint Public Hearing

Public Hearings

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

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

PH 1 In the Matter of a Public Hearing Regarding Ordinance No. 2023-0316, Development Code Amendments Regarding Stormwater – *Greg Verret, Community Development; Gordon Kurtz, Public Works*

PH 2 In the Matter of a Public Hearing Regarding Ordinance No. 2023-0317, Amending the Adair Village Urban Growth Boundary – *Greg Verret, Community Development*

7. New Business

7.1 Justice System Improvement Program (JSIP) Bond Resolution R2023-002 and Title/Summary Language for SEL-805 – *Vance Croney, County Counsel; Nick Kurth, JSIP Manager*

7.2 Award of Construction Manager/General Contractor (CM/GC) Services Contract for the Courthouse/District Attorney Project to Hoffman Construction – *Gary Stockhoff, Public Works*

7.3 American Rescue Plan Act (ARPA) Grant - Proposed Business Grant Program – *Rick Crager, Shurisa Steed, Financial Services; Jerry Sorte, Corvallis-Benton Economic Development Office*

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8. Departmental Reports and Requests

8.1 Telework Policy Consideration and Approval – *Tracy Martineau, Human Resources*

9. 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."

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MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Zoom link: *https://us06web.zoom.us/j/88954964239?pwd=Nlo0U0ZxT1NVVkhpL2tHLzdnMllvdz09*
Livestream: *http://facebook.com/BentonCoGov*
Tuesday, February 7, 2023
9:00 a.m.

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

Staff: **Shannon Bush, Laurel Byer, Darren Nichols, Greg Verret,** Community Development; **Rick Crager, Shurisa Steed,** Finance; **Cory Grogan,** Public Information Officer; **John Haroldson,** District Attorney; **Suzanne Hoffman, April Holland,** Health; **Nick Kurth,** JSIP Manager; **Gordon Kurtz, Gary Stockhoff,** Public Works; **Amanda Makepeace,** BOC Staff; **Tracy Martineau,** Human Resources; **Erika Milo,** BOC Recorder; **Jef Van Arsdall,** Sheriff; **Matt Wetherell,** Juvenile Department

Guests: **Timothy Cornelius, Debbie Palmer, Jennifer Williams, Mark Yeager,** residents; **Chris Edmonds,** Coastline PR; **John Harris,** Horsepower Productions; **Sam Imperati,** ICM Resolutions; **Brigetta Olson, Sarah Sullivan,** City of Corvallis; **Alex Powers,** Mid-Valley Media; **Ginger Richardson,** Republic Services; **Jerry Sorte,** Corvallis-Benton County Economic Development Office

1. Opening:

1. Call to Order

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

2. Introductions

3. Announcements

No announcements were made.

2. Comments from the Public

No comments were offered.

3. Review and Approve Agenda

No changes were made to the agenda.

4. Work Session

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

Holland reported that hospital and healthcare staffing remains challenged, but hospitalizations from COVID-19 have decreased statewide since December 2022 and early January 2023. There were 219 COVID-19 hospitalizations in Oregon as of February 1, 2023. As of yesterday, 176 people were boarding (waiting for a bed) in hospitals, which is still high, although down from a peak of 355 at the end of 2022. COVID-19 patients fill around 5% of ICU beds; available beds have returned to levels seen before the last surge. Variant XBB.1.5 has begun to appear in

Oregon, and is expected to become dominant in February 2023. XBB.1.5 is not causing more severe disease than other strains, but is more contagious. Benton County had 76 reported COVID-19 cases in the week of January 26, 2023, up from 53 at last report, for a seven-day case rate of 80 per 100,000 residents. Last week, testing positivity in the County was 11.7%, up from 9%. Wastewater signals had been on the decline since early December 2023, but now are showing a sustained increase. The Centers for Disease Control estimate that XBB.1.5 constitutes about 30% of circulating strains in the Pacific Northwest.

Broader immunity will help slow spread; all eligible people are encouraged to get the bivalent booster. It is not recommended to get a second booster at this time. Those who have been vaccinated are three times less likely to get COVID-19, and also will clear the virus faster, reducing transmission. Those with the primary vaccine series are seven times less likely to die from COVID-19 than unvaccinated individuals, and those with the bivalent booster are 18% less likely to die. Age-adjusted rates of hospitalization are three times higher for people who are vaccinated but without the bivalent booster, compared to those who have the booster. Those rates are thirty times higher for unvaccinated people. Two weeks ago, the Food and Drug Administration (FDA) panel of advisors on vaccines recommended that all COVID-19 vaccines move to the formula for the bivalent booster. This is a step towards creating a single annual COVID-19 shot which will be matched yearly to circulating variants. According to current FDA plans, two doses may be given to seniors, immuno-compromised individuals, and young children. Last week, it was announced that the United States will allow the COVID-19 public health emergency to expire on May 11, 2023. This will cause some changes in how people receive tests, treatments, and vaccines.

Augerot noted that with the end of the Federal emergency declaration, additional Supplemental Nutrition Assistance Program benefits will expire. Many people are feeling vulnerable about not having enough food. Augerot asked if Public Health is working with community partners on that issue.

Holland replied that Health is in close contact with Oregon Health Authority, InterCommunity Health Network Coordinated Care Organization, and others; more details soon.

Malone asked if COVID-19 would follow a similar pattern to influenza, with cases dropping as weather improves.

Holland noted that a second wave of influenza is possible. This year's COVID-19 season has been different from previous ones, lacking a large surge, but Holland was unsure whether COVID-19 would follow a cyclic seasonal pattern.

Malone asked Grogan to share the vaccination statistics with the public to show the benefits of vaccination.

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

Nichols reported that WG progress continues, and thanked everyone involved. The third draft report was sent to the Planning Commission (PC) and Solid Waste Advisory Committee (SWAC). The PC provided positive feedback on January 31, 2023 and will deliberate further tonight. Tomorrow, SWAC will review and provide feedback. The PC has asked how the Board of Commissioners would like to engage with the PC after the final report. Staff have been collecting public testimony continuously, and every WG meeting has an opportunity for public

testimony. At the end of February 2023, staff will release draft four to the public. There will be a virtual Open House on February 27, 2023 where the public can engage with members of each WG subcommittee.

Augerot asked if there would be a graphic presentation of report highlights.

Imperati confirmed there will be a visual presentation of key points. The goal is to have a summary table at the beginning of each section. The report is hyperlinked and will include an executive summary.

Nichols and Imperati praised the 30-40 community members who have been consistently involved in the WG, contributing hundreds of hours apiece.

Malone suggested recognizing community participants with a celebration. Malone asked if the work was on schedule.

Nichols confirmed; the next question is how the subcommittee meetings are affecting the budget, which Nichols will revisit with the Board. Staff to deliver the final report to the Board on March 24, 2023.

Augerot requested staff suggestions on how the Board should engage with the PC and SWAC after this phase. The other big question is what Republic Services (RS) will do.

Nichols noted that RS agreed not to submit additional landfill expansion applications while the WG is underway, so it would be good to discuss that before the WG process closes.

Augerot asked if the Sustainable Materials Management Plan (SMMP) was one of the policy option packages Nichols would propose in the Community Development budget for the next biennium.

Nichols confirmed. The SMMP is the cornerstone of the WG's efforts; the WG is in agreement about the table of contents and the scope of the plan.

4.3 Multi-Unit Property Tax Exemption (MUPTE) and Low-Income Rental Property Tax Exemption (LIRPTE) – *Brigetta Olson, Manager; Sarah Sullivan, Coordinator; Housing and Neighborhood Services, City of Corvallis*

Olson explained that tax exemptions are legislatively approved programs that relieve qualified organizations from all or part of their property tax. Organizations apply for relief and are reviewed case by case. Property tax exemption is granted for a specific amount of time. The City of Corvallis is Oregon's most severely rent-burdened community. MUPTE and LIRPTE will help increase housing supply. Approximately 37.1% of renting households in Corvallis spend more than 50% of their monthly income towards rent.

The Corvallis Strategic Operational Plan identified increased housing supply as a goal. MUPTE and LIRPTE were recommended by the Housing Development Task Force in 2016 and have been requested by multiple developers. To receive exemptions, a potential developer must meet a list of public benefits. Staff would not encourage or allow exemptions in the new Urban Renewal District (URD) in south Corvallis or in future Tax Increment Financing areas. For each dollar of Corvallis property taxes, 46.2% of tax goes to schools, 32.5% to the City, 16.2% to Benton

County, and 5.1% to special districts (including County Service Districts and Urban Renewal). Various Oregon cities are already utilizing these programs.

LIRPTE for non-profits allows 100% property tax exemption with no time limit. Units are limited to renters at 60% or less of the Area Median Income (AMI). Local government may allow eligible income to rise to 80% of AMI after the first year of occupancy, which Olson recommended. Properties can be existing housing, new development, or land held for development. Staff recommend only using this program for future development. The City Council has not approved this yet; staff are checking with the School District and the County first. The application must be annually certified. Local governments can add additional criteria.

Kerby asked if local governments can limit the number of years.

Olson confirmed. For-profit LIRPTE affordable housing is limited to people at 60% AMI with no increase after the first year of occupancy. The program is only for new construction and land being held for development. There is no minimum number of units. Exemption is for 20 years, though it can be renewed. The Corvallis Housing Division does annual certifications to ensure compliance. Olson shared LIRPTE success stories in the Cities of Eugene and Salem.

MUPTE is for market rate housing, including new construction, existing development, or land held for development. Statute requires at least two units; staff recommend four, and most projects involve more. The exemption is for up to 10 years. The developer is subject to a low income housing assistance contract, which means the City would require up to 15% of units to be affordable or 10% of units be pay in lieu of affordable (funds go into a revolving loan fund for affordable housing units).

Responding to a question from Malone, Olson explained that the Corvallis programs would focus on new construction and that staff do not recommend rebuilding extant market rate housing as affordable housing (as was done in Salem). Issues with existing affordable housing, such as construction defects, would be addressed with a different tool.

Augerot asked if there is other State funding for those challenges.

Olson confirmed that Community Development Block Grants and Construction Access Tax (CAT) can also be used for affordable housing.

MUPTE has many public benefits which staff would review with applicants. Resources that developers use through Oregon Housing & Community Services would not mesh well with MUPTE, so the pay-in feature is more likely to be used than a set-aside for units. Olson described Eugene's MUPTE program. Olson provided an example of 30-year annual tax revenue with a MUPTE 10-year exemption, and an example of tax revenue impacts across districts.

Malone asked Olson to describe the exemption approval process.

Olson described a possible process where applications are reviewed by the Housing Division, then sent to an outside financial expert to review; staff hold conversations with a municipality, the application goes to the City Council, and if the Council approves, staff contact the other taxing districts if needed. Projects need approval from 51% of the taxing districts. The City and the County do not make up 51%; staff will discuss the tool with the Corvallis School Board this week. Some municipalities automatically approve affordable housing projects, which Olson did not recommend. It is important to communicate with any taxing district.

Augerot commented that under these programs, districts would not receive less revenue than currently, simply forego future increases.

Olson added that with affordable housing, the revenue generally would not be generated later due to the complexity of financing. If there is no housing, there is no public benefit; MUPTE would help get a space fully utilized.

Augerot praised the proposal and the example of how this could incentivize commercial mixed-use development in downtown Corvallis.

Wyse summarized that MUPTE can be used as a tool to target certain kinds of development where desired; as proposed by Corvallis, MUPTE would include a portion of low income housing and paying into a revolving loan fund. Wyse asked what the fund would look like.

Olson replied the fund has not been formed yet, but would be similar to the CAT, a nimble resource that could be paid into future pre-development work, financing, et cetera. A MUPTE developer with a mix of affordable and market rate units would still pay taxes on the value of the land. For a development of entirely low-income affordable housing, there would be full exemption for the land and the future development.

Wyse noted that staff recommend not using these tools in the URD, and asked if there had been any exploration of a developer in the URD being able to choose one tool or the other.

Olson replied that LIRPTE and MUPTE are project-specific, but resemble mini urban renewals. The URD in south Corvallis is a geographic area. Olson did not see a benefit in an option.

Wyse asked if this would be an option if the developer of an affordable housing project in the URD did not want to wait for matching funds to be available.

Olson replied there is a pay-as-you-go model if there are not many resources in the district. One way to help financing: if an organization had paid property taxes, the City would repay the taxes, and the organization would receive the exemption.

Wyse asked how many developers might use these programs.

Olson had heard from national firms, local organizations, and local developers who want to help supply housing but cannot make it pencil out. Housing Division is short-staffed, but needs tools to advance housing. Olson anticipated that the first few years of these programs would be busy. In the next several years, Corvallis will have 328 more units of affordable housing, but that is still not enough. There is interest from both non-profits and for-profits.

Wyse asked if there is a set timeframe to re-evaluate the programs.

Olson suggested reporting to electeds annually. Staff will adjust the program as needed.

Wyse asked if there would be flexibility to a local government's additional criteria, allowing developers to negotiate without having to reapply.

Olson confirmed that staff negotiate often. Draft MUPTE criteria are set up. Additional criteria for LIRPTE are not developed yet.

Augerot asked if municipalities can request that MUPTE developers focus on senior multi-unit housing or other specific types of housing.

Olson replied it is possible to ask, but that is harder to do with market rate housing than affordable housing.

Malone asked if the impact on property tax receipts would be relatively small at first, then gradually ramp up.

Olson confirmed. MUPTE would see an increase at year 11.

Malone asked about the timetable for implementing these programs.

Olson replied that if the Board and the School District approves, the matter could go before the City Council around February 21, 2023. Multiple projects are ready to apply.

The Board expressed general support.

Malone favored hearing from Benton County Community Development and Assessment, then making motion of support at a future meeting.

Augerot preferred to let Corvallis proceed. The programs would increase the County's property tax revenue in the long-term.

Malone commented that LIRPTE has an impact on tax revenue.

Augerot affirmed, but those developments are not common in this area. Augerot expected MUPTE to be more popular than LIRPTE.

Kerby commented these are excellent programs that will benefit the community in the long-term. In most cases, taxing districts receive more property taxes than if the property were not developed.

Olson added this is a development-by-development approval, based on demonstrated need.

Sullivan noted that MUPTE does not have to grant 100% exemption; different amounts can be granted based on need.

Kerby asked if a motion of support would be helpful.

Olson affirmed.

MOTION: Augerot moved to support the City of Corvallis's use of both LIRPTE and MUPTE to incentivize housing development, both low-income and market rate. Wyse seconded the motion, which **carried 3-0.**

Malone asked to hear from County staff at a future meeting about how the Corvallis proposal affects the County, and whether it is appropriate for the County to consider such programs.

Chair Malone recessed the meeting at 10:25 a.m. and reconvened at 10:32 a.m.

5. Consent Calendar

5.1 In the Matter of Approving the Minutes of the January 24, 2023 Board of Commissioners Tuesday Board Meeting

5.2 In the Matter of Approving the Minutes of the January 17, 2023 Board of Commissioners Tuesday Board Meeting

5.3 In the Matter of Approving the Minutes of the December 6, 2022 Board of Commissioners/Adair Village City Council Joint Public Hearing

MOTION: Wyse moved to approve the Consent Calendar of February 7, 2023. Augerot seconded the motion, which **carried 3-0.**

6. Public Hearing

***PH 1 In the Matter of a Public Hearing Regarding Ordinance No. 2023 2023-0316, Development Code Amendments Regarding Stormwater** – *Greg Verret, Community Development; Gordon Kurtz, Public Works*

Chair Malone opened the Public Hearing at 11:05 a.m.

Staff Report

Verret explained that the Planning Commission (PC) recommended approval of the development code changes with one modification; today's Ordinance incorporates that change and input from Department of Environmental Quality (DEQ) review. These amendments are part of the National Pollutant Discharge Elimination System (NPDES) Phase II Implementation Plan involving six control measures to reduce non-point source pollution, specifically measure 4) construction site runoff control and 5) post-construction stormwater management in new development and re-development. The implementation deadline is February 28, 2023. The changes reduce the size threshold of a project requiring a permit from DEQ and/or the County. Verret compared current and proposed standards. There will be more rigorous treatment/detention standards inside Urban Growth Boundaries (UGBs). Proposed code would exempt agricultural buildings from the detention/treatment requirement if outside Benton County's Municipal Separate Storm Sewer System (MS4), where the DEQ requires the most stringent regulations. Verret reviewed other changes. Staff will review code and implementation procedures periodically.

Kurtz noted the Stormwater Design Manual is a living document, and work will continue for a year or so as staff review input from other agencies.

Augerot asked how many permits staff expect in the first year of implementation.

Kurtz replied that estimates vary, but probably 50-100 stormwater detention/treatment permits per year. The goal is to reduce the number of long-term maintenance agreements the County has with properties, which would become difficult to manage over time. The hope is to have one or two agreements per year, mostly for larger developments, such as the redevelopment in downtown City of Philomath, which could be complicated.

Bush shared that staff calculated permit estimates based on 2022 permit quantities for single-family homes, manufactured dwellings, and structural permits. Staff's estimate is 200 to 300 permits of this type per year. That will vary if the level of development changes.

Augerot asked if County permitting would affect development in cities, such as the Philomath Main Street project.

Kurtz affirmed. The County has an Inter-Governmental Agreement (IGA) to cover Philomath's NPDES compliance issues. The main concern will be in the heavily urbanized area of Philomath.

Verret clarified that these code amendments do not apply directly to Philomath, but through the IGA.

Kurtz added that Philomath would need its own system and code amendments if doing this independently. Instead, Philomath asked the County to partner, whereas Corvallis has its own system.

Augerot asked if the Cities of Adair Village and Monroe would also have to comply with Phase II.

Kurtz replied that Adair Village obtained an exception from Phase II requirements from DEQ. In the next permit writing process, Monroe and Adair Village will probably be required to meet DEQ permit conditions. Permits will not change significantly. Those cities may request County IGAs due to limited staffing.

Augerot asked if entities such as the Benton County Soil and Water Conservation District would have to obtain permits for stream restoration and invasive species removal, despite being exempt from the requirements.

Kurtz did not think so. When entities perform restoration work, a joint permit is often needed from the Army Corps of Engineers and the Department of State Lands; such entities can be trusted to manage their own activities under those permits.

Verret added that if a State or Federal permit is required, there is a local signoff where the County cites the exemptions.

Wyse asked about the timeline for completion of the support documents.

Kurtz replied that the Stormwater Management Plan and the Best Management Practices Manual are complete. The Stormwater Design Manual will be ready for engineering staff review at the end of February 2023 and will be placed on the County website by early March 2023.

Wyse asked how people will know what design standards to follow.

Kurtz replied that the current model will be the detention standards of Philomath and the treatment standards of the City of Independence. Above the .25 acre threshold, the work will be performed by engineers familiar with the documents.

Malone asked if the changes would impact the Community of Alsea.

Kurtz replied only in that an Alsea building permit would probably have to comply with these measures.

Malone asked how this would affect North Albany.

Kurtz explained that Linn County and the City of Albany now have their own MS4, but the boundary extends beyond their UGB into Benton County, so there is a pocket of Albany which is covered by an MS4 that does not have jurisdiction in Benton County. The DEQ gave responsibility for the area to Benton, so that will be covered by the new code. Kurtz did not think a formal agreement with Albany was necessary, as Albany does not have jurisdiction there.

Public Comment
No comment was offered.

Chair Malone closed the Public Hearing at 11:45 a.m.

Wyse and Augerot thanked staff, particularly for extensive outreach.

{Exhibit 1: Stormwater Management Development Code Amendments}

MOTION: Augerot moved to enact Ordinance No. 2023-0316, amending the Development Code regarding stormwater, and to conduct a first reading of the Ordinance. Wyse seconded the motion, which **carried 3-0.**

Counsel read the Ordinance aloud (short title).The item will return February 21, 2023 under Old Business for a second reading.

***PH 2 In the Matter of a Public Hearing Regarding Ordinance No. 2023-0317, Amending the Adair Village Urban Growth Boundary** – *Greg Verret, Community Development*

Chair Malone opened the Public Hearing at 11:48 a.m.

Staff Report
Verret explained that at the December 6, 2022 Joint Adair Village/Benton County Public Hearing, the Board directed staff to prepare an Ordinance approving the amendment. Verret asked if the period for public comment concluded at that meeting.

Counsel stated that because this is a public hearing to enact a Benton County Ordinance, the Charter requires another opportunity for public comment.

Verret received an email from a member of the public directed to the Adair Village City Council, which is considering a similar ordinance, but there was no request to have it presented to Board.

Counsel stated the email could be added to the record. Counsel noted that if the Board makes changes to the Ordinance, those changes would also need to be approved by Adair Village.

Verret shared that many potentially related projects came up at the joint hearing. Staff outlined several of these in the agenda checklist to start discussion (the items were not conditions of approval).

Augerot noted that some of these topics will be dealt with in other planning efforts.

Nichols added it was important to deal with UGB mechanics first.

Public Comment
No comment was offered.

The Board thanked staff and partners in Adair Village.

{Exhibit 2: Adair Village UGB Expansion Community Letter}

MOTION: Augerot moved to Enact Ordinance No. 2022-0317, amending the Adair Village Urban Growth Boundary, and conduct a first reading of the Ordinance. Counsel corrected the Ordinance number to 2023-0317. Wyse seconded the motion as amended, which **carried 3-0.**

Counsel read the Ordinance aloud (short title). Second reading to occur on February 21, 2023; Ordinance to take effect 30 days later.

Malone asked for an update on a potential law change to make relatively small UGB expansions easier.

Verret replied there is currently a distinction based on size of the city, which allowed Adair Village to use a simpler process.

Nichols to follow up on the question.

Chair Malone closed the Public Hearing at 12:07 p.m.

7. New Business

***7.1 Justice System Improvement Program (JSIP) Bond Resolution R2023-002 and Title/Summary Language for SEL 805** – *Vance Croney, County Counsel; Nick Kurth, JSIP Manager*

Counsel explained that this Resolution carries the ballot measure to the clerk's office, then to the voters. The number of words and phrasing is prescribed by State Statute. The language was edited by many contributors. Bond Counsel put forward the Resolution to accompany a measure to sell bonds. The Resolution in the packet has a typo: two sections are labeled as section one, which will be corrected. Section two authorizes County Counsel and the Chief Financial Officer (CFO) to file the ballot measure with the County Elections Office, which Counsel will do, and authorizes those individuals to make adjustments as necessary. Filing Form SEL 805 triggers the publication of notice to County residents that a ballot measure is proposed. There is a seven-day review/appeal period where anyone who feels the measure is biased or subjective may file a petition asking a Circuit Court judge to review the title. If that happens, and if that results in judicially ordered changes to language, section two authorizes Counsel and the CFO to do so. Staff plan to file form SEL 805 on the afternoon of February 9, 2023; assuming there are no challenges, staff will file Title Form 801 on February 21, 2023.

Responding to a question from Kerby, Counsel clarified that both sections labeled "one" should be retained, simply renumbered.

Augerot asked if it was intentional that the two sections labeled "one" were somewhat redundant.

Counsel replied that is Bond Counsel's recommendation and thus County Counsel's intention.

MOTION: Augerot moved to adopt Resolution R2023-002 with corrections to section numbering. Wyse seconded the motion, which **carried 3-0.**

Counsel noted that the motion included approval of the SEL 805 form.

Kerby and Malone thanked staff.

{Exhibit 3: Corrected Resolution R2023-002}

7.2 Award of Construction Manager/General Contractor (CM/GC) Services Contract for the Courthouse/District Attorney Project to Hoffman Construction – *Gary Stockhoff, Public Works*

Stockhoff explained that Hoffman Construction was the unanimous choice of the hiring committee for the CM/GC for the new Courthouse and District Attorney's Office. Staff have begun contract negotiations and hope to start construction in fall 2023.

MOTION: Wyse moved to award the Construction Manager/General Contractor (CM/GC) contract for the Benton County Courthouse and District Attorney facilities to Hoffman Construction and authorize staff to commence with contract negotiations. Augerot seconded the motion, which **carried 3-0.**

7.3 American Rescue Plan Act (ARPA) Grant - Proposed Business Grant Program –*Rick Crager, Shurisa Steed, Financial Services; Jerry Sorte, Corvallis-Benton County Economic Development Office (EDO)*

Crager explained that the County provided an ARPA award to the City of Corvallis Business Grant Program in 2022. EDO has experienced substantial staff transition; now Sorte is helping to advance the proposal. Part of the agreement was that EDO provide a program overview to the Board.

Sorte explained that EDO created a program plan. Funds received in July 2022 will be used for a $5,000 grant program for businesses impacted by the pandemic. Eligible businesses must be a small business under the Federal definition and have been in existence before June 30, 2021. Businesses will certify impacts such as closure, decreased revenues, or increased costs. One-third of funds will be reserved for businesses outside the Corvallis UGB. If EDO receives more applications than available funds, a lottery system will be used. EDO recommended an application window of at least three weeks. The intent is to expend all funds by June 30, 2023.

Augerot asked about demand for aid and which sectors are struggling.

Sorte replied that some businesses continue to be stressed across sectors. EDO wants to help businesses that may not have known about Federal aid programs. Some trade sector businesses did fairly well during the pandemic; the service sector was hit hard, and some businesses have closed, but others are holding on.

Augerot asked if $5,000 per grant was sufficient.

Sorte felt the amount would help. EDO is trying to spread the funds as widely as possible.

Kerby asked if other County ARPA grants included an amount for grant administration.

Crager confirmed.

Kerby asked if Sorte would hire additional staff for the program.

Sorte replied funds would be used to hire a financial organization such as Community Lending Works. The application will be as straightforward as possible. The administration fee is capped.

Augerot asked if only EDO would report to the County, or would grantees have to report.

Crager replied the County will keep reporting simple by collecting information from businesses.

MOTION: Wyse moved to approve, as required within Contract 503163, the proposed plan provided by the Corvallis-Benton County Economic Development Office for a Business Grant Program in the amount of $275,000. Augerot seconded the motion, which **carried 3-0.**

8. Departmental Reports and Requests

8.1 Telework Policy Consideration and Approval – *Tracy Martineau, Human Resources*

Martineau explained this is a new policy. The County adopted an interim telework policy during the COVID-19 lockdown which was situational; this is a more routine Countywide policy. The policy went through the Policy Oversight Committee process and has been well vetted.

Augerot asked if the County's labor unions also reviewed the policy.

Martineau replied only as part of staff review, not through special outreach. The effective date of the policy was intentionally left blank; Martineau asked, if the Board approves an effective date of March 1, 2023, would it be possible to phase in the policy over several months. It would be difficult to achieve full compliance by March 1, 2023.

Counsel confirmed that the policy can be effective March 1, 2023 and roll out step by step.

Wyse asked if the suggested motion phrase "over the next few months" was specific enough.

Counsel asked if Martineau would recommend the phrase "phase in implementation beginning March 1, 2023."

Martineau confirmed.

MOTION: Augerot moved to adopt the Telework Policy as of March 1, 2023 and to phase it in over the next few months. Wyse seconded the motion, which **carried 3-0.**

9. Other

Wyse asked about a possible problem with the location for the March 4, 2023 Legislative Breakfast.

Malone replied that Maura Kwiatkowski, Board's Office staff, was looking into this and would have information next week.

Wyse expressed support for moving the event to the Kalapuya Building if necessary.

Wyse thanked staff for the quality of recent minutes, especially the Joint Benton County/Adair Village meeting.

Malone noted there was a vacancy on the Planning Commission (PC) and asked how the Board wished to proceed.

The Board favored appointing Ed Fulford to the PC.

Counsel to instruct Teresa Farley, Counsel's Office, to place Fulford's appointment on the February 21, 2023 Consent Calendar.

Augerot shared that the next Alsea Commissioners' Corner event would take place on the evening of February 17, 2023.

10. Adjournment

Chair Malone adjourned the meeting at 12:11 p.m.

Pat Malone, Chair

Erika Milo, Recorder

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

WORK SESSIONS

Property Tax Exemption Programs

CREATING TOOLS TO INCREASE HOUSING OPPORTUNITIES IN CORVALLIS

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

- Low Income Housing Property Tax Exemption (LIHPTE)
- Multi-Unit Property Tax Exemption (MUPTE)

Pickford Leonard Apartments

Where Corvallis is Today:

Rent Burden

- Corvallis is Oregon's #1 most severely rent burdened community.
- Approximately 37.1% of renting households in Corvallis spend more than 50% of their monthly income towards the costs of renting a home.

Source: Oregon Housing & Community Services

What are Tax Exemptions?

- Legislatively-approved program that relieves qualified individuals or organizations from all of part of their property tax.

- Relief is applied for by organizations and reviewed on a case-by-case basis

- If program criteria is met and review approves the application, property tax exemption is granted for specified amount of time.

Lancaster Bridge Apartments

Why Tax Exemptions?

- Listed as a goal in the Strategic Operational Plan (SOP)
  - P-5(a)- *"The City engages the community in proactively planning for managed growth to achieve compact, resource efficient development that provides for a range of housing options."*
  - P-8(G)- *"The City leverages community development resources to prioritize housing affordability (…) and fair housing issues (by) evaluating property tax incentives for affordable housing."*
- Recommended by the Housing Development Task Force in 2016
  - Nonprofit LIHPTE and MUPTE
- Has been requested by developers as a means to increase housing supply.

Why Tax Exemptions?

Another Tool in the Toolbox:

- These exemptions would be additional means to support the development of a diversity of housing types in Corvallis
  - Applications to use it would still be evaluated on a case-by-case basis
  - Every project would still be up for review, stipulations, and approval

South Corvallis Townhouses II

Why Tax Exemptions?

Basic Idea:

- Offer property tax exemptions for affordable housing and multi-unit dwellings.

- These exemptions would encourage housing developments that otherwise would not be built.

- This is not a new idea. Legislature passed provisions as early as 1975.

Tax Exemption Programs:

- Are a direct subsidy to development and therefore should be evaluated by return on investment & public benefit provided
- If adopted, could have near-term impacts to City and other taxing district revenue, but also long-term tax revenue increases.
- Should be considered carefully in Urban Renewal/Tax Increment Finance (TIF) areas

Current Breakdown of Property Tax Dollar

46.2%
Schools
(including LBCC and Corvallis School District)

32.5%
City of Corvallis

16.2%
Benton Co.

5.1%
Special Districts
(911, Extension, Library, & Soil and Water)

Oregon Cities Already Utilizing These Programs

(LIRPTE) Non-Profit- 307.540	(LIRPTE) For-Profit-307.515	(MUPTE)-307.600
Bend (2022)	Bend (2003)	Bend (2022)
Eugene (2011)	Eugene (1990)	Eugene (2015)
Salem (2018)	Springfield (2018)	Salem (2012)
Albany (2014)	Deschutes County (2016)	Portland (2012)
Portland (2016)	Wilsonville (2012)	Beaverton (2021)
Beaverton (2013)		Cottage Grove (2019)
Forest Grove (2018)		Newport (2018)
Cornelius (2015)		
Tigard (2019)		
Wilsonville (2012)		

Low-Income Housing Property Tax Exemption (LIRPTE) for Nonprofits

- 100% Property Tax Exemption with no time limit as long as criteria is met.
- If approved, the units are limited to renters at 60% AMI or less, local government may choose to allow eligible income to rise to 80% AMI after first year of occupancy.
- Can be existing housing or new development or land held for development-
  -staff recommend only for future development
- Annual application, but no limit on length of exemption
- Local government can (and often does) add additional criteria as long as its not inconsistent with the rest of the statute.

Low-Income Housing Property Tax Exemption (LIRPTE) for For-Profits (ORS 307.515)

- Limited to persons at 60% AMI with no increase after the first year of occupancy.
- For-Profits: Only new construction and land being held for development
- No minimum # of units in the statute
- Exemption for 20 years, though it can be renewed
- Local government can (and often does) add additional criteria as long as its not inconsistent with the rest of the statute.

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Low-Income Housing Property Tax Exemption (LIRPTE) Success Stories

- Since its enactment in 1990, 1600 Affordable Housing units have been built in Eugene.

- Currently, Salem has 395 Affordable Housing units enrolled in their program including 180 new units, 11 units in pre-development, and 204 units redesigned to be Affordable Housing units.

Seavey Meadows Apartments

Multiple-Unit Property Tax Exemption (MUPTE) (ORS 307.600)

- New construction, existing, or land held for development are all eligible
- Must be at least two (4) units
- Exemption for up to 10 years, (less can be granted) as long as application is approved.
- Local government can (and often does) add additional criteria as long as its not inconsistent with the rest of the statute.
- Subject to a “low income housing assistance contract”
  - An agreement between a public agency and a property owner that results in the production, rehabilitation, establishment or preservation of housing affordable to those with a defined level of household income.
  - OR Pay-In to support future affordable housing development (E.g. 10% of total exemption)

Multiple-Unit Property Tax Exemption (MUPTE) (ORS 307.600)- public benefits

- Abandoned, vacant or underdeveloped, properties
- Public Infrastructure
- Placemaking or Active Public Spaces
- High Quality Urban Design/ Special
- Architectural Features
- Sustainable Building and Climate Mindfulness
- Local Labor, Materials, or Ownership
- Economic Opportunities
- Economic Catalytic Effect
- Retrofitting existing buildings
- Connectivity Improvements

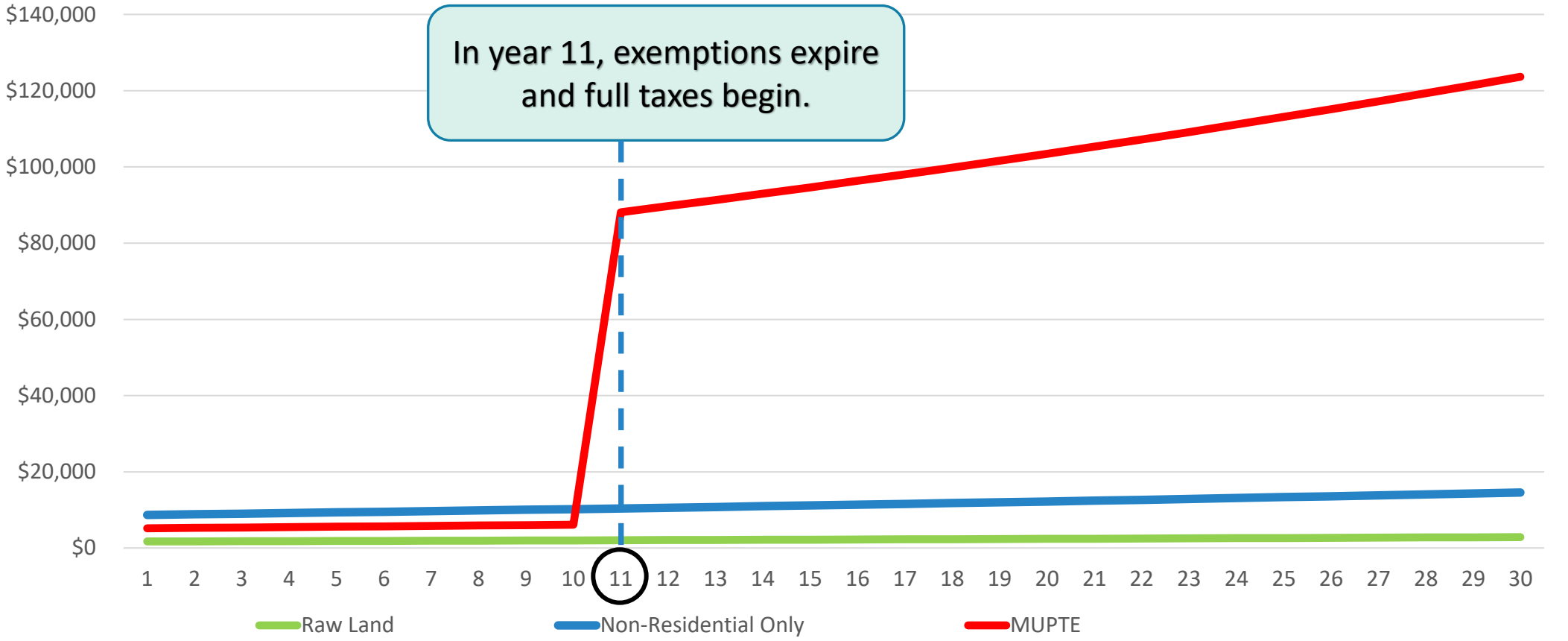
Multiple-Unit Property Tax Exemption (MUPTE) Success Stories

- Eugene's MUPTE was restructured in 2015
  - They have a stringent 7 Core Benefits structure in order to approve a project
  - 381 units have been approved in the program since 2015.
  - Developing the riverfront to rejuvenate existing structures that allow for additional housing types
  - Community benefits and increasing funding towards future affordable housing developments.
  - Bend just recently adopted MUPTE as well.

30 Year Annual Tax Revenue with MUPTE

Example Property Type	Average Assessed Value	Average # of Units	Current Yearly Property Tax	Approx. With MUPTE (adding 80 units) after 10 years
CMU-3 (Ex. Downtown) (Current One Story Comm. Lot)	$452,984	-	$8,700	$88,112
CMU-3 (Ex. Downtown) (Current Empty Lot)	$89,285	-	$1,715	$88,112

30 Year Annual Tax Revenue with MUPTE



Example of Tax Revenue Impacts Across Districts

CMU-3 (Ex. Downtown) (Current Empty Lot)	**$89,285**	**-**	**$1,715**	**$88,112**

Description	%	Tax Revenues Before MUPTE	Tax Revenues After MUPTE
Corvallis School District including LBCC	46.2%	$792.33	$40,707.74
City of Corvallis	32.5%	$557.38	$28,636.40
Benton County	16.2%	$277.83	$14,274.14
Special Taxing Districts (911, Extension, Library, Soil & Water)	5.1%	$87.47	$4,493.71

Thank you!

TO: Benton County Commissioners

FROM: Brigetta Olson, City of Corvallis Housing and Neighborhood Services Manager

DATE: January 24, 2023

SUBJECT: Multi-Unit Property Tax Exemption (MUPTE) and Low-Income Rental Housing Property Tax Exemption (LIRPTE)

Action Requested:

City Staff recommends the Benton County Commissioners consider the Multi-Unit Property Tax Exemption (MUPTE) and Low-Income Rental Housing Property Tax Exemption (LIRPTE) to increase housing supply in Corvallis. The exemptions would be approved only on a project-by-project basis. There would not be an outright exemption on any new development.

Discussion:

Property tax exemption programs

Corvallis is the most rent-burdened city in the state and needs a diversity of housing types to support the growing community. To support the development of additional housing, the City needs more tools in its toolbox. Property tax exemption programs are housing development tools, recommended by the Housing Development Task Force (HDTF) and the Housing Operational Committee. The City of Corvallis is considering the implementation of tax incentive programs including the Low-Income Rental Housing Property Tax Exemption (LIRPTE) Program for nonprofits and for-project organizations, and the Multi-Unit Property Tax Exemption (MUPTE) Program. The information in this packet will provide additional technical details about these exemptions.

If these property tax exemptions are approved, they will not be "by right" but will serve as a tool that can be utilized on a **case-by-case basis.** If the project meets the necessary criteria **and** if the City Council agrees to approve the project's application, then the application will be considered by other taxing districts such as the County. If the project is approved by 51% of the taxing districts, a tax exemption would be granted.

The basic idea of a tax exemption program is to offer full or partial exemptions of property taxes for a determined time period in order to enable housing developments or certain aspects of a development (i.e., Affordable & low-income housing, energy efficiency features, etc.) that would not otherwise be financially feasible.

Why are property tax exemptions offered?

Property tax exemptions offer the following opportunities for future developments:

- Enable development on sites that would not otherwise be financially feasible due to extraordinary site costs such as environmental cleanup, demolition, replace aged infrastructure, etc.
- Allow rent or operating cost reduction for identified community priorities such as affordable housing that would not be otherwise financially feasible
- Incentivize the inclusion of extraordinary cost of building elements that further public priorities such as greenhouse gas reduction, seismic upgrade, historic preservation, complex ADA compliance, structured parking, etc. that would not be otherwise feasible

Property tax exemptions will be carefully evaluated and monitored and ultimately serve the public interest. Under existing state law there are several property tax exemption programs that cities may put in place to provide incentives for the development of specific housing types.

Types of Property Tax Exemptions

Below are the three property tax exemptions that City staff recommend be moved forward for consideration. The Corvallis City Council held two Work Sessions on December 16, 2022 and January 19, 2023 to consider these exemptions, and may adopt them in early 2023.

Low Income Rental Housing Property Tax Exemption (LIRPTE) Program

The Low-Income Rental Housing Property Tax Exemption (LIRPTE) Program provides an exemption for low-income rental properties. This tool could be used to demonstrate local support for projects being submitted to the state for Low Income Housing Tax Credits and other assistance allocated by the Oregon Housing and Community Services Department.

In 1985, the Oregon legislature authorized a property tax exemption for low-income housing held by charitable, nonprofit organizations (ORS 307.540). Under the nonprofit exemption, an annual exemption application must be submitted to the city for review. If approved, a 100% exemption can be authorized, to be in effect as long as the criteria is met by applicant. A renewal application must be submitted every year in order to maintain exemption.

In addition, in 1989, the legislature authorized a property tax exemption for low-income designated housing held by for-profit developers (ORS 307.515). Under the for-profit exemption, annual application isn't required, but an annual report of compliance will be. The for-profit exemption can extend for twenty (20) years if compliance is maintained and can be renewed if the City approves. The HDTF did not include the for-profit exemption in their recommendations, but staff recommend including this exemption for consideration as for-profit developers often have the capacity to provide more affordable housing than non-profits can provide alone.

These tax exemptions will benefit low-income renters by alleviating the property tax burden on those agencies that provide this housing opportunity. Properties must provide housing opportunity limited at sixty (60) percent of the area median income (AMI) or less or averaged at 60% AMI for nonprofits.

Affordable housing projects already in existence will **not** be eligible for LIRPTE as the focus of this exemption would be to increase housing in Corvallis. Staff is recommending that projects located within the bounds of the Urban Renewal district would not qualify.

The Multi-Unit Property Tax Exemption (MUPTE) Program

The MUPTE program is a state-enabled program designed to be an incentive for construction and redevelopment of residential properties in city centers and along mixed-use commercial areas. This tool offers a property tax exemption on a new structure or the incremental change in the after-rehabilitation property value of a building for a maximum of 10 years. The MUPTE can shift a proposed housing development to being financially feasible. The exemption only applies to the structure meeting the criteria for the program and therefore the physical land itself still continues to generate taxes during the exemption period.

The MUPTE exemption was passed by the Oregon legislature in 1975 to incentivize and encourage the development of affordable housing by for-profit developers. It was initially created to promote density in urban cores, but later expanded to also promote multi-unit housing (ORS 307.600). For this exemption to apply, the property must include at least two units (City of Corvallis recommends 4) and the exemption is limited to up to ten (10) years. The proposed project will also be reviewed by an independent outside financial consultant who will evaluate the project's financial pro-forma to help determine need of exemption.

By adopting these tools, this community would be joining a multitude of other Oregon cities and counties that have already implemented these property tax exemptions to increase housing supply. Staff recommend that projects located within the bounds of the Urban Renewal district not qualify for this exemption program as the Urban Renewal District can accomplish many similar impacts.

City Staff recommend this tool be allowed in the following areas in the City of Corvallis.

- Commercial Mixed Use 2 and 3.
- a portion of the CMU-1 Zone that is located north of Monroe Avenue, East of 26th Street, South of Van Buren Avenue and West of 14th Street
- RMU-20 (Note: Areas zoned RS – 20 may also be rezoned to RMU – 20)

Although projects under this tax exemption are not required to include affordable housing, the program does allow cities to require that projects that do not include affordable housing will provide a fee towards the construction of affordable housing elsewhere. City Staff is recommending that Corvallis include an affordable housing fee requirement if MUPTE is adopted.

Multi-Unit Property Tax Exemption Public Benefits

Criteria below will be used by City staff to evaluate future developments that are applying for the MUPTE tax exemptions. Staff have reached out to other municipalities to better understand the public benefits offered and are making a recommendation to include the following public benefit categories:

- Additional Support for Affordable Housing
- Abandoned, vacant or underdeveloped properties

- Public Infrastructure
- Placemaking or Active Public Spaces
- High Quality Urban Design/ Special Architectural Features
- Sustainable Building and Climate Mindfulness
- Local Labor, Materials, or Ownership
- Economic Opportunities
- Economic Catalytic Effect
- Retrofitting existing buildings
- Connectivity Improvements

These guidelines will serve as points of evaluation on applications submitted for projects seeking the MUPTE exemption. Staff recommend that developers must have at least one substantial public benefit or three benefits, along with a demonstrated financial need, approval of 51% of the taxing districts to receive the exemption.

By adopting these tools, Corvallis would be joining a multitude of other Oregon cities that have already implemented these policies to increase housing in their own communities.

Agreement with other taxing districts

In order to qualify for exemptions, there is a requirement that at least 51% of the taxing districts must agree on each individual project. For each project that applies for MUPTE/ LIRPTE, there will be an initial screening and multiple review levels before the project is deemed viable and in compliance with the program's parameters. After that step, there will still need to be support from taxing authorities (including Corvallis) that total 51% of the taxing capacity before the resolution granting the exemption can be approved.

Division of the Taxing Districts:

- 46.2%- Schools (includes LBCC and Corvallis School District)
- 32.5%- City of Corvallis
- 16.2%- Benton County
- 5.1%- Special Districts (911, Extension, Library, Soil & Water)

Staff has had initial conversations with leadership at the Corvallis School District and Benton County. During the month of January and early February, City staff will connect with taxing districts to discuss these possible exemption programs.

Process to review and approve applications:

When a project comes forward seeking MUPTE or LIRPTE funding, the sequence of events would be similar to the following:

1. Application will be filed with the City Manager (delegated to the Housing and Neighborhood Services Division - HNS) along with the application fee.
2. Application will be reviewed by HNS staff for initial screening to ensure all requirements have been met, and to determine if the application complies with existing policy direction and applicable standards.
3. If #2 is satisfied then the project is reviewed by an independent outside professional financial consultant who will review the project's financial pro-forma, the cost of which is covered by the applicant's application fee.
4. If #3 is satisfied, then the project would come to the City Council at a regular business meeting.
5. If Council recommends moving forward, City staff will reach out to other taxing districts such as Benton County/509J.
6. The Council will review staff's findings regarding the recommendations of the other taxing districts, and if approved, adopt a resolution stating so and granting the property tax exemption. Depending on how the project came before the Council, the Council action could be the final approval or could be conditional if additional taxing authority approvals were needed to cross the 51% threshold. Of course, the Council is under no obligation to provide the benefit to any applicant and can adopt a resolution disapproving the application and denying the application.

For approval or denial of applications, the statute, ORS 307.621 merely dictates the timeline and process for approving or denying applications (no longer than 135 days between submission of application and brought to Council for approval or disapproval). If the application is brought to Council but Council fails to approve or disapprove within 180 days from the date it was filed, the application shall be deemed approved and processed.

ORS 307.618 outlines some requirements for approving applications for MUPTE projects such as the application must describe the property, explain grounds for requesting the exemption, and be verified by oath and affirmation. The application must be made on or before February 1 of the first assessment year for which they are requesting the exemption and the application fee must be submitted with the application. The public benefit elements must be outlined in the application, the description of the project must prove that it will be in conformance with all local plans and planning regulations, etc. If being utilized in part as affordable housing for low-income households, it must be described in the application how this project would not be possible without the exemption.

There is also a process for terminating the exemptions if found to be out of compliance which is detailed in ORS 307.621 and 624. Monitoring for compliance will be conducted by the Housing and Neighborhood Services Division at the City and is in alignment with other HUD compliance activities the Housing Division participates in, on an annual basis.

Budget Impact:

There is no budget impact for the creation of these programs.

When projects come forward, there will be budget impacts that are unknown at present but will be discussed with each application put before the Council.

For the LIRPTE program, there could be long term property tax revenue lost, but an important public benefit gained. For-profit owners of LIRPTE projects receive the benefit for 20 years. Nonprofit owners of LIRPTE projects are eligible for an annual renewal.

The MUPTE program will incentivize future development and the taxing districts will still see the base tax, prior to development (property tax will still be continuously assessed and paid on the land and any development on the land that isn't a part of the MUPTE tax exemption). The increased value of the development will be fully realized at year 11.

The MUPTE program also has the flexibility of tailoring the exemption to the project. The exemption can be given *up* to 10 years, but it can be awarded for fewer years and the exemption does not have to grant a 100% tax exemption.

Attachments:

Attachment A: MUPTE and LIRPTE FAQ
Attachment B: Overview Table of Tax Exemption Programs
Attachment C: Draft MUPTE Ordinance
Attachment D: DRAFT LIPTE Ordinance

Community Development Department
Housing and Neighborhood Services Division
501 SW Madison Avenue
PO Box 1083
Corvallis, OR 97339-1083
(541) 766-6944

Who is eligible for these Property Tax Exemptions?

These property tax exemption programs are a tool that would be used by developers to increase housing supply in our community. Single family properties **would not** be eligible to receive these exemptions.

What is the Multi-Unit Property Tax Exemption (MUPTE)?

It is a state-enabled program designed to be an incentive of redevelopment of residential properties in city centers and along transit corridors. In Corvallis, the City is considering utilizing the MUPTE the new Commercial Mixed Use zones CMU-1 (The portion of the CMU-1 Zone that is located north of Monroe Avenue, East of 26th Street, South of Van Buren Avenue and West of 14th Street), CMU-2, and CMU-3 as well as RMU-20 (Areas zoned RS – 20 may also be rezoned to RMU – 20). MUPTE allows new multi-family units (2 or more units) to avoid property taxes on the value of new residential construction for up to 10 years. The property continues to pay taxes on the land value and any commercial portion of the property.

How does MUPTE support multi-unit residential development?

The intent of MUPTE is to lower operating costs in the early years of a housing development so that it becomes financially feasible. In a housing market like Corvallis, market rents are similar to larger metropolitan areas, and the cost of construction is just as high. Developing housing in the downtown core is expensive and often new residential development does not 'pencil out', so new residences in the downtown core do not get built. It is more expensive to build downtown than on undeveloped sites on the edge of town, because it is more complicated to build in an existing neighborhood where there is less elbow room to store construction materials.

How does the City determine if a housing project can receive a MUPTE?

In order to receive MUPTE, a developer must show the expected costs and revenues (a pro forma analysis) and their expected return on investment. City staff / consultants review the analysis, compare the rents, construction costs, and other factors to current market conditions. The tax exemption is only given to projects that show their development does not pencil out *but for* the exemption. When applications come forward, staff will initially review, then there will be an independent third party financial review for each application, a consultation with the taxing districts if it passes the first levels of scrutiny, and then final Council approval.

Why should the City of Corvallis support dense housing in the Commercial Mixed Use zones?

The City's 20-year growth management plan, known as Imagine Corvallis 2040, shows that Corvallis must redevelop land inside our urban growth boundary if we do not want to expand the boundary. The expected demand for housing inside the existing boundary will need to be built somewhere. By encouraging growth in the Commercial Mixed Use areas, we can reduce development pressure on farmland at the edges of the community.

A high priority action item within the *Corvallis Climate and Energy Action Plan* is to increase

density around the urban core and along high-capacity transit corridors. National data shows that individuals living in city centers drive, on average, fewer miles than individuals in other parts of a community. Downtown is walkable, has good access to transit, and offers goods and services for residents' daily needs. More residents in the downtown will result in lower per capita carbon emissions and other automobile emissions (including carbon monoxide, nitrogen oxides, sulfur oxide, and particulate matter).

Housing in the downtown core also positively affects the economic activity in the city center. For example, new residents in the downtown support local businesses because they increase demand for nearby goods and services. Also, an occupied building creates an active use, which enhances the overall vibrancy of the downtown.

Can MUPTE support affordable housing?

To understand if MUPTE would be a useful tool for affordable housing, one should understand how affordable housing is developed.

There are other tools the City of Corvallis is considering adopting to support the development of affordable (subsidized) housing, including the LIRPTE (Low Income Rental Housing Property Tax Exemption) program. Like MUPTE, it offers a property tax exemption for the value of the new housing construction, but over a 20-year period.

Over the past several decades, the City has invested in hundreds of units of affordable housing created through partnering with agencies such as DevNW and Corvallis Housing First. These units are only available to individuals and families typically earning less than 60% of area median income, and the below-market rents typically apply to 100% of the units.

There are currently 338 units of affordable housing that will be coming online in the next several years.

To compare MUPTE to existing affordable tools, consider a new apartment complex with 300 units. If 30% are rent-restricted, there will be 90 affordable units. They will maintain affordable rents for 10 years, creating 900 unit-years of affordable housing.

Compare that to a new affordable housing development with 90 units. Those units must maintain their affordable rents for 50 years, so the 90 new units would create 4,500 unit-years. Over the long term, existing affordable housing tools create many more units of affordable housing. Not only do the rents remain affordable for a 50-year period, residents typically receive support services related to job skills, employment opportunities, and health.

Does MUPTE cause the City to reduce its tax revenue?

The exemption has the ability to make a project financially feasible. If it is not financially feasible, it does not get built, so the City and other taxing jurisdictions never gain the tax revenue. With the exemption, they get the tax revenue after 10 years while still collecting tax revenue for any part of the property not included in the development project. The exemption can make a housing development financially feasible, and the City grows its tax base in the long term. Because MUPTE encourages development is in the downtown core, the City is able to more efficiently provide services than in less dense parts of the community. Dense development requires less pavement, less sewer line, and less water line than in low density areas. The City generates more tax revenue per acre and spends less per acre.

How effective has MUPTE been in other communities?

In Eugene, since 1978, the program has supported the development of about 1,500 units in the city center. No housing has been built in the downtown core without MUPTE or some other property tax exemption for at least two decades. MUPTE has been essential to building density in the core.

In Salem, since their implementation of the program in 2012, 706 units have been built in their designated core area.

Will MUPTE be approved for all areas of Corvallis?

At this time, staff are recommending that MUPTE not be eligible as an option in South Corvallis' Urban Renewal District.

What is the Low Income Rental Housing Property Tax Exemption (LIRPTE)

It is a state-enabled program designed to be an incentive of redevelopment of residential properties for affordable housing. In Corvallis, the City is considering utilizing the LIRPTE throughout the city. LIRPTE allows affordable housing units (2 or more units) to avoid property taxes on the value of new residential construction for up to 20 years if the developer is a for-profit organization and indefinitely if the developer is a nonprofit organization, provided that they apply for the exemption every year and the criteria is met. A for-profit organization would apply once and if approved, receive the exemption for 20 years, though reporting would be required every year to ensure all criteria was being continuously met. The property continues to pay taxes on the land value and any commercial portion of the property that is not a part of the development.

Rental Housing Development Property Tax Exemptions for Multi Unit Housing

Overview November 2022

Low Income Rental Housing Property Tax Exemptions (LIRPTE)

Nonprofits:

- Annual application but no limit to # of years as long as criteria is met.
- Units limited to 60% AMI for 1st year, but can increase to 80% (Low Income)
- New construction, existing, or land
- Additional criteria can be added by local government

Low Income Rental Housing Property Tax Exemptions (LIRPTE)

For-Profits:

- Exemption for 20 years, can be renewed
- Limited to 60% AMI with no increase after 1st year
- Only new construction and land are eligible
- Additional criteria can be added by local government

Multi-Unit Property Tax Exemption (MUPTE)

- Exemption for 10 years if application is approved.
- Must be at least two (2) units- could increase
- New construction, existing, or land is eligible
- Subject to a "low income housing assistance contract"
  - An agreement that results in the production, rehabilitation, establishment or preservation of affordable housing
  - OR must Pay-In a portion of their tax exemption (Eugene has set it at 10%) to promote development of affordable housing.

ORDINANCE 2023-___

AN ORDINANCE RELATING TO A MULTIPLE-UNIT PROPERTY TAX EXEMPTION ENACTING NEW MUNICIPAL CODE CHAPTER____, "MULTIPLE-UNIT PROPERTY TAX EXEMPTION"

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section _____ is hereby enacted as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

MULTIPLE-UNIT PROPERTY TAX EXEMPTION (MUPTE)

1) The provisions of ORS 307.600 to 307.637 enable cities to grant local property tax exemptions for multiple-unit housing located in areas designated by the city. There is a need and demand for better housing at rental rates or sale prices accessible to a broad range of the general public in the core and transit oriented areas which is not likely to be produced without this incentive. This incentive is intended to:

(a) Stimulate the construction of transit supportive multiple-unit housing in the city's designated areas to improve the balance between the residential and commercial nature of those areas, and to ensure full-time use of the areas as places where citizens of the community have an opportunity to live as well as work;

(b) Encourage the development of vacant or under-utilized sites in city's designated areas, rather than sites where sound or re-habitable multiple-unit housing exists;

(c) Encourage the development of multiple-unit housing, with or without parking, in structures that include ground level commercial space;

(d) Encourage the development of multiple-unit housing, with or without parking, on sites with existing single-story commercial structures;

(e) Encourage the development of multiple-unit housing, with or without parking, on existing surface parking lots; and

(f) Preserve existing publicly assisted housing that is affordable to low income persons by providing the incentives authorized in ORS 307.600 to 307.637 to existing multiple-unit housing that is subject to a low income housing assistance contract with an agency or subdivision of this state or the United States.

(2) The provisions of ORS 307.600 to 307.637 are hereby adopted as the city's multiple-unit housing property tax exemption program.

(3) Applications for property tax exemption hereunder shall be filed with the city manager and shall be accompanied by an application fee.

(4) Following receipt of a completed application, the city manager shall retain an independent, outside consultant to review the project's financial pro-forma, with the costs of that review to be paid for by the applicant. The consultant shall make a recommendation to staff regarding the financial feasibility and financial need of the proposed project. Based on the financial analysis provided by the consultant and an evaluation of the public benefits and other requirements, staff will determine whether the application

meets the criteria for the MUPTE program, and provide any other comments about the project's financial projections. Staff will also coordinate with other taxing districts to gain their support and approval After the city manager receives staff's recommendation and comments, but in no event later than 135 days following submission of the application, the city manager shall provide the Council with the city manager's recommendation on the application, and shall provide to the Council the independent consultant's conclusions.

(5) Upon receipt of the city manager's written recommendation on an application, the Council shall consider the application, the city manager's written recommendation, and any written comments submitted on the application. If the Council fails to act on an application within 180 days from the date it was filed, the application shall be deemed approved and processed thereafter in accordance with subsection (10) of this section. [ORS 307.621]

(6) At the meeting at which the city manager's recommendation on an application is considered, or at a subsequent meeting, the Council shall adopt a resolution approving the application and granting the property tax exemption, or adopt a resolution disapproving the application and denying the property tax exemption.

(7) The Council shall review the application and a resolution will be adopted either approving or denying it. The resolution approving the exemption shall set forth any specific conditions of approval. The exemption may not include the land or any improvements not a part of the multiple-unit housing. The exemption may include parking constructed as part of the multiple-unit housing construction, addition or conversion, and commercial property to the extent that the commercial property is a required design or public benefit element of a multiple-unit housing construction, addition or conversion approved by the city. In the case of a structure to which stories or other improvements are added or a structure that is converted in whole or in part from other use to dwelling units, only the increase in value attributable to the addition or conversion may be exempt from taxation.

(8) If the Council determines that one or more of the criteria in this code are not met, the Council shall deny the application. The resolution denying an application shall set forth the specific reasons for denial.

(9) The city manager shall forward to the applicant a copy of the resolution adopted by the Council within 10 days from the date the Council acts on the application. In addition, following approval, the city manager shall file with the county assessor a copy of the resolution approving or denying an application.

(10) With respect to an application deemed approved through inaction of the Council under subsection (5) of this section, following the expiration of the 180 day period, the city manager shall file with the county assessor an administrative order containing the same findings and information as required to be set forth in a resolution approving an application and forward a copy thereof to the applicant.

(11) In the case of a structure to which stories or other improvements are added or a structure that is converted in whole or in part from other use to dwelling units, only the increase in value attributable to the addition or conversion may be exempt from taxation.

(12) Review of each application will be completed by City staff and an independent, outside consultant.

(a) The review process shall consist of:

1. Reviewing project applications, including compliance with the criteria contained in ordinance per ORS 307.600 to 307.637 and the independent outside consultant's review of the pro forma as described in subsection (4);

2. Midway through construction, upon completion of construction, and during the tax exemption period, City staff will review an approved project's compliance with the requirements of this code, and the resolution approving the tax exemption; and

3. Assist the city manager in preparing annual reports to the Council on the progress that will also include information about the program volume cap and review of the documentation required in this code.

Multiple-Unit Housing – Threshold Criteria and Public Benefits.

This section was recently amended by Ordinance No. XXX, codified in December XXX.

(1) Boundaries.

(a) Sections _____of this code shall initially apply only to the property that is:

1. CMU-1 – The portion of the CMU-1 Zone that is located north of Monroe Avenue, East of 26th Street, South of Van Buren Avenue and West of 14th Street.
2. CMU-2
3. CMU-3
4. RMU-20 (Note: Areas zoned RS – 20 may also be rezoned to RMU – 20)

(b) The Council may expand the boundaries covered by section (a) of this code to include additional areas upon City Council's approval of:

1. Amendments to this code that require a percentage of the units in an approved tax exemption project must be affordable housing which is defined as renters earning sixty (60) percent or below the area median income as defined by the Department of Housing and Urban Development. Or, the developer must make a commensurate "in-lieu of" payment to the city that is based on affordable housing rental rates, and that those payments shall be used to facilitate or develop affordable housing; and

2. Refinement plan policies that specifically provide for multiple-family and mixed use projects within that area, and that those policies are acknowledged pursuant to ORS 197.625.

The areas that the Council may approve pursuant to this subsection are:

(2) Criteria for Approval. No exemption may be approved under this code unless all of the following criteria are met:

(a) Eligible Project Types. The project will provide multiple-unit housing of four or more new units through new construction, an addition to an existing structure, or a conversion of a structure from another use to dwelling units.

(b) Project Need. The proposal could not financially be built "but for" the tax exemption. The burden is on the applicant to demonstrate that absent the exemption, the project would not be financially viable.

(c) Affordability Levels

1. The applicant has proposed that at least 15% of project's units to be affordable for households earning 80% of the average median income in Corvallis. OR;

2. The applicant agrees that 10% of the total property tax exemption will annually be paid to a fund for the future development of affordable housing.

(d) Unit Type and Size

1. Each application must include a breakdown of the number of units by each type (studio, 1 bedroom, 2 bedroom, 3 bedroom, 4 bedroom)

2. The application must also include the square footage of each unit type and note which units will be affordable (if applicable).

(e) Timeframe of Affordability

1. If the applicant is proposing a project utilizing affordability as the claimed public benefit, the applicant must agree to a minimum of 30 years of affordability and they must provide a detailed description of how they will maintain that level of affordability for twenty years after the tax exemption period has ended.

(f) Ratio

1. The applicant must state in the application the ratio of proposed public funds, private funds and the percentage of funding the multiple-unit property tax exemption (MUPTE) investment would represent.

(g) Gap

1. The applicant must state in the application what the fiscal need is in order to make this project feasible.

(h) Strength of Partner

1. In the application, the applicant must include a detailed description verifying that they have the legal and financial capacity to complete the project.

2. In the application, the applicant must provide proof that they have prior project experience that is comparable in scale to the proposed project or partnerships with other entities that have the relevant experience.

(i) First Floor must be Non-Residential

1. In order to qualify for the multiple-unit property tax exemption (MUPTE) program, an applicant must describe what uses the first floor of the development will be utilized for.

A further requirement for any application seeking approval for the multiple-unite property tax exemption (MUPTE) program must provide either one substantial public benefit, or at least three (3) sizeable public benefits from (j) to (t) in this section.

(j) Additional Support for Affordable Housing

1. The applicant must include in their application a detailed plan of how they will be giving additional support for affordable housing in the area either through a substantial increase in the fee for development being paid or in the number of affordable units being developed.

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(k) Abandoned, Vacant, or Underdeveloped Properties

1. The applicant must include in their application a detailed description of how this project will be remedying a severely blighted building or property.

a. A project is characterized as blight due to obsolescence, deterioration, dilapidation, shifting of uses, or presence of brownfields.

(l) Public Infrastructure

1. The project may also advance priority public infrastructure projects as identified in the City of Corvallis' master plans, Capital Improvement Plan (CIP), or Strategic Operational Plan (SOP), with an investment of at least $100,000.

(m) Placemaking or Active Public Spaces

1. The project provides amenities beyond City standards such as shared community space, public plazas, green space as the centerpiece of the development, active frontage, art, wayfinding, pedestrian-oriented design features, common meeting rooms, or spaces meant for people to spend ample time and build community.

(n) High Quality Urban Design/ Special Architectural Features

1. The development provides high quality landscaping and architecture and/or other elements beyond what the City of Corvallis currently requires.

2. The development may include special architectural features; use of extraordinary materials or restoration of missing historic features based on photographic or physical evidence

(o) Sustainable Building and Climate Mindfulness

1. The development is built using sustainable practices such as LEED, Earth Advantage, Oregon's Reach Code or similar green building program (with staff approval), or goes above and beyond building codes for energy efficiency and sustainability, alternative energy, green captures, etc. can also be considered.

(p) Local Labor, Materials, or Ownership

1. Significant components of the project will be locally sourced/ utilized.

(q) Economic Opportunities

1. The project will work with contractors and/or companies that are owned by disadvantaged, minority women, or service disabled individuals, or an emerging small business.

(r) Economic Catalytic Effect

1. The project will include spaces that have an economic catalytic effect that will be of bigger benefit to the community than a small set of individuals.

(s) Retrofitting Existing Buildings

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1. The project will involve retrofitting an existing building with seismic upgrades, ADA improvements above and beyond code, sprinkler installations, or improving a designated historic building.

(t) Connectivity Improvements

1. The project will include additional non-required connectivity developments including paths, roads, etc.

(3) Additional and On-Going Obligations of Project Approved for Exemption.

(a) Following approval of an exemption under this code, the city manager shall monitor the development of the project to ensure that the project complies with the requirements of this code, including the provision related to affordable housing, the administrative rules adopted pursuant to this code, and any other conditions of approval of the exemption.

(b) During the exemption period, the project's owner must annually submit documentation to evaluate compliance with affordable housing requirements, unless the project's owner is paying the equivalent affordable housing fee or is exempt pursuant to terms of the exemption.

Multiple-Unit Housing – Termination of Approval, Review.

(1) Except as provided in subsection (8) of this section, after a resolution approving an application has been filed, if the city manager finds that:

(a) Construction of multiple-unit housing was not completed within the time specified in the resolution, and no extensions as provided in subsection (5) hereof have been granted, or

(b) The applicant, developer or other owner of the project has failed to comply with the provisions of ORS 307.600 to 307.637 or the provisions of this code or administrative rules adopted thereunder, or

(c) The applicant, developer or other owner of the project has failed to comply with any conditions imposed in the resolution approving the application and the city manager has not determined in writing that project design deviations provide the same or greater degree of adherence to the design principles that Council approved for the project, or

(d) Construction of multiple-unit housing was not completed on or before January 1, 2032, or

(e) In the event units within the development are sold individually, a unit owner fails to comply with applicable requirements described in paragraphs (b) or (c) of this section, the city manager shall notify the Council; the owner of the property, at the owner's last known address; and any known lender, at the lender's last known address, of the manager's intention to recommend to the Council that the exemption be terminated. The notice shall clearly state the reasons for the proposed termination, and shall require the owner to appear before the Council, at a time specified in the notice, which shall not be less than 20 days from the date the notice was mailed, to show cause, if any exists, why the exemption should not be terminated.

(2) If the owner fails to appear and show cause why the exemption should not be terminated, the city shall further notify every known lender of the owner's failure to appear and shall allow the lender a period of not less than 30 days, beginning with the date that the notice of failure to appear and show cause is

mailed to the lender, to cure any noncompliance or to provide adequate assurance that the noncompliance will be remedied.

(3) If the owner fails to appear before the Council at the time specified in the notice, or if the owner appears and fails to show cause why the exemption should not be terminated, and a lender fails to cure or give adequate assurance that any noncompliance will be cured, the Council shall adopt a resolution terminating the exemption, which shall contain its findings in support thereof. Copies of the resolution shall be filed with the county assessor and mailed to the property owner, at the owner's last known address, and to any lender at the lender's last-known address, within 10 days from the date adopted. If a determination is made that the exemption should continue as previously granted, the Council shall enter written findings of record in support of the continued exemption and forward a copy thereof to the property owner and to any lender within 10 days from the date of the hearing.

(4) All reviews of Council action in denying, approving, or terminating an application shall be governed by the procedures set forth in ORS 34.010 to 34.100, and correction of assessments and tax rolls and the evaluation of the property shall be in conformity with ORS 307.687. The Council's action on an exemption shall not be a land use decision for purposes of administrative review.

(5) If construction, addition, or conversion of multiple-unit housing is not completed by January 1, 2032, upon receipt of a request from the property owner, the Council may, by resolution, extend the deadline for completion of construction of multiple-unit housing for a period not to exceed 12 consecutive months, if it finds the failure to complete construction by the time specified in the resolution was due to circumstances beyond the control of the owner, and that the owner had been and could reasonably be expected to act in good faith and with due diligence.

(6) In any event, no multiple-unit housing granted an exemption by the Council may be exempt from ad valorem taxation for more than 10 successive years. The first year of exemption is the assessment year beginning January 1 immediately following the calendar year in which construction, addition or conversion is completed, determined by that stage in the construction process when, pursuant to ORS 307.330 the improvement would have gone on the tax rolls in the absence of the exemption. The exemption may not include the land, nor any improvements located thereon that are not a part of the multiple-unit housing but may include commercial use of a portion of the structure and parking constructed as part of the multiple-unit housing construction, addition or conversion, and is in addition to any other exemption provided by law. However, no property may be exempt beyond 100 percent of its real market value.

(7) Any exemption granted by the Council shall terminate immediately, without right of notice or appeal, in the event the county assessor determines that a change of use to other than residential or residential with commercial uses of a portion of the structure, or housing has occurred for the multiple-use housing, or portion thereof, or if a low income housing assistance contract with an agency or subdivision of this state or the United States is breached or terminated prematurely, or a declaration as defined in ORS 100.005(12) is presented to the county assessor or tax collector for approval in connection therewith. Termination shall be in accordance with the provisions of ORS 307.627.

(8) Notwithstanding subsections (1) through (7) of this section, if applicant, developer or other owner of the project has failed to comply with the requirements of ORS 307.600 through 307.637, sections 2.945 through 2.947 of this code or the administrative rules adopted thereunder, or a resolution adopted pursuant subsection (7) of section 2.945 of this code, in lieu of subsections (1) through (7) of this section, the city manager may impose penalties as set forth in section 2.1995 of this code. Each day in which a violation is caused or permitted to exist constitutes a separate violation. Failure to pay an administrative

penalty authorized by this subsection shall be grounds for terminating the exemption under subsections (1) through (3) of this section.

Section 2. Effective date. [OPTIONAL] The general welfare of the public will be promoted if this ordinance takes effect on MONTH DAY, 2023.

Section 3. Because the Multiple-Unit Property Tax Exemptions is a necessary tool for the development of housing for the people of the City of Corvallis. This ordinance shall be effective upon its passage by the Council.

Section 4. No other provision in the Municipal Code is amended by this ordinance. [RENUMBER THIS SECTION IF YOU DELETE SECTIONS 2 AND 3 ABOVE]

PASSED by the City Council this _____ day of _____, 2023

APPROVED by the Mayor this _____ day of _____, 2023

EFFECTIVE this _____ day of _____, 2023

_____
Mayor

ATTEST:

_____
City Recorder

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ORDINANCE 2023-___

AN ORDINANCE RELATING TO A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION ENACTING NEW MUNICIPAL CODE CHAPTER____, "LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION"

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section _____ is hereby enacted as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Chapter XXX (CET is Chapter 8.16)

LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION (LIRPTE)

Definitions.

1) AMI or area median income means the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.

2) City Manager means the City Manager of the City of Corvallis, or the City Manager's designee.

3) Low-income person or persons means the following:

(a) Income at or below 60 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development;

(b) For the initial year that persons occupy property for which an application for exemption is filed under ORS 307.521, income at or below 60 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development. If the owner is a for-profit entity, the income level must remain at or below 60 percent of the area median income. If the owner is nonprofit entity, during the second year of occupancy, the income level of eligible renters may rise (with City staff approval), to at or below 80 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development; or

(c) For housing units on property that is awarded tax credits through the Federal low-income housing tax credit program and is a qualified low-income housing project meeting the requirements of 26 U.S.C. 42(g)(1)(C), income at or below 80 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development, provided the average area median income of all housing units on the property is at or below 60 percent of the area median income as determined by the Oregon Housing Stability Council based on information.

4) Qualified rental housing means a property or portion of a property that is offered for rent solely as a residence for low-income persons.

Criteria for Tax Exemption.

1) Properties or portions of properties meeting the following criteria shall be eligible for property tax exemption as provided in ORS 307.515 through 307.537 (for profit owners) and ORS 307.540 through 307.548. Eligible properties must be:

(a) Located within the limits of the City of Corvallis;

(b) Multifamily projects containing four or more units;

(c) Offered for rent, or held for the purpose of developing qualified rental housing; and

(d) If occupied, occupied solely by low-income persons. Property will be deemed to be occupied by low-income persons if it is made available and reserved exclusively for low-income persons and has been occupied by a low-income person within the last six months. Only that portion of the real property and improvements located thereon that is occupied by low-income persons shall be eligible property.

2) The required rent payments must reflect the full value of the tax exemption;

3) Per statute ORS 307.517(e), projects owned by for-profit entities are restricted to new construction as housing units on the property are required to have been constructed after the provisions for this exemption were adopted by the City. This is not required under ORS 307.541 for projects owned by a nonprofit entity however, Council has determined the exemption will only be available for new construction.

4) The application for tax exemption under this ordinance must have been filed before July 1, 2030.

5) The tax exemption on the property must be approved by the City Council in accordance with the provisions of ORS 307.515-535 for for-profit entities, ORS 307.540-548 for nonprofit entities, and this ordinance.

6) For the purposes of this tax exemption, a person that has only a leasehold interest in property is deemed to be a purchaser of that property if:

(a) The person is obligated under the terms of the lease to pay the ad valorem taxes on the real and personal property used in this activity on that property; or

7) The rent payable has been established to reflect the savings resulting from the exemption from taxation.

Application for Exemption.

1) Persons seeking tax exemption for eligible property must submit an application to the City Manager on a form provided by the City of Corvallis and pay the fee established by the City Council as set forth in the City of Corvallis fee resolution. The application shall contain the following information:

(a) The applicant's name, address, and telephone number;

(b) A legal description of the property for which the exemption is requested;

(c) If only a portion of the property is eligible, a description of the eligible portion of the property for which the exemption is requested, including the number of affordable housing units;

(d) A description of the purpose of the project and whether all or a portion of the property is being used for that purpose;

(e) A certification of income levels of low-income occupants;

(f) A description of how the tax exemption will benefit project residents;

(g) A description of the plans for development of the property if the property is being held for future qualified rental housing development;

(h) A list of secured lien-holds with addresses of the lienholders; and

(i) Such other information as requested by the City of Corvallis.

2) The applicant shall verify the information in the application by oath or affirmation.

3) An application which does not contain all the information required by this section and/or is not accompanied by payment of the proper fees shall be returned. Any application returned for these reasons shall be deemed not to have been filed.

4) Applications must be filed on or before December 1 of the calendar year immediately preceding the first assessment year for which exemption is requested and shall be accompanied by the application fee required by the City. However, if the property is acquired after November 1, the application shall be made within 30 days after the acquisition. [ORS 307.523]

Review of Application.

1) The City Manager will process each complete application and make a written recommendation to the City Council in sufficient time to allow the Council to take final action within 30 days of the filing of the application. [ORS 307.547] Upon receipt of the City Manager's recommendation for approval or denial, the Council will consider the application and determine if the applicant qualifies for the exemption. Within 30 days of the filing of the application, the Council must adopt a resolution approving or denying the application.

2) Council will review the staff's findings and recommendations and determine whether or not to grant the exemption. Staff will also coordinate with other taxing districts to gain their support and approval. If there is the support of 51% of the taxing districts and Council approves the exemption, a resolution will be adopted containing the owner's name and address, a description of the housing unit, either the legal description of the property or the county assessor's property account number, any specific conditions upon which the approval of the application is based and if only a portion of the property is approved, a description of the portion that is approved. [ORS 307.527]

3) A resolution approving an application must contain findings on the criteria for approval and must certify to the Benton County tax assessor that all or a portion of the property for which the application was made is exempt from the ad valorem property tax levy of the City of Corvallis.

4) If the application is denied, the City shall state in writing the reasons for denial and send the notice of denial to the applicant within 10 days after the denial. The notice shall inform the applicant of the right to appeal under [ORS 307.533].

5) Following approval, the City shall file with the Benton County assessor and send to the applicant a copy of the resolution approving or denying the application. If the application is approved, the copy shall contain or be accompanied by a notice explaining the grounds for possible termination of the exemption prior to the end of the exemption period or thereafter, and the effects of termination. In addition, the City shall file with the county assessor a document listing the same information otherwise required to be in a resolution as to each application deemed approved.

Property Tax Exemption.

1) Except as provided in subsection (B) of this section, the exemptions granted under this chapter apply only to the tax levy of the City.

2) The exemption granted under this chapter applies to the tax levy of all taxing districts in which property certified for exemption is located if, upon request, the rates of taxation of such taxing districts whose governing boards agree to the policy of exemption under ORS 307.515 through 307.523, when combined with the rate of taxation of the City, equal 51 percent or more of the total combined rate of taxation on the property granted exemption.

3) Property tax exemptions approved under this chapter will be for a period of 20 years. For example, in the event that an exemption is initially approved for an undeveloped parcel and later the exemption was extended to include subsequent construction, the total duration of the exemption may not be increased but will continue to run for a maximum of 20 years from the initial approval. Nothing in this chapter prevents a subsequent, new application for an additional 20-year exemption from being submitted after the first exemption term is completed.

4) Applications for property tax exemption under this policy are eligible for property tax exemptions for tax years beginning on or after July 1, 2024.

5) The exemption provided for in this chapter is in addition to any other exemption provided by law.

6) The approved zoning area for this exemption is limited to the city limits and this exemption is not eligible in Urban Renewal or other Tax Increment Financing (TIF) districts.

Termination.

1) Termination of tax exemption will be accomplished under the conditions and pursuant to the procedures and subject to the remedies contained in ORS 307.515 through 307.537 for a project owned by a for-profit entity and ORS 307.540 through 307.548 for a project owned by a nonprofit entity.

Regulatory Power.

1) The City Manager may issue rules necessary for the implementation of this policy.

Section 2. Effective date. [OPTIONAL] The general welfare of the public will be promoted if this ordinance takes effect on MONTH DAY, 2023.

Section 3. Because the Low Income Rental Property Tax Exemptions is a necessary tool for the development of housing for the people of the City of Corvallis. This ordinance shall be effective upon its passage by the Council.

Section 4. No other provision in the Municipal Code is amended by this ordinance. [RENUMBER THIS SECTION IF YOU DELETE SECTIONS 2 AND 3 ABOVE]

PASSED by the City Council this _____ day of _____, 2023

APPROVED by the Mayor this _____ day of _____, 2023

EFFECTIVE this _____ day of _____, 2023

_____
Mayor

ATTEST:

_____
City Recorder

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CONSENT CALENDAR

MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Tuesday, January 24, 2023
Zoom link:
https://us06web.zoom.us/j/87921061782?pwd=MEUvNEh1dDhVT3RCNzBYYzNpOUFLQT09#success
Livestream: http://facebook.com/BentonCoGov
9:00 a.m.

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

Excused: **Joe Kerby,** County Administrator

Staff: **Julie Arena,** HOPE Program Administrator; **Cory Grogan,** Public Information Officer; **Suzanne Hoffman,** Health; **Amanda Makepeace,** BOC staff; **Sean McGuire,** Sustainability; **Erika Milo,** BOC Recorder; **Darren Nichols,** Community Development

Guests: **John Harris,** Horsepower Productions; **Donna Holt,** Linn-Benton Housing Authority; **Alex Powers,** Mid-Valley Media; **Holly Purpura,** Marys River Watershed Council; **Jerry Sorte,** Corvallis-Benton County Economic Development Office

1. Opening
1.1 Call to Order

Chair Malone called the meeting to order at 9:03 a.m.

1.2 Introductions
1.3 Announcements

There were no announcements.

2. Review and Approve Agenda

No changes were made to the agenda.

3. Work Session

3.1 Annual Report from the Marys River Watershed Council (MRWC) – *Holly Purpura, Executive Director, Marys River Watershed Council*

Purpura provided a staff update. MRWC is recruiting for an education project manager and a new restoration programming position. In fiscal year 2021-22, MRWC served 185 members, 72 volunteers, over 400 Kindergarten-12th Grade students, and engaged over 1,200 residents through education and restoration programming. Total fiscal year 2021-22 income was $916,34 and expenses were $431,019. MRWC received a large bequest which helped build sustainability in the organization and expand restoration programs. Purpura gave highlights of education programming, which has mostly resumed in-person engagement and has expanded. MRWC is working towards creating a dual-immersion English-Spanish Outdoor School. MRWC is a core member of the Confluence group; construction of a building is underway with Alan Ayres of Benton County Soil and Water Conservation District (BCSWCD). Other members are Greenbelt

Land Trust, Cascade Pacific Resource Conservation & Development, and Corvallis Environmental Center.

Malone asked when organizations might move into the Confluence building.

Purpura replied that the group is seeking funds to outfit the building interior, projected to cost $1 million. BCSWCD still hopes to be part of the building, but is not a core member. The Institute for Applied Ecology purchased its own building, but is still involved in other ways.

Augerot noted the County will offer another round of American Rescue Plan Act (ARPA) grants, contingent on the outcome of the Justice Systems Improvement Program (JSIP) bond measure. Funding leads are Rick Crager and Shurisa Steed, Finance. Supporting non-profits affected by COVID-19 is an ARPA funding focus.

Purpura described Mid-Valley River Connections (MVRC), a partnership of watershed councils on the mid-Willamette River. In 2022, the group collaborated on grant writing and restoration, seeking Federal funding from the Inflation Reduction Act and Infrastructure Bond. MVRC applied for a 2022 grant from the National Oceanic and Atmospheric Agency (NOAA) for fish passage replacements; the project was not funded, but ranked high, and staff hope to resubmit. NOAA has $98 million per year available for the next five years.

The Mid-Willamette Beaver Partnership (MWBP) surveyed 4,000 area stakeholders to understand limiting factors for beavers. Beavers do much of the same restoration work as watershed councils. MWBP provides technical assistance to evaluate opportunities for beaver dam building.

The Trout Friendly Landscapes Program for urban watersheds has held planning meetings. The County provided funding to convene a technical advisory team, working with Benton County Public Works and Community Development. Other MRWC projects include the invasive knotweed treatment program, installation of large woody debris in Woods Creek (to be completed in summer 2023), and Muddy Creek environmental DNA sampling and monitoring. Purpura noted that the emerald ash borer insect has now been found in Oregon, which is concerning due to the huge numbers of ash trees in riparian areas.

Augerot asked if MRWC was still involved in partnership with schools in Mexico.

Purpura replied that MRWC had paused involvement due to limited funding and staff capacity.

3.2 Update from the Corvallis-Benton County Economic Development Office (CBCEDO) – *Jerry Sorte, CBCEDO Supervisor*

Sorte explained that the office has lost two of four employees; staff are focusing on funding deadlines and continue to be the point of contact for individuals looking to start a business. CBCEDO received two County ARPA grants, one for the South Corvallis Food Hub project; staff have assembled a work group, and next will hire a consultant. The other grant will create a business recovery funding program; Sorte to provide more detail at a February 2023 Board Meeting. Staff are also working on the Outdoor Dining in Corvallis program, which started during the pandemic. Corvallis City Manager Mark Shepard is planning next steps for the office. Responding to a question from Augerot, Sorte replied that work with partner organizations was going well.

Augerot asked about other projects that former employee Kate Porsche was working on with rural cities such as Adair Village and Philomath.

Sorte replied those projects were now on hold.

Augerot commented that CBCEDO is also working with Corvallis on climate action, and expressed concern about staff capacity.

Sorte noted that the Federal Inflation Reduction Act may provide funding for energy efficiency improvements relating to climate work.

Malone asked if the office would try to replace both open positions.

Sorte replied that depended on Shepard's direction, but the office was not currently recruiting.

Chair Malone recessed the meeting at 9:43 a.m. and reconvened at 9:51 a.m.

3.3 Annual Report from the Linn-Benton Housing Authority (LBHA) – *Donna Holt, Linn-Benton Housing Authority Executive Director*

Holt explained that LBHA is a public developer of affordable housing with significant contracts from Housing and Urban Development (HUD). Programs include voucher assistance, Veterans Affairs Supportive Housing, Moderate Rehabilitation, Emergency Housing Vouchers (providing navigators for homeless families), and Mainstream Vouchers for non elderly, non-disabled clients. LBHA owns and manages 250 affordable housing units, supports the local economy with about $24 million in Federal funding, and works with many community partners.

Holt provided details of the Housing Choice Voucher Program, or Section 8, a federally subsidized rent assistance program. There is a one-to-three year waiting list of about 3,000 people. Over 700 landlords currently participate. The voucher program has a less than 50% success (usage) rate in both counties, but the rate for January 2023 is almost 60%. If a recipient cannot find a residence in time, they must re-apply, although LBHA can make some exceptions.

The success rate improvement is due to a change in LBHA's financial structure. Because funds must sometimes be expended before HUD funding is received, LBHA usually maintains reserves. Instead, LBHA has decided to spend down its reserves, which HUD also recommended, due to increasing rents in the area. If LBHA spends more than it receives from HUD, it would be necessary to use administrative funding; however, Holt did not anticipate that happening in the next few years. This approach is proving successful.

Benton County has historically had a 25% utilization of regular housing choice vouchers; the rate is now 32%. The presence of Oregon State University limits housing availability and increases costs. If families cannot find a rental in Benton, they often live in Linn and commute. Mainstream vouchers are 44% utilized in Benton. LBHA has the third highest rate of success in Oregon for emergency housing vouchers (60% in Benton, 40% in Linn) due to partnership with CSC and others, outreach, and navigation. LBHA is seeking resources to retain the navigator after this program is fully leased. Success rates in are increasing in Benton County.

Augerot asked if LBHA would lose the navigator when the emergency vouchers lapse.

Holt replied that those funds end this year. LBHA will retain the navigator but may not be able to expand duties. Hopefully HUD will roll the emergency vouchers into regular vouchers.

Augerot asked if LBHA had talked to Governor Tina Kotek's office about investing in navigators for HUD vouchers.

Holt replied that staff discussed this with Kotek.

Augerot noted that Speaker Dan Rayfield dedicated some State ARPA funding to LBHA for housing in Benton, and asked the status of that.

Holt replied that LBHA has the funding targeted for projects and is waiting to receive funds. The main focus is $750,000 for the Turnkey 2.0 project.

Augerot asked how partnership with DevNW was going; DevNW has been quiet in this area.

Holt agreed there had not much activity or communication. DevNW experienced high staff turnover. Collaboration still exists, such as the Camas Commons project. When the Commons has year-end cash flow, some funds go to DevNW to provide family resources; LBHA is trying to determine how DevNW is using the funds. LBHA delivers the services as property manager. LBHA needs to develop relationships with the new staff at DevNW.

Malone asked about possible opportunities with Kotek, given Kotek's emphasis on housing.

Holt replied that Kotek's Declaration of a State of Emergency for Homelessness and Affordable Housing provides funding opportunities. Holt worked with Kotek in the past, and Rayfield is on the LBHA board of directors, so there is close communication. Responding to a question from Malone, Holt replied that LBHA has about 35 employees.

Malone asked if the increase in HUD funding from $17 million to $24 million would allow LBHA to keep even with price increases.

Holt replied that HUD has historically funded housing authorities at less than 100% of need; however, this year is close to 90%. The voucher program has been cut in the past, but in the last few years, funding has been 99-100%, which has allowed LBHA to increase voucher amounts, hire staff, update software, and be more productive and resilient.

Augerot asked if the portability of vouchers results in much leakage of clients out of state, or if that is counterbalanced by people coming in.

Holt replied the movement is counterbalanced. When clients enter the area, LBHA decides whether to provide a local voucher or bill the other housing authority. Billing is a challenge, so most housing authorities are absorbing vouchers now. Lease rates need to go up.

{Exhibit 1: Linn-Benton Housing Authority Presentation}

3.4 Report from the Oregon Water Resources Department (OWRD) Water District 22 Water Master – *Joel Plahn, State of Oregon Water Resources Department*

Plahn explained that District 22 mainly covers Benton, Yamhill, and Polk Counties. Plahn distributes water among water users during the summer. Water rights are based on a priority date. In a time of shortage, users call to request water; if there is not enough water present, users inform the water master, who measures stream flow and, if necessary, regulates the most junior users on the system. Benton County has over 80,000 acres of irrigation. District 22 has over 6,100 water rights and over 9,000 access points. 2022 was the best water year in Plahn's seven-year experience due to early summer rainfall.

Augerot asked about additional funding received by OWRD.

Plahn shared that funding provided five more staff to regulate cannabis-related growth sites between Lane and Clackamas counties. In Benton County in 2022, staff researched 22 cannabis sites and found eight groundwater violations (irrigating without a water right).

Augerot noted that Benton has been providing District 22 with $10,000 per biennium and asked if that is still needed.

Plahn replied that would be very beneficial. All three counties provide funding which is used to hire a temporary employee to immediately take measurements when a user runs out of water. Plahn will request Benton funding again. Yamhill built $5,000 per year into its recurrent budget.

Augerot asked if more violations are occurring at the end of irrigation season due to climate change.

Plahn replied that there are significant climate change impacts, and more people want to irrigate later in the year. There is a need to educate people about the Marys River water season; many users were not aware. Most users comply, and the district enforces when necessary. Many older water rights do not list a season, which adds to the confusion. Staff sent reminders to Marys River users.

Augerot suggested that the watershed council event might be able to help get the word out.

4. New Business

4.1 Adoption of Resolution No. R2023-001, Requesting the Governor add Benton County to the List of Counties Considered for Inclusion in Executive Order 23-02 Related to the State of Emergency Caused by the Epidemic of Homelessness – *Xanthippe Augerot, Vice-Chair, Board of Commissioners; Julie Arena, Home, Opportunity, Planning, & Equity (HOPE) Coordinator*

Augerot explained that many people working on housing issues were excited that Governor Kotek intended to pursue housing and homelessness efforts. Kotek made an Emergency Declaration on Homelessness, but it did not include Benton County. The data used to determine eligibility was from HUD point-in-time counts based on a geographic region called a continuum of care. Benton, Linn, Lincoln, and 26 other Counties are part of the Rural Oregon Continuum of Care. The counties' data was combined, diluting Benton's numbers and making it hard to see local trends. Thus Benton did not meet Kotek's threshold for increase in homelessness. Working with staff, Augerot produced a letter (item 4.2) and a resolution. Lincoln County is also sending a letter. The Boards of Linn and Lincoln Counties are presenting resolutions petitioning Kotek to be covered under the Emergency Declaration. Benton's resolution presents the County's general argument and asks to have the opportunity to be covered under Executive Order #23-02 based on Benton's data, rather than simply asking to be included. This is because it is not completely clear

what the Emergency Order will require in addressing homelessness; it may provide more funds, but may require an Emergency Operations Center activation, which adds staffing requirements and slows down decision-making in this case, given that Benton has a pilot program and a strong regional office addressing homelessness. It is also unclear what kind of emergency land use regulations will be involved; Benton wants to be able to consult with its cities before opting in to the Declaration. The letter will be copied to State Director of Emergency Management Andrew Phelps, Senator Sara Gelser-Blouin, Speaker Dan Rayfield, and Representative David Gomberg. Augerot has consulted each of those officials and will keep them updated.

MOTION: Wyse moved to adopt Resolution No. R2023-001. Augerot seconded the motion, which **carried 3-0.**

4.2 Approval of Board of Commissioners Letter to the Governor Requesting Inclusion in Executive Order 23-02 Declaring a State of Emergency on Homelessness – *Xanthippe Augerot, Vice-Chair, Board of Commissioners*

Malone thanked Augerot for taking the lead on this item. Malone was appalled by the inaccuracy of the Governor's map, in which Benton was combined with rural eastern Oregon counties with different population needs, industry, et cetera.

Augerot thanked Arena, HOPE Project Manager Rebecca Taylor, and Pegge McGuire of Community Services Consortium for assistance with the letter and resolution.

MOTION: Augerot moved to approve the letter to Governor Kotek requesting the opportunity to be included in Kotek's Emergency Order on Housing and Homelessness. Wyse seconded the motion, which **carried 3-0.**

5. Information Sharing

5.1 Pat Malone, Chair

Malone praised a chart of Benton's main legislative efforts which was prepared by Chief Financial Officer Rick Crager and staff. Malone emphasized the advantages of having retained government relations firm CFM Advocates to help secure legislative funding for important projects. Benton County's first legislative breakfast of the year to be held February 4, 2023.

5.2 Xanthippe Augerot, Commissioner

Augerot attended the Community Health Centers (CHCs) Board Meeting. Staff are working on a strategic plan, which will go to the CHC Board, then to the Board of Commissioners. Augerot noted that the CHC Board is struggling and needs more directors. The mandate that at least 51% of board members be clinic users is challenging. There are now two board members from Linn County.

Augerot reported working on the housing resolution (item 4.1) and background for recent and upcoming JSIP presentations, including today's "Joe with Joe" staff discussion with Kerby.

5.3 Nancy Wyse, Commissioner

Wyse chairs the Local Officials Advisory Committee, which has some openings for City Councilors or Commissioners. Interested applicants can contact Wyse.

At the recent meeting of the Historic Courthouse Advisory Committee, members narrowed down to two subcommittees, Culture & Arts and Government Civic. The Committee hopes to present an update to the Board in the next few months before presenting a formal draft document, and plans to perform public outreach to help guide the draft. The document target date is the end of June 2023. Committee Chair Chris Westfall noted that public engagement should be robust.

Wyse mentioned that the most recent Zoom meeting of the Benton County Talks Trash Work Group was hacked, and thanked staff for quick thinking and working together on a solution.

6. Other

No other business was discussed.

7. Adjournment

Chair Malone adjourned the meeting at 11:06 a.m.

Pat Malone, Chair

Erika Milo, Recorder

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

MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS

Zoom link: *https://us06web.zoom.us/j/89397129694?pwd=Q3JOOWRuRVIzVDc1QzgrMzBSeHFpZz09*
Livestream: *http://facebook.com/BentonCoGov*
Tuesday, January 17, 2023
9:00 a.m.

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

Staff: **Jen Brown,** Sustainability; **Shannon Bush, Laurel Byer, Darren Nichols, Webster Slater, Greg Verret, Inga Williams,** Community Development; **Rick Crager, Shurisa Steed,** Finance; **Cory Grogan,** Public Information Officer; **April Holland,** Health; **Gordon Kurtz, Shea Steingass, Gary Stockhoff,** Public Works; **Amanda Makepeace,** BOC Staff; **Erika Milo,** BOC Recorder; **Sarah Siddiqui,** Equity, Diversity, & Inclusion; **Jef Van Arsdall,** Sheriff; **Matt Wetherell,** Juvenile Department

Guests: **Manju Bangalore, Philip Brownell, Mark Yeager,** residents; **John Harris,** Horsepower Productions; **Sam Imperati,** ICM Resolutions

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

Mark Yeager, resident: Yeager, a former member of the Solid Waste Advisory Committee, stressed the importance of creating a long-term solid waste management plan for Benton County. Republic Services (RS) plans to apply again to expand Coffin Butte Landfill (CBL). Currently 1.1 million tons of waste are allowed into CBL per year. According to the Department of Environmental Quality, that represents nearly 33% of all solid waste disposed in Oregon in 2020. If expansion is approved, the tonnage cap will be lifted. Less than 10% of the waste going into CBL comes from Benton County. The amount of waste has nearly doubled since 2016. The County should not consider expanding the landfill before completing a plan including alternatives for decreasing the waste stream. RS estimates 18 more years of existing landfill capacity, which provides time for a thorough study.

Manju Bangalore, resident: Bangalore advocated for the Board to address and cancel medical debt, which is now the top reason Americans file for bankruptcy. Medical debt most often impacts low-income and marginalized residents. In 2022, the City of Toledo, Ohio and Lucas County worked with the organization RIP Medical Debt to cancel $240 million of debt through American Rescue Plan Act funds. Once medical debt has been in collections long enough, it can be purchased at a 1:100 ratio. Each entity contributed $800,000 to buy $180 million of residents' debt. Medical debt has been found to contribute directly to a person's risk of dying by suicide. More than 30 other jurisdictions seek to work with RIP Medical Debt. It would cost about

$429,000 for Benton County and the City of Corvallis to implement this model, cancelling $40-45 million of medical debt for Benton County residents.

{Exhibit 1: Bangalore Medical Debt Cancellation Letter}
{Exhibit 2: Bangalore Medical Debt Cancellation Article}

III. Review and Approve Agenda

The following items were added to the agenda:

6.4 Discussion and Approval of Letter of Support for Greenbelt Land Trust Regarding Community Paths Grant: Pathways for North Benton County Communities – *Joe Kerby, County Administrator*

6.5 Renewal of National Association of Counties 2023 Dues in the Amount of $1,712.00 – *Joe Kerby, County Administrator*

IV. Work Session

4.1 COVID Update from Department Operation Center – *April Holland, Health Services*

Holland reported that Respiratory Syncytial Virus peaked in late November 2023. Influenza cases are still high but seem to be on the decline. There could be a second influenza wave. COVID-19 cases surged this winter but are decreasing. COVID-19 cases are likely to increase soon due to the XBB1.5 variant, which is surging on the east coast. There is currently not much XBB1.5 in the Pacific Northwest, but it is expected to become the dominant variant in February 2023. XBB1.5 has not caused more severe disease than other strains, but is more contagious.

Benton County had 49 reported COVID-19 cases in the first week of 2023, for a seven-day rate of 52 cases per 100,000 residents. Positivity rate was 8%. Wastewater monitoring does not suggest a coming increase. Hospital and healthcare staffing is still a challenge in Oregon, but COVID-19 hospitalizations have decreased in the last few weeks. However, more infections still mean more deaths and hospitalizations; the bivalent booster is the best protection against COVID-19 infection, severe illness, and death. Benton County still has highest rate of bivalent booster uptake in Oregon for eligible residents age 65 and older (63.3%) and residents aged 50-64 (43%).

Augerot noted that Federal funding for vaccination has not continued, and asked how long the County can continue to hold community vaccination clinics.

Holland replied that staff are working to distribute vaccines to pharmacies and providers; residents will need to rely on those sources in future. Health has no community clinics scheduled, as Oregon Health Authority partners no longer have funding. Benton Community Health Clinics are vaccinating individuals who lack other access. The Immunization Coordinator regularly contacts long-term care facilities about vaccination needs.

Augerot mentioned hearing discussions of allowing large firms to charge consumers the full cost of the vaccine, and asked if that was the trend.

Holland was unsure. Vaccines are still free at this time. Staff are exploring options to pay for the vaccine for those with no insurance or low income. Health has some one-time funding to retain communications staff.

Malone asked if Federal funding for COVID-19 tests was available and was likely to continue.

Holland replied that the County has a cache of rapid tests and was recently able to acquire more. Every household can use the government portal to get four free tests delivered. Insurance still covers rapid tests. The COVID-19 Response Team provides tests at certain community locations and will continue while supplies last. If there are eligible funds and a gap in test availability, staff will consider purchasing tests for community use.

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

Nichols explained there is a vacancy in the WG for a member of the Planning Commission (PC). The PC offered Andrew Struthers as a PC representative for the rest of the project if the Board of Commissioners approves. Catherine Biscoe joined the WG as a community member and as a City Councilor from Philomath; Biscoe has now been appointed to the PC, so if Struthers is appointed, the WG would have three PC members. Imperati does view this as a problem.

Wyse noted that if Biscoe filled the second PC seat in the WG, the County would still need another community member. Wyse was comfortable with Biscoe serving as a PC member, but not necessarily as the liaison. Wyse supported appointing Struthers.

Augerot did not favor having three PC members on the WG, but was not sure who else to select. Perhaps a community member who has been active on WG subcommittees could be a candidate.

Responding to a question from Wyse, Imperati replied that three WG meetings remained, including one on January 19, 2023.

Nichols noted that time was short to explore options and recommended proceeding with the appointment.

Wyse suggested leaving one spot vacant.

Augerot and Malone preferred to appoint.

MOTION: Wyse moved to appoint Andrew Struthers as an appointee from the Planning Commission to the Benton County Talks Trash Work Group. Augerot seconded the motion, which **carried 3-0.**

Imperati to issue the second draft WG report by tomorrow morning. WG subcommittee findings and recommendations will be incorporated into the second draft. Imperati reviewed the upcoming schedule (exhibit 3). The final report is due to the Board on March 24, 2023, to be presented at the March 28, 2023 Board Meeting if the agenda allows.

Augerot noted that Nichols has said that the Solid Waste Management Plan (SWMP) needs to be redone, and asked about a possible schedule for that.

Nichols concurred that a holistic plan is needed. Staff need to receive recommendations from the WG (including a proposed table of contents for the SWMP) and get Board feedback on what to include in a request for proposals; then staff can solicit consultants. Funding is needed for an estimated $350,000 based on comparable Counties; costs could be higher given the need for

robust community engagement. Nichols would prefer to solicit firms in time to inform 2023-25 Biennium budget allocation.

Malone noted that during the report process, topics have arisen that were beyond the WG scope, and asked if a priority list of such items would be part of the final report.

Nichols affirmed that the report would show where the WG reached consensus on next steps and which items the WG disagreed on or did not cover due to complexity.

Imperati recommended that the Board schedule three to four work sessions in April and early May 2023 to vet the WG report and identify issues that need further work.

{Exhibit 3: BCTT Schedule}

4.3 Update on Development Code Amendments Regarding Stormwater – *Greg Verret, Community Development; Gordon Kurtz, Public Works*

Verret explained that these code amendments are required by State mandates from the Department of Environmental Quality (DEQ), mainly lowering the threshold requiring erosion and sediment control permits and post-construction detention and runoff treatment of stormwater. A Planning Commission (PC) Public Hearing was held on January 3, 2023 and received testimony from one community member who is also involved with the Public Works-led advisory group. The PC recommended that the Board approving the code, but would like more emphasis on flexibility in alternatives for property owners on post-construction detention and treatment. Since many more projects will need review, the changes could significantly increase cost to property owners and administrative burden on staff. The code contains the framework of permit review requirements, but details of types of treatment or detention will be contained in support documents. Documents are easier to adapt than code and can be interpreted by the County Engineer with some flexibility to ensure that the objectives of stormwater management are met at the lowest cost to property owners, while avoiding unnecessary permitting and infrastructure.

Kurtz added that staff made minor adjustments to code last week to develop an exception for agricultural buildings built outside of Federally-recognized urbanized areas.

Verret noted that at the last Board discussion in December 2022, there was some uncertainty on how to ensure long-term maintenance of stormwater facilities. Staff have developed code language and a template agreement that the County Engineer would enter with property owners when a stormwater treatment/detention facility is constructed to ensure the property owner understands responsibilities and maintenance. This would also grant the County authority to inspect and direct corrections or maintenance, and if maintenance is not performed, to effect repairs, bill the property owner, and put a lien on the property if the bill is unpaid. Staff worked extensively with Counsel on this document and had good examples from other cities.

Augerot agreed with the PC that there are many opportunities for voluntary work, and encouraged collaboration with watershed councils.

Verret added that staff are considering ways that the County or other organizations can encourage low-impact development (LID), working with landowners to reduce impermeable surfaces and avoid needing to install structures.

Kurtz explained that if certain LID applications are used, a credit is given to reduce the amount of impervious area being considered. The goal is to provide the same benefit but reduce the burden on the homeowner.

Malone asked about areas where the County could make exceptions to some requirements.

Verret explained that there are rural areas, the Federally designated urbanized area, and the Urban Growth Boundaries (UGBs) of the Cities of Corvallis and Philomath. The Federal urbanized area is census-derived and has the most scrutiny and requirements. Within the UGBs, the respective city's standards are used.

Kurtz added that the urbanized area boundary fluctuates. The recent code revision added a definition of 'Federally recognized urbanized area' for clarity. The County could grant exceptions outside of the UGBs.

Wyse supported the PC's recommendation for a clear and objective pathway, while calling out other ways to be flexible. Wyse expressed frustration that the DEQ mandate impacts many County departments, but does not include or suggest sources of funding.

Verret stated that the item will return for Public Hearing on February 7, 2023.

V. Consent Calendar

5.1 In the Matter of the Following Road District Appointments:

Lee Ann Julson	**North F Street**
Beverly Kennedy	**Ridgewood Road**

5.2 In the Matter of Approving the January 3, 2023 Board of Commissioners Meeting Minutes

MOTION: Wyse moved to approve the Consent Calendar of January 17, 2023. Augerot seconded the motion, which **carried 3-0.**

Chair Malone recessed the meeting at 10:05 a.m. and reconvened at 10:13 a.m.

VI. New Business

6.1 Renewal of the 2023 Association of Oregon Counties (AOC) Membership Fees – *Joe Kerby, County Administrator*

Kerby asked whether the Board wished to pay $39,800.60 for 2023 AOC membership fees, and to pay $651.58 in voluntary assessment dues.

Responding to a question from Malone, Augerot noted that in recent years, the Board has not paid the County Forest Trust Lands counsel's voluntary assessment dues, some of which are directed towards lobbying and other State-level work that Benton does not necessarily support.

MOTION: Wyse moved to approve the 2023 Association of Oregon Counties membership fees of $39,800.60. Augerot seconded the motion, which **carried 3-0.**

6.2 American Rescue Plan Act (ARPA) Funding Review – *Rick Crager, Shurisa Steed, Financial Services*

Crager explained that the County received $18.1 million of ARPA funding in May 2021. Allowed areas of focus for the funding: response efforts to decrease the spread of COVID-19; $10 million to replace lost public sector revenue; support immediate economic stabilization for households and businesses; address systemic public health and economic challenges that have contributed to unequal impact on certain populations. Benton addressed the latter two through community grants. All funds must be obligated no later than December 31, 2024, although there are several more years to expend. So far, 51.29% of all funds have been expended. Of that, 52% ($9.5 million) was used for revenue replacement, 13% for negative economic impacts, 2% for public health response, and $1.6 million for water, sewer, and broadband. 24% of uncommitted funds ($4.2 million) are allocated to be granted to the community.

Under revenue replacement, $2,494,101 was allocated for facility remodels; $1,005,725 for program revenue support for Natural Areas, Parks & Events, Benton Area Transit, and Fleet Services (primarily external); and $4,250,000 for JSIP land acquisition. Other allocations included employee recognition, information technology upgrades, homelessness program support, and ARPA administration including Steed's position. Steed has helped with grant accountability and has established a stakeholder group.

The $1.6 million in the water, sewer, and broadband category was allocated to County Service District water/sewer infrastructure. An assessment identified $2.2 million in upgrades. Staff are prioritizing projects while seeking additional funding. Lobbying partner CFM Advocates believes the County has a strong case for State and Federal funding. Staff are pursuing the whole amount through State and Federal funding, not just the gap, as recommended by CFM.

Steed reviewed the 2022 distribution of $2.6 million to 19 community grants. If funding is not fully committed, the Board will consider funding additional Tier II awards. About 30% of granted funds are expended. Funds must be obligated by June 30, 2023. Steed is working with six programs that are on Finance's watch list for incomplete spending. The City of Corvallis is still working on its program budget and needs City Council approval, so the County has not expended those funds yet. Steed shared several program success stories.

Augerot suggested using success story photos in the County newsletter.

Crager noted that the $275,000 Corvallis Business Loan Program is the most concerning in terms of unexpended funds; this is partly due to staff turnover in the Corvallis-Benton County Economic Development Office (EDO).

Augerot asked if the County could take back and re-grant that funding.

Crager confirmed that was an option.

Augerot asked if the other 13 recipients were expending as expected.

Steed confirmed that most recipients were.

Kerby commented that Acting EDO Director Jerry Sorte would provide an update to the Board on January 24, 2023.

Crager suggested a deeper conversation in March 2023 if any organizations remain on the watch list, at which time the Board can consider other options. Staff will perform site visits in the next 30-60 days; Steed has developed an assessment plan.

6.3 Discussion Regarding Transition Planning for Carrying Out County Administrator (CA) Duties – *Joe Kerby, County Administrator; Tracy Martineau, Human Resources*

Kerby explained that last week he submitted his resignation and expects to depart the organization between March 10 and March 15, 2023. Each Commissioner had expressed interest to Kerby in appointing an Acting CA during recruitment for the CA position, and suggested candidates. Martineau has contacted those individuals.

Martineau explained that in 2017 it took six months from posting the CA position to hiring Kerby, and expected it to take four to eight months to fill the position if starting recruitment in February 2023. Martineau to discuss the search plan on an upcoming Board agenda.

Augerot felt the County was well positioned to recruit, thanks to Kerby and the leadership team. For about a year the Board has discussed hiring a Deputy County Administrator or similar role; Augerot recommended fleshing out that position fully before posting the CA position.

Wyse wondered if it would be more attractive for a CA candidate to be involved in creating the support position.

Augerot recommended having the position created and job description in draft form first, then allowing the incoming CA to make the hiring decision.

Kerby added that a draft Deputy County Administrator job description will be submitted to Human Resources (HR) today as a policy option package within the budget process.

Wyse would like the new CA to have some flexibility and input on the support position if desired.

Augerot and Malone concurred.

Kerby explained that the Assistant description is mainly needed as a budget placeholder and to allow HR to classify the position, with opportunities for adjustment later. This is repurposing a vacant position.

Malone opined the CA search should start as soon as possible, but not be limited to a certain fill date. Four to eight months seemed reasonable.

Wyse agreed, but stressed ensuring that candidates do not feel the County is taking too long to select.

Augerot agreed with Wyse and stated the position can say “open until filled.” Augerot asked if the County would use a search firm.

Martineau recommended doing so.

Kerby stated that staff plan to add recruitment for a regular full-time position to the agenda for the January 19, 2023 Board Meeting with the District Attorney and Sheriff. Kerby asked the Board's preference about appointing an interim CA.

Wyse's biggest concern was who could be pulled away from their department, what would happen to that department, and who could best oversee all departments. Wyse's expectations of the interim role would be keeping everything going and not adding new projects.

Augerot concurred, but also stressed keeping projects such as the JSIP bond measure and Benton County Talks Trash process underway. An additional candidate is Health Department Director Hoffman. Augerot regarded Hoffman's candidacy highly; Hoffman has worked with all departments and intends to retire in the near future.

Kerby was developing a transition list of projects. An internal candidate in an interim role would need to know clear expectations and how long the role would last. Kerby expressed confidence in the candidates suggested by the Board, but all are busy with department operations, large projects, and the budget process. The recommended budget is due March 15, 2023; Kerby can stay on long enough to provide input.

Responding to a question from Martineau, the Board confirmed a preference to appoint an existing department director as interim CA.

Martineau summarized that the Board emphasized maintaining momentum on key projects and initiatives, balancing competing department priorities, and capacity for additional workload. Martineau asked if the Board wished to discuss specific candidates now.

Malone felt conversations with Kerby about candidates should continue first.

Augerot stressed that six months or longer is a long time for a director to take away from core departmental responsibilities. Hoffman is leaving her role and has capable deputies prepared to take over during recruitment for her position. Duration of responsibility is a primary concern.

Wyse agreed. All suggested candidates could do the job. Wyse favored Hoffman if she is willing to stay a little longer; Health already has a transition plan. Wyse asked if Hoffman would serve in the interim role up to six months.

Kerby replied that Hoffman preferred three or four months and would go up to six months, but not longer. If Hoffman began as interim CA when Kerby left in mid-March, Hoffman could serve into early December 2023. All Commissioners felt the decision should be made no later than January 24, 2023, so that the interim CA can train with Kerby and get involved in the budget process.

The Board preferred to decide about an interim CA on January 19, 2023, not today.

Malone requested some discussion on January 19, 2023 of possible recruiting firms.

Martineau did not expect to have that information by then, but could discuss search criteria to identify a good partner.

Augerot asked if the cost of a hiring firm was low enough not to need a Request for Proposals.

Counsel replied that the County has solicited free price quotes in the past.

The Board did not feel a need to talk to any of the five internal candidates before the next meeting.

Wyse thanked Kerby for ensuring good employees through mentoring professional development, and encouraged employees to talk to their manager about concerns.

Augerot noted two upcoming "Joe with Joe" roundtables where staff could speak with Kerby.

6.4 Discussion and Approval of Letter of Support for Greenbelt Land Trust Regarding Community Paths Grant: Pathways for North Benton County Communities – *Joe Kerby, County Administrator*

Kerby noted that the year date on the letter should be corrected to 2023.

Malone explained this grant mainly supports a study for a bridge over Highway 99-West to connect Jackson-Frazier Wetlands to Owens Farm. Samaritan Health Services also owns property adjacent to Owens Farm.

MOTION: Wyse moved to approve the letter of support (with the date corrected) for Greenbelt Land Trust Community Paths Grant: Pathways for North Benton County communities. Augerot seconded the motion, which **carried 3-0.**

{Exhibit 4: Community Pathways Grant Letter of Support}

6.5 Renewal of National Association of Counties (NACo) 2023 Dues in the Amount of $1,712.00 – *Joe Kerby, County Administrator*

MOTION: Augerot moved to approve National Association of Counties dues in the amount of $1,712.00. Wyse seconded the motion, which **carried 3-0.**

Augerot noted that the County needs to provide NACo with an updated address.

{Exhibit 5: NACo Dues Invoice}

VII. Commissioner Updates

7.1 Pat Malone

Malone noted the retirement of George Looney, Public Works.

7.2 Xanthippe Augerot

Augerot shared copies of a new South Benton County newsletter from former Commissioner Anne Schuster, with an informational handout about the new South Benton Social Services Center. Available in Spanish and English, the newsletter is produced by the South Benton Advisory Committee associated with United Way. Schuster expressed interest in a short article about JSIP and the bond measure for the next issue.

Augerot expressed concern that Governor Tina Kotek's Declaration of Emergency on Homelessness did not include Benton, Linn, or Lincoln County. Augerot contacted Pegge

McGuire of Community Services Consortium (CSC), the Lincoln County Commissioners, Speaker Dan Rayfield, and Senator Sara Gelser Blouin, who are all concerned. The Lincoln Board wrote a letter to Kotek. Because Benton is included in the Rural Oregon Continuum of Care (COC), there was no data specific to Benton's needs. Augerot would like the Board to send a letter to Kotek protesting this approach.

Malone questioned the map used in the Declaration, which combined counties with small populations in central/eastern Oregon with the Willamette Valley group.

Augerot explained the map is based on Federal COCs. Augerot and CSC have been discussing Linn-Benton-Lincoln becoming an independent COC to align with Oregon Cascades West Council of Governments geography; this situation provides more impetus for that proposal. The Coastal caucus also sent Kotek a letter asking to be considered in the Declaration. Augerot can work with staff on a draft letter voicing the Board's concerns, to be discussed at the January 24, 2023 Board Meeting.

Wyse and Malone supported that suggestion. Malone would support a letter to Kotek about fixing the map and getting support to continue the Benton's work on homelessness issues.

Augerot noted that fixing the map is a separate process, but the Board can request a different approach to allocating the emergency resolution funds.

Wyse would like to thank Governor Tina Kotek for taking action, but provide Board feedback.

Augerot noted that the Board attended the Martin Luther King, Junior birthday celebration.

Wyse added that District Attorney John Haroldson and Sheriff also attended.

7.3 Nancy Wyse

No business was discussed.

VIII. Other

No other business was discussed.

IX. Adjournment

Chair Wyse adjourned the meeting at 11:41 a.m.

Nancy Wyse, Chair

Erika Milo, Recorder

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

MINUTES

Joint Meeting and Public Hearing of the ADAIR VILLAGE CITY COUNCIL and the BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, December 6, 2022, 6:00 PM

Present: **Nancy Wyse**, Benton Board Chair; **Pat Malone**, Benton Board Vice Chair; **Xanthippe Augerot**, Benton Commissioner; **Bill Currier**, Adair Mayor; **Aaron Fuller**, Adair Councilor; **Dawson Officer**, Adair Councilor; **Bret Ray**, Adair Councilor; **Vance Croney**, Benton Counsel; **Joe Kerby**, Benton County Administrator; **Pat Hare**, Adair City Administrator; **Darren Nichols, Greg Verret and Pat Depa**, Benton Community Development; **Maura Kwiatkowski**, Benton Meeting Recorder; **Jesse Ott**, Benton Natural Areas, Parks and Events

Guests: Matthew Allard, Gary Ashbaugh, Ken Funk, Millie Funk, Joel Geier, Andree Phelps, Tim Rist, Kenny Werth, John Wilson, Carrie Wright, Sean Ziniker

1. Joint Public Hearing in the Matter of the Proposed Adair Village Urban Growth Boundary Amendment

The Joint Public Hearing in the Matter of the Proposed Adair Village Urban Growth Boundary Amendment opened at 6:07 PM.

The Pledge of Allegiance was recited, and introductions were made.

Depa presented the staff report, which included an overview of the process that began in May 2022. [Exhibit 1] Many opportunities for public participation were conducted, including events, the website, newsletters, etc. Hare believes the jurisdictions made extraordinary efforts to encourage participation with anyone or any organization that might be impacted by the expansion of the Urban Growth Boundary (UGB), including the public, Oregon Department of Transportation (ODOT), Oregon Department of Land Conservation and Development (DLCD), Oregon State University, and school districts. Through this process, important relationships were developed. ODOT has indicated further traffic impact analyses would be required, and the ODLCD provided a letter of support for the UGB Expansion.

Depa reviewed the basics of a UGB Expansion and displayed an image of the 55-acre proposed expansion, which included the buildable lands inventory and population information. Depa

also reviewed the Land Need, which indicates a total land deficit of 17.8 to 26.7 acres to meet the 20-year requirement. Hare discussed the buildable land available and issues associated with infrastructure costs. He indicated the state had reviewed and approved the acreage numbers proposed. The proposal does includes land on the properties that is constrained, but there are specific reasons for the properties, including transportation connections and parks/open space.

In the past four years, in preparation for this possible UGB expansion, other measures were implemented, including Completed Comprehensive Plan Amendments; the adoption of a Transportation Systems Plan in 2019; development of a Trails Plan (Adair Village area) for completion in early 2023; creation of a new zoning district (R-4) for higher density housing projects (2021); ongoing upgrades the water treatment plant since 2009, and current construction of a new sewer treatment plant (2022).

Verret acknowledged Hare and Depa for their tremendous efforts, along with the consultant that supported the effort. Their work is reflected in the City and County Staff Reports. The Planning Commission held Work Sessions and Hearings. There was a fair amount of testimony received both written and orally; minutes and records are available. Verret reported that written testimony had been received within the last week. [Exhibit 2] Common issues in the public testimony include traffic safety both on Hibiscus and at the Highway 99W intersection; earthquake risk; impacts to wildlife and wetlands; and concern over the loss of farmlands.

The City and County Planning Commissions both deliberated separately, and the recommendation from both was to approve the UGB Amendment. A number of planning issues can be considered; minimum criteria (staff and Planning Commissions believe those have been met), as well as issues that still need to be addressed through other processes; for example, Highway 99W safety issues and the eventual need for a local elementary school.

Currier reviewed the process for questions and public comment and opened the floor for questions from the Benton Board and Adair Council.

Augerot noted the overwhelming amount of information. It is clear there is a significant demand for housing in Adair Village and huge demand for housing in this part of the valley. The UGB Expansion will not meet that need but will be a start. Augerot asked how quickly staff sees the start of actual development. Hare's goal is to see dirt moving by the spring or summer of 2024. This provides time for annexation; zoning; traffic analysis; wetland delineation; and working with fire, life, and safety staff. Augerot also asked about plans to address the Hibiscus Drive issues. Hare advised all current fire, life, and safety standards will be required. The fire chief is aware of these issues, and the required emergency access will occur. The city will ensure they will be working with professionals that design to today's standards for fire, life, and safety.

Currier invited public testimony.

Tim Rist: As a realtor, has seen many first time home buyers. Housing outside of Corvallis opens the opportunity for US Department of Agriculture financing, which supports home affordability. Rist supports the UGB Expansion and appreciates all of the efforts to date. Rist asked what consideration has been given to increased-density housing. Hare indicated that no zoning is associated with the UGB Expansion. The city has created various zones with varying densities; Hare looks forward to zoning that addresses the need for affordable housing.

Carrie Wright indicated a primary concern of annexation of the northeast property on Hibiscus, as there is one entry/exit on the property. Wright does not want people to get trapped there in an emergency, such as a wildfire. There was a fire on Newton Road caused by fireworks; worried about people who could have been trapped. The Fire Department arrived in time, and everything was okay; but Wright still worries about the potential danger.

Millie Funk asked about affordable housing plans; including the definition of affordable housing. Hare indicated the UGB Expansion is not an affordable housing plan; development is private land and market driven. Adair Village does not have funding for affordable housing, and the properties in question are private property. Funk noted that if the 31 acres are developed by 2024 or 2025, the city will need the additional 55 acres. Hare indicated that if all of the land were developed, the state would require Adair Village to conduct another UGB Expansion process. Funk asked about the source of the increased population projections that would require increased housing, since more people are dying and fewer are being born. What happens if the population projections are not realized? Hare noted that Benton County has one of the worst deficit of housing-to-population rates, and Adair must use the state's population projections. Funk asked about the number of housing units and lots; information is not available at this point. Hare reiterated that density will be defined with zoning and annexation; a model number is being used for the UGB Expansion process. Funk asked that if the process moves forward, will the public have any other opportunity input? Hare indicated yes; during the annexation and zoning process, as well as on the development proposal via the Planning Commission. Funk noted that affordable housing is not priced at $400,000.

Ken Funk: asked where to find information; Hare indicated it is posted on the Adair Village and Benton County websites. Funk asked about the type of development (residential, commercial, or industrial) being envisioned. Hare indicated this is a residential UGB Expansion. Hare indicated that commercial or light industrial could be possibly be considered, perhaps along Highway 99 after some buffer. The downtown core is where the city is planning commercial, light industrial, and mixed use residential/retail. Funk asked about the recent construction of the SERVPRO; Hare cited this as downtown mixed use. Funk asked about a signal at Arnold and Highway 99. Hare said this is currently unknown, and a traffic analysis required. Funk indicated living on Tampico Road; how will the rural quality of the area be impacted? Funk is concerned about traffic noise, light, and other issues that could substantially change the rural character of the area.

Matt Allard expressed his concerns, including emergency vehicle turnarounds. Allard thought this would have been addressed at the Calloway Creek area. Hare indicated the turnaround was professionally designed to today's standards. Allard would like to trust what is being said, but previous experiences make this difficult. Allard said there is no one in Adair Village who supports this expansion. Allard moved here for the rural area; not for this expansion; it does not feel good to him. Allard said the Cornelius property will be a very difficult property to build on; it is wetlands. Development would be a terrible disservice to homebuyers. Allard indicated he has watched the area since 2002. Does not know much about the south property; but as to the Cornelius property, is the small amount of developable land worth it? Allard believes it makes no sense to go through an R2 neighborhood to go to an R3 or R4. Does not see the benefit of developing that property; sees many downsides. Allard described a personal experience and indicated a daughter who passed away due to the time it took for emergency personnel to execute the vehicle turnaround. Even if the property is annexed into Adair Village to meet the acreage requirement, Allard does not believe it should be built upon and indicated his contractor father agrees.

Joel Geier, geologist, expressed several concerns about the expansion, including traffic safety issues. His neighbors have also commented with their concerns. Speaking to Allard's comments and based on his own community engagement experiences, 100 people signing a petition is a very significant. Geier wanted to focus comments on earthquake risks. The Planning Commissions did not see his comments due to their submittal near the deadline; Geier's comments are first being seen by this group. Geier believes staff assessments are overly optimistic. If an earthquake was centered in King's Valley (not that far away), such as at Commissioner Malone's farm, it would send waves that would strike Adair Village. The intensity of the shaking would be controlled by the shaking of sediments. Adair Village is sited on old lakebed sediments and a documented history of surface rupture, which will cause additional problems. There is a need for a more careful look. Geier would like to see the County conduct a proper analysis of earthquake risk. Geier recommended Dr. Chris Goldfinger at OSU, as well as other seismic experts, be consulted before moving ahead with the UGB Expansion. Geier was disturbed about staff's comments on this issue. Past practice is not a good guide for the future earthquakes. Geier noted the county does a good job on flood risks, but it needs to do a better job on earthquake risks and not simply "kick the can down the road."

Verret distributed the written testimony received. [See Exhibit 2]

Wyse: asked about ingress and egress: is that a condition of a UGB expansion? Hare indicated it is not a condition; the issue is addressed at development. Wyse then asked whether there is any criteria for UGB expansion to address earthquake risk. Hare indicated no. Verret reminded that the expansion process is a legislative process; and the process must comply with minimum criteria set by state rules and statutes. It is an opportunity for governing bodies to consider in totality what is being brought forward. Important factors include how the expansion fits into regional housing, transportation, and other factors. There is criteria that must be met. Wyse then confirmed they have discretion to consider other factors such as character of the area.

Verret clarified this is a legislative process; there is no applicant before the bodies. Jurisdictions can decide on a particular path, but the expansion does not have to be black and white to be approved.

Wyse noted it seems many concerns raised in testimony will be addressed in the future through annexation and development. Hare indicated yes; including the property with wetlands; the city will protect wetlands during the development process. Hare noted the city does not have a process that considers fault lines and is not aware of any city that has such a process. Hare acknowledged it is an important issue for homeowners, lenders, and insurance companies.

Augerot understands the inclusion of these properties will allow for Adair to meet the needs of its transportation plan; allow for connectivity that is not car based. In terms of emergency egress, the county has been very creative about dealing with the many landlocked communities. Could such paths be considered for emergency egress? Hare indicated yes. The field will also have several fire hydrant services to help the fire department access the site. Hare pointed out the city attempted to urbanize Newton and install fire hydrants; however, the attempt was blocked by a private property owner located outside of Corvallis. Hare believes the city will address such issues in the process via state statutes and building codes. Augerot reported that as a commissioner, she hears from business owners and local governments that they are unable to hire employees because people cannot find affordable housing and lose employees on a regular basis due to this issue. Augerot believes the UGB Expansion will help address this problem. Hare noted there are currently two houses for sale in Adair village. The Calloway Creek development has a waiting list of 40 people who want to purchase a home now. There is a huge demand for housing in this area, and the Cities of Philomath and Monroe are in the same situation.

Officer noted the city is working toward a road to connect Calloway Creek to Adair Village and asked how the timeline for that lines up with the expansion. Hare indicated very well. Hare also noted the road discussed by Augerot is more confirmation of what the city is doing. A developer could have built 250 homes on Santium Christian property for the last five years; there has been no development there because the city required a road from Riles to Vandenburg to William R. Carr. This could not be done because Santium Christian located a baseball field right on the property line. Santium Christian is now moving that field. A through road to provide connectivity of road would be a circle. A landowner to the north has already expressed interest. Officer asked what a conservation easement would like. Hare indicated the easement stays with the company; it allows the city to require a path on the private property that would save users a two-mile walk to access a city park.

Collier asked about the process before this UGB Expansion work began. Hare indicated Adair village has 1940s infrastructure. For the two projects being built, if the city were to complete the two projects right now at a cost of $10M each and passed that cost on current residents, the cost of water would be nearly $1,000 per month. With just the one development, the city only had to raise rates by $4 instead of $22. The cost of infrastructure is a significant concern for the

community. Also, Hare has heard from individuals about the importance of creating a sense of community. There was a vision amongst the community, including a small downtown. This next step in population will allow Adair to have the mixed use and local businesses the community wants. This could also include apartments or duplexes for OSU students with partners or families. Smaller communities near cities such as Corvallis and Albany need more population to sustain the community's local businesses.

Collier noted that people want to maintain the rural feel of the area while still having access to the amenities of a small town. Collier has also heard a great deal about traffic and how it relates to safety; for example, Hibiscus and the three-point turn. City code change would require a significant change. Regarding the downtown concept, a square area is formed by Arnold, Vandenburg, William R. Carr, and a small street at the heart of the town. People want basic local amenities to make Adair more self-sufficient, but they also want a certain amount of growth.

Malone indicated traffic concerns are important for him, and these have also been raised at the county level. Malone expressed concern about more people having to drive to work individually in vehicles and hopes transit efforts will increase to connect Adair to Corvallis, including multimodal paths. The UGB Expansion could be helpful for this in the future. Hare noted that with the UGB Expansion, the multimodal path was moved to the east side of Highway 99. Anything developed down Highway 99 will require a multimodal path. Hare also noted Adair has a robust bus system for a city of its size.

Collier formally the closed public hearing at 7:38 PM.

2. Adair Village City Council Meeting

2.1 Call to Order and Roll Call

Collier opened the Adair City Council meeting at 7:39 PM.

2.2 Consent Calendar

In the matter of the Consent Calendar regarding approval of bills and the minutes of the last meeting: Ray moved to approve payment of bills in the amount of $264,670.30 and minutes of the November 1, 2022 meeting; which was seconded by Officer and approved 4-0.

2.3 Proposed Amendment to the Adair Village Urban Growth Boundary

Ray moved to approve the Adair Village UGB Expansion, which was seconded by Officer and approved 4-0.

2.4 Adjourn/Recess

Collier recessed the Adair City Council meeting at 7:41 PM.

3. Benton County Board of Commissioners Meeting

3.1 Call to Order

Wyse called the Benton County Board of Commissioners meeting to order at 7:42 PM.

3.2 Direction as to Preparation of an Ordinance Regarding the Comprehensive Plan Amendment and Zoning Map Amendment Proposed in Legislative File No. LU-22-038

Wyse reviewed the options available to the Board: 1) direct staff to prepare an ordinance approving the UGB Amendment as proposed; or 2) direct staff to prepare an ordinance approving a modified UGB Amendment; or 3) reject the proposed UGB Amendment; or 4) choose to conduct deliberations at later date and make a decision at that time. Augerot and Malone indicated a desire to proceed with deliberations in the current meeting.

Wyse shared thoughts on the proposed UGB Amendment, with several questions to address. Is there a demonstrated need; yes. Is it warranted to expand around all 55 acres? Wyse expressed a preference for flexibility and strategic agility; it is unwise to have one landowner holding all options and prefers to include both parcels. Staff has indicated minimum criteria has been met. The Board of Commissioners' job is to take a regional approach and believes it can be argued this will help Benton County with housing needs. It is important, however to weigh the pros and cons of the potential loss of rural character.

Augerot agrees the Board must look countywide at economic, housing, environmental, and transportation systems. Regarding transportation and environmental, Augerot said there is a great deal to recommend in the proposal. There is a trail systems plan process and a recognition of the importance of adding park space, protecting open space for future generations, and a complete community thinking about a downtown. Augerot expressed support for bringing both properties into the UGB; the proposal presented is the right way to do it.

Malone appreciated thoroughness of the process and public input. Land use considerations should always be a factor; those considerations are evident in the information packet. Transportation systems, including alternative modes, is another important component. Malone believes the selected parcels make sense and that the necessary services have been considered.

Wyse cited housing and land use as important issues during her campaign for Commissioner. Although the county is not primarily responsible for housing, it is responsible for working with cities to position them to be able to address the need. Wyse expressed support of the ordinance.

Malone made a motion to direct staff to prepare an ordinance approving the Comprehensive Plan amendment and Zoning Map amendment proposed in legislative File

No. LU-22-038 with the two properties of approximately 55 acres total included. The motion was seconded by Augerot and approved by a vote of 3-0.

3.3 Adjourn

Wyse adjourned the Benton County Board of Commissioners meeting at 7:51 PM.

4. Adair Village City Council Meeting

The Adair City Council meeting resumed at 7:51 PM.

Depa and Hare advised that county staff would develop the ordinance as directed by the Board of Commissioners and have it brought back for approval.

Hare expressed thanks to Benton County staff for their years-long efforts, as well as those of the City Attorney and City Engineer, to make the UGB Expansion happen. Hare also thanked Benton County Administrator Joe Kerby.

Wyse thanked all the of community members who participated in the process. Collier also thanked everyone and noted the expansion document received positive response from various agencies. Collier also thanked all of the community members who participated in process.

Collier adjourned the Adair City Council meeting at 7:53 PM.

Nancy Wyse, Chair
Benton County Board of Commissioners

Bill Currier, Mayor
City of Adair Village

Maura Kwiatkowski
Benton County Recorder

PUBLIC HEARINGS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/07/23

View Agenda Tracker

Suggested Placement * BOC Tuesday Meeting

Department * Community Development

Contact Name * Greg Verret

Phone Extension * 6294

Meeting Attendee Name * Greg Verret (Community Development), Gordon Kurtz (Public Works)

Agenda Item Details

Item Title * Public Hearing and Potential First Reading of Ordinance 2023-0316 Amending the Stormwater Provisions of the Development Code

Item Involves * Check all that apply

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

Board/Committee Involvement *

- (•) Yes
- ( ) No

Name of Board/Committee Planning Commission

Advertisement *

- (•) Yes
- ( ) No

Names/Dates of Publications

List each publication name and date

12/19/2022

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The Board held a work session on this topic on January 17, 2023 to receive an update from staff regarding the Planning Commission hearing on this matter. The attached staff report reviews the proposed code and several areas the Board may wish to consider. Staff recommends adoption of the proposed code in order to meet the County's obligations under its permit with the Oregon Department of Environmental Quality.

Material from the 1/17 Work Session:
On January 3, 2023, the Planning Commission held a public hearing on the proposed amendments. The Planning Commission received testimony from one member of the public (a local real estate professional and member of the County's stakeholder group) who encouraged flexibility in how the stormwater requirements are implemented to reduce costs to property owners.

The Planning Commission discussed several aspects of the proposed code and ultimately voted to recommend adoption of the code as proposed by staff with one modification: Make clear in the code that flexibility and alternatives are available, and that a clear and objective pathway to compliance is also available. The PC was concerned about the cost to property owners and the administrative burden to the County of many more erosion and sediment control (ESC) permits and, especially, Post-Construction Stormwater permits (detention and treatment).

The Development Code provisions are intended to set out the regulatory framework for stormwater permits, while the implementation details (such as design requirements and options) are to be contained in the Stormwater Support Documents. These will be maintained by the County Engineer and be more adaptable over time than would Code provisions. The Stormwater Support Documents are intended to include alternatives and options to help reduce the cost of and need for stormwater detention and treatment on individual properties. Staff is adding language to the Code Amendments to more explicitly connect the Stormwater Support Documents to the Code and to state that the County Engineer has authority to interpret and apply the support documents in order to achieve stormwater objectives at least cost.

Staff will forward the revised code amendments and staff report to the BOC on January 24.

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

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

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

surface exceeding 10,580 square feet (one-quarter acre).

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

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

Fiscal Impact Description *

The mandated changes to the County's stormwater program will result in significantly more development projects being required to obtain erosion/sediment control permits, post-construction stormwater management permits, or both. This will increase time demands on permitting staff in Community Development and engineering staff in Public Works. Other staff in Community Development, Public Works, Environmental Health, and possibly other departments may see additional work. Materials preparation/distribution costs will likely occur, as well. Additional FTE will likely be necessary, and a budget proposal is being prepared for the 2023-25 biennial budget. Additionally, changes to the stormwater permit fees are being prepared and will be presented to the Board along with the ordinance for the code amendments.

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 Department of Environmental Quality rules require local jurisdictions such as Benton County to regulate stormwater to state and federal standards.

Values and Focus Areas

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

Core Values *

Select all that apply.

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

Explain Core Values Selections *

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

Focus Areas and Vision *

Select all that apply.

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

Explain Focus Areas and Vision Selection *

Stormwater runoff is a key component of water quality, a key environmental element. The stormwater regulations will affect many developers of land by requiring permits and implementation of water quality protection measures. This may increase the cost of housing and other development. Enabling flexibility in how the permit requirements are implemented may provide lower-cost alternatives for some properties.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Staff recommends adopting the proposed code amendments.

Meeting Motions * I move to ...

...enact Ordinance No. 2023-0316, amending the stormwater provisions of the Development Code, and conduct a first reading of the ordinance.

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.

LU-22-054 - BOC Staff Report - Final.pdf	503.19KB
Ordinance 2023-0316 Stormwater Development Code Amendments.docx	33.7KB
Ordinance 2023-0316 Stormwater Development Code Amendments.pdf	228.85KB
Ord 2023-0316 Exhibit 2 - Stormwater Code Amendments.pdf	331.71KB

Comments (optional)

Attached are:
1. Staff Report
2. Ordinance in Word format (in case modifications are needed)
3. Ordinance in PDF format
4. Exhibit 2 - text amendments (PDF format)

Exhibit 2 will need to be combined with the final version of the Ordinance.

If you have any questions, please call ext.6800

Department Approver

DARREN NICHOLS

1.

Department Approval

Comments

Signature

2.

Counsel Approval

Comments

Signature

3.

Finance Approval

Comments It's important to note that these decisions will have an impact on the 2023-25 budget which has not yet been proposed or deliberated. It would be important to be thoughtful on what fiscal requirements there will be through this action. The next biennium budget will have increased General Fund demands based on decisions to borrow funding for the Courthouse Project, so there may be limits on the resources available.

Signature

4.

County Administrator Approval

Comments

Signature

5.

BOC Final Approval

Comments

Signature

Benton County
COMMUNITY DEVELOPMENT DEPARTMENT

Community Development Department
Office: (541) 766-6819
4500 SW Research Way
Corvallis, OR 97333
co.benton.or.us/cd

STAFF REPORT TO THE BOARD OF COMMISSIONERS

PROPOSED ACTION:	**Amendments to Chapter 99 of the Benton County Development Code regarding stormwater management.**
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-22-054**

I. NATURE OF THE PROCEEDINGS

Benton County is required by the Oregon Department of Environmental Quality (DEQ) to modify the current regulations for managing the stormwater runoff associated with land development. The Board of County Commissioners initiated a legislative process on December 7, 2022, to consider such code amendments.

The County's review of legislative code amendments is not subject to the 150-day time limit that applies to application-driven (quasi-judicial) proposals. However, the terms of DEQ's permit issued to Benton County requires the new code provisions to be adopted by February 28, 2023. The Planning Commission held a public hearing on January 3, 2023, and voted to recommend approval by the Board of Commissioners, with one modification (addressed below). The Board of Commissioners conducted a work session regarding the code amendments on January 17, 2023, and will hold a public hearing on February 7. A first reading of the ordinance on February 7 followed by a second reading of the ordinance on February 21 will meet the DEQ deadline.

Notification of the proposed code amendment was submitted to the Oregon Department of Land Conservation and Development 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 interested parties and agency staff on December 14, 2022, and mailed notification to Oregon Department of Fish and Wildlife as required by BCC 53.615. The notice was also distributed to members of an advisory group that provided input to the development of the revised stormwater program and to participants in the Community Development Roundtable, hosted by the department. Additional outreach was distributed via social media.

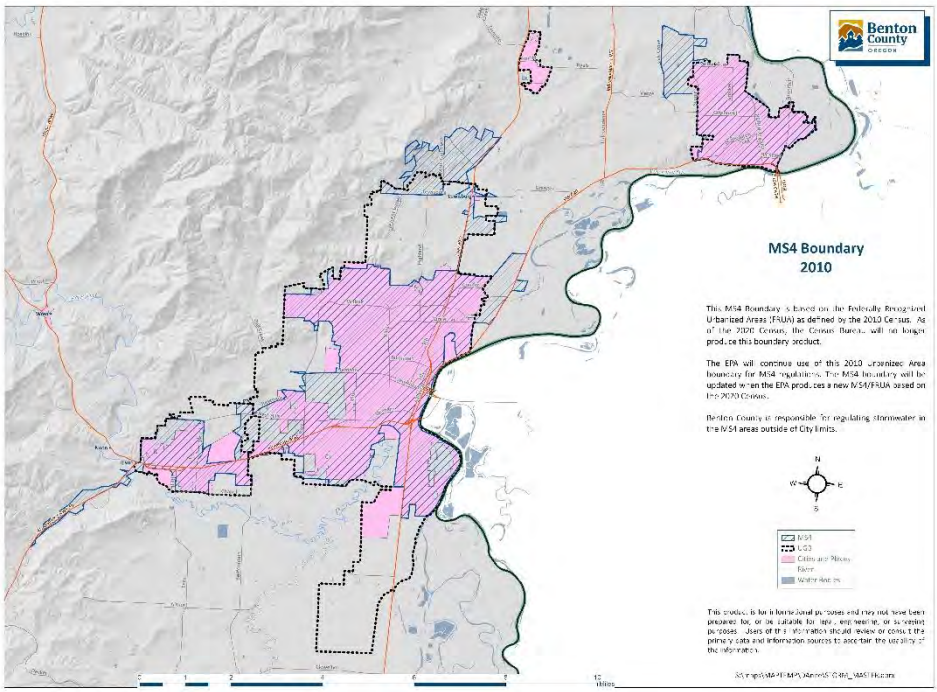
II. PROPOSED CODE

The primary elements of the proposed amendments are:

- Require an erosion and sediment control (ESC) permit for ground disturbance of ¼-acre or more associated with an activity under a Benton County permit. The current permit threshold is 1 acre or more.
- Require post-construction stormwater management (typically detention and treatment of runoff) for construction that will result in ¼-acre or more of impervious surface. Current threshold is 0.57 acre of impervious surface or 1 acre of ground disturbance. Will apply to all of unincorporated Benton County (currently limited to the Corvallis and Philomath urban fringe and Federal Urbanized Area).
- Add definitions for new terms.
- Require activities no longer covered by Oregon Forest Practices Rules to comply with County stormwater regulations.
- Remove design details from the code; reference a design manual/support documents.
- Require that treatment and detention for full buildout of subdivisions and partitions be addressed prior to platting.
- Modify the requirements for long-term maintenance of stormwater facilities to better ensure facilities' continued functioning, including requirement for maintenance agreements attached to the property deed.
- Revise enforcement procedures.
- Other modifications.

<u>Key Considerations</u>

1. Area of application. The core elements of these code amendments are mandated by DEQ, although the County has latitude regarding the procedures and mechanisms employed to review, permit and ensure long-term compliance. Benton County must apply the ¼-acre thresholds and the requirements for both erosion/sediment control (ESC) and post-construction stormwater management (PCSM) to the area designated by DEQ/EPA as the Municipal Separate Storm Sewer System (MS4). The areas in blue hatch on the map at right are Benton County's MS4. The MS4 is based on the census-defined "Urbanized Area" of higher population density around the cities of



Corvallis, Philomath and Albany. Early in the process of developing County implementation measures for the new DEQ permit, the decision was made to apply the ESC and PCSM measures county-wide rather than only in the MS4 area. This was done because a) the MS4 is a boundary that is set by other entities and is likely to change in the near future; b) risk of confusion or error is reduced; c) EPA is in the process of modifying regulations in a way that will likely require application of the stormwater regulations to the entire county.

In summary, the core mandate from DEQ is to apply the ESC and PCSM requirements to the MS4 area. The County has latitude as to how it applies the ESC and PCSM requirements outside the MS4 area. For consistency and ease of understanding, staff proposes applying the same requirements county-wide—with one exception: agricultural buildings (see below).

2. Agricultural practices. Consistent with the DEQ permit, the proposed code exempts farm practices from needing to obtain ESC or PCSM permits. The impervious surface created by agricultural buildings, however, is not exempted by the DEQ permit. Many farms would reach the ¼-acre threshold of impervious surface through the combination of barns, sheds, equipment storage, processing facilities, etc. Requiring stormwater detention and treatment on farms presents challenges. Unlike residential or commercial construction where stormwater detention and treatment would represent a marginal increase in the investment in (and expected return from) the construction, farm buildings are typically lower cost and so requiring stormwater infrastructure would represent a significant additional cost to construction. Additionally, farms are typically large acreages where the land itself buffers the impact of runoff. Through discussion with DEQ, an alternative was identified: agricultural structures located outside the MS4 area could be exempted. The MS4 is the higher-density areas; farm buildings outside this area are likely to be on larger properties that can better buffer stormwater runoff. The draft code would exempt (from the detention and treatment requirements) buildings used exclusively for agricultural purposes when they are located outside the MS4.

3. Forest practices. Timber harvest and related commercial forestry activities are exempt from the stormwater requirements by state rules when they are covered by Oregon Forest Practices Rules. However, how such land is addressed once it is no longer covered by the forest practices rules is up to the County to decide. In the past, the absence of clear guidance in the Development Code has caused confusion and created situations where significant erosion and downstream impacts were possible when a timber harvest site in a rural residential zone was planned for residential development and emerged from the jurisdiction of the forest practices rules but was not clearly covered by Benton County's ESC rules. Proposed language in Sections 99.660(4) and 99.670(3)(b) would address this issue.

4. Alternatives to detention and treatment. Planning Commissioners expressed concern about the cost to property owners and the administrative burden to staff of having many more construction projects trigger a requirement for detention and treatment of stormwater. The Planning Commission's recommendation was to make clear in the code that flexibility and alternatives are available but that a clear and objective pathway to compliance is also available.

The Development Code provisions are intended to set out the regulatory framework for stormwater permits, while the implementation details (such as design requirements and options) are to be contained in the Stormwater Support Documents. These will be maintained by the County Engineer and be more adaptable over time than would Code provisions. The Stormwater

Support Documents are intended to include alternatives and options to help reduce the cost of and need for stormwater detention and treatment on individual properties. The proposed code amendments now, in Section 99.655, explicitly connect the Stormwater Support Documents to the Code and state that the County Engineer has authority to interpret and apply the support documents in order to achieve stormwater objectives at least cost. In addition to optional alternatives, the Support Documents will also provide a prescriptive path to compliance that is a clear and objective application of stormwater design principles.

5. Cumulative impervious surface. Benton County's permit from DEQ requires the County to ensure stormwater detention and treatment if impervious surfaces on a site total ¼-acre or more, but is not clear as to how that total should be calculated over time as impervious surfaces on a site accumulate. The draft code addresses this in Section 99.670(3)(a)(A)(iii) by specifying that all impervious surface established cumulatively since March 1, 2023 (the effective date of the DEQ permit requirement) be included.

6. Subdivisions and partitions. DEQ requires that all ground-disturbing activity that falls under a "common plan of development" be addressed as a whole. For a subdivision, road construction prior to final platting should be considered together with construction of houses and other impervious surfaces that occurs after platting on the resulting lots. In Section 99.670(4)(b), the draft code requires that all impervious surfaces related to full buildout (roads and other infrastructure as well as homes and related construction) must be factored into the design and construction of stormwater detention and treatment, and that the assumed area of impervious surface on individual properties used in designing the treatment/detention must be made binding limitations on the individual properties. This provision has been drafted by Benton County staff as a way to ensure compliance with the intent of the DEQ permit; the specific mechanisms are not specified by DEQ.

7. Long-term maintenance. DEQ requires that stormwater detention and treatment facilities continue to function over the long term, but does not specify how the County ensure that. In Section 99.670(6), the draft code revises the provisions for maintenance by requiring that property owners with detention/treatment facilities enter into a long-term maintenance agreement. The agreement document has been drafted based on example from several Oregon cities that have been implementing the impervious surface requirements for a number of years. The maintenance agreement document is not contained in the code, but the draft code authorizes the agreement document to include several elements. Critical among these is that the owner is responsible for maintenance and repair; that the County can repair and bill the owner; that unpaid bills can become a lien on the property; and that the maintenance agreement shall run with the land as a covenant binding on future owners.

8. Enforcement. The revisions to 99.680 would delete several paragraphs as those step-by-step enforcement provisions are now contained in the recently updated Chapter 31 of the Benton County Code, which is the County's general Code Enforcement code. However, some provisions specific to stormwater are appropriate to maintain in Chapter 99.

9. Implementation. The Development Code amendments are only one piece of implementation. Staff from Community Development, Public Works, Environmental Health, and others, are developing information for the public, review procedures, and the design manual and related support documents referenced in the Code. While not the subject of this public hearing, these

other elements of implementation are critical and if the Planning Commission has questions or suggestions staff welcomes them.

III. WRITTEN TESTIMONY

No written testimony had been received as of January 24, 2023.

IV. 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 modified requirements coming to Benton County from DEQ pursuant to the Federal Clean Water Act. The Board of Commissioners initiated these text amendments on December 7, 2022. This staff report constitutes the background report discussing the justification for the proposed amendment.

On January 3, 2023, the Planning Commission voted to forward 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.

V. COMPREHENSIVE PLAN POLICIES

The following polices from the Benton County Comprehensive Plan relate to stormwater management.

Air, Water & Land Resource Quality – General Policies

6.1.7 Benton County shall consider the physical capacity of the land and water to accommodate land uses when planning for the location, type, and density of rural development.

Findings: Limiting erosion and sediment delivery from construction sites, minimizing impervious surfaces and requiring retention and treatment of stormwater from impervious surfaces are measures taken to help maintain runoff within the quantity and quality parameters that can be accommodated by the county's lands and waters.

6.1.8 Benton County shall place a high priority on public education and enforcement related to environmental rules and regulations.

Findings: Separate from but associated with these code amendments is a public information campaign to provide property owners and contractors with information regarding the stormwater requirements. Enforcement of the revised regulations will be facilitated by revisions to Chapter 31 (Enforcement) of the Benton County Code that were enacted in 2022 for the specific purpose of enabling better compliance with DEQ's stormwater requirements.

Air, Water & Land Resource Quality – Water Resources

6.2.4 Benton County shall place a high priority on maintaining natural systems and processes as a biological method for maintaining and protecting clean water.

Findings: See Findings relating to Policy 6.1.7.

6.2.5 Benton County shall collaborate with others to promote watershed management practices that protect and enhance water quality and quantity.

Findings: The regulations (represented by the code amendments) and their implementation is only one element of the County's stormwater management plan and, more broadly, the County's water quality program (TMDL plan). These broader programs include the types of collaborations described in the policy. Additionally, there may be opportunities under the topic of low-impact development (LID), underground injection, or other methods to reduce effective impervious surface area by collaborating with state agencies, watershed councils or the soil and water conservation district. These actions would occur through implementation of the Stormwater Support Documents, and the Development Code amendments allow the flexibility in the application of the Support Documents to facilitate creative, collaborative approaches.

6.2.6 Benton County shall require development to be designed or located in a manner that will result in no net degradation of water quality and quantity.

Findings: The proposed amendments significantly elevate the County's means to meet this policy objective by requiring, for many developments, that stormwater that leaves a developed site does so at the rate and with the water quality that it naturally would.

6.2.10 Water resources shall be managed wherever possible on a watershed or landscape scale to assure continuity and integrity of practices to the waterway.

Findings: The proposed regulations would apply county-wide, which is more of a landscape approach than if they applied only within the MS4 area.

Public Facilities & Services – Storm Drainage

11.4.1 Benton County shall require proposed developments to address on-site and off-site stormwater runoff to minimize impacts to downstream properties.

Findings: The proposed amendments enhance the County's ability to meet this policy objective.

11.4.2 Benton County shall use watershed management strategies and green infrastructure to reduce stormwater impacts, by utilizing and enhancing natural drainage systems, in order to ensure a healthy environment and minimize the risk of flooding.

Findings: The Stormwater Support Documents will encourage low-impact development and other more natural methods to reduce stormwater runoff, as an alternative to constructing detention and treatment facilities. However, even such constructed facilities will include natural features such as a bio-swale or other landscape features.

11.4.3 In coordination with the cities of Corvallis and Philomath, Benton County shall develop a stormwater management plan for the unincorporated portion of the Corvallis Federal Urbanized Area that is consistent with state and federal guidelines; and, where appropriate, Benton County shall develop similar plans, or elements thereof, for other areas of the county.

Findings: The County has developed such a stormwater management plan. The proposed code amendments are a required adaptation of that plan to reflect changing regulatory and landscape conditions.

VI. RECOMMENDED ACTION

Staff recommends that the Board of Commissioners adopt the proposed code amendments and conduct the first reading of the ordinance.

VII. MOTIONS

Option A:

A. I move to enact Ordinance No. 2023-0316, amending the Development Code regarding stormwater, and conduct a first reading of the ordinance.

Option B:

B. I move to reject the code amendments relating to stormwater.

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY
STATE OF OREGON

In the Matter of Amending the Benton	**)**	**ORDINANCE**
County Development Code Chapter 99,	**)**	
Regarding Stormwater.	**)**	**No. 2023-0316**

WHEREAS:

Pursuant to the National Pollution Discharge and Elimination System (NPDES) and in order to comply with the terms of the NPDES permit issued to Benton County by Oregon Department of Environmental Quality (DEQ), the County is required to implement a permit program for erosion and sediment control from construction sites and implement requirements for long-term, post-construction management of stormwater from developed sites.

The amendments contained in this ordinance will establish partial compliance with the NPDES permit.

Benton County Comprehensive Plan policies direct the County to require development to be designed or located in a manner that will result in no net degradation of water quality and quantity.

Benton County supports lower-cost solutions to traditional infrastructure where such alternative solutions will achieve stormwater quantity and quality objectives.

The Benton County Planning Commission held a duly advertised public hearing on January 3, 2023, 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 February 7, 2023, 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 February 7, 2023.

The Board of Commissioners conducted the Second Reading of the proposed Ordinance on February 21, 2023.

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 Stormwater.

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-22-054 are hereby approved, based on the Findings and Conclusions contained in the attached "Exhibit 1" and hereby adopted and incorporated herein.

PART IV. Chapter 99 of the Benton County Development Code is 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: February 7, 2023

Second Reading: February 21, 2023

Effective Date: March 23, 2023

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BENTON COUNTY BOARD OF COMMISSIONERS

Pat Malone, Chair

Xanthippe Augerot, Vice Chair

Nancy Wyse, Commissioner

Approved as to Form:

Vance M. Croney, County Counsel

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.

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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 modified requirements coming to Benton County from DEQ pursuant to the Federal Clean Water Act. The Board of Commissioners initiated these text amendments on December 7, 2022. This staff report constitutes the background report discussing the justification for the proposed amendment.

On January 3, 2023, the Planning Commission voted to forward 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 requirements of the Development Code have been met.

Exhibit 2

Amendments to Chapter 99, Benton County Development Code
File No. LU-22-054

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

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY
STATE OF OREGON

In the Matter of Amending the Benton County Development Code Chapter 99, Regarding Stormwater.	)))	**ORDINANCE** **No. 2023-0316**

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Benton County Comprehensive Plan policies direct the County to require development to be designed or located in a manner that will result in no net degradation of water quality and quantity.

Benton County supports lower-cost solutions to traditional infrastructure where such alternative solutions will achieve stormwater quantity and quality objectives.

The Benton County Planning Commission held a duly advertised public hearing on January 3, 2023, 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 February 7, 2023, 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 February 7, 2023.

The Board of Commissioners conducted the Second Reading of the proposed Ordinance on February 21, 2023.

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

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First Reading:	February 7, 2023
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BENTON COUNTY BOARD OF COMMISSIONERS

Pat Malone, Chair

Xanthippe Augerot, Vice Chair

Nancy Wyse, Commissioner

Approved as to Form:

2-2-23

County Counsel

Exhibit 1

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

DEVELOPMENT CODE PROVISIONS FOR TEXT AMENDMENTS

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Findings: The Board of Commissioners finds that the proposed text amendments are necessary to address changing conditions, namely the modified requirements coming to Benton County from DEQ pursuant to the Federal Clean Water Act. The Board of Commissioners initiated these text amendments on December 7, 2022. This staff report constitutes the background report discussing the justification for the proposed amendment.

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Conclusion: The requirements of the Development Code have been met.

Exhibit 2

Amendments to Chapter 99, Benton County Development Code
File No. LU-22-054

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

STORMWATER MANAGEMENT

99.650 Definitions. As used in BCC 99.650 through 99.680:

(1) **"BMP"** means best management practices.

(2) **"Certified Erosion Control Professional"** means a person certified as required by Oregon Department of Environmental Quality in any of the following program areas:

(a) Certified Professional in Erosion and Sediment Control (CESCL)

(b) Certified Professional in Storm Water Quality (CPSWQ)

(c) Certified Inspector of Sediment and Erosion Control (CISEC)

(d) Washington State Certified Erosion and Sediment Control Lead (CESCL-WA)

(e) Rogue Valley Sewer Services Erosion and Sediment Control Certification.

(3) "**Common plan of development or sale"** means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. Examples include a subdivision or partition, but range far beyond; further examples are included in the Stormwater Support Documents.

~~(1)~~(4) **"County Engineer"** means the County Engineer or the authority designated by the Public Works Director.

~~(2)~~(5) **"Disturbed Area"** means land area subject to ground-disturbing activities.

(6) **"Erosion and Sediment Control (ESC) Plan"** means a plan which fully indicates necessary land treatment and structural measures, including a schedule of the timing for their installation which will effectively minimize soil erosion, sedimentation, and non-storm water construction related discharges.

~~(3)~~(7) **"Ground-disturbing Activity"** means an activity that exposes, works or redistributes soil, including but not limited to excavating, filling, stockpiling, grading, grubbing, or clearing to bare earth.

~~(4)~~(8) **"Impervious Surface"** means a surface that prevents or impedes stormwater from infiltrating the soil, and includes but is not limited to such elements as roads, driveways, parking lots, walks, patios, and roofs. Compacted gravel, asphalt and concrete surfaces are all considered impervious.

~~(5)~~(9) **"Interim control measures"** mean short term erosion and sediment control practices to remedy immediate issues as deemed necessary by Benton County.

~~(6) **"Manual"** means the required erosion and sediment control measures designated in the "Benton County Stormwater Management Guide" or its successor document.~~

(10) "**MS4**" means the Municipal Separate Storm Sewer System area designated for Benton County by the U.S. Environmental Protection Agency and the Oregon Department of Environmental Quality.

~~(7)~~(11) **"Non-structural Controls"** means long-term stormwater management techniques and installations that do not include constructing facilities or other stormwater infrastructure; examples include natural drainage, bio-swales, and vegetation preservation.

~~(8)~~(12) **"Responsible Party"** means the party who shall be legally responsible for compliance with the requirements of BCC 99.650 through 99.680. The responsible party shall be the owner of property upon which ground disturbing activities occur, even if the property owner designates others to perform work on the property owner's behalf. In the case of activities performed within an easement or right-of-way, the person causing the work to be performed shall be the responsible party.

(13) **"Stormwater Support Documents"** means the following Benton County documents: Stormwater Management Plan (SWMP), the Best Management Practices (BMP) Manual and Appendices and the Stormwater Design Manual, or successor documents.

~~(1)~~(14) **"Structural Controls"** means constructed or pre-fabricated systems or facilities and other infrastructure related to long-term stormwater management.

[Ord 2011-0240]

99.655 Stormwater Support Documents

(1) The Stormwater Support Documents (SSD) shall contain the detailed design, review and implementation guidelines for implementing BCC 99.660 through 99.680.

(2) The County Engineer shall:

(a) Have authority to interpret and apply the SSD;

(b) Develop and maintain the SSD in a manner that:

(A) Ensures that ESC and Post-Construction Stormwater Management are implemented consistent with the requirements of the Oregon Department of Environmental Quality;

(B) Provides applicants with a clear and objective path to compliance and, where possible, alternative options that may involve the exercise of interpretation and judgment by the County Engineer. The goal of such alternative options is to achieve the purposes identified in BCC 99.660(1) and 99.670(1) at lower cost and/or with less need for construction or long-term maintenance, and may include but are not limited to:

(i) Methods to reduce effective impervious surface and thereby avoid the need for a Post-Construction Stormwater Permit;

(ii) Methods that require less or no engineering

99.660 Erosion and Sediment Control

(1) **Purpose:** The purpose of this section is to:

(a) Preserve and enhance the health, safety, welfare, financial investment in public and private infrastructure, private property value, and the quality of life of the inhabitants of Benton County by minimizing the risk of flooding, erosion, sedimentation, and other stormwater impacts; and

(b) Maintain or improve water quality within Benton County as required under State and

Federal National Pollution Discharge Elimination System law.

(2) **Applicability.** The provisions of this section shall apply to all unincorporated areas of Benton County.

(3) **Activities Requiring Erosion and Sediment Control Permit.**

(a) The responsible party shall obtain an Erosion and Sediment Control (ESC) Permit from Benton County prior to initiation of ground-disturbing activities ~~(except those activities listed in (4) below)~~, if both (A) and (B) are met. Ground-disturbing activities listed in subsection (4) of this section are exempt from ESC permitting requirements.~~:~~

(A) The ground-disturbing activities are associated with:

(i) Construction or land uses that require a permit or other review by Benton County; and

(ii) any of the following:

(a) Construction of a public or private road, driveway, or structure; or

(b) Site preparation, associated installations (such as a septic system drainfield, ground-source heat pump, or tennis court), landscaping, and other ground-disturbing activities related to such construction.

(B) The total area disturbed will be~~:~~ 0.25 acre (10,890 square feet) or more.

~~(i) 10.25 acre (10,890 square feet) or more; or~~

~~(ii) Less than 1 acre if the ground-disturbing activity is part of a larger common plan of development or sale that will involve a total disturbed area of 1 acre or more. An ESC Permit may be waived for a phased activity in which the cumulative disturbed area is 1 acre or larger if all individual phases disturb less than 1 acre of land and each phase is fully and permanently stabilized prior to initiation of ground disturbance on a subsequent phase.~~

(b) All activities shall comply with the Benton County Illicit Discharge Detection and Elimination Code, whether or not the activity requires an Erosion and Sediment Control Permit.

(c) The responsible party shall also comply with other local, state and federal erosion control regulations that may apply. Ground disturbance that is part of a common plan of development is required to comply with DEQ permitting even if the ground disturbance alone is below the threshold for requiring a Benton County ESC Permit.

(4) **Exempt Activities.** The following activities are exempt from the permit requirement in subsection 3(a):

(a) Accepted farm practices~~;, not including~~

~~(a)~~(b) ~~c~~Construction of ~~-~~buildings used exclusively for agricultural purposes and located outside the MS4. The applicant shall demonstrate to the satisfaction of the Planning Official that the structure will be used only for agricultural purposes. The Planning Official may require a deed restriction acknowledging and notifying future property owners of the limitation on use of the structure;

~~(b)~~(c) Forest practices performed pursuant to the Oregon Forest Practices Rules. Upon completion of such forest practices or expiration of Forest Practices authorization, a Benton County ESC Permit is immediately required unless the land has been replanted at stocking levels consistent with Oregon Department of Forestry standards;

~~(c)~~(d) Excavations for gas or oil facilities for which the operator demonstrates compliance with 40 CFR §122.26;

~~(d)~~(e) Emergency measures to protect life, property, public infrastructure, or essential services, in which case an ESC Permit shall be obtained as soon as possible after-the-fact;

~~(e)~~(f) Mining activities performed pursuant to applicable state permit requirements.

(g) Activities, conducted by public agencies, that meet or exceed state or federal standards for erosion and sediment control.

(h) Vegetation removal and associated activities as necessary to establish a 30-foot fire break around existing structures.

~~(f)~~(i) Removal of invasive vegetation, provided the area of removal is re-established in non-invasive vegetation within one year.

(5) **Permit Application.** The applicant and/or responsible party shall submit the following:

(a) Erosion and Sediment Control Application form;

(b) Erosion and Sediment Control Plan demonstrating compliance with the requirements of this section and the applicable provisions of the Stormwater Support Documents. The plan shall be prepared by a certified erosion control professional, as defined in 99.650~~n individual(s) with sufficient erosion and sediment control training and qualification to design an erosion and sediment control plan compliant with this code section~~. The Erosion and Sediment Control Plan for a disturbed area of more than 5 acres shall be prepared by a licensed engineer with relevant experience, or an Oregon Certified Professional in Erosion and Sediment Control.

(c) A site plan and brief description of the proposed practices to retain sediment on the site, including sediment basins and silt traps, and a schedule for their maintenance. The location and a brief description of the surface runoff and erosion control practices to be implemented in compliance with the Stormwater Support Documents.

(d) The County Engineer may require submittal of a pollution prevention and protection plan, including but not limited to construction material and waste management practices to be used, temporary borrow, stockpiles and waste disposal areas, temporary debris and garbage disposal, and chemical/fuel storage areas.

~~(e)~~(e) Fee(s) established by the Board of County Commissioners;

~~(d)~~(f) Other documents deemed appropriate by the County Engineer and/or Planning Official.

~~(1) **Level of Potential Impact**~~

~~(e) The required erosion and sediment control Best Management Practices (BMPs) shall correspond to the level of potential impact of the proposed project as determined using~~

~~the following table. The County Engineer and/or Planning Official may require a different level of erosion and sediment control due to factors including but not limited to: proximity to known landslides, steep slopes in the vicinity, and protected conservation areas.~~

~~(f) Unless determined otherwise by the County Engineer and/or Planning Official, the column with two or more checks shall be the required level of erosion control, and in the case of one check in each column, the medium level shall be required. A subdivision shall require a "high" level of erosion control, unless deemed otherwise by the County Engineer.~~

~~(g) The categories of Low, Medium and High correspond to required BMPs listed in the "Benton County Stormwater Management Guide" or its successor document.~~

Site Conditions	Required Level of Erosion Control:		
	Low	Medium	High
Distance between the work site and the nearest Sensitive Area down-slope or at the same elevation. Sensitive Areas include: (a) Wetlands identified on a National, State or Local Wetland Inventory, or identified as Potential Wetland on Benton County's wetland reference map; (b) Stream Channel top of bank; (c) Riparian Area protected pursuant to Development Code provisions; (d) Upland Prairie and Oak Savannah protected pursuant to BCC Chapter 88; (e)(a) Potential Habitat for Fender's blue butterfly as identified in the	More than 300 feet	100 to 300 feet	Within 100 feet
Average slope across the disturbed area.	0 to 3.9 percent	4 to 10 percent	More than 10 percent
Erodibility of predominant soil type, determined from NRCS Soil Survey of Benton County, Oregon (or successor document)	Low Erodibility (K value <0.24)	Medium Erodibility (K value 0.24 to 0.40)	High Erodibility (K value > 0.40)

(2)(6) **Permit Review and Approval.**

(h)(a) An Erosion and Sediment Control Permit may be issued upon determination by the County Engineer that the submitted materials demonstrate compliance with the Stormwater Support DocumentsManual and the applicable Best Management Practices (BMPs) identified pursuant to Section (6). To address specific conditions of a given site, tThe County Engineer may require additional or modified BMPs. to address specific conditions of a given site, including but not limited to proximity to known landslides, steep slopes in the vicinity, and protected conservation areas (including but not limited to wetlands, streams/rivers, protected species

habitat).

~~(i)~~(b) Issuance or denial of an Erosion and Sediment Control Permit is not a land use decision and is not subject to the requirements of a land use decision including but not limited to BCC 51.535, BCC 51.605 through 51.625, and BCC 51.805 through 51.840.

~~(3)~~(7) **Permit Period of Validity; Renewal.**

~~(j)~~(a) An Erosion and Sediment Control Permit shall be valid for up to ~~one~~two years from the date of issuance for specified approved activities.

~~(k)~~(b) The responsible party shall request permit renewal if final inspection approval pursuant to subsection (1~~1~~2) of this section has not been obtained prior to expiration of the permit.

~~(l)~~(c) Expiration of an ESC Permit that has not received final inspection approval shall be considered a violation of this code pursuant to BCC 99.680.

~~(m)~~(d) Permit Renewal: The responsible party shall submit a permit renewal application form and fee at least 30 days prior to expiration of the current permit. The County Engineer or Planning Official shall review the request and the current status of erosion and sediment control at the site and shall approve the request if conditions are substantially consistent with the original Erosion and Sediment Control Plan. If the County Engineer or Planning Official determines that conditions have changed such that the original Erosion and Sediment Control Plan no longer adequately addresses erosion and sediment control needs, the responsible party shall within 14 days of such determination submit the application and materials for a new Erosion and Sediment Control Permit.

~~(6)~~(8) **Permit Extension.** If, during the first 23~~11~~ months after issuance of an ESC Permit no ground disturbance has occurred and no County site inspections have been performed, the permittee may submit written request for an extension of the period of validity. Such request shall be submitted 30 days prior to the expiration date of the ESC Permit. There will be no fee for such an extension. The County Engineer or Planning Official may grant a one-time extension for up to one year, but shall not approve an extension if the conditions of the permit or of this code section are being violated.

~~(7)~~(9) **Transfer of Ownership.** Permits are non-transferable. The transfer of a property to a new owner requires that a new permit be obtained prior to the initiation or continuation of ground-disturbing activities, even though said activities may have been authorized under the permit approved for the previous owner.

~~(4)~~(10) **Implementation Requirements.**

(a) ~~Erosion and Sediment Control Plan approval is required prior to clearing or grading.~~ No ground disturbing activity requiring an Erosion and Sediment Control Permit shall be undertaken prior to ~~County~~ approval and issuance of ~~the~~ a Benton County Erosion and Sediment Control Permit.

(b) In cases where erosion or sedimentation is occurring due to ground-disturbing activities, the responsible party shall immediately install interim control measures to stabilize the condition and minimize sediment leaving the site. Within 5 working days of the responsible party or -those working on behalf of the responsible party becoming aware of the erosion, the responsible party shall provide for County review new plans, or revisions to existing plans, that –demonstrate adequate erosion and sediment control. Upon County approval of the plans, the new measures described shall be immediately implemented.

(c) The responsible party shall ensure that:

(A) The provisions of the Erosion and Sediment Control Plan are implemented prior to any ground disturbance and maintained in compliance with the issued permit~~in a timely manner~~;

(B) No visible or measurable amount of sediment has entered, or is likely to enter, the public stormwater system and surface waters;

(C) During active construction in rainy weather, a ~~qualified~~ certified erosion control professional~~individual~~ shall ~~daily~~ inspect erosion and sediment control measures daily and shall ensure the control measures are maintained, adjusted, repaired and/or replaced so that they function properly without interruption, and shall ensure that immediate action is taken to correct any deficiencies.

(D) Eroded sediment shall be removed immediately from pavement surfaces, off-site areas, and from surface water conveyances, including storm drainage inlets, ditches and culverts. In the event that sediment enters a wetland or stream, the responsible party's qualified designee shall immediately contact Benton County Public Works.

(E) Water containing sediment shall not be flushed into the storm water management system, wetlands or streams without first passing through an approved sediment filtering facility, device, or other County approved structure.

(F) When required by Benton County, the responsible party shall maintain

written records of all site inspections of erosion and sediment control measures. These shall be provided to the County upon request.

(G) Inspections by Benton County to certify that measures are installed in accordance with the Erosion and Sediment Control Permit shall be requested by the responsible party at the times specified in the Erosion and Sediment Control Permit.

~~(5)~~(11) **Inspections by Benton County; Right of Entry.**

~~(d)~~(a) Benton County will perform the following inspections pursuant to an issued Erosion and Sediment Control Permit:

(A) An initial inspection of installed erosion and sediment control BMPs prior to any ground disturbance;

(B) Interim inspections as deemed necessary by the County.

(C) A final inspection, to verify completion of all erosion and sediment control BMPs, permanent stabilization of the site, and the required clean up of erosion and sediment control materials.

~~(e)~~(b) The responsible party shall obtain inspections from the County as specified in the Erosion and Sediment Control Permit and shall take immediate action to correct any deficiencies noted by the County.

~~(f)~~(c) The County may enter property at any time to investigate compliance with the requirements of this Code.

~~(8)~~(12) **Correction of Ineffective Erosion and Sediment Control Measures.** If the facilities and techniques approved by the Erosion and Sediment Control Permit are not effective or not sufficient to meet the purpose of this section, Benton County may require the following. Failure to make required corrections in a timely manner shall be a violation subject to BCC 99.680.

(a) On-site modifications to the erosion and sediment control measures; and/or

(b) A revised plan:

(A) The revised Erosion and Sediment Control Plan shall be provided by the responsible party within 5 working days of Benton County notifying the responsible party and/or those conducting ground disturbing activities on behalf of the responsible party.

(B) The responsible party shall fully implement the revised plan within 3 working days of approval by Benton County.

(C) In cases where serious erosion is occurring, as determined by Benton

County, the County may require immediate installation of interim control measures, before submittal of the revised Erosion and Sediment Control Plan.

[Ord 2011-0240]

99.670 ~~Long-Term~~ Post-Construction Stormwater Management

(1) **Purpose:** Establish stormwater management requirements and controls to protect and safeguard the health, safety, welfare, financial investment in public and private infrastructure, and private property value, and minimize flooding and sedimentation in areas where structural and non-structural stormwater management is required to improve water quality and manage ~~long term~~post construction ~~stormwater~~ runoff from new development and redevelopment projects that result in the creation or replacement (re-development) of 0.25 acres (10,890 square feet) or more of impervious surface~~ground disturbance of 0.251 acre or more~~.

(2) **Applicability.** Land development within unincorporated Benton County~~the Corvallis Federal Urbanized Area or within the Urban Fringe of the City of Corvallis or City of Philomath~~ shall comply with the requirements of this section. ~~Areas outside the Federal Urbanized Area and Corvallis and Philomath Urban Growth Boundaries may require structural and non-structural stormwater controls, including low impact development (LID) methods, when deemed necessary by the County Engineer.~~

(3) **Permit Required**. A property owner increasing or replacing the impervious surface on a property shall comply with this section and the technical standards outlined in the Stormwater Support Documents. An individual construction that does not exceed the 0.25-acre threshold on its own shall nonetheless contribute to the cumulative threshold as described in subsection (a)(B) of this section.

(a) An approved Post-Construction Stormwater Permit shall be obtained ~~The property owner shall obtain from Benton County a Stormwater Site Plan approval~~ prior to initiation of ground-disturbing activities if both (A) and (B) are met (exceptions are listed in subsection (b~~)~~):

(A) The plan of development or redevelopment ~~ground-disturbing activities are~~is associated with:

(i) Construction or land uses that require a permit or other review by Benton County; and

(ii) any of the following:

(1) Construction of a public or private road, driveway, or structure; or

(2) Site preparation, associated installations (such as a septic system drainfield, ground-source heat pump, or tennis court), landscaping, clearing vegetation and other ground-disturbing activities related to new development or redevelopment construction.

(B) The total area of proposed new and replaced impervious surface combined with the cumulative total of all impervious surface established since March 1, 2023, will be 0.25 acre (10,890 square feet) or more.~~:~~ For subdivisions and partitions, impervious surface area that will be established through construction on resulting lots/parcels shall be addressed through a Post-Construction Stormwater Permit approved prior to final plat approval, as described in subsection (4)(b).

~~(i) ground disturbance will be:~~

~~(1) 10.25 acre (10,580 square feet) or more; or~~

~~(2) Less than 1 acre if the ground-disturbing activity is part of a larger common plan of development or sale that will involve a total disturbed area of 1 acre or more. Benton County shall conduct a Common Plan of Development Review to determine applicability; or~~

~~(ii) impervious surface upon completion of the project will be in excess of 25,000 square feet.~~

(b) **Exempt Activities.** The following activities are exempt from the permit requirement in subsection 3(a):

(A) Accepted farm practices~~;~~;

(B) ~~not including onstruction of buildings exclusively for agricultural purposes~~ Construction of buildings used exclusively for agricultural purposes and located outside the MS4. The applicant shall demonstrate to the satisfaction of the Planning Official that the structure will be used only for agricultural purposes. The Planning Official may require a deed restriction acknowledging and notifying future property owners of the limitation on use of the structure;

~~(A) ;~~

~~(B)~~(C) Forest practices performed pursuant to the Oregon Forest Practices

Rules. ;Upon completion of such forest practices or expiration of Forest Practices authorization, a Benton County Post-Construction Stormwater Permit is required unless the land has been replanted at stocking levels consistent with Oregon Department of Forestry standards;

~~(C)~~(D) Excavations for gas or oil facilities for which the operator demonstrates compliance with 40 CFR §122.26;

~~(D)~~(E) Emergency measures to protect life, property, public infrastructure, or essential services, in which case a Stormwater Site Plan approval shall be obtained as soon as possible after-the- fact;

~~(E)~~(F) Fish passage, stream enhancement, and wildlife habitat projects that comply with local, state and federal standards and permit requirements, provided that evidence of such compliance is submitted to Benton County Public Works prior to initiation of the activity;

~~(F)~~(G) Repairs to any stormwater facility as deemed necessary by Benton County;~~.~~

~~(G)~~(H) Mining activities performed pursuant to applicable state permit requirements;

~~(H)~~(I) Activities, conducted by public agencies, that meet or exceed state or federal standards for post-construction stormwater management.

(4) **Permit Procedures and Requirements**

(a) The property owner shall submit all of the following:

(A) Post-Construction Stormwater Permit ~~Site Plan~~ Application form;

(B) Post-Construction Stormwater ~~S~~site ~~P~~plan and additional documentation deemed appropriate by the County Engineer and/or Planning Official to demonstrate compliance with this section. Stormwater detention and treatment shall be:

(i) Designed in accordance with the Stormwater Support Documents, as interpreted by the County Engineer. Within the urban growth boundary of an incorporated city, structural and non-structural requirements will be consistent with the current standards of the pertinent city; and

~~(i)~~(ii) Designed to accommodate the cumulative total of all impervious surface established since March 1, 2023, including the proposed additional impervious surface; ~~and~~

~~(B)~~(C) Fee(s) established by the Board of County Commissioners.

~~(C)~~(D) The Post-Construction Stormwater Management~~Site~~ Plan shall be designed, stamped and signed by a ~~licensed~~ engineering geologist or engineer licensed in the state of Oregon~~, or other professional recognized by Benton County~~.

(b) Subdivision or Partitions: The Post-Construction Stormwater site plan and permit application shall address all impervious surface that will be established by the subdivision or partition, including but not limited to roads and other infrastructure, dwellings, accessory structures and driveways. Maximum impervious surface area that may be established on each lot or parcel shall be specified and shall be memorialized in a deed restriction running with the lot or parcel or on the plat. Stormwater treatment and detention for the entire buildout of impervious surfaces shall be designed and constructed prior to final plat approval.

~~(b)~~(c) A Post-Construction Stormwater Permit~~Site Plan approval~~ may be issued upon determination by the County Engineer that the submitted materials demonstrate compliance with the requirements of this section and the property owner has entered into a Stormwater Management Facilities Long-Term Maintenance Agreement pursuant to subsection (6) of this section. To address specific conditions of a given site, the County Engineer may require modification to the proposed Site Plan and/or to the standard requirements of this section.

(d) Issuance or denial of a Post-Construction Stormwater Permit ~~Stormwater Site Plan approval~~ is not a land use decision and is not subject to the requirements of a land use decision including but not limited to BCC 51.535, BCC 51.605 through 51.625, and BCC 51.805 through 51.840.

~~(c)~~(e) The County Engineer may, pursuant to the Stormwater Support Documents and in response to mitigating actions proposed by the applicant, determine that stormwater detention and treatment that would otherwise be indicated pursuant to subsection (3) of this section is not required. The County Engineer shall take such actions as necessary to ensure the long-term viability of such mitigations, including but not limited to requiring a long-term maintenance agreement or similar document.

~~(5) **Stormwater Management Design Criteria.** When required by subsection (3) of this section, the applicant shall implement stormwater management measures as specified in the "Benton County Stormwater Management Guide", as interpreted by the County Engineer. Within the urban growth boundary of an incorporated city, structural and non-structural requirements will be consistent with the current standards of the pertinent city.~~

~~(6)~~(5) **Improvements Agreement**. Required stormwater infrastructure shall be subject to the Improvements Agreement provisions of BCC 99.905 through 99.925.

~~(7)~~(6) **Long-term Maintenance and Repair of Stormwater Facilities.**

(a) Required stormwater facilities shall be constructed and maintained by the property owner.

(b) Stormwater facilities shall be maintained to current Benton County stormwater facility maintenance standards.

(c) The property owner shall enter into a Stormwater Management Facilities Long-Term Maintenance Agreement as required by the County Engineer. The Maintenance Agreement may, at the discretion of the County Engineer, include any or all of the following:

(A) Require the property owner to maintain and repair the stormwater facilities serving the property and located on the property or other private property;

(B) Require proper disposal of accumulated sediment;

(C) Authorize Benton County to enter the property to inspect and to effect emergency repairs or maintenance;

(D) Authorize the County Engineer to require that the property owner effect necessary repairs and maintenance;

(E) Authorize Benton County to bill the property owner for any costs incurred by the County to repair or maintain the facilities;

(F) Authorize the County to record a lien against the property to secure the County's costs in making corrections, plus interest and penalties;

(G) Run with the land as a covenant binding on current and future interest holders; and

(H) Establish other terms or provisions deemed necessary by the County Engineer to ensure the long-term functioning of the facility.

~~(c)~~(d) For a stormwater facility serving a single property:

~~(A)~~ The stormwater facility shall be located on the property that is being served. As an alternative, the applicant may propose an off-site location but shall, through submitted design materials, easements, maintenance agreements and other mechanisms, demonstrate to the satisfaction of the County Engineer that the long-term viability of the facility will be preserved at the alternate location. The County Engineer's determination

will be documented in issued Post-Construction Stormwater Permit~~, unless an alternative arrangement is approved by the County Engineer as adequately preserving long-term viability of the facility~~;

~~(B) The property owner shall be responsible to maintain the proper functioning of the facility pursuant to subsection (c);~~

~~(C) A restrictive covenant shall be placed on the property. In the covenant the property owner shall agree to:~~

~~(i) not transfer the facility separately from the rest of the property, except with the express approval of Benton County;~~

~~(ii) maintain the facility to its original design specifications;~~

~~(iii) correct any functional deficiencies identified by Benton County;~~

~~(d) For a stormwater facility serving multiple properties the County Engineer will require the procedure in either (A) or (B) to be completed. Sole discretion in the selection resides with Benton County.~~

~~(A) Maintenance Fee:~~

~~(i) Prior to or at final development approval, or at the completion of the warranty period pursuant to BCC 99.925, the property owner or developer shall provide a one-time payment to Benton County Public Works of the amount determined by the County Engineer to be necessary to ensure maintenance of the facility until the facility is annexed to a city and responsibility is assumed by that city. This one-time payment shall be in addition to any performance guarantee or warranty required under BCC 99.915 or 99.925.~~

~~(ii) The property owner shall grant an easement to Benton County for access to and maintenance, repair and operation of the stormwater facility.~~

~~(iii) Once the facility has completed the warranty period pursuant to BCC 99.925, Benton County Public Works will conduct routine maintenance on the facility as funding allows. Renovation, replacement, or repair exceeding routine maintenance will require some other local funding mechanism, such as a local improvement district.~~

~~(B) Maintenance District:~~

~~(i) Prior to sale or transfer of lots, the property owner shall establish a local improvement district or other lawful district comprising all~~

~~benefitted properties and designed to provide for the long-term maintenance, repair and/or renovation of the storm water management system.~~

[Ord 2011-0240]

99.680 Enforcement, Stop-work Orders, and Penalties. In addition to all other remedies available under Benton County Code, violations of BCC 99.650 through 99.670 shall be subject to the following enforcement procedures.

(1) Each violation of the stormwater provisions, or any failure to carry out the conditions of any Permit approval granted pursuant to the stormwater provisions, shall be unlawful and a civil infraction subject to the enforcement provisions of Benton County Code Chapter 31.

(2) The County may address failure to comply with the terms of a Stormwater Management Facilities Long-Term Maintenance Agreement through the provisions of the agreement, in addition to the enforcement provisions of this section and of Chapter 31.

~~(2)~~(3) The owner of the property upon which the violation occurs shall be responsible for mitigating resulting impacts, or, in the case of activities performed within an easement or right-of-way, the person causing the work to be performed shall be the responsible party.

~~(3)~~(4) In addition to and separate from those penalties available under Benton County Code Chapter 31, Benton County may enforce the following penalties:

(a) The Planning Official may refuse to accept any land use application or may suspend or revoke any active land use authorization.

(b) The Building Official shall not accept any building permit application and shall not approve occupancy of any structure on a property which is subject to a notice of noncompliance or a stop work order pursuant to this section.

~~(c) The Planning Official or County Engineer may issue a notice of noncompliance, pursuant to subsection (E) below, to the property owner requiring corrective action. If the responsible party fails to take the specified action within 24 hours, the Planning Official or County Engineer may issue a civil citation to the property owner pursuant to Chapter 31. The notice of noncompliance shall include:~~

~~(A) The location of the construction project;~~

~~(B) A description of the construction project;~~

~~(C) A description of the non-compliance;~~

(D) A description of the corrective action(s) that shall be taken by the responsible party;

(E) The amount of penalty that will be imposed if corrective action is not taken within 24 hours; and

(F) A statement that information regarding the appeal process will be made available upon request.

(d) The Planning Official or County Engineer may issue a stop work order, pursuant to subsection (E) below, requiring that all work, except work directly related to the elimination of a violation or necessary to correct a health or safety hazard, be immediately and completely stopped. Work shall not be resumed until such time as the Planning Official or County Engineer gives specific approval in writing. Failure to abide by the stop work order shall be grounds for the Planning Official or County Engineer pursuant to Chapter 31 to issue a civil citation to the property owner pursuant to Chapter 31.

(A) The stop work order shall include:

(i) Date of order;

(ii) Permit number if applicable;

(iii) Project location;

(iv) Description of all violations; and

(v) The remedies that must be completed before work may resume.

(e) A notice of noncompliance or stop work order shall be in writing and posted in a conspicuous location at the site. In addition, the County shall send a copy to the property owner by certified mail.

(A) No person may remove, obscure, mutilate or otherwise damage a stop work order.

(B) A notice of noncompliance or stop work order shall be effective upon posting or upon oral delivery under (C) below.

(C) When an emergency condition exists, the Planning Official or the County Engineer or the designee of either may issue a notice of noncompliance or stop work order orally. The Planning Official or County Engineer shall then issue a written notice as described above within 24 hours of the oral order.

(D) Upon the property owner's completion of corrective actions necessary to bring

~~the property into compliance with this code, the Planning Official or County Engineer shall issue a written notice of compliance to the property owner.~~

[Ord 2011-0240]

STORMWATER MANAGEMENT

99.650 Definitions. As used in BCC 99.650 through 99.680:

(1) **"BMP"** means best management practices.

(2) **"Certified Erosion Control Professional"** means a person certified as required by Oregon Department of Environmental Quality in any of the following program areas:

(a) Certified Professional in Erosion and Sediment Control (CESCL)

(b) Certified Professional in Storm Water Quality (CPSWQ)

(c) Certified Inspector of Sediment and Erosion Control (CISEC)

(d) Washington State Certified Erosion and Sediment Control Lead (CESCL-WA)

(e) Rogue Valley Sewer Services Erosion and Sediment Control Certification.

(3) "**Common plan of development or sale"** means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. Examples include a subdivision or partition, but range far beyond; further examples are included in the Stormwater Support Documents.

~~(1)~~(4) **"County Engineer"** means the County Engineer or the authority designated by the Public Works Director.

~~(2)~~(5) **"Disturbed Area"** means land area subject to ground-disturbing activities.

(6) **"Erosion and Sediment Control (ESC) Plan"** means a plan which fully indicates necessary land treatment and structural measures, including a schedule of the timing for their installation which will effectively minimize soil erosion, sedimentation, and non-storm water construction related discharges.

~~(3)~~(7) **"Ground-disturbing Activity"** means an activity that exposes, works or redistributes soil, including but not limited to excavating, filling, stockpiling, grading, grubbing, or clearing to bare earth.

~~(4)~~(8) **"Impervious Surface"** means a surface that prevents or impedes stormwater from infiltrating the soil, and includes but is not limited to such elements as roads, driveways, parking lots, walks, patios, and roofs. Compacted gravel, asphalt and concrete surfaces are all considered impervious.

~~(5)~~(9) **"Interim control measures"** mean short term erosion and sediment control practices to remedy immediate issues as deemed necessary by Benton County.

~~(6) **"Manual"** means the required erosion and sediment control measures designated in the "Benton County Stormwater Management Guide" or its successor document.~~

(10) "**MS4**" means the Municipal Separate Storm Sewer System area designated for Benton County by the U.S. Environmental Protection Agency and the Oregon Department of Environmental Quality.

~~(7)~~(11) **"Non-structural Controls"** means long-term stormwater management techniques and installations that do not include constructing facilities or other stormwater infrastructure; examples include natural drainage, bio-swales, and vegetation preservation.

~~(8)~~(12) **"Responsible Party"** means the party who shall be legally responsible for compliance with the requirements of BCC 99.650 through 99.680. The responsible party shall be the owner of property upon which ground disturbing activities occur, even if the property owner designates others to perform work on the property owner's behalf. In the case of activities performed within an easement or right-of-way, the person causing the work to be performed shall be the responsible party.

(13) **"Stormwater Support Documents"** means the following Benton County documents: Stormwater Management Plan (SWMP), the Best Management Practices (BMP) Manual and Appendices and the Stormwater Design Manual, or successor documents.

~~(1)~~(14) **"Structural Controls"** means constructed or pre-fabricated systems or facilities and other infrastructure related to long-term stormwater management.

[Ord 2011-0240]

99.655 Stormwater Support Documents

(1) The Stormwater Support Documents (SSD) shall contain the detailed design, review and implementation guidelines for implementing BCC 99.660 through 99.680.

(2) The County Engineer shall:

(a) Have authority to interpret and apply the SSD;

(b) Develop and maintain the SSD in a manner that:

(A) Ensures that ESC and Post-Construction Stormwater Management are implemented consistent with the requirements of the Oregon Department of Environmental Quality;

(B) Provides applicants with a clear and objective path to compliance and, where possible, alternative options that may involve the exercise of interpretation and judgment by the County Engineer. The goal of such alternative options is to achieve the purposes identified in BCC 99.660(1) and 99.670(1) at lower cost and/or with less need for construction or long-term maintenance, and may include but are not limited to:

(i) Methods to reduce effective impervious surface and thereby avoid the need for a Post-Construction Stormwater Permit;

(ii) Methods that require less or no engineering

99.660 Erosion and Sediment Control

(1) **Purpose:** The purpose of this section is to:

(a) Preserve and enhance the health, safety, welfare, financial investment in public and private infrastructure, private property value, and the quality of life of the inhabitants of Benton County by minimizing the risk of flooding, erosion, sedimentation, and other stormwater impacts; and

(b) Maintain or improve water quality within Benton County as required under State and

Federal National Pollution Discharge Elimination System law.

(2) **Applicability.** The provisions of this section shall apply to all unincorporated areas of Benton County.

(3) **Activities Requiring Erosion and Sediment Control Permit.**

(a) The responsible party shall obtain an Erosion and Sediment Control (ESC) Permit from Benton County prior to initiation of ground-disturbing activities ~~(except those activities listed in (4) below)~~, if both (A) and (B) are met. Ground-disturbing activities listed in subsection (4) of this section are exempt from ESC permitting requirements.~~:~~

(A) The ground-disturbing activities are associated with:

(i) Construction or land uses that require a permit or other review by Benton County; and

(ii) any of the following:

(a) Construction of a public or private road, driveway, or structure; or

(b) Site preparation, associated installations (such as a septic system drainfield, ground-source heat pump, or tennis court), landscaping, and other ground-disturbing activities related to such construction.

(B) The total area disturbed will be~~:~~ 0.25 acre (10,890 square feet) or more.

~~(i) 10.25 acre (10,890 square feet) or more; or~~

~~(ii) Less than 1 acre if the ground-disturbing activity is part of a larger common plan of development or sale that will involve a total disturbed area of 1 acre or more. An ESC Permit may be waived for a phased activity in which the cumulative disturbed area is 1 acre or larger if all individual phases disturb less than 1 acre of land and each phase is fully and permanently stabilized prior to initiation of ground disturbance on a subsequent phase.~~

(b) All activities shall comply with the Benton County Illicit Discharge Detection and Elimination Code, whether or not the activity requires an Erosion and Sediment Control Permit.

(c) The responsible party shall also comply with other local, state and federal erosion control regulations that may apply. Ground disturbance that is part of a common plan of development is required to comply with DEQ permitting even if the ground disturbance alone is below the threshold for requiring a Benton County ESC Permit.

(4) **Exempt Activities.** The following activities are exempt from the permit requirement in subsection 3(a):

(a) Accepted farm practices~~;, not including~~

~~(a)~~(b) ~~c~~Construction of ~~-~~buildings used exclusively for agricultural purposes and located outside the MS4. The applicant shall demonstrate to the satisfaction of the Planning Official that the structure will be used only for agricultural purposes. The Planning Official may require a deed restriction acknowledging and notifying future property owners of the limitation on use of the structure;

~~(b)~~(c) Forest practices performed pursuant to the Oregon Forest Practices Rules. Upon completion of such forest practices or expiration of Forest Practices authorization, a Benton County ESC Permit is immediately required unless the land has been replanted at stocking levels consistent with Oregon Department of Forestry standards;

~~(c)~~(d) Excavations for gas or oil facilities for which the operator demonstrates compliance with 40 CFR §122.26;

~~(d)~~(e) Emergency measures to protect life, property, public infrastructure, or essential services, in which case an ESC Permit shall be obtained as soon as possible after-the-fact;

~~(e)~~(f) Mining activities performed pursuant to applicable state permit requirements.

(g) Activities, conducted by public agencies, that meet or exceed state or federal standards for erosion and sediment control.

(h) Vegetation removal and associated activities as necessary to establish a 30-foot fire break around existing structures.

~~(f)~~(i) Removal of invasive vegetation, provided the area of removal is re-established in non-invasive vegetation within one year.

(5) **Permit Application.** The applicant and/or responsible party shall submit the following:

(a) Erosion and Sediment Control Application form;

(b) Erosion and Sediment Control Plan demonstrating compliance with the requirements of this section and the applicable provisions of the Stormwater Support Documents. The plan shall be prepared by a certified erosion control professional, as defined in 99.650~~n individual(s) with sufficient erosion and sediment control training and qualification to design an erosion and sediment control plan compliant with this code section~~. The Erosion and Sediment Control Plan for a disturbed area of more than 5 acres shall be prepared by a licensed engineer with relevant experience, or an Oregon Certified Professional in Erosion and Sediment Control.

(c) A site plan and brief description of the proposed practices to retain sediment on the site, including sediment basins and silt traps, and a schedule for their maintenance. The location and a brief description of the surface runoff and erosion control practices to be implemented in compliance with the Stormwater Support Documents.

(d) The County Engineer may require submittal of a pollution prevention and protection plan, including but not limited to construction material and waste management practices to be used, temporary borrow, stockpiles and waste disposal areas, temporary debris and garbage disposal, and chemical/fuel storage areas.

~~(c)~~(e) Fee(s) established by the Board of County Commissioners;

~~(d)~~(f) Other documents deemed appropriate by the County Engineer and/or Planning Official.

~~(1) **Level of Potential Impact**~~

~~(e) The required erosion and sediment control Best Management Practices (BMPs) shall correspond to the level of potential impact of the proposed project as determined using~~

~~the following table. The County Engineer and/or Planning Official may require a different level of erosion and sediment control due to factors including but not limited to: proximity to known landslides, steep slopes in the vicinity, and protected conservation areas.~~

~~(f) Unless determined otherwise by the County Engineer and/or Planning Official, the column with two or more checks shall be the required level of erosion control, and in the case of one check in each column, the medium level shall be required. A subdivision shall require a "high" level of erosion control, unless deemed otherwise by the County Engineer.~~

~~(g) The categories of Low, Medium and High correspond to required BMPs listed in the "Benton County Stormwater Management Guide" or its successor document.~~

Site Conditions	Required Level of Erosion Control:		
	Low	Medium	High
Distance between the work site and the nearest Sensitive Area down-slope or at the same elevation. Sensitive Areas include: (a) Wetlands identified on a National, State or Local Wetland Inventory, or identified as Potential Wetland on Benton County's wetland reference map; (b) Stream Channel top of bank; (c) Riparian Area protected pursuant to Development Code provisions; (d) Upland Prairie and Oak Savannah protected pursuant to BCC Chapter 88; (e)(a) Potential Habitat for Fender's blue butterfly as identified in the	More than 300 feet	100 to 300 feet	Within 100 feet
Average slope across the disturbed area.	0 to 3.9 percent	4 to 10 percent	More than 10 percent
Erodibility of predominant soil type, determined from NRCS Soil Survey of Benton County, Oregon (or successor document)	Low Erodibility (K value <0.24)	Medium Erodibility (K value 0.24 to 0.40)	High Erodibility (K value > 0.40)

(2)(6) **Permit Review and Approval.**

(h)(a) An Erosion and Sediment Control Permit may be issued upon determination by the County Engineer that the submitted materials demonstrate compliance with the Stormwater Support DocumentsManual and the applicable Best Management Practices (BMPs) identified pursuant to Section (6). To address specific conditions of a given site, tThe County Engineer may require additional or modified BMPs. to address specific conditions of a given site, including but not limited to proximity to known landslides, steep slopes in the vicinity, and protected conservation areas (including but not limited to wetlands, streams/rivers, protected species

habitat).

~~(i)~~(b) Issuance or denial of an Erosion and Sediment Control Permit is not a land use decision and is not subject to the requirements of a land use decision including but not limited to BCC 51.535, BCC 51.605 through 51.625, and BCC 51.805 through 51.840.

~~(3)~~(7) **Permit Period of Validity; Renewal.**

~~(j)~~(a) An Erosion and Sediment Control Permit shall be valid for up to ~~one~~two years from the date of issuance for specified approved activities.

~~(k)~~(b) The responsible party shall request permit renewal if final inspection approval pursuant to subsection (1~~1~~2) of this section has not been obtained prior to expiration of the permit.

~~(l)~~(c) Expiration of an ESC Permit that has not received final inspection approval shall be considered a violation of this code pursuant to BCC 99.680.

~~(m)~~(d) Permit Renewal: The responsible party shall submit a permit renewal application form and fee at least 30 days prior to expiration of the current permit. The County Engineer or Planning Official shall review the request and the current status of erosion and sediment control at the site and shall approve the request if conditions are substantially consistent with the original Erosion and Sediment Control Plan. If the County Engineer or Planning Official determines that conditions have changed such that the original Erosion and Sediment Control Plan no longer adequately addresses erosion and sediment control needs, the responsible party shall within 14 days of such determination submit the application and materials for a new Erosion and Sediment Control Permit.

~~(6)~~(8) **Permit Extension.** If, during the first 23~~11~~ months after issuance of an ESC Permit no ground disturbance has occurred and no County site inspections have been performed, the permittee may submit written request for an extension of the period of validity. Such request shall be submitted 30 days prior to the expiration date of the ESC Permit. There will be no fee for such an extension. The County Engineer or Planning Official may grant a one-time extension for up to one year, but shall not approve an extension if the conditions of the permit or of this code section are being violated.

~~(7)~~(9) **Transfer of Ownership.** Permits are non-transferable. The transfer of a property to a new owner requires that a new permit be obtained prior to the initiation or continuation of ground-disturbing activities, even though said activities may have been authorized under the permit approved for the previous owner.

~~(4)~~(10) **Implementation Requirements.**

(a) ~~Erosion and Sediment Control Plan approval is required prior to clearing or grading.~~ No ground disturbing activity requiring an Erosion and Sediment Control Permit shall be undertaken prior to ~~County~~ approval and issuance of ~~the~~ a Benton County Erosion and Sediment Control Permit.

(b) In cases where erosion or sedimentation is occurring due to ground-disturbing activities, the responsible party shall immediately install interim control measures to stabilize the condition and minimize sediment leaving the site. Within 5 working days of the responsible party or -those working on behalf of the responsible party becoming aware of the erosion, the responsible party shall provide for County review new plans, or revisions to existing plans, that –demonstrate adequate erosion and sediment control. Upon County approval of the plans, the new measures described shall be immediately implemented.

(c) The responsible party shall ensure that:

(A) The provisions of the Erosion and Sediment Control Plan are implemented prior to any ground disturbance and maintained in compliance with the issued permit~~in a timely manner~~;

(B) No visible or measurable amount of sediment has entered, or is likely to enter, the public stormwater system and surface waters;

(C) During active construction in rainy weather, a ~~qualified~~ certified erosion control professional~~individual~~ shall ~~daily~~ inspect erosion and sediment control measures daily and shall ensure the control measures are maintained, adjusted, repaired and/or replaced so that they function properly without interruption, and shall ensure that immediate action is taken to correct any deficiencies.

(D) Eroded sediment shall be removed immediately from pavement surfaces, off-site areas, and from surface water conveyances, including storm drainage inlets, ditches and culverts. In the event that sediment enters a wetland or stream, the responsible party's qualified designee shall immediately contact Benton County Public Works.

(E) Water containing sediment shall not be flushed into the storm water management system, wetlands or streams without first passing through an approved sediment filtering facility, device, or other County approved structure.

(F) When required by Benton County, the responsible party shall maintain

written records of all site inspections of erosion and sediment control measures. These shall be provided to the County upon request.

(G) Inspections by Benton County to certify that measures are installed in accordance with the Erosion and Sediment Control Permit shall be requested by the responsible party at the times specified in the Erosion and Sediment Control Permit.

~~(5)~~(11) **Inspections by Benton County; Right of Entry.**

~~(d)~~(a) Benton County will perform the following inspections pursuant to an issued Erosion and Sediment Control Permit:

(A) An initial inspection of installed erosion and sediment control BMPs prior to any ground disturbance;

(B) Interim inspections as deemed necessary by the County.

(C) A final inspection, to verify completion of all erosion and sediment control BMPs, permanent stabilization of the site, and the required clean up of erosion and sediment control materials.

~~(e)~~(b) The responsible party shall obtain inspections from the County as specified in the Erosion and Sediment Control Permit and shall take immediate action to correct any deficiencies noted by the County.

~~(f)~~(c) The County may enter property at any time to investigate compliance with the requirements of this Code.

~~(8)~~(12) **Correction of Ineffective Erosion and Sediment Control Measures.** If the facilities and techniques approved by the Erosion and Sediment Control Permit are not effective or not sufficient to meet the purpose of this section, Benton County may require the following. Failure to make required corrections in a timely manner shall be a violation subject to BCC 99.680.

(a) On-site modifications to the erosion and sediment control measures; and/or

(b) A revised plan:

(A) The revised Erosion and Sediment Control Plan shall be provided by the responsible party within 5 working days of Benton County notifying the responsible party and/or those conducting ground disturbing activities on behalf of the responsible party.

(B) The responsible party shall fully implement the revised plan within 3 working days of approval by Benton County.

(C) In cases where serious erosion is occurring, as determined by Benton

County, the County may require immediate installation of interim control measures, before submittal of the revised Erosion and Sediment Control Plan.

[Ord 2011-0240]

99.670 ~~Long-Term~~ Post-Construction Stormwater Management

(1) **Purpose:** Establish stormwater management requirements and controls to protect and safeguard the health, safety, welfare, financial investment in public and private infrastructure, and private property value, and minimize flooding and sedimentation in areas where structural and non-structural stormwater management is required to improve water quality and manage ~~long term~~post construction ~~stormwater~~ runoff from new development and redevelopment projects that result in the creation or replacement (re-development) of 0.25 acres (10,890 square feet) or more of impervious surface~~ground disturbance of 0.251 acre or more~~.

(2) **Applicability.** Land development within unincorporated Benton County~~the Corvallis Federal Urbanized Area or within the Urban Fringe of the City of Corvallis or City of Philomath~~ shall comply with the requirements of this section. ~~Areas outside the Federal Urbanized Area and Corvallis and Philomath Urban Growth Boundaries may require structural and non-structural stormwater controls, including low impact development (LID) methods, when deemed necessary by the County Engineer.~~

(3) **Permit Required**. A property owner increasing or replacing the impervious surface on a property shall comply with this section and the technical standards outlined in the Stormwater Support Documents. An individual construction that does not exceed the 0.25-acre threshold on its own shall nonetheless contribute to the cumulative threshold as described in subsection (a)(B) of this section.

(a) An approved Post-Construction Stormwater Permit shall be obtained ~~The property owner shall obtain from Benton County a Stormwater Site Plan approval~~ prior to initiation of ground-disturbing activities if both (A) and (B) are met (exceptions are listed in subsection (b~~)~~):

(A) The plan of development or redevelopment ~~ground-disturbing activities are~~is associated with:

(i) Construction or land uses that require a permit or other review by Benton County; and

(ii) any of the following:

(1) Construction of a public or private road, driveway, or structure; or

(2) Site preparation, associated installations (such as a septic system drainfield, ground-source heat pump, or tennis court), landscaping, clearing vegetation and other ground-disturbing activities related to new development or redevelopment construction.

(B) The total area of proposed new and replaced impervious surface combined with the cumulative total of all impervious surface established since March 1, 2023, will be 0.25 acre (10,890 square feet) or more. ~~:~~ For subdivisions and partitions, impervious surface area that will be established through construction on resulting lots/parcels shall be addressed through a Post-Construction Stormwater Permit approved prior to final plat approval, as described in subsection (4)(b).

~~(i) ground disturbance will be:~~

~~(1) 10.25 acre (10,580 square feet) or more; or~~

~~(2) Less than 1 acre if the ground-disturbing activity is part of a larger common plan of development or sale that will involve a total disturbed area of 1 acre or more. Benton County shall conduct a Common Plan of Development Review to determine applicability; or~~

~~(ii) impervious surface upon completion of the project will be in excess of 25,000 square feet.~~

(b) **Exempt Activities.** The following activities are exempt from the permit requirement in subsection 3(a):

(A) Accepted farm practices~~,~~;

(B) ~~not including onstruction of buildings exclusively for agricultural purposes~~ Construction of buildings used exclusively for agricultural purposes and located outside the MS4. The applicant shall demonstrate to the satisfaction of the Planning Official that the structure will be used only for agricultural purposes. The Planning Official may require a deed restriction acknowledging and notifying future property owners of the limitation on use of the structure;

~~(A) ;~~

~~(B)~~(C) Forest practices performed pursuant to the Oregon Forest Practices

Rules. ;Upon completion of such forest practices or expiration of Forest Practices authorization, a Benton County Post-Construction Stormwater Permit is required unless the land has been replanted at stocking levels consistent with Oregon Department of Forestry standards;

~~(C)~~(D) Excavations for gas or oil facilities for which the operator demonstrates compliance with 40 CFR §122.26;

~~(D)~~(E) Emergency measures to protect life, property, public infrastructure, or essential services, in which case a Stormwater Site Plan approval shall be obtained as soon as possible after-the- fact;

~~(E)~~(F) Fish passage, stream enhancement, and wildlife habitat projects that comply with local, state and federal standards and permit requirements, provided that evidence of such compliance is submitted to Benton County Public Works prior to initiation of the activity;

~~(F)~~(G) Repairs to any stormwater facility as deemed necessary by Benton County;~~.~~

~~(G)~~(H) Mining activities performed pursuant to applicable state permit requirements;

~~(H)~~(I) Activities, conducted by public agencies, that meet or exceed state or federal standards for post-construction stormwater management.

(4) **Permit Procedures and Requirements**

(a) The property owner shall submit all of the following:

(A) Post-Construction Stormwater Permit ~~Site Plan~~ Application form;

(B) Post-Construction Stormwater ~~S~~site ~~P~~plan and additional documentation deemed appropriate by the County Engineer and/or Planning Official to demonstrate compliance with this section. Stormwater detention and treatment shall be:

(i) Designed in accordance with the Stormwater Support Documents, as interpreted by the County Engineer. Within the urban growth boundary of an incorporated city, structural and non-structural requirements will be consistent with the current standards of the pertinent city; and

~~(i)~~(ii) Designed to accommodate the cumulative total of all impervious surface established since March 1, 2023, including the proposed additional impervious surface; ~~and~~

~~(B)~~(C) Fee(s) established by the Board of County Commissioners.

~~(C)~~(D) The Post-Construction Stormwater Management~~Site~~ Plan shall be designed, stamped and signed by a ~~licensed~~ engineering geologist or engineer licensed in the state of Oregon~~, or other professional recognized by Benton County~~.

(b) Subdivision or Partitions: The Post-Construction Stormwater site plan and permit application shall address all impervious surface that will be established by the subdivision or partition, including but not limited to roads and other infrastructure, dwellings, accessory structures and driveways. Maximum impervious surface area that may be established on each lot or parcel shall be specified and shall be memorialized in a deed restriction running with the lot or parcel or on the plat. Stormwater treatment and detention for the entire buildout of impervious surfaces shall be designed and constructed prior to final plat approval.

~~(b)~~(c) A Post-Construction Stormwater Permit~~Site Plan approval~~ may be issued upon determination by the County Engineer that the submitted materials demonstrate compliance with the requirements of this section and the property owner has entered into a Stormwater Management Facilities Long-Term Maintenance Agreement pursuant to subsection (6) of this section. To address specific conditions of a given site, the County Engineer may require modification to the proposed Site Plan and/or to the standard requirements of this section.

(d) Issuance or denial of a Post-Construction Stormwater Permit ~~Stormwater Site Plan approval~~ is not a land use decision and is not subject to the requirements of a land use decision including but not limited to BCC 51.535, BCC 51.605 through 51.625, and BCC 51.805 through 51.840.

~~(c)~~(e) The County Engineer may, pursuant to the Stormwater Support Documents and in response to mitigating actions proposed by the applicant, determine that stormwater detention and treatment that would otherwise be indicated pursuant to subsection (3) of this section is not required. The County Engineer shall take such actions as necessary to ensure the long-term viability of such mitigations, including but not limited to requiring a long-term maintenance agreement or similar document.

~~(5) **Stormwater Management Design Criteria.** When required by subsection (3) of this section, the applicant shall implement stormwater management measures as specified in the "Benton County Stormwater Management Guide", as interpreted by the County Engineer. Within the urban growth boundary of an incorporated city, structural and non-structural requirements will be consistent with the current standards of the pertinent city.~~

~~(6)~~(5) **Improvements Agreement**. Required stormwater infrastructure shall be subject to the Improvements Agreement provisions of BCC 99.905 through 99.925.

~~(7)~~(6) **Long-term Maintenance and Repair of Stormwater Facilities.**

(a) Required stormwater facilities shall be constructed and maintained by the property owner.

(b) Stormwater facilities shall be maintained to current Benton County stormwater facility maintenance standards.

(c) The property owner shall enter into a Stormwater Management Facilities Long-Term Maintenance Agreement as required by the County Engineer. The Maintenance Agreement may, at the discretion of the County Engineer, include any or all of the following:

(A) Require the property owner to maintain and repair the stormwater facilities serving the property and located on the property or other private property;

(B) Require proper disposal of accumulated sediment;

(C) Authorize Benton County to enter the property to inspect and to effect emergency repairs or maintenance;

(D) Authorize the County Engineer to require that the property owner effect necessary repairs and maintenance;

(E) Authorize Benton County to bill the property owner for any costs incurred by the County to repair or maintain the facilities;

(F) Authorize the County to record a lien against the property to secure the County's costs in making corrections, plus interest and penalties;

(G) Run with the land as a covenant binding on current and future interest holders; and

(H) Establish other terms or provisions deemed necessary by the County Engineer to ensure the long-term functioning of the facility.

~~(c)~~(d) For a stormwater facility serving a single property:

~~(A)~~ The stormwater facility shall be located on the property that is being served. As an alternative, the applicant may propose an off-site location but shall, through submitted design materials, easements, maintenance agreements and other mechanisms, demonstrate to the satisfaction of the County Engineer that the long-term viability of the facility will be preserved at the alternate location. The County Engineer's determination

will be documented in issued Post-Construction Stormwater Permit~~, unless an alternative arrangement is approved by the County Engineer as adequately preserving long-term viability of the facility~~;

~~(B) The property owner shall be responsible to maintain the proper functioning of the facility pursuant to subsection (c);~~

~~(C) A restrictive covenant shall be placed on the property. In the covenant the property owner shall agree to:~~

~~(i) not transfer the facility separately from the rest of the property, except with the express approval of Benton County;~~

~~(ii) maintain the facility to its original design specifications;~~

~~(iii) correct any functional deficiencies identified by Benton County;~~

~~(d) For a stormwater facility serving multiple properties the County Engineer will require the procedure in either (A) or (B) to be completed. Sole discretion in the selection resides with Benton County.~~

~~(A) Maintenance Fee:~~

~~(i) Prior to or at final development approval, or at the completion of the warranty period pursuant to BCC 99.925, the property owner or developer shall provide a one-time payment to Benton County Public Works of the amount determined by the County Engineer to be necessary to ensure maintenance of the facility until the facility is annexed to a city and responsibility is assumed by that city. This one-time payment shall be in addition to any performance guarantee or warranty required under BCC 99.915 or 99.925.~~

~~(ii) The property owner shall grant an easement to Benton County for access to and maintenance, repair and operation of the stormwater facility.~~

~~(iii) Once the facility has completed the warranty period pursuant to BCC 99.925, Benton County Public Works will conduct routine maintenance on the facility as funding allows. Renovation, replacement, or repair exceeding routine maintenance will require some other local funding mechanism, such as a local improvement district.~~

~~(B) Maintenance District:~~

~~(i) Prior to sale or transfer of lots, the property owner shall establish a local improvement district or other lawful district comprising all~~

~~benefitted properties and designed to provide for the long-term maintenance, repair and/or renovation of the storm water management system.~~

[Ord 2011-0240]

99.680 Enforcement, Stop-work Orders, and Penalties. In addition to all other remedies available under Benton County Code, violations of BCC 99.650 through 99.670 shall be subject to the following enforcement procedures.

(1) Each violation of the stormwater provisions, or any failure to carry out the conditions of any Permit approval granted pursuant to the stormwater provisions, shall be unlawful and a civil infraction subject to the enforcement provisions of Benton County Code Chapter 31.

(2) The County may address failure to comply with the terms of a Stormwater Management Facilities Long-Term Maintenance Agreement through the provisions of the agreement, in addition to the enforcement provisions of this section and of Chapter 31.

~~(2)~~(3) The owner of the property upon which the violation occurs shall be responsible for mitigating resulting impacts, or, in the case of activities performed within an easement or right-of-way, the person causing the work to be performed shall be the responsible party.

~~(3)~~(4) In addition to and separate from those penalties available under Benton County Code Chapter 31, Benton County may enforce the following penalties:

(a) The Planning Official may refuse to accept any land use application or may suspend or revoke any active land use authorization.

(b) The Building Official shall not accept any building permit application and shall not approve occupancy of any structure on a property which is subject to a notice of noncompliance or a stop work order pursuant to this section.

~~(c) The Planning Official or County Engineer may issue a notice of noncompliance, pursuant to subsection (E) below, to the property owner requiring corrective action. If the responsible party fails to take the specified action within 24 hours, the Planning Official or County Engineer may issue a civil citation to the property owner pursuant to Chapter 31. The notice of noncompliance shall include:~~

~~(A) The location of the construction project;~~

~~(B) A description of the construction project;~~

~~(C) A description of the non-compliance;~~

(D) A description of the corrective action(s) that shall be taken by the responsible party;

(E) The amount of penalty that will be imposed if corrective action is not taken within 24 hours; and

(F) A statement that information regarding the appeal process will be made available upon request.

(d) The Planning Official or County Engineer may issue a stop work order, pursuant to subsection (E) below, requiring that all work, except work directly related to the elimination of a violation or necessary to correct a health or safety hazard, be immediately and completely stopped. Work shall not be resumed until such time as the Planning Official or County Engineer gives specific approval in writing. Failure to abide by the stop work order shall be grounds for the Planning Official or County Engineer pursuant to Chapter 31 to issue a civil citation to the property owner pursuant to Chapter 31.

(A) The stop work order shall include:

(i) Date of order;

(ii) Permit number if applicable;

(iii) Project location;

(iv) Description of all violations; and

(v) The remedies that must be completed before work may resume.

(e) A notice of noncompliance or stop work order shall be in writing and posted in a conspicuous location at the site. In addition, the County shall send a copy to the property owner by certified mail.

(A) No person may remove, obscure, mutilate or otherwise damage a stop work order.

(B) A notice of noncompliance or stop work order shall be effective upon posting or upon oral delivery under (C) below.

(C) When an emergency condition exists, the Planning Official or the County Engineer or the designee of either may issue a notice of noncompliance or stop work order orally. The Planning Official or County Engineer shall then issue a written notice as described above within 24 hours of the oral order.

(D) Upon the property owner's completion of corrective actions necessary to bring

~~the property into compliance with this code, the Planning Official or County Engineer shall issue a written notice of compliance to the property owner.~~

[Ord 2011-0240]

Stormwater Management Development Code Amendments

Implementing Regulatory Changes for Water Quality

Benton County OREGON

Feb 7, 2023

Gordon Kurtz – Associate Engineer – Public Works

Greg Verret – Deputy Director – Community Development

NPDES PHASE II IMPLEMENTATION PLAN:

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

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

IMPLEMENTATION BY 2/28/2023

4) **Construction Site Runoff Control**
5) **Post-Construction Storm water Management in New Development & Redevelopment**

6) Pollution Prevention and Good Housekeeping for Local Agency Operations

Benton County OREGON

Development Code Amendments

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

Benton County OREGON

Erosion & Sediment Control

- Development projects resulting in **ground disturbance of ¼ acre or more** will be required to obtain a Benton County Erosion and Sediment Control Permit.
- The standards for **1 acre or more require a DEQ permit *and* a Benton County permit.**

Benton County OREGON

Erosion & Sediment Control

Other provisions:

- Close loophole for logged land that is not replanted
- Move details regarding level of erosion control required to support documents
- Identify situations in which additional BMPs may be required:
  - Landslides, steep slopes, protected conservation areas, etc.

Benton County OREGON

Post-Construction Stormwater Mgt

- Reduce runoff and pollutant load into the future
- 0.25-acre or more of impervious surface triggers requirements
  - Cumulative from 3/1/2023
  - Submit plan by appropriate professional

Benton County OREGON

Post-Construction Stormwater Mgt

Current Standards – Post-Construction SWM

- Projects creating **1 acre or more** of ground disturbance:
  - in more urban areas must comply with post-construction stormwater management requirements.
  - In more rural areas may be required to comply with post-construction stormwater management requirements.

Proposed Standards – Post-Construction SWM

- Projects resulting in ¼ **acre or more** of impermeable area must comply with treatment and detention standards
- More rigorous treatment/detention standards **inside UGBs.**

Benton County OREGON

Alternatives to detention and treatment

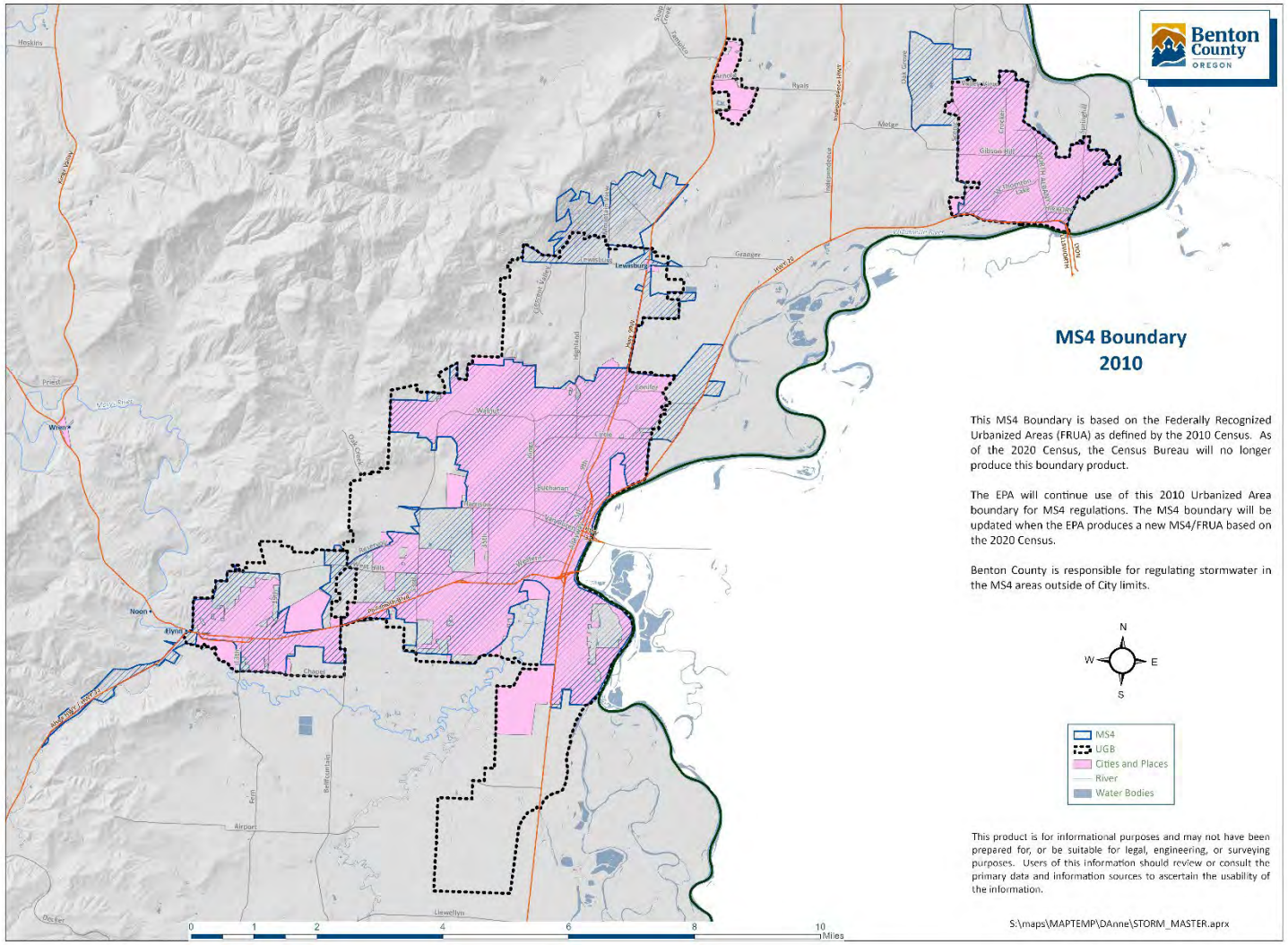
- Reduce the proposed impermeable footprint
- Remove existing impermeable features
- Preserve/establish natural drainage systems
- Preserve/plant native vegetation
- Slow or eliminate runoff
- Retain and infiltrate runoff

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

Proposed Code authorizes County Engineer to apply the manual to achieve stormwater objectives at least cost.

Benton County OREGON

Benton County's "Municipal Separate Storm Sewer System" (MS4) Area.



Benton County OREGON

Post-Construction Stormwater Mgt

Agricultural buildings

- Proposed Code would exempt from detention/treatment requirement, if outside the MS4.
- DEQ rules don’t allow exemption inside the MS4

Benton County OREGON

Post-Construction Stormwater Mgt

Subdivision/partition

- Plan for total buildout – all impervious surface
- Detention/treatment must be built prior to final plat approval
- Buildout on individual properties tied to detention/treatment already built

Benton County OREGON

Post-Construction Stormwater Mgt

Long-term maintenance of facilities

- Detention and Treatment, typically
- Individual property, or multiple (subdivision or partition)

• Require a formal agreement b/w property owner and County

- Property owner responsible
- County authorized to inspect, compel repairs, bill for costs
- Runs with the land as a deed restriction (binds future owners)

Benton County OREGON

Future Changes

- Code and implementation procedures will be reviewed periodically.
- Will need to be updated as federal and state rules change.
- Staff will monitor implementation and recommend changes if warranted.

Benton County OREGON

Questions of Staff?

Benton County
OREGON

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/07/23

View Agenda Tracker

Suggested Placement * BOC Tuesday Meeting

Department * Community Development

Contact Name * Greg Verret

Phone Extension * 6294

Meeting Attendee Name * Greg Verret

Agenda Item Details

Item Title * First Reading of Ordinance 2023-0317 Amending the Adair Village Urban Growth Boundary

Item Involves * Check all that apply

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

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 1/27/2023

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

On December 6, 2022, the Board of Commissioners held a joint public hearing with the Adair Village City Council and voted to direct staff to prepare an ordinance approving the proposed amendment to the Adair Village Urban Growth Boundary (UGB).

The ordinance is attached, along with the extensive Justification and Findings document that was presented prior to the hearing.

Adoption of the ordinance is a continuation of the legislative land use action; public notice has been published and mailed to participants and interested parties. Public testimony was received at the December public hearing; no additional testimony should be taken at this time.

During the public hearing and the Board's deliberations on this matter, a number of topics were discussed as potential follow-on projects. Staff recommends the Board discuss and provide direction on next steps as appropriate.

1. Regional housing: The Adair UGB amendment adds housing capacity, but there is a poor understanding of how this will affect regional housing needs. Prior to subsequent UGB amendments involving any of the cities in Benton County, staff recommends conducting a Regional Housing Needs Assessment. This would inform UGB planning and decision-making with regard to the amount of housing needed and the types and locations needed.

2. Wildfire: Evacuation routes and wildfire preparedness is a countywide topic. The Adair Village area has its particular concerns and needs that should be addressed in wildfire planning efforts.

3. Water: Limited groundwater is a concern in the unincorporated area around Adair Village. The potential roles that Adair Village municipal water supply could play in the area has been a topic of discussion for several years. Adair Village should also be part of regional water supply discussion, including where and how best to use the City's water right and other regional water needs.

4. Transportation system and traffic issues: The road intersections with Highway 99W in the vicinity of Adair Village are a concern for safety and for transportation efficiency. The County and City Transportation System Plans have identified future improvements to address these issues, but it will be important to engage with the City and the Oregon Department of Transportation (ODOT) at each step in the annexation/rezoning/subdivision and construction process to ensure necessary right-of-way is planned for and acquired and that transportation improvements are paid for by developers (to the extent that is justified) or that other funds are available. In addition, Adair Village and Benton County would benefit from an urban/regional circulation plan - to accommodate all modes of transportation throughout the community and to facilitate non-motorized connections to McDonald-Dunn Forest, EE Wilson Wildlife Refuge, Adair Village Schools, and neighboring communities.

5. ODFW property: The 32-acre property owned by the Oregon Department of Fish and Wildlife (ODFW) and bordered on three sides by City of Adair Village is important to the community and the broader area. The Benton County Natural Areas, Parks, and Events Department has expressed strong interest in the property. In its current Exclusive Farm Use (EFU)
zoning, the property has limited options. Analyzing whether it makes sense to add the property to the UGB and ultimately annex is a next step and should ideally be informed by a trails and open-space needs assessment and/or an alternative

transportation/circulation plan.

6. Trails connections and parks: Adair Village and the surrounding area have opportunities for improved accessibility through various trail connections. For example, an elevated boardwalk across the wetland conservation easement on the Cornelius property that is being added to the UGB. Trail connections to E.E. Wilson Wildlife Refuge and bicycle connections along Highway 99W or to Albany have also been discussed. Additionally, Adair Village has relatively few parks aside from the regional county park. Parks and trail connections should be planned for early; either as part of a community-level plan or at the time a property is annexed to the city. Locations need to be identified early so that when subdivision or other development is proposed, there is certainty about parks and/or trails that will be expected to be accommodated by that development. Easements need to be established before other development actions block the opportunity.

7. Corvallis School District commented that a school campus will be needed in the future in Adair Village. Due to the numerous factors a school site needs to maximize in order to best serve the community, a site should be identified soon, before further development limits siting options.

Options * Conduct the first reading of the ordinance or direct staff to make changes to the ordinance.

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.

Local governments are required to comply with statewide planning goals.

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.

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

Explain Core Values Selections *

Arguably, all the Core Values apply. Vibrant, Livable Communities applies because decisions about how Adair Village expands will influence whether it becomes a walkable, connected and more complete community. Diverse Economy that Fits is relevant because Adair Village residents have expressed a desire for more/varied commercial opportunities in their city.

Focus Areas and Vision *

Select all that apply.

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

Explain Focus Areas and Vision Selection *

The two most relevant areas are Mobility & Transportation due to the proximity of Highway 99W and concerns about traffic and safety on Highway 99W, as well as on one of the local streets (Hibiscus Drive), and Housing & Growth because the proposed UGB amendment would enable more housing and address a deficit in the housing projected to be needed by 2042.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Discuss follow-on projects; conduct the first reading of Ordinance No 20

Meeting Motions * I move to ...

Enact Ordinance No. 2022-0317, amending the Adair Village Urban Growth Boundary, and conduct a first reading of the ordinance.

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.

Exhibit 3A - Justification & Findings Document.pdf	4.78MB
Exhibit 3B - Addendum to UGB Staff Report.pdf	278.54KB
Ordinance 2023-0317 Adair UGB Amendment.pdf	1000.94KB

Comments (optional)

Attached are:
1. a Word version of just the ordinance and Exhibits 1 & 2 (no Exhibit 3A or 3B), titled "Ordinance 2023-0317 Adair UGB Amendment.docx"
2. a PDF version of the above.
3. a PDF of Exhibit 3A (attach to whichever version of the ordinance document gets used)
4. a PDF of Exhibit 3B (attach to whichever version of the ordinance document gets used)

If you have any questions, please call ext.6800

Department Approver

DARREN NICHOLS

1.

Department Approval

Comments

Signature

Darren Nichols

2.

Counsel Approval

Comments

Signature

Vance M. Cheney

3.

County Administrator Approval

Comments

Signature

Hanna Kwiatkowski

4.

BOC Final Approval

Comments

Signature

Amanda Makepeace

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY
STATE OF OREGON

In the Matter of Amending the Benton County Comprehensive Plan and Zoning Map, Regarding the Adair Village Urban Growth Boundary.	**)** **)** **)**	**ORDINANCE** **No. 2023-0317**

WHEREAS:

This matter comes before Benton County as a legislative amendment to the Comprehensive Plan to change the Urban Growth Boundary, and an amendment to the Zoning Map to change the zoning of the subject properties from Exclusive Farm Use to Urban Residential – 50-acre Minimum Parcel Size.

In response to population projections prepared by the Population Research Center of Portland State University, the City of Adair Village, through a consultant, produced a buildable lands inventory demonstrating that the land available for development within the current urban growth boundary is insufficient to meet the 20-year projected demand for housing.

Pursuant to Oregon Administrative Rules, the City is required to address this deficiency.

The City's analysis demonstrates that the two properties proposed for addition to the urban growth boundary are the most suitable, consistent with the methodology in Oregon Administrative Rules.

Pursuant to the Urban Growth Management Agreement between Benton County and the City of Adair Village, the Benton County Planning Commission and the Adair Village Planning Commission held a duly advertised joint public hearing on September 20 and October 11, 2022, and received public testimony. The Benton County Planning Commission deliberated and voted to recommend that the Board of Commissioners approve the UGB amendment and Zoning Map.

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The Benton County Board of Commissioners and the Adair Village City Council held a duly advertised joint public hearing on December 6, 2022, and received public testimony. The Board of Commissioners deliberated, and voted to approve the UGB Amendment and Zoning Map Amendment. 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 Comprehensive Plan Amendment complies with the review criteria in Section 17.3 of the Benton County Comprehensive Plan, and that the proposed Zoning Map Amendment complies with the review criteria in Section 53.505 of the Benton County Development Code.

The Board of Commissioners conducted the First Reading of the Ordinance on February 7, 2023.

The Board of Commissioners conducted the Second Reading of the proposed Ordinance on February 21, 2023.

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

PART I. Short Title. Amendments to the Benton County Comprehensive Plan and Zoning Map, Regarding the Adair Village Urban Growth Boundary.

PART II. Authority. The Board of County Commissioners of Benton County has authority to amend the Comprehensive Plan and Zoning Map pursuant to ORS Chapter 215 and the Benton County Charter.

PART III. The Urban Growth Boundary amendment proposed in Planning File No. LU-22-038 is hereby approved, based on the Findings and Conclusions contained in the attached "Exhibit 3" and hereby adopted and incorporated herein.

PART IV. The Benton County Comprehenisive Plan is hereby amended to reflect the inclusion into the Adair Village Urban Growth Boundary of two properties as shown in "Exhibit 1".

PART IV. The Benton County Zoning Map is hereby amended to designate as "Urban Residential – 50-acre Minimum Parcel Size" two properties shown in "Exhibit 2."

///

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PART V. The effective date for these amendments to will be:

First Reading: February 7, 2023

Second Reading: February 21, 2023

Effective Date: March 23, 2023

BENTON COUNTY BOARD OF COMMISSIONERS

_____

Pat Malone, Chair

_____

Nancy Wyse, Commissioner

_____

Xan Augerot, Commissioner

Approved as to Form:

_____

Vance M. Croney, County Counsel

Exhibit 1

Amendment to Benton County Comprehensive Plan
Adair Village Urban Growth Boundary
File No. LU-22-038

Legal Descriptions of Properties to be Added to the Adair Village Urban Growth Boundary

1. Cornelius Property: Parcel 3 of Partition Plat No. 1999-049 in the Benton County, Oregon Partition Plat records.

2. Weigel Property: Parcel 2 of Partition Plat No. 2021-019 in the Benton County, Oregon Partition Plat records.

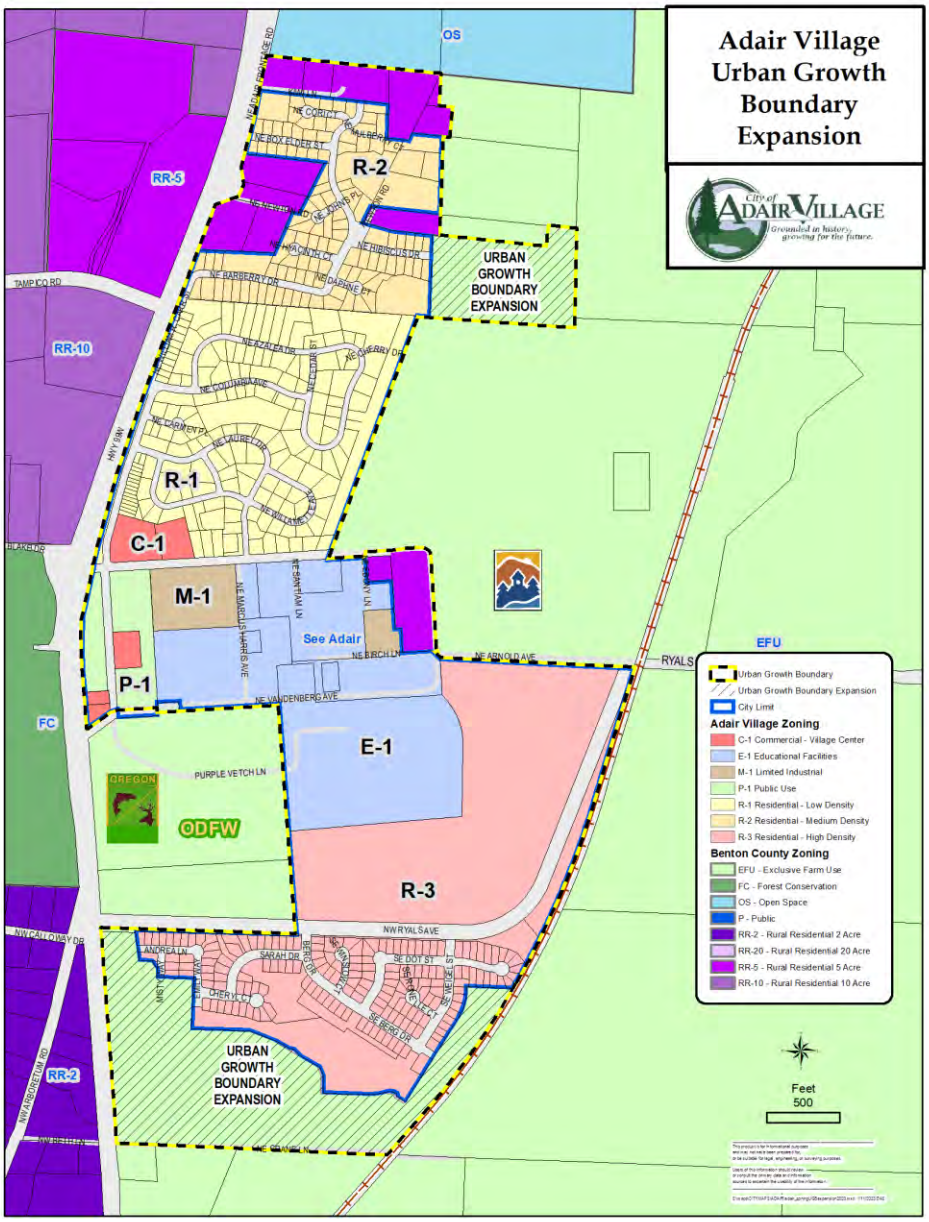

Exhibit 2

Amendment to the Benton County Zoning Map
File No. LU-22-038

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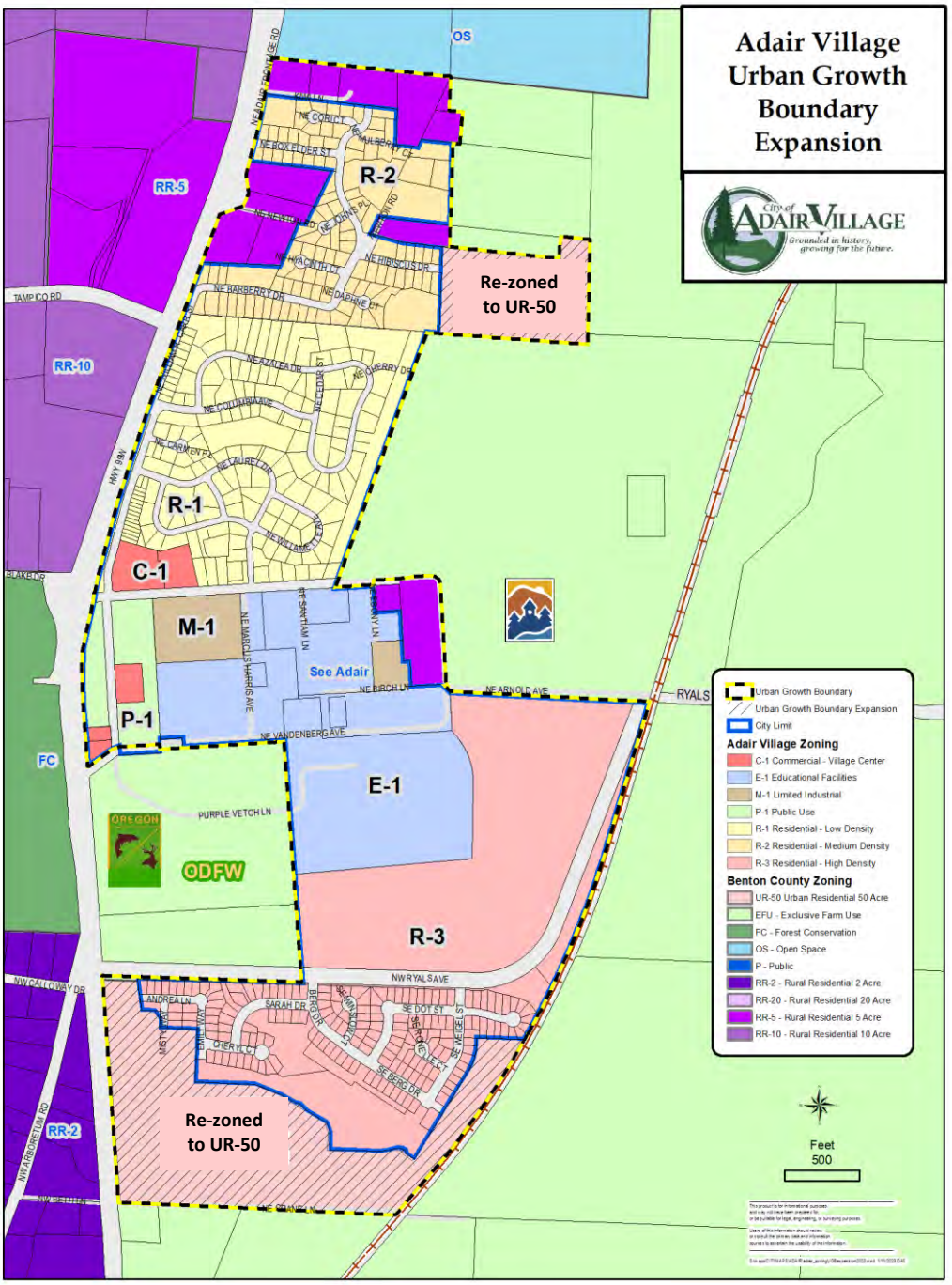

Exhibit 3

Findings of Fact and Conclusions of Law
Adair Village Urban Growth Boundary Amendment; LU-22-038

The findings are contained in the following two documents:

A. Justifications and Findings document. The findings specific to the review criteria in Benton County's Comprehensive Plan and Development Code are found on Pages 71 - 78.
B. Additional Findings – Addendum to the 9.20.22 Staff Report

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BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY
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BENTON COUNTY BOARD OF COMMISSIONERS

DocuSigned by:
Pat Malone
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Pat Malone, Chair

DocuSigned by:
829B24BF3C13426...
Xanthippe Augerot, Vice Chair

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

Approved as to Form:

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

DocuSign Envelope ID: 413BDA11-80E0-4FEE-A64B-ED80B0E316CE

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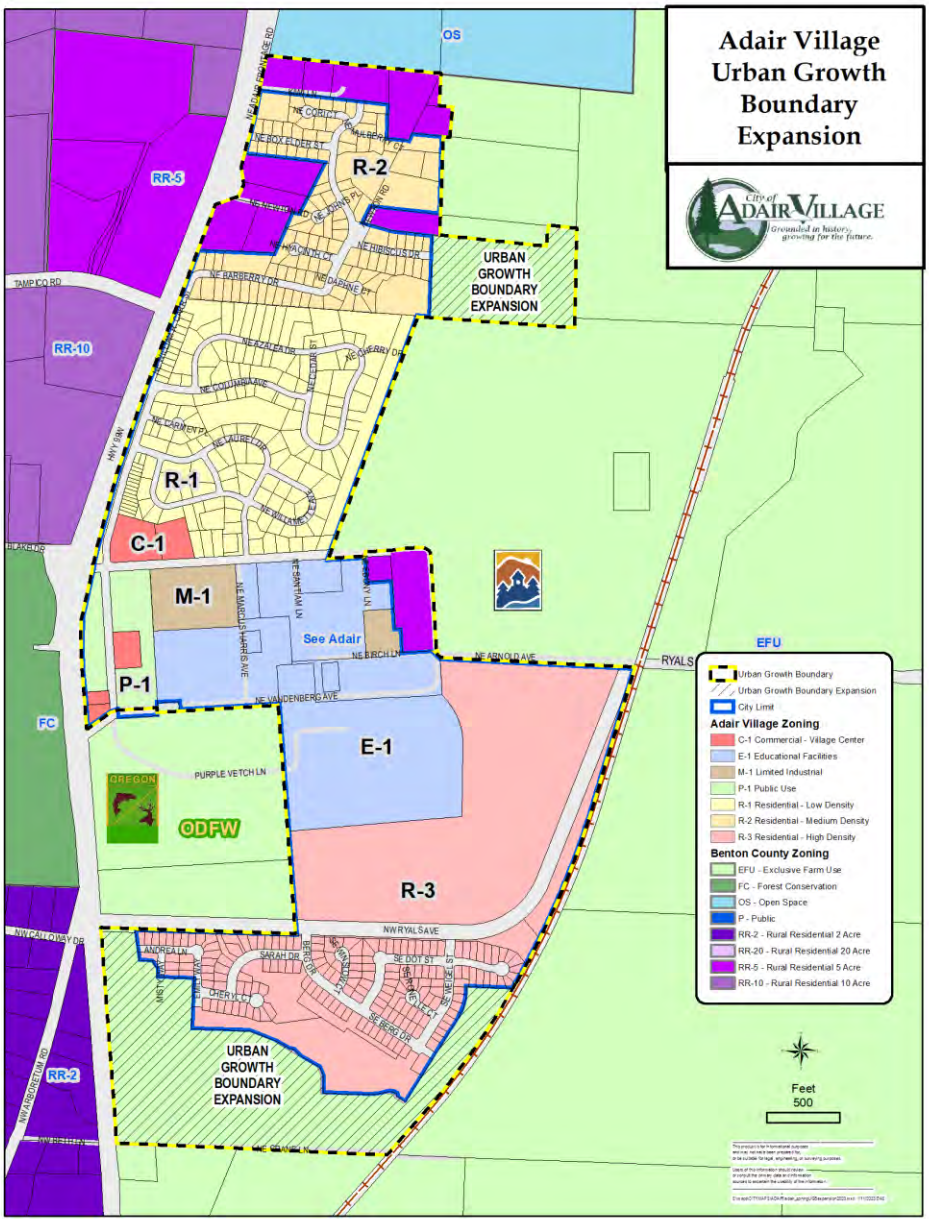

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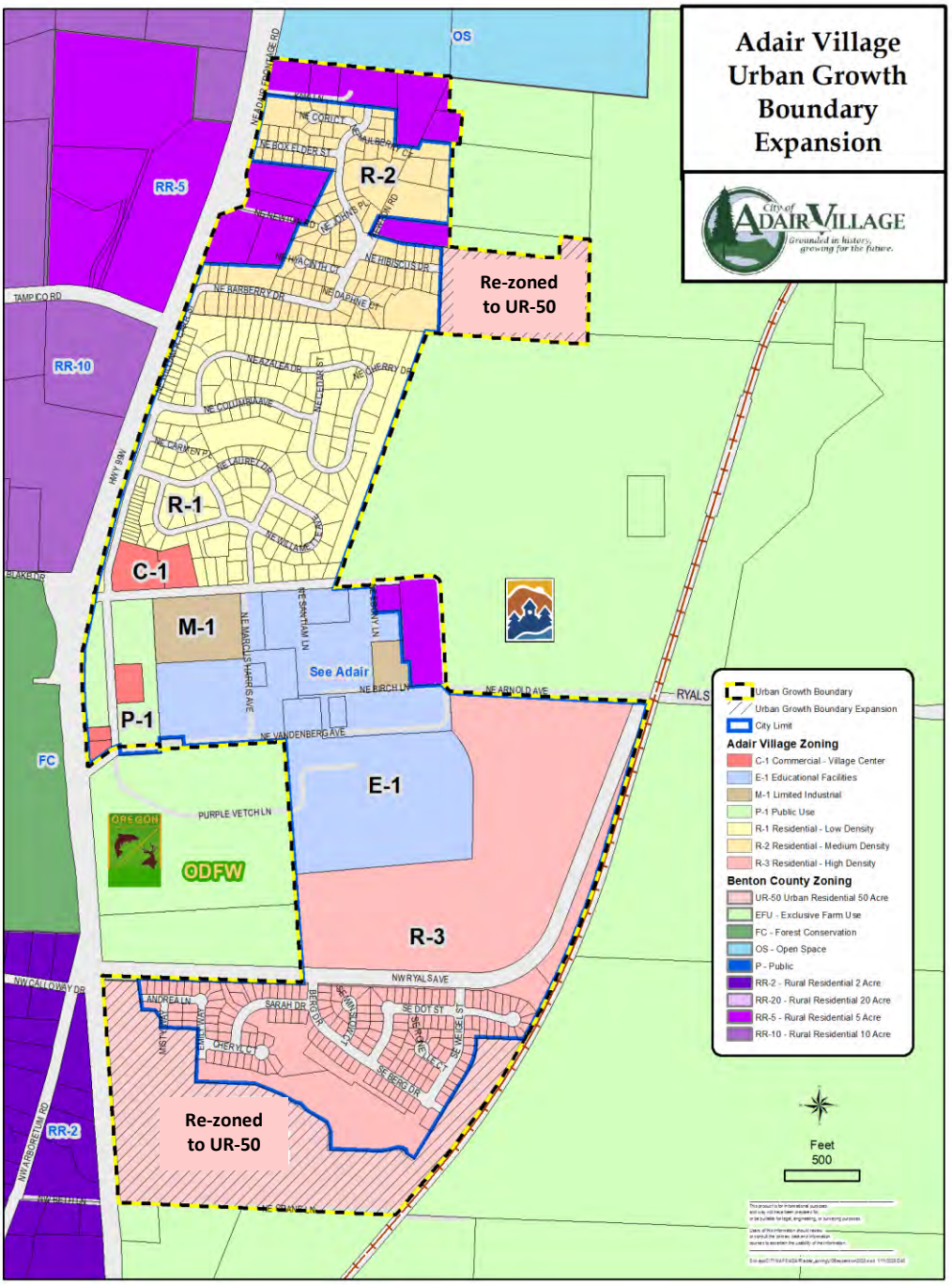

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Exhibit 3A

Adair Village & Benton County Comprehensive Plan and UGB Amendment

Justifications and Findings

January, 2023

Final Report

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1. Introduction

Background

Adair Village last completed a periodic review in 2006. Adair Village has grown considerably since then, from 870 people in 2006 to 1,416 people in 2022. This is an addition of 546 people or 63% growth. Between 2006 and 2022, 186 units have received certificate of occupancy in Adair Village, 90% of which were single-family detached housing and the remaining 10% were duplexes. This growth has been accommodated within Adair Village's existing urban growth boundary (UGB), which has not been amended since 2011.

For the past few years, the City of Adair Village has been the focal point of new residential development. The development of over 200 homes in the last three years has substantially depleted the city's 20-year supply of buildable land. In 2018, when two residential subdivisions were approved through the planned development process, the city started to monitor its residential buildable land inventory (BLI). Statewide Planning Goal 10 (Housing)requires, at a local level, that cities inventory their "buildable lands"-- this refers to land inside an urban growth boundary that is suitable and available for residential use. Furthermore, Goal 10 states:

- If a city has a deficit of housing supply for the next 20-years, the city must either expand its urban growth boundary (UGB), increase the amount of allowed housing development on lands already within the UGB, or combine these two alternatives.

In June 2021, Portland State University's Population Research Center (PRC)[1] released its latest twenty (20) year population forecast. After the city went through some reconciliation with PRC's current population numbers, the city's population was forecasted to grow to 2,541 or a 1,125-person increase.

Through monitoring the progress of two active housing projects building within the city's boundaries the city decided to re-examine its buildable residential land. As required by the State of Oregon, the City performed a Buildable Lands Inventory (BLI) where the conclusions confirmed the deficiency and compelled the City to find solutions for meeting the requirement. To meet this requirement cities usually annex land from within their urban growth boundaries (UGB); the Adair Village UGB, however, does not contain enough land to meet its housing need and the City has chosen to explore expanding its UGB.

To accomplish a UGB expansion, the City and the County have been meeting regularly with our State of Oregon Department of Land Conservation and Development (DLCD) representative to formulate a coordinated legislative UGB amendment. With the assistance of two property owners interested in bringing their property into the City's UGB, the city brought in a planning consultant (DOWL) to determine the extent of the deficiency . In addition to DOWL's analysis of buildable land within the City, they have assisted in the analysis of the proposed UGB expansion required by

1 State of Oregon's population research official.

state rules, as necessary to accommodate the remaining unmet need.

The following is a summary of the two properties being considered for inclusion in the City's UGB.

The proposed UGB expansion will include the Cornelius property located adjacent to the City at the eastern stub of Northeast Hibiscus Drive and the Weigel property located adjacent to the City bordering OR 99W to its west and Northwest Ryals Avenue to the north. It is expected that after comprehensive plan amendments adopted by the County and City, the owners of these properties will request annexation into the city to allow residential development.

Property 1 – Cornelius Property

The Cornelius property is 12.97 acres total all of which is the subject of this legislative comprehensive plan amendment. The northern portion of the parcel (5.12 acres) is planned for future urban development whereas the southern portion of the parcel (7.85 acres) is encumbered by a conservation easement due to wetlands and is therefore not available for urban development. Tim Cornelius, the owner of the property, has had discussions with the Benton County Parks Department regarding transferring ownership of the conservation easement to the County and remains interested in partnering with the County to allow either a trail or other passive public use of that portion of the site. The Cornelius property is currently in Benton County's jurisdiction and is zoned Exclusive Farm Use (EFU). Properties surrounding the Cornelius property are a mix of City and County zoning and uses; see Table 1 below for details. See Figure 1 for site location and Figure 3 for the proposed UGB expansion area.

Figure 1: Property 1 -- Cornelius Property

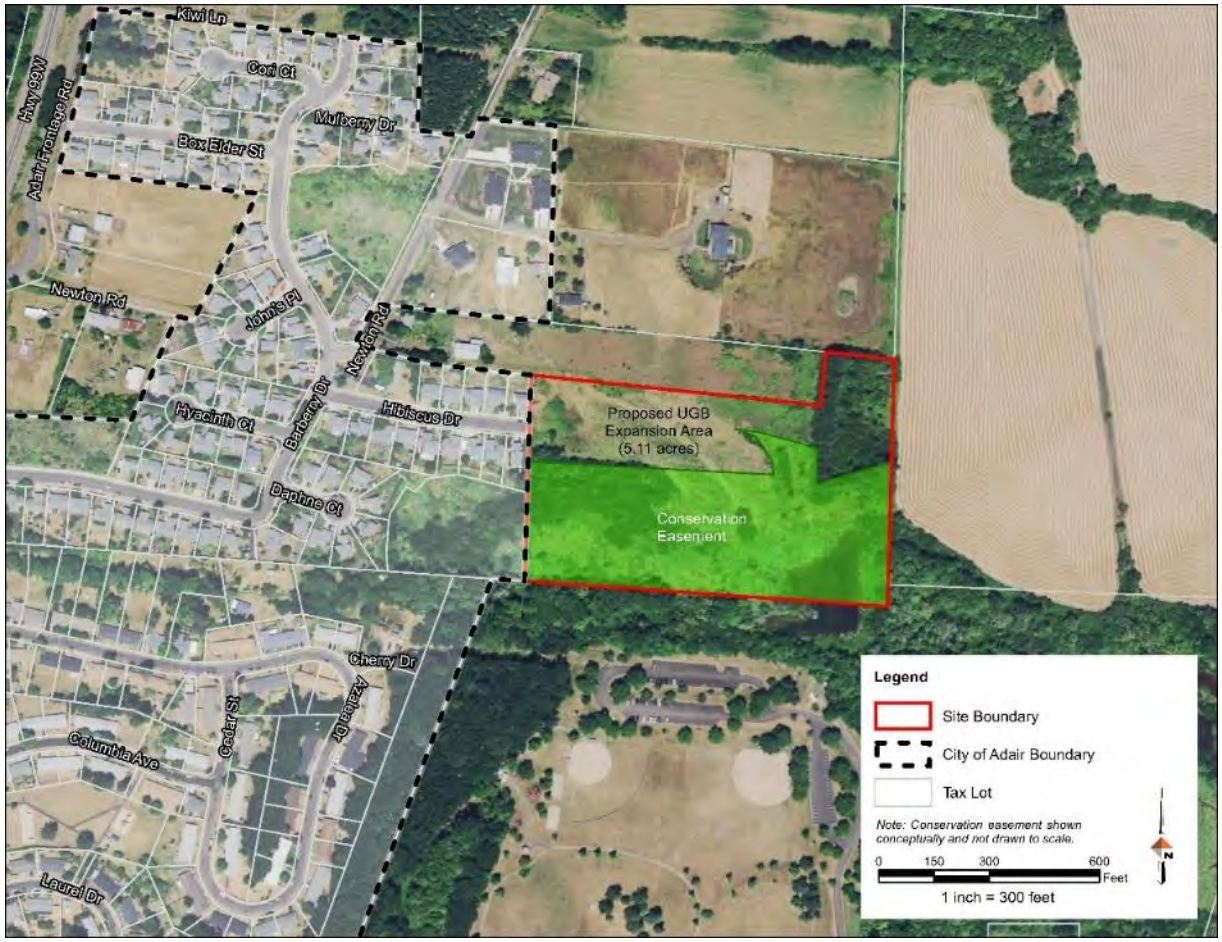


Table 1: Cornelius Property Surrounding Uses

Area	Zoning	Land Uses
North	EFU - Benton County	One single-family home
East	EFU - Benton County	Undeveloped farmland
South	EFU - Benton County	Adair County Park
West	R-2 – Adair Village	Single-family homes

Property 2 – Wiegel Property

The owner of the Weigel property anticipates future residential development to meet all the standards of both the Adair Village comprehensive plan and the Benton County comprehensive plan but has not presented a specific site development plan. The development would connect to available public infrastructure immediately adjacent to the site including public utilities and roads.

The Weigel property is approximately 42.4-acres and is surrounded by a mix of land uses and

zoning designations as noted in Table 2 below. See Figure 2 for site location and Figure 3 for the proposed UGB expansion area.

Figure 2: Weigel Property

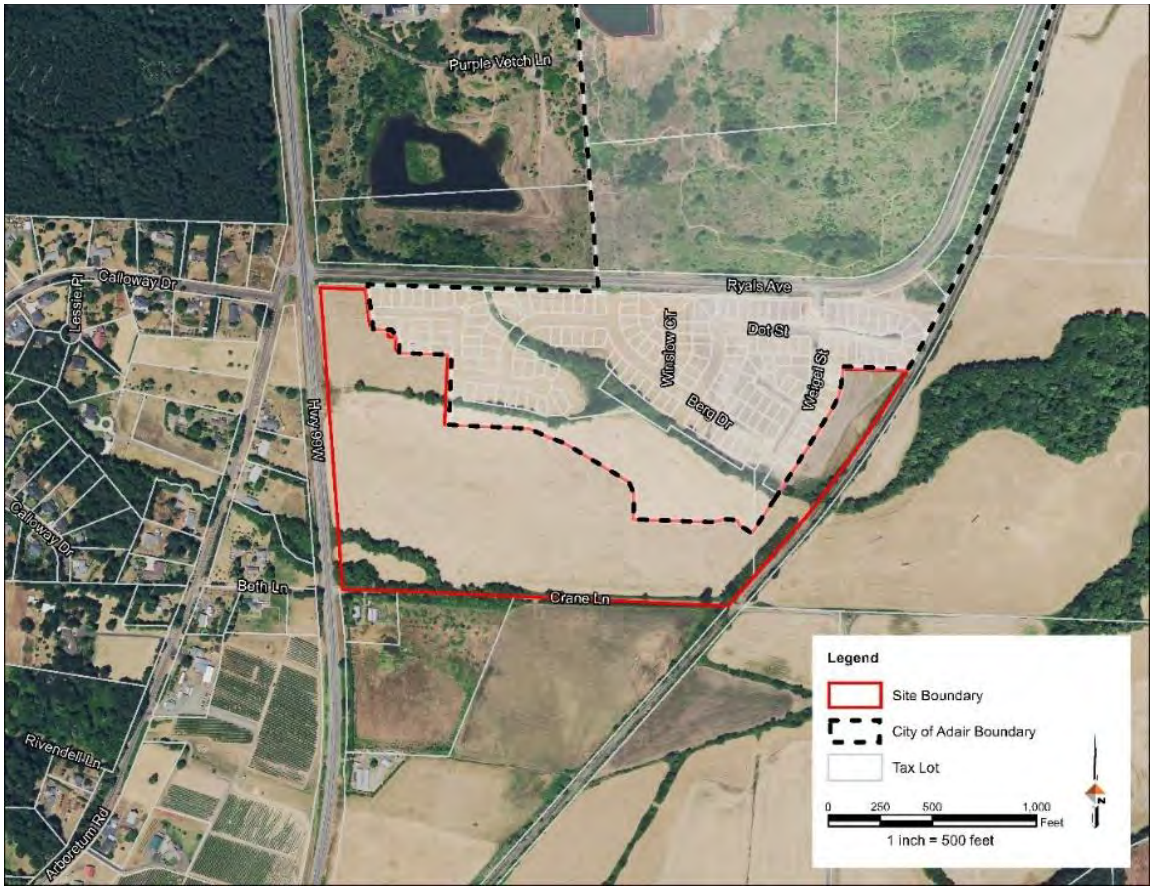
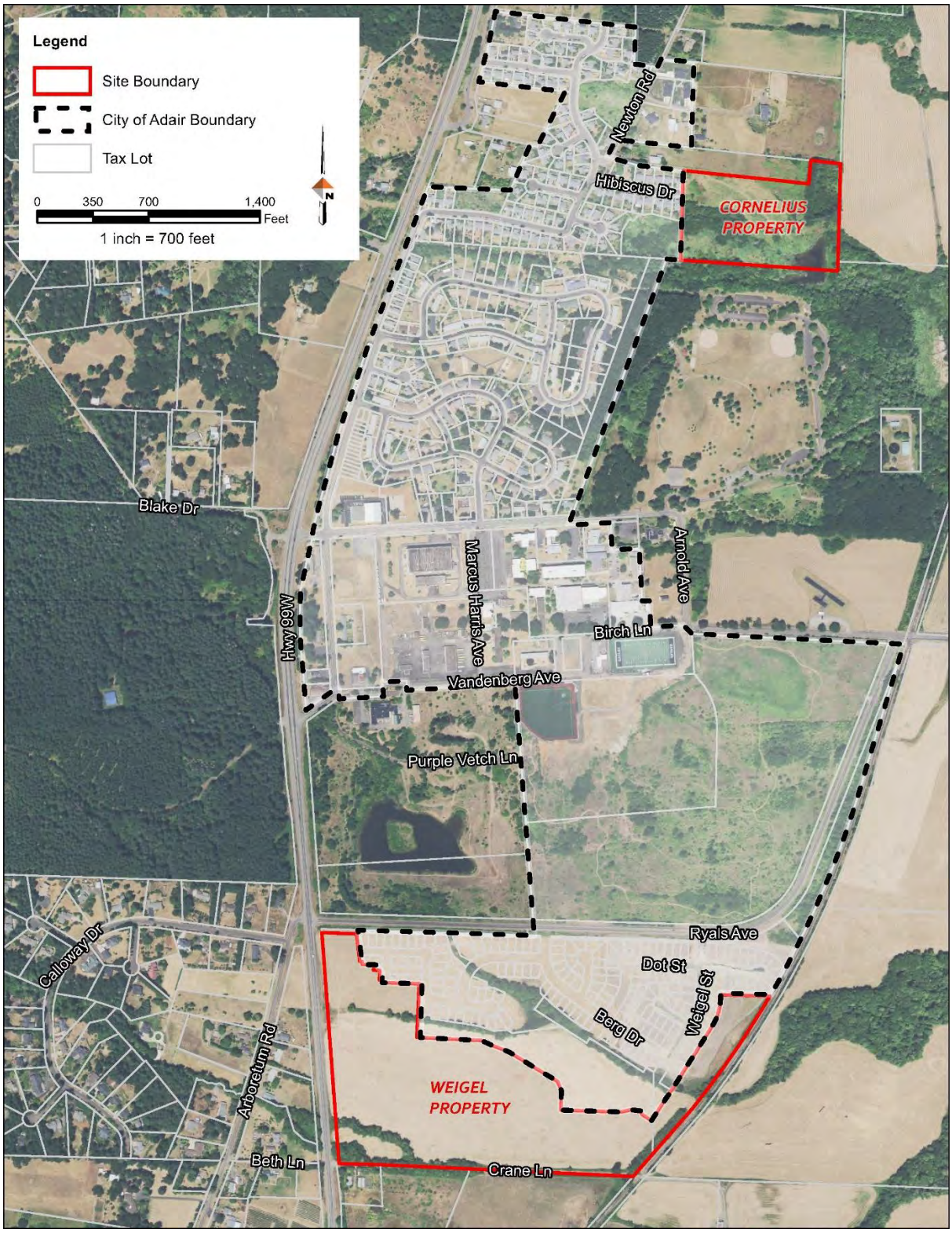


Table 2: Weigel Property Surrounding Uses

Area	Zoning	Land Uses
North	R-3 – Adair Village	Single-family homes
East	EFU - Benton County	Undeveloped farmland
South	EFU - Benton County	Undeveloped farmland
West	RR-2 – Benton County	Single-family homes

Figure 3. UGB Expansion Area Map, 2022

Proposed Expansion Areas



Organization of this Document

This document is organized as follows:

- **Chapter 2. Land Need** presents the land need from the technical analysis that supported the UGB expansion proposal.
- **Chapter 3. Alternatives Analysis for Establishment of the UGB Expansion Study Area** presents the process of establishing the study area and findings about inclusion of land in the final study area.
- **Chapter 4. Goal 14 Locational Factors** includes the evaluation and findings of each study subarea for the Goal 14 locational factors.
- **Chapter 5. City Requirements for UGB Amendment** presents findings for compliance with City of Adair Village's requirements for UGB expansion.
- **Chapter 6. County Requirements for UGB Amendment** presents findings for compliance with Benton County's requirements for UGB expansion.
- **Chapter 7. Statewide Goal Consistency Analysis** presents findings that demonstrate that the proposed UGB concept complies with applicable state planning requirements.

2. Land Need

This section summarizes the residential land needs for Adair Village, based on the results of the *2022 Buildable Lands Inventory (BLI)*, contained in Appendix 1. This section addresses Goal 14 need factors 1 and 2 for residential lands.

Need Factor 1: Population Growth

Goal 14 Need Factor 1 requires cities to demonstrate need to accommodate population growth:

> *Factor 1: Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments, or for cities applying the simplified process under ORS chapter 197A, a 14-year forecast.*

Goal 14, Factor 1 addresses the need for population growth and housing. Housing needs are a direct function of population growth, which are based on the official state population forecast from Portland State University (PSU) per OAR 660-032:

> ***660-032-0020 Population Forecasts for Land Use Planning***
>
> *(1) A local government with land use jurisdiction over land that is outside the Metro boundary shall apply the most recent final forecast issued by the PRC under OAR 577- 050-0030 through 577-050-0060, when changing a comprehensive plan or land use regulation that concerns such land, when the change is based on or requires the use of a population forecast, except that a local government may apply an interim forecast as provided in 660-032-0040.*

In 2021, Portland State University (PSU) released updated population forecasts for Adair Village, which includes Benton County and the cities in Benton County.[2] PSU shows the 20-year population forecast for Adair Village over the 2020 to 2040 period. The city extrapolated the PSU forecast to be from 2022 to 2042 based on the method of extrapolation consistent with the following requirements:

> ***660-032-0020 Population Forecasts for Land Use Planning***
>
> *(4) When applying a PRC forecast for a particular planning period, the local government shall use the annual increments provided in the applicable forecast, and shall not adjust the forecast for the start-year or for other years of the planning period except as provided in PRC's interpolation template described in OAR 577-050-0040.*

[2] *Oregon Population Forecast Program, Portland State University, Population Research Center, June 2021.*

Exhibit 3 shows that Adair Village is expected to grow from 1,416 residents in 2022 to 2,541 residents in 2042, an increase of 1,125 new residents over the 20-year period.

For the 2042 population, we used the PRC's population forecast interpolation template (for forecasting single-year time intervals). It is linked on their website. The most up to date PRC data for Adair Village forecasts the 2040 population at 2,472 and the 2045 population at 2,649. We entered those two numbers into the population interpolation template and were able to come up with a 2042 population of 2,541.

The same tool was used to formulate the current residents

Exhibit 3. Forecast of Population Growth, Adair Village UGB, 2022 to 2042
Source: Oregon Population Forecast Program, Portland State University, Population Research Center, June 2018.

1,416	2,541	1,125	80% increase
Residents in 2022	Residents in 2042	New residents 2022 to 2042	4.0% AAGR

Need Factor 1 Findings

The City finds that Adair Village will grow by 1,125 new residents between 2022 and 2042 based on PSU's Population Research Center coordinated population forecast for Adair Village, consistent with the requirements in OAR 660-032-0020 (1), OAR 660-032-0020 (4), OAR 660-032-0020 (5), and OAR 660-024-0040(2)(a).

Need Factor 2: Land Need

Goal 14 Need Factor 2 requires that cities demonstrate need for lands proposed for inclusion in a UGB:

> *Factor 2: Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2). In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.*

This section documents land need for housing to be included in the Adair Village UGB expansion proposal. It begins with a discussion of land supply in Adair Village's UGB based on the Buildable Land Inventory report.

Adair Village Land Supply

The report presents an inventory of the buildable lands within the existing Urban Growth Boundary (UGB) of the City of Adair Village as shown in Figure 4. The purpose of a Buildable Lands Inventory (BLI) is to document and determine the supply of land available as it relates to the long-term growth needs of the community. The inventory addresses residential land needs within the UGB. As referenced throughout this report, "UGB" refers to land within the city growth boundary, including land outside of the current City limits.

The BLI analysis structure is based on the State of Oregon Department of Land Conservation and Development (DLCD) HB 2709 workbook entitled, *Planning for Residential Growth: A Workbook for Oregon's Urban Areas.* Task 1 of the workbook is the basis for this analysis as it lays out the steps to prepare a BLI:

1. Calculate the gross vacant acres by plan designation, including fully vacant and partially vacant parcels.

2. Calculate gross buildable vacant acres by plan designation by subtracting unbuildable acres from total vacant acres.

3. Calculate net buildable vacant acres by plan designation by subtracting land for future facilities from gross buildable vacant acres.

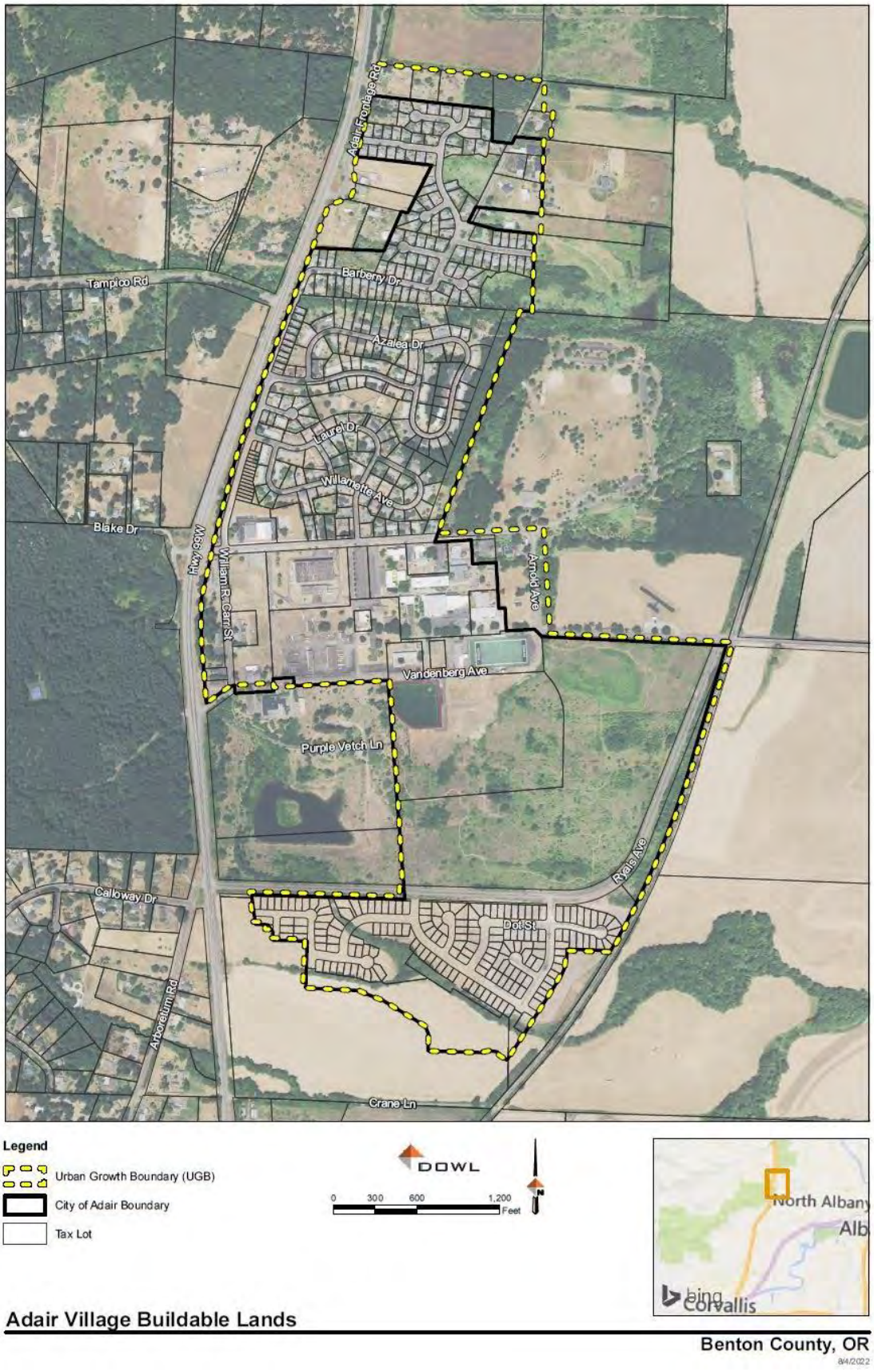
4. Calculate total net buildable acres by plan designation by adding redevelopable acres to net buildable vacant acres.[3]

DOWL's analysis of buildable land included all residentially designated land in the Adair Village Comprehensive Plan within the City Urban Growth Boundary. DOWL used the most up to date Benton County tax lot data for the BLI. The analysis builds off of the tax lot data, identifying all land within tax lots that fall within the UGB to estimate the amount of buildable land by residential plan designation.

This report contains two separate analyses. First, is a Buildable Lands Inventory of all parcels within the City's current UGB to determine available buildable acreage. Second, is an analysis of the most recent population forecasts from Portland State University Population Research Center (PRC). DOWL has used the population forecast to estimate the City's residential land need.

[3] *State of Oregon DLCD, Planning for Residential Growth: A Workbook for Oregon's Urban Areas. DLCD Urban Planning Documents, June 1997. https://www.oregon.gov/lcd/UP/Documents/planning_for_residential_growth.pdf*

Figure 4. Adair Village Urban Growth Boundary



BLI Methodology

The Simplified Urban Growth Boundary Methodology is identified in Oregon Administrative Rule (OAR) 660-038-0060 – Buildable Lands Inventory (BLI) for Residential Land within the UGB (see Figure 5 – Zoning Map). The rules list the following requirements:

- Classification of residential districts into low-density (8 dwelling units per acre or less); medium density (between 8 and 16 dwelling units per acre); and high density (greater than 16 dwelling units per acre). (660-038-0060(1)(B))
- For residential district parcels:
    - Identify vacant land as any parcel at least 3,000 square feet in size with an improvement value of less than $10,000. (660-038-0060(2))
    - For lots at least one-half acre in size that contain a single-family residence, subtract one-quarter acre for the residence and count the rest of the lot as vacant land. For lots that contain more than one single family residence, or other uses, use aerial photography or other method to identify vacant land. These lots are classified as "partially vacant." (660-038-0060(3))
    - The following lots are excluded: dedicated open space, private streets, common areas, utility areas, conservation easements, schools and other public facilities, rights of way, and other institutions. (660-038-0060(3))
- Determine the amount and location of vacant and partially vacant land at all density levels. (660-038-0060(4))

The City of Adair Village sets forth density allowances for residential low-density (R-1), residential medium density (R-2), and residential high density (R-3). The R-1 Zone allows dwelling units on a 10,000 square foot minimum lot size which equates to approximately 4.4 dwelling units per acre. The R-2 Zone allows dwelling units on an 8,000 square foot minimum lot size which equates to approximately 5.4 housing units per acre. Finally, the R-3 Zone allows dwelling units on a 6,500 square foot minimum lot size which equates to approximately 6.7 dwelling units per acre. Additionally, OAR 660-038-0070 describes reductions of buildable land for natural resources.

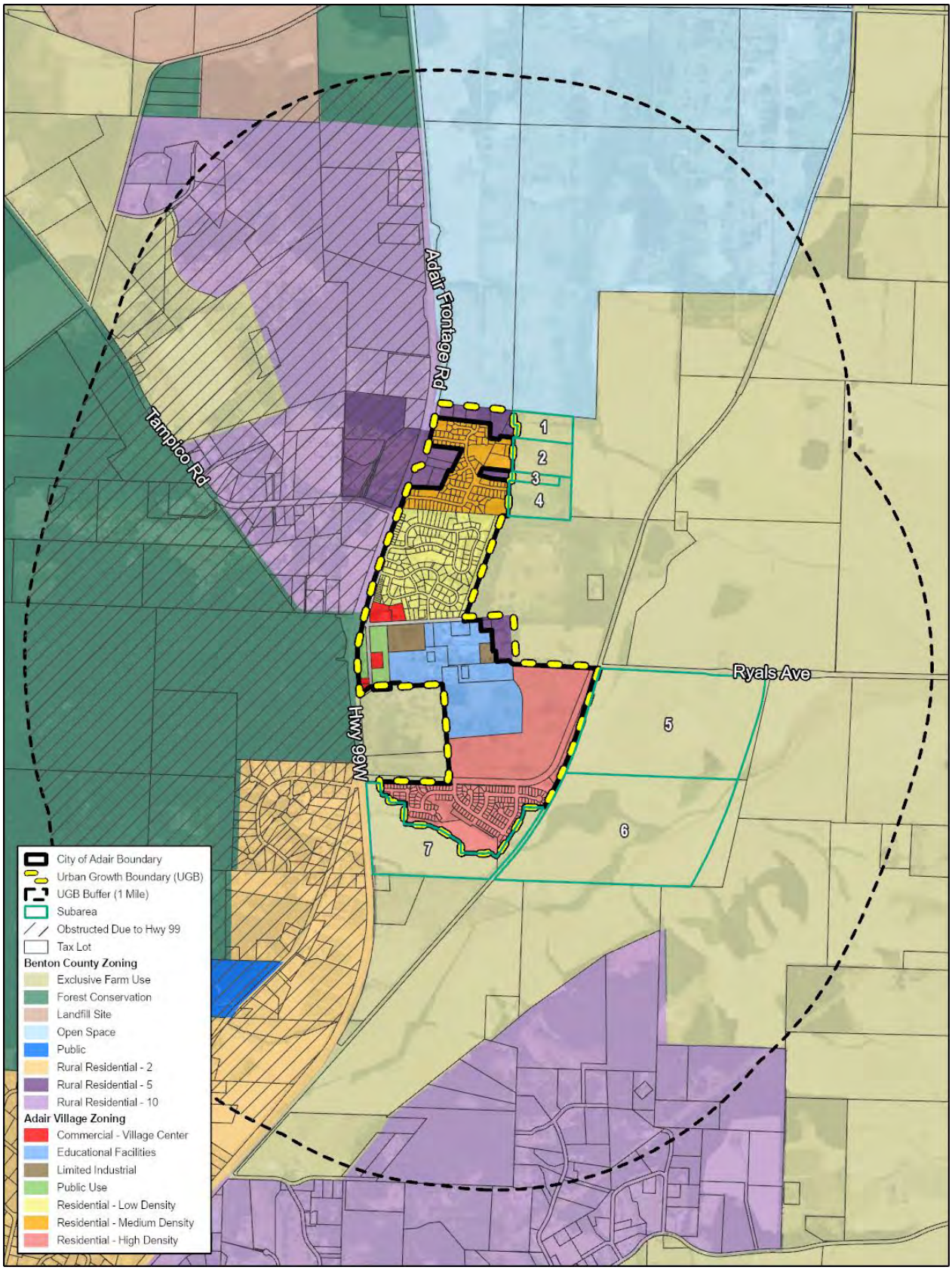
Identify Residential Land

Residential land must meet one of the following criteria for the BLI analysis:

- Land with a comprehensive plan designation of "Residential" within city limits.
- Land with a county residential zoning designation within the City's UGB.

Other land (Commercial, Limited Industrial, Public Use, Educational Facilities) is generally excluded as it is not intended for residential purposes. The City's code (Section 4.121) allows for second story residences above commercial in the C-1 Commercial – Village Center zone. However, all properties designated C-1 are developed. Therefore, for purposes of this analysis, DOWL omitted all C-1 zoned properties.

Figure 5. Adair Village and Benton County Zoning Map



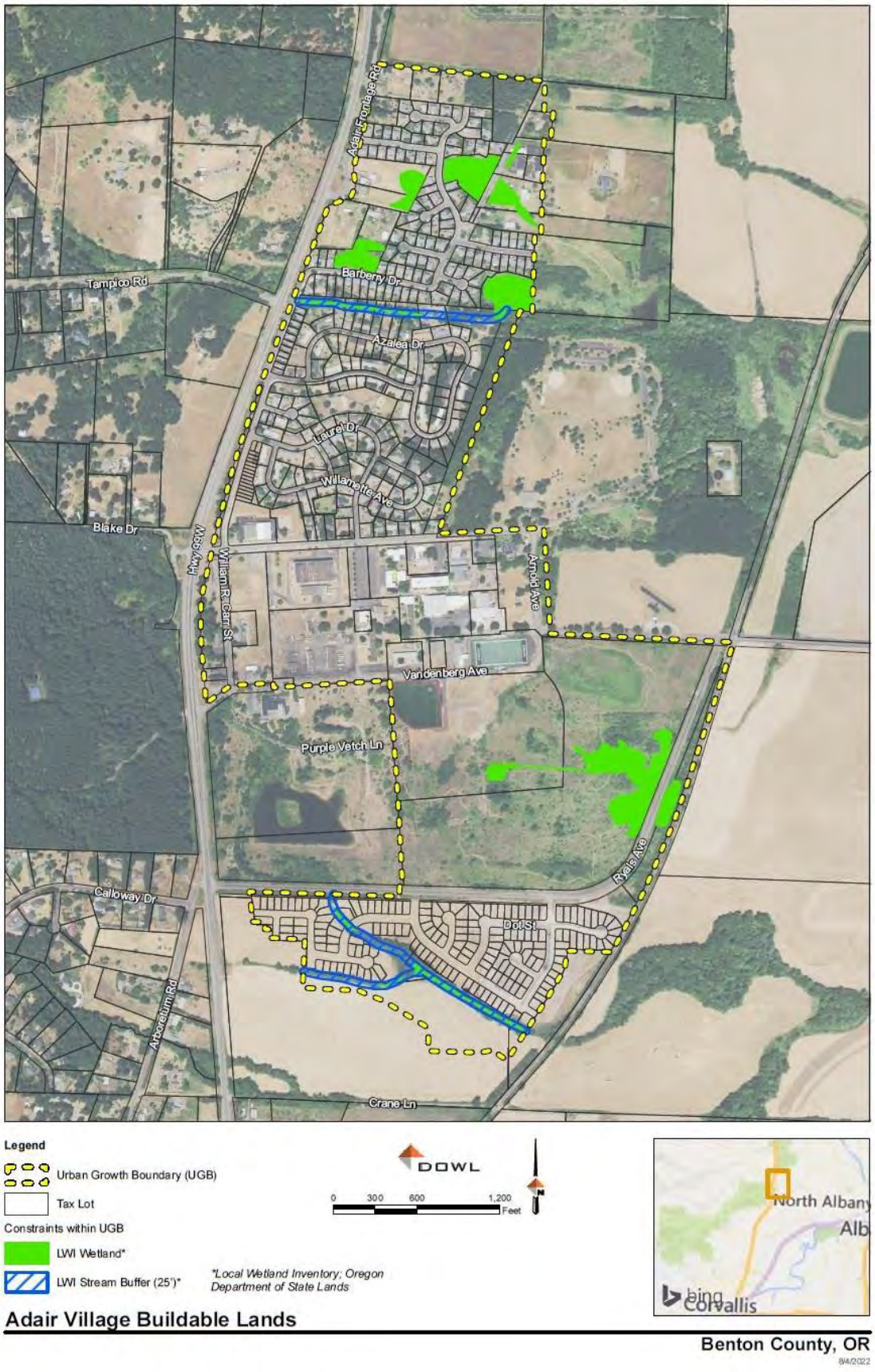
Identify Environmental Constraints and Natural Hazards

DOWL conducted an analysis of Benton County GIS data in order to remove lands where development is constrained due to environmental resources, hazards, or topography. The constraints listed below have been included in the BLI and are shown below in Figure 6:

- LWI Wetlands
- LWI Stream Buffer (25')
- Floodplain: Areas within the 100-year FEMA floodplain

The environmentally constrained areas, identified on the following page, were deducted from the total area of the parcel to estimate the total buildable potential of each parcel of land.

Figure 6. Adair Village Environmental Constraints



Classify Parcels by Development Status and Estimate Housing Unit Capacity

Parcel classification is used to separate parcels into developable and non-developable categories. Each parcel in the City of Adair Village and its adjacent UGB was classified based on its potential for accommodating new residential development. The classification is based on potentially buildable area on the parcel and the valuation of improvements. The GIS analysis and figures in this report are limited to residential zones only. Improvement values are sourced from Benton County Tax Assessment data. All relevant parcels were classified into four categories. These categories are:

- **Developed**: Improvement value of more than $10,000, but do not meet Partially Vacant or Constrained criteria.
- **Constrained**: Parcels with less than 3,000 square of unconstrained land. Constrained assumes that the area of the lot is too small to be developable.
- **Partially Vacant**: Parcels that meet the definition of partially vacant under OAR provision 660-038-0060(3). These parcels have an existing dwelling, an improvement value greater than $10,000, and are at least a half-acre in size. As determined in state provisions, a quarter-acre was removed from the unconstrained area of these parcels.
- **Vacant**: Parcels that are vacant with sufficient area for development and a minimum of 3,000 square feet of unconstrained land. They must also have an improvement value of less than $10,000 or tax assessor code that identifies the parcel as residentially zoned and vacant.

Aerial imagery was used in some cases to determine development status. Land classification was reviewed by City of Adair Village staff. After consultation with City staff and the City engineering consultant, multiple parcels were removed from consideration in this analysis (See Appendix 1). To estimate housing unit capacity, each parcel's capacity was estimated based on the City's zoning designation. For each zone, a projected density was calculated based on the minimum lot size standards of the zone. Then, that projected density was applied to the buildable acres on each parcel to estimate housing capacity measured in units. The housing unit capacity was rounded to the nearest whole number to reflect the actual maximum amount of permitted units.

Map ID	Taxlot	OWNER	Buildable Acres	Notes
1	4000	AMANDI ANTONIO & ELIZABETH C, TR	2.72	
2	201	DEMERS DENNIS L,AG	0.48	
3	600	AMANDI ANTONIO & ELIZABETH C, TR	0.34	
4	2000	CREEKSIDE AT ADAIR HOMEOWNERS	0.18	Property eliminated due to stream and wetland limitations
5	205	WEIGEL RONALD C	7.22	
6	6300	CALLOWAY CREEK HOMEOWNERS ASSOCIATION	1.59	Property eliminated as dedicated open space within Calloway Creek Subdivision
7	11300	CALLOWAY CREEK HOMEOWNERS ASSOCIATION	0.62	Property eliminated as dedicated open space within Calloway Creek Subdivision
8	1900	CREEKSIDE AT ADAIR HOMEOWNERS	0.10	Property eliminated due to stream and wetland limitations
9	1000	WRIGHT MARY LEE	0.48	
10	400	SANTIAM CHRISTIAN SCHOOLS INC	44.58	
11	400	SANTIAM CHRISTIAN SCHOOLS INC	2.37	Property eliminated due to not enough room for alternate access off of arterial
12	3700	YANEZ ERIC & BETHANY J	1.22	
13	3800	LOPEZ OMAR GENARO	0.84	
14	1500	SWARBRICK DAVID & MEGAN	1.35	
15	1800	NEVILLE STUART E & CORLISS J, TR	1.10	
16	1700	JONES ALMON O III,TR	2.02	
17	1000	WRIGHT THOMAS E & CAROLINE C	1.04	
18	800	HUBELE CURTIS J & DEANNA R	0.31	Property eliminated due to stream and wetland limitations
19	3900	AMANDI ANTONIO & ELIZABETH C, TR	1.90	
20	3600	DICKSON CALEB P & MARIANNE	0.75	
21	4100	AMANDI ANTONIO & ELIZABETH C, TR	0.75	
22	3500	BULLARD SOPHIE J	0.26	Property eliminated due to stream and wetland limitations
23	1600	LOWDEN IRONA S	0.76	
24	4200	LOWDEN IRONA S	1.67	
25	1600	THAYER ROBERT F & RENA K, TR	0.66	Property eliminated due to stream and wetland limitations

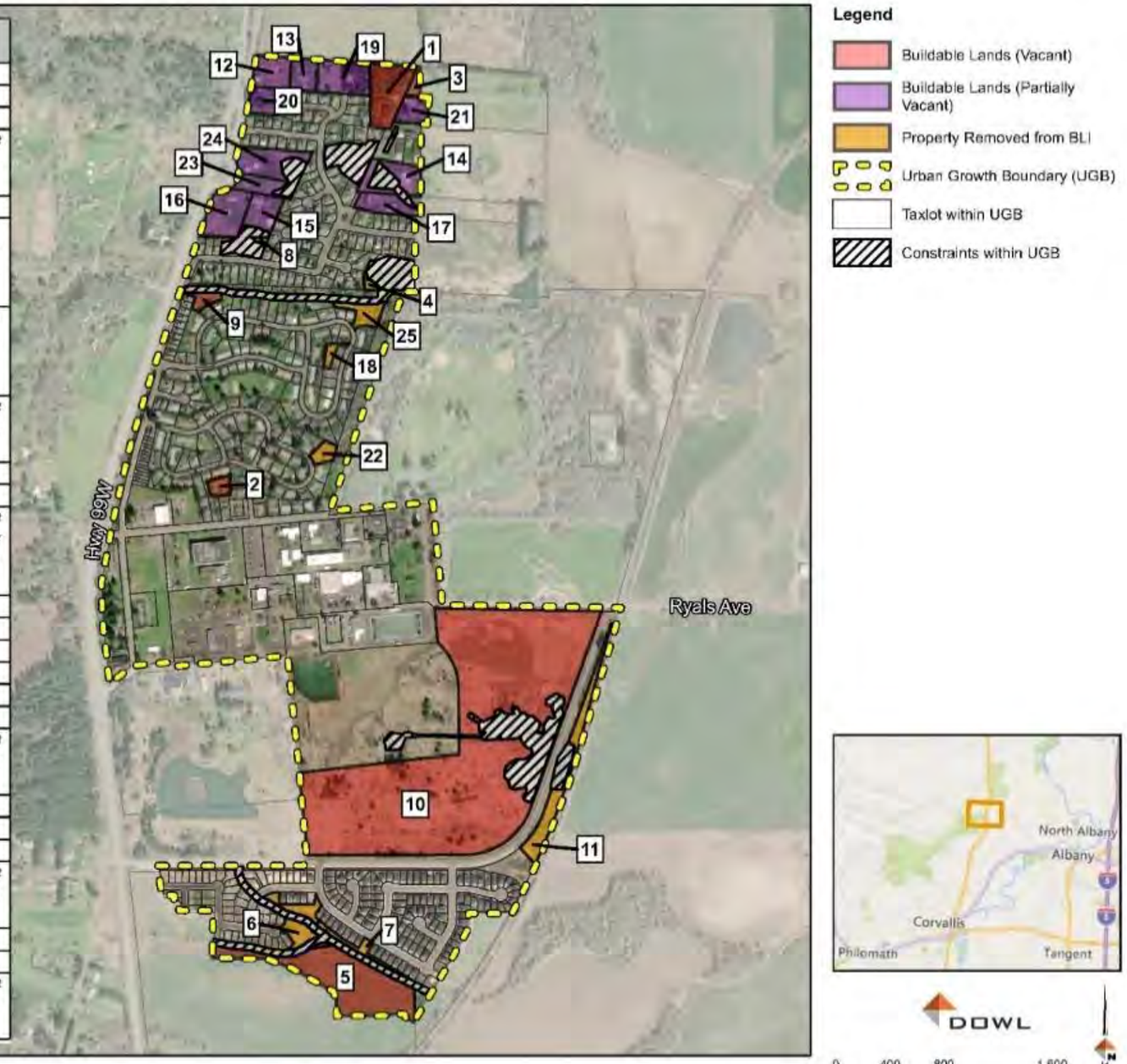


Figure 7: Vacant and Partially Vacant Property

Key Findings and Results

- As noted in Tables 1 and 2 below, a total of 71.98 gross acres of vacant and partially vacant, residentially zoned, land exist within the City's UGB. After applying the required one-quarter acre deduction of land area from each partially vacant lot pursuant to OAR 660-038-0060(3) and a further deduction of 25 percent for required infrastructure per Adair Village Comprehensive Plan Section 9.800 Growth Management, DOWL determined that the total net buildable land area in the City's UGB is 51.92 acres.

- The majority of Adair Village's current developable residential land is located within the approximately 44.58-acre Santiam Christian Schools, Inc. parcel in the southern part of the City. This parcel is currently zoned R-3 (Residential – High Density). DOWL is aware that this site contains a large wetland complex, identified in the March 22, 2012, Department of State Lands Local Wetlands Inventory as an Emergent Seasonally Flooded (PEMC) wetland. DOWL is aware that there is a preliminary development proposal on the property that includes a more current delineation that does not conform to the DSL LWI mapped wetland. It should be noted that if development plans for the Santiam Christian Schools site reveal that the wetland is greater than mapped and/or preserves a larger area due to protected buffers and/or updated mapping, additional residential land may be needed to satisfy the City's 20-year land need.

- Many parcels identified as vacant through GIS research and review of aerial photography were determined to be undevelopable due to stream and wetland limitations, commitments to open space, and access limitations.

- The approximately 7.22-acre parcel of land along the south boundary of the City, owned by Calloway Creek LLC, was included as it is still undeveloped but there are currently plans to develop. Once developed, this will lead to a reduction in the amount of developable residential land.

Table 1: Development Status

Parcel Status	Vacant Acres (Gross)
Partially Vacant*	16.15
Vacant	55.83
Total	**71.98**

Source: Calculations using Benton County GIS Data
**For Partially Vacant, 0.25 acres is removed from each parcel as part of the gross-to-net calculation in Table 2.*

Table 2: Potentially Buildable Acres by Zoning Designation

Zoning Designation	Gross Vacant Acres			Net Vacant Acres[4]
	Partially Vacant	Vacant	Total	
R-1	13.55	4.03	17.58	**11.49**
R-2	2.60	0	2.60	**1.57**
R-3	0	51.80	51.80	**38.85**
Subtotal	**16.15**	**55.83**	**71.98**	**51.92**
Net Buildable Acres	***10.05***	***41.87***	***51.92***	--

Source: Calculations using Benton County GIS Data

Forecast for Housing Growth

Per ORS 195.033(3) and OAR 660-032-0020, the City of Adair Village is required to use the official population forecast issued by PRC for comprehensive urban growth planning. DOWL used PRC's 2022 forecast to estimate the Residential Land Need for the 20-year forecast window.[5]

The current population estimate of 1,416 residents was derived from using PRC's population interpolation template found on their website. Because the PRC forecasts are only published every three years and the last report was in 2021, Adair Village's population had to be estimated using the PRC's five-year interval numbers.

DOWL inserted the forecasted 2025 and 2030 population estimates into the interpolation template to arrive at an estimated population number for 2026. Then DOWL used the same template, inserting the 2021 and 2026 population estimates to obtain the 2022 population estimate (1,416) used in this report.

Table 3: City of Adair Village Population Growth 2022-2042

PSU Population Forecast		Change 2022-2042 (number)	Change 2022-2042 (percent)	Average Annual Growth Rate (AAGR)
2022	2042			
1,416	2,541	1,125	79.4	4.0%

Source: Population Research Center, Portland State University, June 30, 2021, DOWL calculations

4After subtracting 25% of acreage to account for public infrastructure .25 acres for each partially vacant lot

5PRC's population estimate for Adair Village, provided in 2021, estimated a population of 2,279 city residents in 2040. PRC's population interpolation template which applies an average annualized growth rate to estimate population in future years, estimates that the 2042 city population will be 2,541 residents.

DOWL then calculated the projected housing unit capacity for the City of Adair Village based on current density (units per acre) permitted in the residential zoning designation of the respective parcels.

Table 4: Housing Unit Capacity by Zone

Zoning Designation	Estimated Housing Unit Capacity		
	Net Buildable Acres	Projected DU/Net Acre	Projected Housing Capacity
R-1	11.49	4.4	50
R-2	1.57	5.4	8
R-3	38.85	6.7	260
Total	**51.92**	--	**318**

Source: Calculations using Benton County GIS Data

Summary

As noted in Table 5 below, this study finds that the City of Adair Village has buildable residential acreage within its UGB to accommodate 318 units, leaving a deficit of residential land to accommodate the additional 73 units needed to meet the 2042 population forecast.

Following an initial screen for vacant and partially vacant properties using GIS, DOWL conducted a site-by-site assessment of the GIS-generated list of vacant and partially vacant properties to determine if any of these sites should be eliminated from the buildable land assessment by applying the buildable criteria found in OAR 660-038-0060(3)(c). Specifically, OAR 660-038-0060(3)(c) states that the City *shall* exclude the following lots and parcels from the BLI:

> *(A) Lots and parcels, or portions of a lot or parcel, that are designated on a recorded final plat as open space, common area, utility area, conservation easement, private street, or other similar designation without any additional residential capacity.*
>
> *(B) Lots and parcels, or portions of a lot or parcel, that are in use as a school, utility, or other public facility, or are dedicated as public right of way.*
>
> *(C) Lots and parcels, or portions of a lot or parcel, which are in use as a non-public institution or facility, including but not limited to private schools and religious institutions. The excluded lots and parcels or portions of lots and parcels may not include vacant or unimproved lands that are owned by the non-public institution or facility.*

Based on applying the above criteria, approximately eight parcels of residential land totaling 6.10-acres were eliminated from the BLI.

As discussed above, the City's engineering consultant, Civil West, provided DOWL with a memorandum, dated March 15, 2022, that details the various reasons why particular vacant and partially vacant properties should be considered unbuildable (See Appendix A: Buildable Lands Inventory & Assessment Memorandum). While many of these reasons directly address criteria in OAR 660-038-0060(3)(c) other reasons included practical impediments to development such as high cost of utility and roadway improvements, necessary demolition, reluctance of ownership to annex and access limitations. While DOWL is in agreement that, as a practical matter, these constraints inhibit the development of these parcels, DOWL determined that these limitations do not expressly require their elimination per 660-038-0060(3)(c). At their discretion, the City could seek to pursue a more nuanced review of these additional parcels and, through discussions with Benton County and the state, to determine if these properties could be eliminated from consideration as buildable.

Additionally, should further permitting on the Santiam Christian Schools site reveal a lesser capacity than the assumed 260 housing units, a near-term need for more buildable residential land could be required.

In summary, DOWL's technical review of lands within the City's UGB has revealed a deficit of housing capacity within the City's UGB and that lands are needed to accommodate 73 additional units.

Table 5: Residential Land Need

Combined Projected Housing Capacity[6]	Projected Housing Need[7]	Housing Deficit
318 units	391 units	73 units

Source: Calculations using Benton County GIS Data, PSU Population Research Center Data, and 2020 Census Data

FINDING:

To calculate the number of deficient acreages in the city's residential inventory, the housing deficit (73 dwelling units) was divided by the average of all three residential zones dwelling units per acre (5.5 units). The result is that the city will need to add approximately 13.25 acres to accommodate 20-years of residential growth.

6 Projected Housing Capacity calculated by zone from Table 4.

7 Projected Housing Need calculated from PSU Population forecasted growth of 1,125 at 2.87 people per household per the 2020 Census data.

REVISED NEED BASED ON LAND USE EFFICIENCY MEASURES

As determined in Table 5, Adair Village does not have sufficient development capacity within its UGB to accommodate 20-years of residential growth. OAR 660-024-0050 requires Adair Village to consider land use efficiency measures prior to expanding the UGB.

> ***660-024-0050 Land Inventory and Response to Deficiency***
>
> *(4) If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024- 0040, the local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197.296 where applicable. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. If the local government determines there is a need to expand the UGB, changes to the UGB must be determined by evaluating alternative boundary locations consistent with Goal 14 and applicable rules at OAR 660-024-0060 or 660-024-0065 and 660-024-0067.*

The City has implemented several policies to increase development capacity of land already inside the UGB.

DOWNTOWN CORE

The city has been exploring efficiency measures long before this UGB amendment was needed. The city has envisioned designing and developing a walkable downtown core, a key part of developing a sustainable small city in north Benton County. To successfully accomplish this vision, it will require a critical mass of residences to support any form of a vibrant downtown.

For over 10 years the city has worked towards making this vision a reality. The city held multiple charettes and downtown planning workshops put on by professionals where citizens and stakeholders participated. The city adopted the results of these planning sessions as their downtown master plan. Out of these sessions came specific measures consisting of new growth management policies, a new commercial zoning district and development codes to implement the vision. The city has also been in negotiation with Oregon Department of Fish & Wildlife (ODFW) for years to create connections between its southern neighborhoods and the future downtown core.

In 2018, the city purchased a 5-acre piece of property directly in the center of town from the county to become its downtown. The city spent four years working with the Department of Interior to remove a parks in perpetuity classification left over from when the property was a former military base. After that, the city purchased a one-acre piece of property directly in the middle of where the downtown core is to be established. Today the city has clear title and owns all six acres of property between Arnold and Vandenberg Avenues that fronts along William R. Carr Street for its downtown.

During this time the city approved and adopted a new mixed use commercial zone to begin the transformation. Across the street the city moved two old historic barracks buildings for public use and a museum and built a veteran's memorial plaza to solidify their intentions. The city is now in a position to be a full-service compact city. Their efforts will continue to bring in development that supports mixed-use principles which includes commercial services, higher density residential, live work design all of which support walkable neighborhoods and a climate friendly environment.

PLANNED UNIT DEVELOPMENT (PUD) CODE

For further efficiency measures the City of Adair Village adopted a Planned Development Section to Article 7, Special Area Standards, in their 2015 development code (ORD 2010-005 (Amended ORD 2013-03)).

The Planned Unit Development (PUD) is intended as a development option to provide a degree of flexibility in the regulation of land development and the arrangement of uses. Through this option, more creative approaches to development can be utilized which take better advantage of the special characteristics of the land than would be possible through the strict enforcement of this ordinance. The specific objectives of this article are to:

(a) Encourage innovation in land use and variety in design, layout and type of structures constructed
(b) Achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
(c) Permit flexibility in the placement, lot area and building type regulations, and combination of uses while assuring the application of sound site planning standards.
(d) Encourage the provision of useful open space and more extensive landscaping.

In review of the two most recent residential developments, Calloway Creek and the William R. Carr Subdivision, the city agreed to allow an increase in density for both projects using the PUD approach. Calloway Creek is in an R-3 zoning district that allows for a 6.7 unit per acre density which was allowed to increase to just over 9 units per acre. This development is entirely built out.

William R. Carr Subdivision, which was a one-acre infill project, is in a R-1 zoning district that allows for 4.4 units per acre. The city allowed the developer to increase the density to 16 units per acre per the PUD code. This development is entirely built out.

NEW R-4 RESIDENTIAL DISTRICT

On September 7, 2021, the city adopted an ordinance creating the R-4 district that allows for 4,000 square foot minimum lot sizes. The R-4 district can provide for middle housing developments in areas zoned for residential use that allow for the development of detached single-family dwellings, du-plexes, row housing and cottage clusters and to provide areas suitable and desirable for higher density single-family residential use at a density of sixteen (16) dwelling units per net residential acre. As higher densities may be provided under the provisions of a Planned Development that can include a mixture of housing types and densities, the city also updated its multiple family standards and adopted a new section that outlines cottage cluster use standards based on the state's middle housing model code.

FINDINGS

The City of Adair Village growth management policies demonstrate their commitment to higher density projects by the implementation of their Downtown Village Plan, their PUD section of their development code and the recently adopted R-4 residential district. This approach coincides with the provisions in **197.296 (9), factors to establish a sufficiency of buildable lands within urban growth boundary.**

(9) In establishing that actions and measures adopted under subsections (6) and (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3) of this section, is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section and is in areas where sufficient urban services are planned to enable the higher density development to occur over the 20-year period. Actions or measures, or both, may include but are not limited to:

(a) Increases in the permitted density on existing residential land;
(b) Financial incentives for higher density housing;
(c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;
(d) Removal or easing of approval standards or procedures;
(e) Minimum density ranges;
(f) Redevelopment and infill strategies;
(g) Authorization of housing types not previously allowed by the plan or regulations;
(h) Adoption of an average residential density standard; and
(i) Rezoning or redesignation of nonresidential land.

GOAL 14 – LAND NEED

Land Need Establishment and change of urban growth boundaries shall be based on the following:

1. Demonstrated need to accommodate long range urban population, consistent with a 20 year population forecast coordinated with affected local governments, or for cities applying the simplified process under ORS chapter 197A, a 14-year forecast; and

2. Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection 2. In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

Under land need paragraph 2, the city is required to address schools and parks.

SCHOOLS

In June 2022, the city invited the Corvallis School District to participate in a round table discussion with a number of other agencies such as ODOT, ODFW, Oregon Forestry Department and Oregon State University. At this meeting we made them aware of our application to expand the city's UGB for the purposes of new housing to address the city's deficit of the required 20-year residential land supply.

Topics that came up were that Mountain View Elementary School, that services Adair Village, would be close to capacity if the estimated 105 new students from the proposed housing being proposed in the expansion area were to be built. However, they stated, to reach a critical mass where a new school would be warranted in this area the district would need to see an increase of 450 new students on top of the 105 new students that may possibly be added.

Their intentions are to always keep elementary kids at a neighborhood school that is within walking distance. They believe the need to set aside land for a future school would be one that is centrally located within the Adair community and not on the outskirts of town.

They also informed us that they were going to embark on a master plan assessment of the region next year for their entire district. Subsequently, to the school district meeting we

understand that the district officials reached out to the DLCD to continue to look at their options for citing a school in the future.

FINDINGS

Even though the current proposed UGB expansion will not trigger the need for a new school, identifying now that a school will likely be needed at some time in the future is valuable for effective long-term planning. Adding land for a new school fits in with the city being a full-service city with the perspective of having walkable neighborhoods and safe routes to school based on climate friendly rule making. The city values compactness and agrees a school should be close to a majority of its students and not on the other side of 99W.

We understand that any expansion due to housing needs contributes to a capacity issue the school district must deal with and that this area will need a school and Adair Village is the perfect place to put one. However, it would be pre-mature at this point to set aside land right now based on informal discussions where further studies have not been completed or derived. Within this analysis we understand that the next time the city considers a UGB amendment we are probably going to have to set aside land for a new school.

PARKS

Adair Village is one of few cities in Oregon that has an abundance of recreational land right outside its boundary. Directly adjacent to its west boundary is over 1,000 acres of pristine forest owned by the Oregon State University and managed in conjunction with the Oregon Department of Forestry. ODFW owns 43 acres directly in the middle of the city with a stocked lake and hiking trials. There is a 113-acre Benton County Park just to the east of town that has baseball fields, disc golf, and aerodrome and multiple picnicking shelters. To the north, the Department of State Lands owns over 1,000 acres of recreation and hunting land.

The city and the Corvallis Area Metropolitan Planning Organization (CAMPO) have been collaborating to develop a city-wide trails plan. The Adair Village Trails Plan serves as a blueprint for creating an accessible, all-ages and abilities network of paved multiuse paths, walking trails, and separated bike lanes throughout the Adair Village community. This document provides details on future trail improvements as a means to help prioritize local investment in Adair Village's multi-modal network of trails.

FINDINGS

In general, the city has fairly good access to all of these parks despite certain restrictions such as 99W. Recently the city vacated Cherry Drive and retained an easement to upgrade the trail from Azalea Drive to Adair Park. Realistically, the city doesn't have a need for any other areas of

open space or recreation land except for pocket parks in their newer neighborhoods. One exception is the northern neighborhood from NE Barberry Drive north that has the longest distance to travel to reach Adair Park. By adding the Cornelius property to the city's UGB, the northern neighborhood will have an opportunity to create a connection through the conservation easement to Adair Park via a well-designed environmentally friendly trail.

HOUSING

In 2019, the State passed new law called the Regional Housing Production Strategy. The State and the Department of Land Conservation and Development (DLCD) are still developing the rules to implement to law. Adair Village and all cities are going to have to report to the DLCD on doing their fair share of providing housing for the full spectrum of income and disabilities. Every city will have to show that they have the policies and ability in place to build an array of housing types including small units.

Section 2, chapter 640, Oregon Laws 2019, provide:

(2) (b) How a regional housing needs analysis and housing shortage analysis may compare to existing assessments of housing need and capacity conducted by local governments under **ORS 197.296 (Factors to establish sufficiency of buildable lands within urban growth boundary)** in terms of:

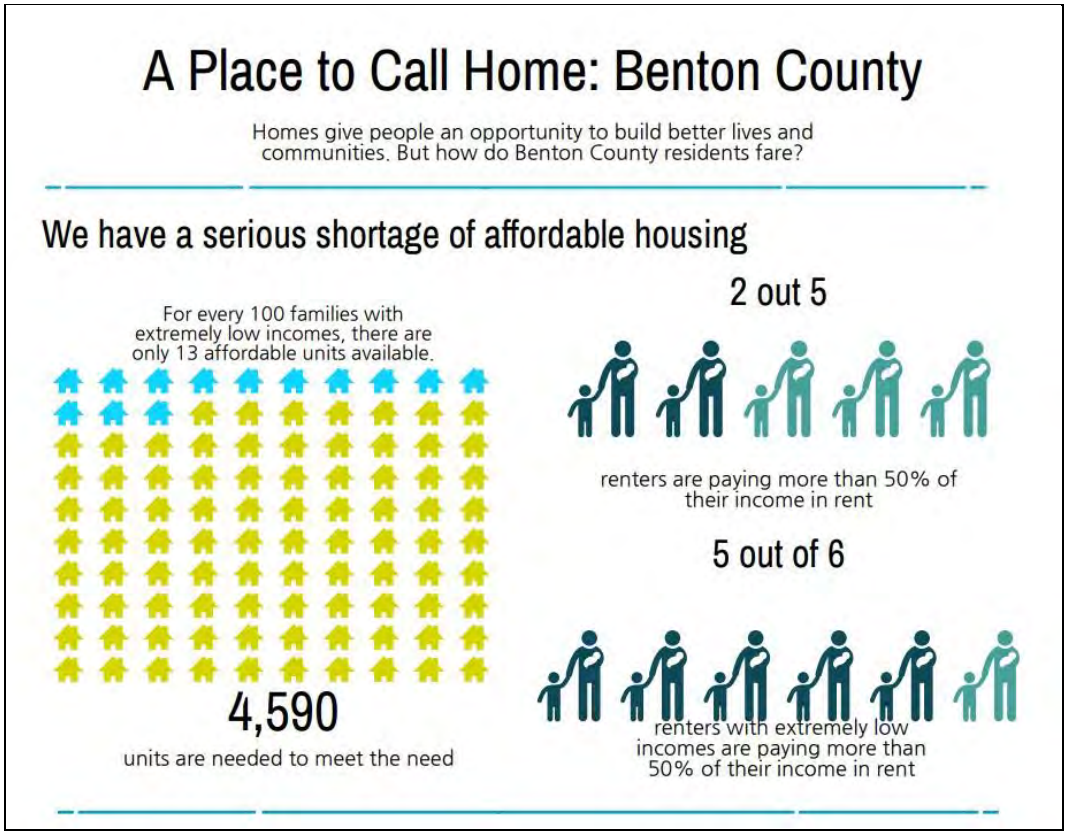
(A) Cost and cost effectiveness.
- **Adair Village has built 200 dwelling units in the past three years that were well below the region's average price point.**

(B) Reliability and accuracy.
- **All 200 dwelling have been sold and occupied and there is a waiting list for any new home as they become built.**

(C) Repeatability; and
- **The city plans to support the developers of Calloway Creek to duplicate the success of the first three phases of their project.**

(D) Predictability.
- **The city recognizes the need for new housing and hopes that after the UGB amendment is approved that the additional population will drive new mixed-use development in their downtown core.**

Benton County and Adair Village look forward to being a strong partner with the state as it moves forward on its regional production strategies. Adair Village has and will continue to promote higher density development using their PUD approach that supports duplexes, four-plexes and cottage cluster projects. This UGB amendment reflects Adair Village's commitment to the region's housing needs to provide livable opportunities to all Oregonians.



Source: Oregon Housing Alliance (2020)

GOAL 14 - GUIDELINES

A. PLANNING

1. Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account (1) the growth policy of the area;(2) the needs of the forecast population; (3) the carrying capacity of the planning area; and (4) open space and recreational needs.

2. The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.

3. Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans

should not exceed the carrying capacity of such resources.

4. Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.

B. IMPLEMENTATION

1. The type, location and phasing of public facilities and services are factors which should be utilized to direct urban expansion.

4. Local land use controls and ordinances should be mutually supporting, adopted and enforced to integrate the type, timing and location of public facilities and services in a manner to accommodate increased public demands as urbanizable lands become more urbanized.

CONTINUATION OF NEED FACTOR USING GUIDELINES

The following analysis addresses barriers to urbanization for certain parcels included in the BLI for various impediments such as cost of receiving utilities, under sized infrastructure to deliver services, age of the system to deliver utilities or encumbrances to access a parcel.

When exploring the development potential outlined in Appendix 1, Buildable Lands Assessment Memorandum, the following parcels show development is not feasible due to cost prohibitive improvements and should be considered for removal from the net buildable acres. These properties remained as net buildable land after the Simplified Urban Growth Boundary Methodology was applied per the Oregon Administrative Rule (OAR) 660-038-0060.

The following parcels are identified in Figure 7: Vacant and partially vacant property, on Page 18. The analysis has been done by Civil West Engineering Services Inc. which has been the city's engineer for over 20 years and knows the capacities and limitations of the city's current infrastructure.

Map ID #s 1, 3 & 21 (2.72, 0.34, and 0.75 acres respectively):
These properties are outside of the City Limits but within the UGB. Considerations for the development of this parcel includes access, water service and sewer service. Access to the property would be via Newton Road, which is an undeveloped private road. Roadway improvements, including ROW dedication, water and sewer service would all need to be extended up Newton Road at a cost of approximately $600,000. For the development of a total of 3 acres, this is not feasible.

Map ID #2 (0.48 acres):
This property is landlocked (no public access) and is therefore undevelopable. Residential buildings surround the property making future access impossible without the demolition of

existing residences. Development of this property is not feasible.

Map ID #s 4, 18, 22, & 25 (0.18, 0.31, 0.26, and 0.66 acres respectively):
These properties are part of larger properties and are limited by water (streams & wetlands). The cost to develop these small properties would necessarily include the demolition of the residences currently on the lots. Development of these properties is not feasible.

Map ID #s 6, &7 (1.59 & 0.62 acres respectively):
These properties are dedicated open space within the Calloway Creek Subdivision and are owned and maintained by the home-owner association. Development of these properties is not feasible.

Map ID #8 (0.10 acres):
This property is surrounded by wetlands and dense residential. It is landlocked and is too small to effectively develop. Development of this property is not feasible.

Map ID #9 (0.48 acres):
Although this property technically has frontage onto a public street, the frontage is all encumbered by drainage facilities effectively land-locking this parcel. Development of this property is not feasible.

Map ID #11 (2.37 acres):
This property is wedged in between Ryals Avenue and the Railroad. Because Ryals Avenue is an arterial roadway, fronting development onto the road is not allowed. There is not enough room for alternate access. This parcel is not developable.

Map ID #s 12, 13, 19, & 20 (1.22, 0.84, 1.90 & 0.75 acres respectively):
These properties lie on the north side of the City. These properties all have residences on the property with values at or over $500,000. Development of these properties would require the demolition of the existing structures and would be prohibitively expensive. There is also limited sewer and water service to these properties without extensive off-site extensions. These parcels are not developable.

Map ID #s 14 & 17 (1.35 and 1.04 acres respectively):
These properties are on the northeast side of the City and would front off of Newton Road, which is an undeveloped private road. Sewer and Water service would need to be extended up Newton Road. Cost estimates for offsite work, including ROW acquisition is $250,000. In addition to offsite work, these properties slope to the east, requiring a sewer lift station to provide sewer service. These parcels are not developable.

FINDINGS

Although the BLI already shows that the city has a deficit of land inside the UGB, additional analysis shows further deficit when applying Statewide Planning Goal 14 due to barriers to urbanization for numerous impediments such as cost of receiving utilities, under sized infrastructure to deliver services, age of the system to deliver utilities or encumbrances to access a parcel.

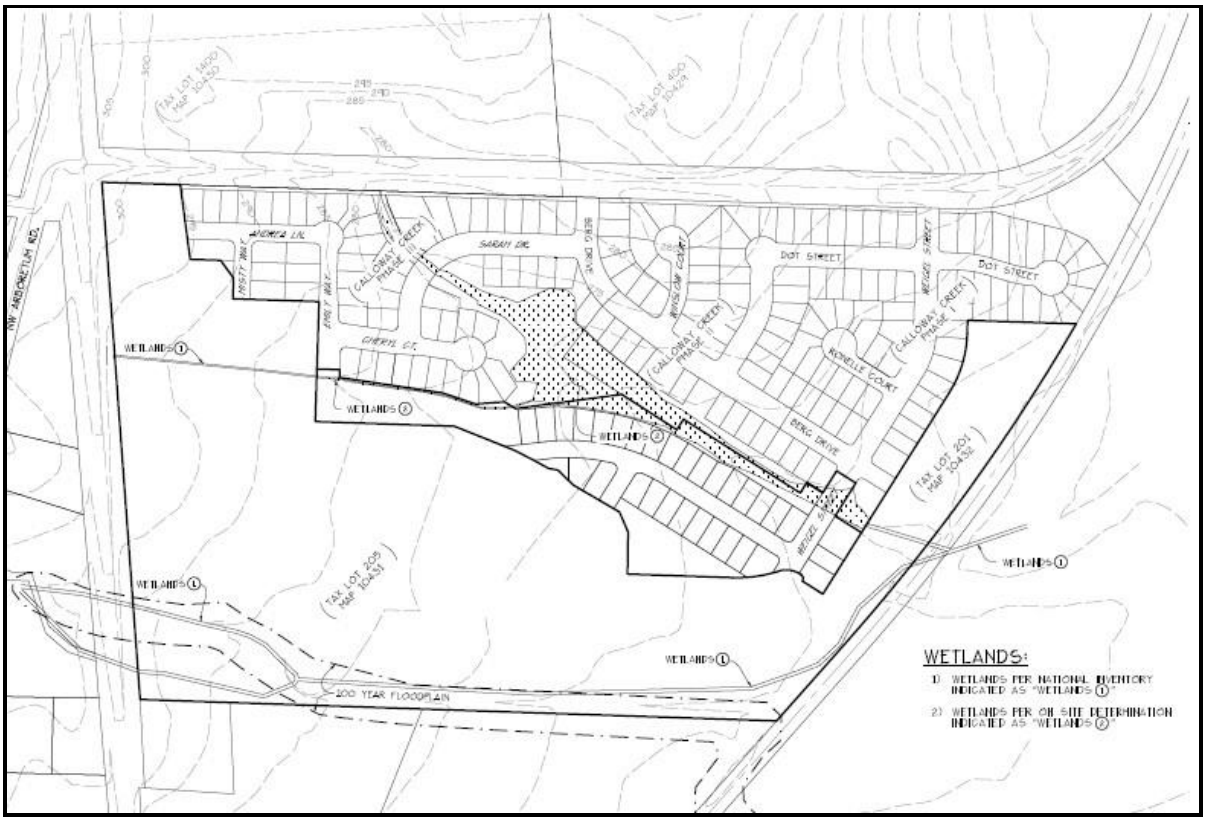
Looking to residentially zoned lands on the fringe of the current UGB that are very difficult to develop at urban densities is not consistent with the City's vision of compact, livable, walkable neighborhoods, particularly when other lands, currently zoned EFU, are well-suited to support that community vision.

The proposed UGB expansion areas are contiguous to the current city limits. Existing and adjacent infrastructure (roads, utilities, etc.) has been sized and installed anticipating and accounting for future growth in these areas. Installing new, or upgrading existing, infrastructure in semi-developed areas is inherently less efficient (roadways torn up for new utilities, procuring ROW or easements from multiple property owners, etc.) than development in open area on a single property.

Based on applying Goal 14 guidelines the city is proposing that the above properties be subtracted from the net buildable acres. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources. The total acreage of the above listed properties proposed for removal from the net buildable acres is **17.96 acres.**

Calloway Creek

Calloway Creek was approved in 2018 as a four (4) phase subdivision development. Three of those phases have been completed and entirely sold out. Phase 4, although already approved was delayed by the department of state land (DSL) for a wetland permit. The developer submitted for a .2 acre wetland mitigation (a minor application) to install a culvert that allows passage over the creek leading from phase 3 to phase 4 of the project. The permit was approved earlier this year. Phase 4 is planned with one street from the finished development stubbed to continue into Phase 4 and future phases. Phase 4 consists of 7.22 acres and has a preliminary layout for 29 new home sites that are identified in an Urban Conversion Plan filed with the County as a condition of a partition approval (Land Use File LU-21-050).



Urban Conversion Plan – Calloway Creek Phase IV - Weigel; Derby; Partition

FINDINGS

Goal 14 states that the urbanization of land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels. The size of the parcel is only relevant as urbanizable land in conjunction with the existing phases and the probability of development is based on the UGB expansion approval.

The 7.22 acres is identified as Map ID 5 in figure 7 on page 18. Although Calloway Creek Phase IV has preliminary PUD approval and its DSL permit to build over the stream bed it remains in the BLI net buildable acres.

CONCLUSION: Need Factor 2 Findings

The city identified land use deficiencies consistent with the requirements of OAR 660-024-0050. These measures allowed a wider range of housing constraints in residential districts. By expanding the BLI methodology based on ORS 197.296 and Goal 14, the city found that it has an additional 17.96 acres of land that can be removed from the gross buildable acres. Staying consistent with the BLI methodology, a 25 percent deduction for required infrastructure per Adair Village Comprehensive Plan Section 9.800 Growth Management is removed. The remaining amount of land that can be deducted from the net buildable acres is 13.47 acres.

By adding the 13.47 acres to the 13.25 acres initially found as the deficient acreage in the city's residential inventory, these measures increased Adair Village's residential deficit of land to 26.72 acres.

3. Alternatives Analysis for Establishment of the UGB Expansion Study Area

Chapter 2 concluded that Adair Village has insufficient land to accommodate projected growth for residential land. This chapter presents the alternatives analysis required by OAR 660-024-0060 as well as findings related to the prioritization described in ORS 197A.320.

Establishment of Study Area for UGB Expansion

Preliminary Study Area

ORS 197A.320 presents a priority list of lands to be included within an urban growth boundary for evaluating alternative boundary locations.

> ***197A.320 Priority of land to be included within urban growth boundaries outside Metro; rules.***
>
> *(1) Notwithstanding the priority in ORS 197.298 for inclusion of land within an urban growth boundary, a city outside of Metro shall comply with this section when determining which lands to include within the urban growth boundary of the city pursuant to ORS 197.286 to 197.314, 197A.310 or 197A.312.*
>
> *(2) The Land Conservation and Development Commission shall provide, by rule, that:*
>
> *(a) When evaluating lands for inclusion within the urban growth boundary, the city shall establish a study area that includes all land that is contiguous to the urban growth boundary and within a distance specified by commission.*
>
> *(b) The city shall evaluate all land in the study area for inclusion in the urban growth boundary as provided in subsection (4) of this section, except for land excluded from the study area because:*
>
> *(A) It is impracticable, as provided in subsection (3) of this section, to provide necessary public facilities or services to the land.*
>
> *(B) The land is subject to significant development hazards, including a risk of landslides, a risk of flooding because the land is within the 100-year floodplain or is subject to inundation during storm surges or tsunamis, and other risks determined by the commission.*
>
> *(C) The long-term preservation of significant scenic, natural, cultural or recreational resources requires limiting or prohibiting urban development of the land that contains the resources.*
>
> *(D) The land is owned by the federal government and managed primarily for rural uses.*

(c) When evaluating the priority of land for inclusion under paragraph(b) of this subsection:

(A) The city shall evaluate the land within the study area that is designated as an urban reserve under ORS 195.145 in an acknowledged comprehensive plan, land that is subject to an acknowledged exception under ORS 197.732 or land that is non-resource land and select as much of the land as necessary to satisfy the need for land using criteria established by the commission and criteria in an acknowledged comprehensive plan and land use regulations.

(B) If the amount of land appropriate for selection under subparagraph(A) of this paragraph is not sufficient to satisfy the need for land, the city shall evaluate the land within the study area that is designated as marginal land under ORS 197.247(1991 Edition) in the acknowledged comprehensive plan and select as much of the land as necessary to satisfy the need for land using criteria established by the commission and criteria in an acknowledged comprehensive plan and land use regulations.

(C) If the amount of land appropriate for selection under subparagraphs(A) and(B) of this paragraph is not sufficient to satisfy the amount of land needed, the city shall evaluate land within the study area that is designated for agriculture or forest uses in the acknowledged comprehensive plan that is not predominantly high-value farmland, as defined in ORS 195.300, or does not consist predominantly of prime or unique soils, as determined by the United States Department of Agriculture Natural Resources Conservation Service, and select as much of that land as necessary to satisfy the need for land:

(i) Using criteria established by the commission and criteria in an acknowledged comprehensive plan and land use regulations; and

(ii) Using the predominant capability classification system or the predominant cubic site class, as appropriate for the acknowledged comprehensive plan designation, to select lower capability or cubic site class lands first.

(D) If the amount of land appropriate for selection under subparagraphs(A) to(C) of this paragraph is not sufficient to satisfy the need for land, the city shall evaluate land within the study area that is designated as agricultural land in an acknowledged comprehensive plan and is predominantly high value farmland and select as much of that land as necessary to satisfy the need for land. A local government may not select land that is predominantly made up

of prime or unique farm soils, as defined by the United States Department of Agriculture Natural Resources Conservation Service, unless there is an insufficient amount of other land to satisfy its land need.

(3) For purposes of subsection (2)(b)(A) of this section, the commission shall determine impracticability by rule, considering the likely amount of development that could occur on the lands within the planning period, the likely cost of facilities and services, physical, topographical or other impediments to service provision and whether urban development has occurred on similarly situated lands such that it is likely that the lands will be developed at an urban level during the planning period. When impracticability is primarily a result of existing development patterns, the rules of the commission shall require that the lands be included within the study area, but may allow the development capacity forecast for the lands to be specified at a lower level over the planning period. The rules of the commission must be based on an evaluation of how similarly situated lands have, or have not, developed over time.

(4) For purposes of subsection (2)(b)(C) of this section, the commission by rule shall determine the circumstances in which and the resources to which this exclusion will apply.

(5) Notwithstanding subsection(2)(c)(D) of this section, the rules must allow land that would otherwise be excluded from an urban growth boundary to be included if:

(a) The land contains a small amount of resource land that is not important to the commercial agricultural enterprise in the area and the land must be included to connect a nearby and significantly larger area of land of higher priority for inclusion within the urban growth boundary; or

(b) The land contains a small amount of resource land that is not predominantly high-value farmland or predominantly made up of prime or unique farm soils and the land is completely surrounded by land of higher priority for inclusion into the urban growth boundary.

(6) When the primary purpose for expansion of the urban growth boundary is to accommodate a particular industry use that requires specific site characteristics, or to accommodate a public facility that requires specific site characteristics and the site characteristics may be found in only a small number of locations, the city may limit the study area to land that has, or could be improved to provide, the required site characteristics. Lands included within an urban growth boundary for a particular industrial use, or a particular public facility, must remain planned and zoned for the intended use:

(a) Except as allowed by rule of the commission that is based on a

significant change in circumstance or the passage of time; or

(b) Unless the city removes the land from within the urban growth boundary.

(7) Notwithstanding any other provision of this section, the commission may adopt rules that specify circumstances under which a city may exchange land within the urban growth boundary of the city for land that is outside of the urban growth boundary and that is designed to avoid adverse effects of an exchange on agricultural or forest operations in the surrounding area.

Consistent with ORS 197A.320 (2), OAR 660-024 provides direction on establishing the UGB study area, which includes all land within one-half mile of the Adair Village UGB and all exceptions area within one mile of the Adair Village UGB.

RULE 660-024-0065 ESTABLISHMENT OF STUDY AREA TO EVALUATE LAND FOR INCLUSION IN THE UGB

(1) When considering a UGB amendment to accommodate a need deficit identified in OAR 660-024-0050(4), a city outside of Metro must determine which land to add to the UGB by evaluating alternative locations within a "study area" established pursuant to this rule. To establish the study area, the city must first identify a "preliminary study area" which shall not include land within a different UGB or the corporate limits of a city within a different UGB. The preliminary study area shall include:

(a) All lands in the city's acknowledged urban reserve, if any;

(b) All lands that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one-half mile;

(c) All exception areas contiguous to an exception area that includes land within the distance specified in subsection (b) and that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one mile;

Response: The City of Adair Village is outside of Metro and has a UGB population of less than 10,000. Benton County has not adopted urban reserve areas, therefore no urban reserve areas are available for UGB expansion. However, there are identified exception areas contiguous to exception areas within the one-half mile radius. Therefore, in accordance with OAR 660-024-0065(1)(c)(A), a study area radius of one mile has been considered.

While exception lands west of Highway 99 could be considered for UGB expansion, the City of Adair Village and the Oregon Department of Transportation (ODOT) have, as a matter of policy, determined that the City should not expand west of Highway 99 in order to maintain a cohesive form, provide efficient public infrastructure, minimize access conflicts on Highway 99 and avoid UGB expansions along non-freeway highways consistent with the Oregon Highway Plan (1999). Specifically, Action 1B.8 of ODOT's Oregon Highway Plan addresses UGB expansion and states: "Avoid the expansion of urban growth boundaries along Interstate and Statewide Highways and around interchanges unless ODOT and the appropriate local governments agree to an interchange management plan to protect interchange operation or an access management plan along non-freeway highways." In this case, no such access management plan exists and the governing agencies of Adair Village, Benton County and ODOT are in agreement that an access management plan to enable UGB expansion to the west is neither practical nor consistent with agency policies.

Given the fact that Highway 99 has been determined to be the westward limit of urban growth for the city, exception lands adjacent to the existing City UGB available for expansion are deemed ineligible due to this barrier of urban expansion.

(4) The city may exclude land from the preliminary study area if it determines that:

(a) Based on the standards in section (7) of this rule, it is impracticable to provide necessary public facilities or services to the land;

Response: The ability to provide necessary public facilities or services was not used as a determination to exclude land from the preliminary study area. Therefore, this subsection is not applicable.

(b) The land is subject to significant development hazards, due to a risk of:

(A) Landslides: The land consists of a landslide deposit or scarp flank that is described and mapped on the Statewide Landslide Information Database for Oregon (SLIDO) Release 3.2 Geodatabase published by the Oregon Department of Geology and Mineral Industries (DOGAMI) December 2014, provided that the deposit or scarp flank in the data source is mapped at a scale of 1:40,000 or finer. If the owner of a lot or parcel provides the city with a site-specific analysis by a certified engineering geologist demonstrating that development of the property

would not be subject to significant landslide risk, the city may not exclude the lot or parcel under this paragraph;

Response: A reduction in study area is not proposed due to identified landslide areas as there are no identified landslide areas within the potential study area.

(B) Flooding, including inundation during storm surges: the land is within the Special Flood Hazard Area (SFHA) identified on the applicable Flood Insurance Rate Map (FIRM);

Response: A reduction in study area is not proposed due to Special Flood Hazard Areas.

(C) Tsunamis: the land is within a tsunami inundation zone established pursuant to ORS 455.446;

Response: A reduction in study area is not proposed due to tsunami inundation zones as there are no identified tsunami inundation zones within the potential study area.

(c) The land consists of a significant scenic, natural, cultural or recreational resource described in this subsection:

(A) Land that is designated in an acknowledged comprehensive plan prior to initiation of the UGB amendment, or that is mapped on a published state or federal inventory at a scale sufficient to determine its location for purposes of this rule, as:

(i) Critical or essential habitat for a species listed by a state or federal agency as threatened or endangered;

Response: A reduction in study area is not proposed for threatened or endangered species habitat as there is no identified threatened or endangered species habitat within the potential study area.

(ii) Core habitat for Greater Sage Grouse; or

Response: A reduction in study area is not proposed for Great Sage Grouse core habitat as there is no identified Great Sage Grouse core habitat within the potential study area.

(iii) Big game migration corridors or winter range, except where located on lands designated as urban reserves or exception areas;

Response: A reduction in study area is not proposed for big game migration corridors or winter range as there are no identified big game migration corridors or winter range within the potential study area.

(B) Federal Wild and Scenic Rivers and State Scenic Waterways, including Related Adjacent Lands described by ORS 390.805, as mapped by the applicable state or federal agency responsible for the scenic program;

Response: A reduction in study area is not proposed for mapped Federal Wild and Scenic Rivers and State Scenic Waterways as there are no Wild and Scenic Rivers or State Scenic Waterways within the potential study area.

(C) Designated Natural Areas on the Oregon State Register of Natural Heritage Resources;

Response: A reduction in study area is not proposed for Oregon State Register-designated Natural Areas as there are no designated Natural Areas within the potential study area.

(D) Wellhead protection areas described under OAR 660-023-0140 and delineated on a local comprehensive plan;

Response: A reduction in study area is not proposed for wellhead protection areas as there are no designated wellhead protection areas within the potential study area.

(E) Aquatic areas subject to Statewide Planning Goal 16 that are in a Natural or Conservation management unit designated in an acknowledged comprehensive plan;

Response: A reduction in study area is not proposed for aquatic areas in a Natural or Conservation management unit as there are no estuaries within the potential study area.

(F) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 17, Coastal Shoreland, Use Requirement 1;

Response: A reduction in study area is not proposed for lands subject to Statewide Planning Goal 17, Use Requirement 1 as coastal shorelands do not exist in the potential study area.

(G) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 18, Implementation Requirement 2;

Response: A reduction in study area is not proposed for lands subject to Statewide Planning Goal 18, Implementation Requirement 2, which relates to beaches and dunes which do not exist in the potential study area.

(d) The land is owned by the federal government and managed primarily for rural uses.

Response: A reduction in study area is not proposed for lands owned by the federal government and managed primarily for rural uses as there are no federally owned lands within the potential study area.

(7) For purposes of subsection (4)(a), the city may consider it impracticable to provide necessary public facilities or services to the following lands:

(a) Contiguous areas of at least five acres where 75 percent or more of the land has a slope of 25 percent or greater, provided that contiguous areas 20 acres or more that are less than 25 percent slope may not be excluded under this subsection. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals;

Response: The preliminary study area does not contain any areas of land where 75 percent or more of the land has a slope of 25 percent or greater. Therefore, this section is not applicable.

(b) Land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period. The city's determination shall be based on an evaluation of:

(A) The likely amount of development that could occur on the land within the planning period;

Response: A designation of the amount of development likely to occur on the land was not used as part of the determination of the preliminary study area. Therefore, this subsection is not applicable.

(B) The likely cost of facilities and services; and,

Response: The preliminary study area did not factor in the likely cost of facilities and services as part of the determination of a preliminary study area. Therefore, this subsection is not applicable.

(C) Any substantial evidence collected by or presented to the city regarding how similarly situated land in the region has, or has not, developed over time.

Response: No lands were considered unserviceable due to the development of other lands over time. Therefore, this subsection is not applicable.

(c) As used in this section, "impediments to service provision" may include but are not limited to:

(A) Major rivers or other water bodies that would require new bridge crossings to serve planned urban development;

Response: No lands have been eliminated from the study area due to the presence of major rivers or other water bodies that could be an impediment to service provision. Therefore, this subsection is not applicable.

(B) Topographic features such as canyons or ridges with slopes exceeding 40 percent and vertical relief of greater than 80 feet;

Response: No lands have been eliminated from the study area due to slopes exceeding 40 percent and/or vertical relief of greater than 80 feet. Therefore, this subsection is not applicable.

(C) Freeways, rail lines, or other restricted access corridors that would require new grade separated crossings to serve planned urban development;

Response: Based on the aforementioned policies stated in the Benton County Comprehensive Plan and the Oregon Highway Plan, Highway 99, a restricted access corridor, was deemed an impediment to service provisions. Furthermore, it was determined that it was not in the best interest of Adair Village to expand to the west of Highway 99. The City of Adair Village Comprehensive Plan (2015), in Section 9.890 – Growth Management Goals and Policies, calls for a local street network "without relying on Hwy 99W for intra-city trips." This policy is consistent with ODOT desires to minimize access points along Highway 99 and ensure that the facility is used for regional trips and not for local travel. Thus, expansion to the west would inherently isolate these properties from the

rest of the City, creating an impediment to utility and public services and a cohesive urban form.

(D) Significant scenic, natural, cultural or recreational resources on an acknowledged plan inventory and subject to protection measures under the plan or implementing regulations, or on a published state or federal inventory, that would prohibit or substantially impede the placement or construction of necessary public facilities and services.

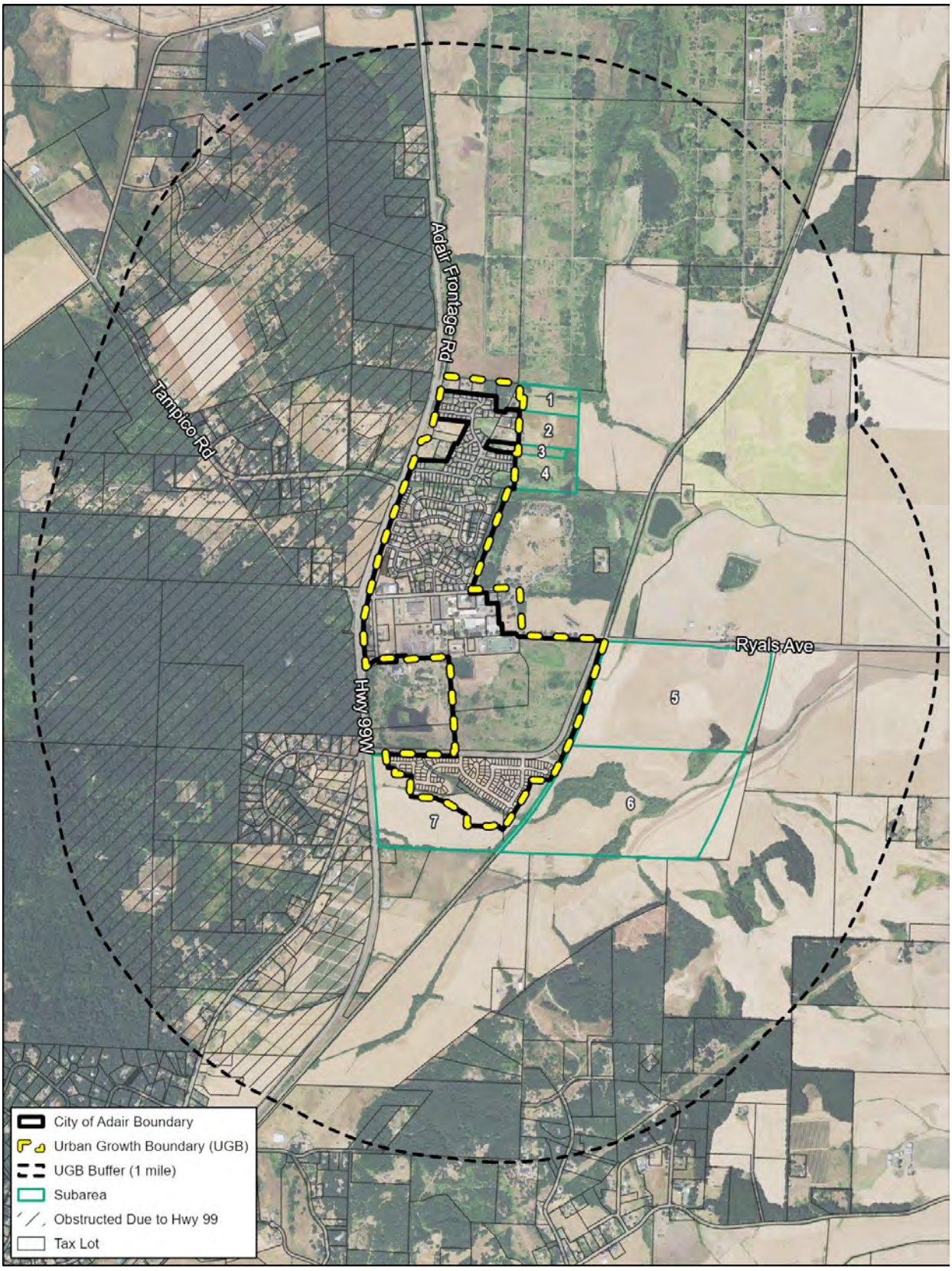
Response: Significant scenic, natural, cultural, or recreational resources were not used as a justification of an impediment to service provisions in the preliminary study area. Therefore, this subsection is not applicable.

(8) Land may not be excluded from the preliminary study area based on a finding of impracticability that is primarily a result of existing development patterns. However, a city may forecast development capacity for such land as provided in OAR 660-024-0067(1)(d).

Response: The identified preliminary study area, as shown in the Comparative Analysis, dated July 20, 2022, did not exclude any land based on existing development patterns.

Based on these requirements, the city evaluated all lands adjacent to the Adair Village UGB for suitability for residential uses. For purposes of the Alternatives Analysis, the city reviewed land in the preliminary study area within the one-mile buffer of the Adair Village UGB, as shown in Figure 8.

Figure 8: Comparative Analysis Study Area Map



Study Area

Per OAR 660-24-0065(a)(A), cities within a UGB population of less than 10,000 people, such as Adair Village, shall use a one-half mile radius to establish a study area for the comparative analysis. The selection of potential comparison sites is discussed in more detail in Appendix A at the end of this memo and in Chapter 4, pages 52-62. As shown on the attached Comparative Analysis Study Area map (Figure 8), properties within one-half mile were grouped into specific subareas based on common zoning, ownership, and physical site characteristics. For purposes of this analysis, subareas are groups of contiguous properties, adjacent to the UGB and zoned Exclusive Farm Use (EFU) by Benton County. EFU zones are considered resource zones and apply to lands classified by the U.S. Soil Conservation Service as predominantly Class I-IV soils, per Benton County Development Code 55.015. The following seven subareas are included in the study area:

- Subarea 1 - 8.7 acres
- Subarea 2 - 11.6 acres
- Subarea 3 - 2.51 acres
- Subarea 4 - 12.9 acres
- Subarea 5 - 103.2 acres
- Subarea 6 - 115.1 acres
- Subarea 7 - 41.7 acres

ORS 197A.320 Prioritization

The provisions in ORS 197A.320 (1) require that land to be included within a UGB be prioritized using the following general hierarchy:

First	Land designated as urban reserve
Second	Land adjacent to the UGB and designated as exception or non-resource
Third	Land designated as marginal land
Fourth	Land designated as agriculture or forest land

As shown in Figure 8 and Figure 10, none of the subareas are designated as urban reserves; therefore, there are no “first priority” lands within the study area.

Second priority is given to land that is adjacent to a UGB and designated as exception or non-resource land. With the study area, there are no properties adjacent to the UGB and designated as exception or non-resource land. Second priority may also include resource lands that are completely surrounded by exception lands; however, none of the EFU subareas meet that threshold. Therefore, the study area does not include any second priority lands.

Third priority is given to lands that are defined as marginal pursuant to ORS 197.247 (1991 Edition). Benton County has not adopted marginal lands provisions and, therefore, the third

level of prioritization does not apply here.

If lands identified as high priority under the first, second, and third tiers of prioritization are inadequate to accommodate the amount of land needed, then fourth priority can be given to lands designated for agriculture or farm use (resource lands). Since there are no identified first, second or third priority lands inside the study area, the seven EFU subareas can be included as fourth priority lands per this rule.

Under ORS 197A.320 (2), the lands that can be considered for UGB expansion per the prioritization evaluation in subsection (1) must be further evaluated and prioritized based on capability of the land. Capability is measured by soil classification ranging from Class I to Class XIII; Class I soils have the most capability for agricultural use and are therefore considered lowest priority for UGB inclusion. Class XIII soils have very limited capability for agricultural use and would be given highest priority. As shown on the soil classification map in Figure 9, each subarea was ranked based on the relative proportion of high soil capability. Per the soil map, the subareas have the following soil classifications:

- Subarea 1: approximately 90% Class II soils
- Subarea 2: approximately 100% Class II soils
- Subarea 3: approximately 100% Class II soils
- Subarea 4: approximately 54% Class II soils
- Subarea 5: approximately 77% Class II soils
- Subarea 6: approximately 48% Class II soils
- Subarea 7: approximately 67% Class II soils

Subareas 4, 6, and 7 were given higher priority due to the higher levels of Class III and IV soils. Other subareas in the analysis had greater proportions of Class I and II soils, which are more productive and therefore, a lower priority.

Finally, ORS 197A.320 (3) states that land of lower priority under subsection (1) of the rule can be included in a UGB if land of higher priority is found to be inadequate based on one or more of several factors. However, those factors do not apply here because all lands identified are fourth priority lands; land of higher priority was not identified within the study area.

To summarize the prioritization analysis under ORS 197A.320, there are no lands of first, second or third priority within the study area. Therefore, the EFU subareas 1-7 can be included as fourth priority lands. Under ORS 197A.320 (2), subareas 4, 6, and 7 are considered higher priority due to the higher levels of less productive soils.

Figure 9: Soil Classification Map

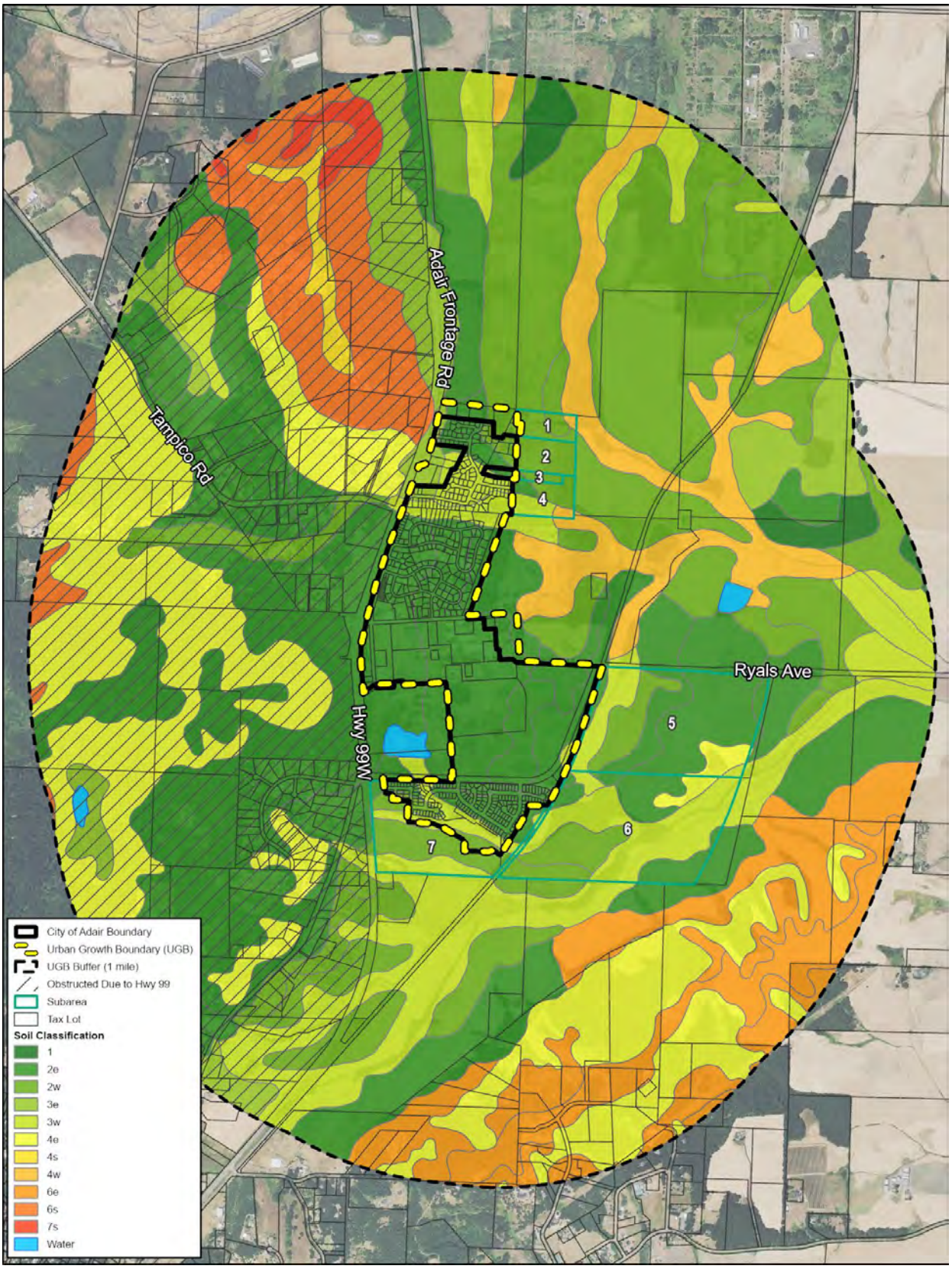
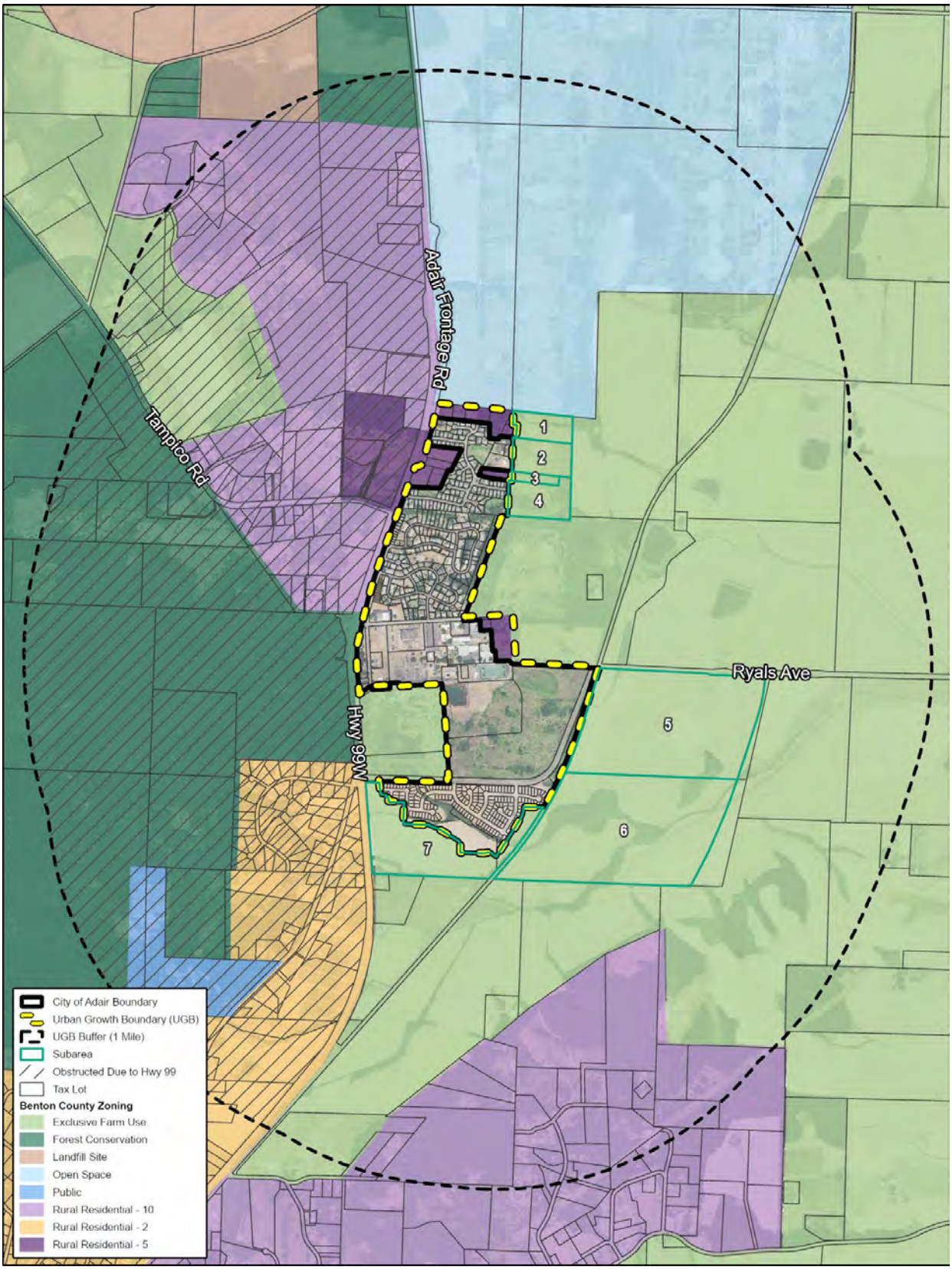


Figure 10: Comparative Analysis Zoning Map



4. Goal 14 Locational Factors

The findings and analysis in Chapters 2 and 3 of these findings demonstrate that insufficient land exists in the UGB to meet identified residential land needs.

Chapter 4 includes additional findings demonstrating compliance Goal 14 locational factors.

Goal 14 establishes four boundary location factors that must be considered when reviewing alternative boundaries:

> *The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197A.320 and with consideration of the following factors:*
>
> *a. Efficient accommodation of identified land needs;*
>
> *b. Orderly and economic provision of public facilities and services;*
>
> *c. Comparative environmental, energy, economic and social consequences; and*
>
> *d. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.*

Findings demonstrating consistency with Goal 14 Location Factors 1–4

The four Goal 14 location factors are: (1) Efficient accommodation of identified land needs; (2) Orderly and economic provision of public facilities and services; (3) Comparative environmental, energy, economic and social consequences; and (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

The following sections provide findings showing consideration of the Goal 14 locational factors.

Goal 14 Comparison

Based on the above analysis of the ORS 197A.320 prioritization requirements, EFU subareas within the study area can be considered for inclusion within the UGB. Upon making this conclusion, the county must then consider which sites are most eligible for expansion based on Statewide Planning Goal 14 urbanization factors. These factors are listed below along with a discussion of how the seven EFU subareas compare within each factor.

1. ***Efficient accommodation of identified land needs***.

The June 14, 2022 DOWL BLI analysis identifies the need for land to accommodate additional housing units in the City to accommodate 20-year population growth in the City. Section 9.440 of the comprehensive plan states also recognizes this shortage and states that, "The only other area capable of supporting future urban expansion is the area immediately east of the existing City UGB that contains portions of some of the same tax lots already in the UGB. This area contains 36 acres that is zoned EFU in the County and is the only other contiguous property available to the City." The parcels referenced in that statement are subareas 1-4 in the study area. Section 9.840 of the comprehensive plan further notes that these lands represent the only remaining lands east of Highway 99 West that can be urbanized without encroaching on the larger parcels of agricultural land northeast, east and south of the city. As such, these parcels "should be given early consideration for inclusion within the City's UGB…".

Subarea 7 is likely the subarea that is most able to efficiently accommodate the land need because it is about 42 acres under one ownership. This property (called the Weigel property in the comprehensive plan) was considered for a previous UGB expansion and roughly half of the property is already in the UGB.

Subareas 5 and 6 are relatively large parcels, each under single ownership, and could accommodate the identified land need. However, development of those subareas would represent a more significant encroachment into agricultural lands. Those subareas are not identified for long-range urban expansion per the comprehensive plan.

Subareas 1-4 are smaller parcels and could not individually accommodate the identified land need.

2. ***Orderly and economic provision of public facilities and services***. Public facilities and services include public utilities such as water and sewer, along with transportation facilities, parks, and schools. Currently, none of the EFU subareas have public services or facilities. The southern-most EFU subareas (subareas 5-7) are located away from existing public services (water and sewer) and have limited transportation facilities. Subareas 5 and 6 have proximity to NW Ryals Avenue but are separated from the roadway by the Southern Pacific Railroad line that runs north-south through that area. Subarea 7 does not have frontage on NW Ryals Avenue but could connect to the roadway through the northern portion of the Weigel property that is already inside the UGB. The northern portion of the Weigel property has now developed. For these southern EFU subareas, extension of public services and facilities to serve subareas 5 and 6 would be a significant effort. However, with the development of the northern portion of the Weigel property, subarea 7 is now in close proximity to existing services.

   The northern EFU subareas (1 through 4) have greater proximity to existing public services and facilities. The Cornelius property (subarea 4) provides the most efficiency for extension of services because NE Hibiscus Drive stubs to the property and was intended to ultimately extend into subarea 4. Water and sewer connections are available in NE Hibiscus Drive. Subareas 1-3 are north of subarea 4 and do not currently have stubs at their property lines. Infrastructure extensions into the Cornelius site could

easily occur from NE Hibiscus Drive. As such, subarea 4 provides the most orderly and economic extension of public facilities and services relative to the other EFU subareas. **(See additional analysis starting on page 53)**

3. ***Comparative environmental, energy, economic and social consequences.*** Including subareas 1-4 in the UGB would have fewer environmental consequences when compared with subareas 5-7. Subareas 1-4 are smaller lots and, per the comprehensive plan, could be developed without encroaching on larger and more productive EFU lands. In addition, subareas 6 and 7 are encumbered by waterways (Calloway Creek) and associated riparian areas. Development on those subareas could have impacts to the natural areas. There are no identified waterways on subareas 1-4. Subareas 1-4 also have energy and economic advantages over the other EFU subareas because they are in closer proximity to existing development and provide more efficient extension of public services and facilities. Subarea 4 also has a lower proportion of productive soils, which makes it a higher priority for UGB inclusion and minimizes environmental impacts of development in that location.

4. ***Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.*** Similar to the discussion under (3) above, the comprehensive plan notes that subareas 1-4 are some of the only remaining lands east of the highway that could be urbanized without encroaching on major agricultural parcels northeast, east and south of the city. These are relatively small parcels in terms of agricultural operations and some of the parcels in these subareas are already inside the UGB (portions of subareas 1 and 3 are inside the UGB). They are close to existing development and could serve as a buffer between the larger agricultural uses to the east and more dense development to the west. Subarea 7 could also serve in a similar capacity; it is naturally separated from other agricultural lands by Calloway Creek to the south and the railroad to the east. By comparison, subareas 5 and 6 are large parcels of EFU land with the potential to support larger, more productive agricultural operations. Fragmenting those large parcels for urbanization would likely reduce their productivity. The comprehensive plan does not identify these subareas for future inclusion into the UGB.

The table below summarizes the evaluation under Goal 14.

EFU Subarea	Ranking under Goal 14 Factors*				
	Factor 1	Factor 2	Factor 3	Factor 4	Total
1	0	0	1	1	2
2	0	0	1	1	2
3	0	0	1	1	2
4	0	1	1	1	**3**
5	1	0	0	0	1
6	1	0	0	0	1
7	1	1	0	1	**3**

*A score of 1 means the subarea generally fulfills the urbanization factors described above.

CONCLUSION

As indicated in the above summary, subarea 4 (Cornelius property) and subarea 7 (Weigel property) best meet the criteria for urban growth expansion when compared with other subareas relative to the four urbanization factors. While subarea 7 is identified in the comprehensive plan as a logical location for UGB expansion, efficient provision of public facilities to subarea 7 relies heavily on development directly to the north (the portion of the Weigel property already inside the UGB) which has now taken place. Subarea 4 is directly adjacent to existing development and road and utility stubs are in place on Hibiscus Drive to serve the Cornelius property.

For the selection of sites used in the comparative analysis for the Adair Village UGB amendment, a study area of one-half mile around the existing UGB was used.

While within one-half mile of the UGB, the following properties were excluded from this analysis:

- *Properties non-contiguous with the UGB*
  It is unlikely that land not adjacent to the UGB would receive priority for expansion, given the inefficiencies in public service provision. Tax lots excluded for this reason are:
  - 10431C000200
  - 104310000700
  - 104310000600
  - 104310000500
  - 104320000300
  - 104310000502
  - 104320000100
  - 104290000700
  - 104200000400

- *Properties under public ownership*
  Sites that are owned by a public agency such as Benton County, the City of Adair Village, or the Oregon State Game Commission are excluded from this analysis.
  - 104190000100
  - 104200000300
  - 104290000301
  - 104290000300
  - 104290000800
  - 10430D000400
  - 10430D001500

- *Properties located west of Oregon Route 99W*
  Expanding west across Highway 99W is impractical due to steep slopes, issues

related to serviceability, and transportation safety. Properties west of Highway 99W are excluded from this analysis.

ADDITONAL ANALYSIS: Civil West Subarea Infrastructure Cost Estimates

FACTOR 2: Orderly and economic provision of public facilities and services.

Infrastructure Methodology

This analysis presents construction cost estimates for public infrastructure necessary to access and serve the subject areas. These infrastructure projects do not include any on-site costs, except those necessary for any development of the area. Cost estimates rely on recent construction costs in the area when applicable, and existing facility and master plans where more recent work is not available.

Sewer Methodology: The City of Adair Village completed a Wastewater Facilities Plan update in 2019. Based on ENR index increases since 2019, unit costs have been increased 6% from those determined in the report. Sewer work for the subareas included in this analysis primarily include lift stations, gravity main, force mains, and railroad crossings when necessary. Costs associated with work which is not included in the WWFP (railroad crossing), are estimated based on recent similar work in the region.

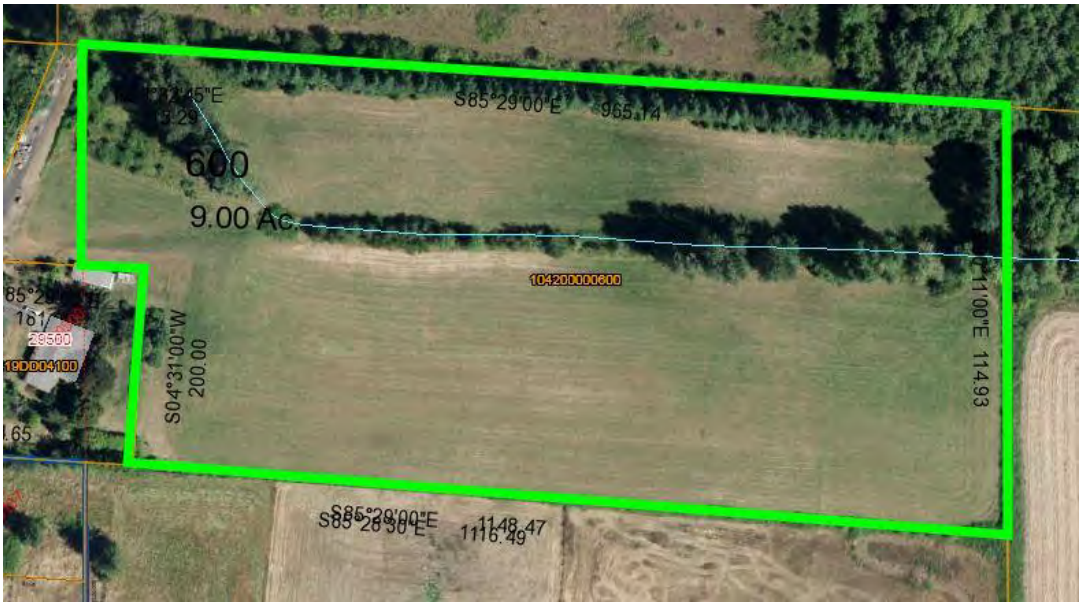
Water Methodology: Water needs associated with each subarea include extending service to the boundary of the property. Costs used for water cost estimates are based on recent water infrastructure improvements in, and around, the City of Adair Village.

Transportation Methodology: Many of the subareas evaluated herein do not have legal public access to the properties. Cost for transportation infrastructure include the procurement of right-of-way, development of a public street to current City standards, and when necessary, railroad crossings. Costs used for roadway work are estimated using recent roadway costs for development in the City of Adair Village and include dry utility conduit.

Stormwater Methodology: Most of the subareas evaluated do not need offsite stormwater infrastructure. Only one requires offsite work. The estimated costs for that infrastructure are determined using recent development cost in the City of Adair Village.

Subarea 1

Subarea consists of 8.66 acres of agriculturally zoned (EFU) land. The owners, Antonio & Elizabeth Amandi, own 6.09 acres of rural residential land already inside the UGB, directly adjacent to their holdings within subarea 1. While subarea 1 does not directly abut the UGB, the subarea is included in this analysis due to contiguous ownership.



Source: Benton County GIS

Subarea 1

Taxlot	Ownership	Acreage
104200000600	ANTONIO & ELIZABETH AMANDI REVOCABLE LIV	8.66

Infrastructure analysis:

Transportation: Access to Subarea 1 is only available by way of Newton Road. Newton Rd is an unimproved PRIVATE road across 5 different properties. Development of Subarea 1 will require 1000 lf of ROW dedication and roadway improvements. Cost to develop: $450,000

Sewer: The closest sewer available is at the south end of Newton Road, approximately 1000 feet away from the west side of the property. However, the property topography slopes from west to east, so the low point of the property is approximately 20' below the grade of the nearest sewer, meaning a wastewater lift station would be required to serve this property. Wastewater would be pumped to the west side of the property and then south along Newton Road to a point approximately 200' north of the end of Newton Road where it would transition to a gravity sewer for the remaining 200'. Costs include upgrade of existing lift station in Adair County Park. Cost to develop: $760,000

Water: Public water extends approximately 500 north from the intersection of Newton Road, however the waterline is only a 6" main. In order to serve a multi-unit development, the entire watermain (1000 lf) would have to be increased in size to an 8" or 10" pipe. Cost to develop: $120,000

Stormwater: There are no stormwater facilities near the property. Stormwater would be required to be captured, detained, and treated on-site prior to discharge along the east property boundary. No offsite stormwater facilities would be required. Cost to develop: $0

TOTAL COST TO EXTEND INFRASTRUCTURE TO SUBAREA 1: $1,330,000 ($153,580/acre)

Subarea 2

Subarea 2 consists of a single 11.59-acre property. There is an existing residential structure on the site, which is accessible to Newton Road to the west via a private driveway. The site is surrounded by residential areas to the west, agricultural lands to the east, subarea 1 to the north, and subarea 3 to the south.

Source: Benton County GIS

Subarea 2

Taxlot	Ownership	Acreage
104290001200	CHAD MORSE	11.59

Infrastructure analysis:

Transportation: Access to Subarea 2 is only available by way of Newton Road. Newton Rd is an unimproved PRIVATE road across 3 different properties. In addition to Newton Road, access would also have to cross on additional property adjacent to Subarea 2 on the west side.

Development of Subarea 2 will require 1000 lf of ROW dedication and roadway improvements. Cost to develop: $450,000

Sewer: The closest sewer available is at the south end of Newton Road, approximately 1000 feet away from the west side of the property. However, the property topography slopes from west to east, so the low point of the property is approximately 20' below the grade of the nearest sewer, meaning a wastewater lift station would be required to serve this property. Costs include upgrade of existing lift station in Adair County Park. Cost to develop: $730,000

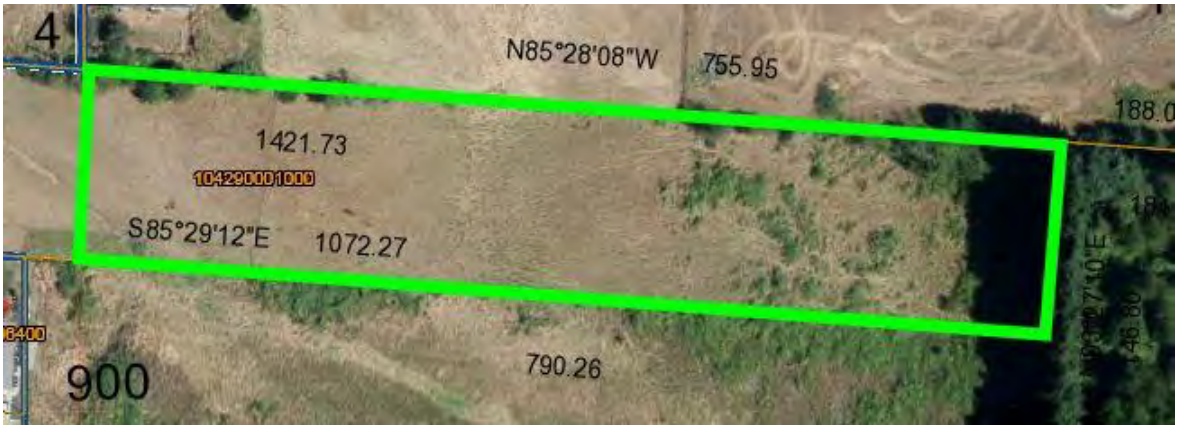
Water: Public water extends approximately 500 north from the intersection of Newton Road, however the waterline is only a 6" main. In order to serve a multi-unit development, the entire watermain (850 lf) would have to be increased in size to an 8" or 10" pipe. Cost to develop: $475,000

Stormwater: There are no stormwater facilities near the property. Stormwater would be required to be captured, detained, and treated on-site prior to discharge along the east property boundary. No offsite stormwater facilities would be required. Cost to develop: $0

TOTAL COST TO EXTEND INFRASTRUCTURE TO SUBAREA 2: $1,282,000 ($110,610/acre)

Subarea 3

Subarea 3 is the agriculturally zoned, western portion of tax lot 1000. The 2.51-acre subarea is located immediately north of the Cornelius property.



Source: Benton County GIS

Subarea 3

Taxlot	Ownership	Acreage
104290001000	WRIGHT THOMAS E	2.51

Infrastructure analysis:

Transportation: Access to Subarea 3 is only available by way of Newton Road and through the western portion of the tax lot. Newton Rd is public up to the western portion of the property. Development of this parcel would include the portion currently within the UGB. The only transportation improvements would along the 150' frontage of the property along Newton Road. Cost to develop: $67,500

Sewer: The closest sewer available is at the south end of Newton Road, adjacent to the west side of the property. However, the property topography slopes from west to east, so the low point of the property is approximately 15' below the grade of the nearest sewer, meaning a wastewater lift station would be required to serve this property, or a gravity line may be able to run south, directly into the County Park and the City's lift station in the park. Costs include upgrade of existing lift station in Adair County Park. Cost to develop: $475,000

Water: Public water extends approximately 500 north from the intersection of Newton Road, however the waterline is only a 6" main. In order to serve a multi-unit development, the entire watermain (150 lf) would have to be increased in size to an 8" or 10" pipe. Cost to develop: $18,000

Stormwater: There are no stormwater facilities near the property. Stormwater would be required to be captured, detained, and treated on-site prior to discharge along the east property boundary. No offsite stormwater facilities would be required. Cost to develop: $0

TOTAL COST TO EXTEND INFRASTRUCTURE TO SUBAREA 3: $560,500 ($223,310/acre)

Subarea 4

Subarea 4, the Cornelius property, consists of 12.97 acres. The eastern 5.12 acres of the property are unencumbered by wetlands. The site is accessible from the west via NE Hibiscus Drive and would be proposed for residential development subject to UGB expansion and annexation into Adair Village. Adair County Park abuts the property to the south.

Source: Benton County GIS

Subarea 4

Taxlot	Ownership	Acreage
104290000900	CORNELIUS TIMOTHY W	12.97

Infrastructure analysis:

Transportation: Access to Subarea 4 is available by way of NE Hibiscus Dr which is a publicly owned street within the City of Adair Village. No additional roadway improvements will be necessary to develop Subarea 4. Cost to develop: $0

Sewer: Public Sewer currently extends down Hibiscus Drive and turns and runs south at the end of the existing street to the Benton County Park. Because the land slopes from west to east, future development in Subarea 4 will likely require a new connection to the collection system in the park to the south. Costs include upgrade of existing lift station in Adair County Park. Cost to develop: $197,500

Water: An 8" public watermain extends down Hibiscus Drive. This is likely adequate to serve development of this parcel Cost to develop: $0

Stormwater: Stormwater facilities currently run west to east down Hibiscus Drive and discharge stormwater into Subarea 4. Development of Subarea 4 will need to account for drainage of upstream existing development. Cost to develop: $150,000 .

TOTAL COST TO EXTEND INFRASTRUCTURE TO SUBAREA 4: $347,500 ($26,310/acre)

Subarea 5

Subarea 5 consists of 103.21 acres and abuts the eastern edge of the UGB. The property is adjacent to Adair County Park, separated by the Southern Pacific Railroad.

Source: Benton County GIS

Subarea 5

Taxlot	Ownership	Acreage
104290000500	METGE CHARLES W	103.21

Infrastructure analysis:

Transportation: Access to Subarea 5 would only be available by way of Ryals Avenue. Ryals Avenue is a two-lane Benton County Road. Access from Ryals is assumed to require half street improvements to meet City requirements (Curb, bike path, sidewalk). This would also include adding pedestrian and bicycle improvements to the railroad crossing. Cost to develop: $805,000

Sewer: No existing Public Sewer collection system exists near this development. The closest system is currently in the Calloway Creek subdivision which is approximately 700 feet southwest. This sewer system is higher than Subarea 5 however, so a lift station would be required. Since a lift station is required, it would be best to pump sewage directly to the

treatment plant approximately 1500 feet away, including a railroad crossing. Cost to develop: $800,000

Water: A 10" public watermain runs through the property (from Voss Hill Reservoir to the City center). In order for this property to be developed, that watermain (approximately 2700 lf) would have to be replaced so that the property could be graded and the waterline alignment could line up with proposed streets/easements. Cost to develop: $324,000

Stormwater: There are no stormwater facilities near the property. Stormwater would be required to be captured, detained, and treated on-site prior to discharge along the northwest and southeast property boundaries. No offsite stormwater facilities would be required. Cost to develop: $0

TOTAL COST TO EXTEND INFRASTRUCTURE TO SUBAREA 5: $1,929,000 ($18,690/acre)

Subarea 6

Subarea 6 is adjacent to the UGB and Adair County Park along its northwest portion, separated by the Southern Pacific Railroad. The subarea is large, consisting of 115.12 acres.

Source: Benton County GIS

Subarea 6

Taxlot	Ownership	Acreage
104320000200	GRAHAM ROBERT E	115.12

Infrastructure analysis:

Transportation: Access to Subarea 6 would only be available by way of Crane Lane. Crane Lane is an undedicated and unimproved road in Benton County. An easement is assumed across the south portion of Subarea 7, but the grantor and grantee have been in legal battles to determine ownership. This analysis assumes that the easement would be acquired and made into public

right-of-way and improved from Hwy 99W. This access would also require a railroad crossing at the east end of crane lane/southwest corner of the subject property. Cost to develop: $1,700,000

Sewer: No existing Public Sewer collection system exists near this development. The closest system is currently in the Calloway Creek subdivision which is across the railroad tracks to the west. This sewer system is higher than Subarea 6 however, so a lift station would be required. The forcemain would have to go under the railroad tracks. Cost to develop: $700,000

Water: A 10" public watermain actually runs very close to the northeast corner of the property (from Voss Hill Reservoir to the City center). Connecting to this existing line would be relatively low cost. Cost to develop: $30,000

Stormwater: There are no stormwater facilities near the property. Stormwater would be required to be captured, detained, and treated on-site prior to discharge along the northeast property boundaries. No offsite stormwater facilities would be required. Cost to develop: $0

TOTAL COST TO EXTEND INFRASTRUCTURE TO SUBAREA 6: $2,430,000 ($21,110/acre)

Subarea 7

Subarea 7, also referred to as the Weigel property, consists of two properties under common ownership that abut the UGB. The parcel is accessible via Highway 99W to the west and NE Crane Lane to the south. The smaller parcel is narrow property along the Southern Pacific Railroad.

Source: Benton County GIS

Subarea 7

Taxlot	Ownership	Acreage
104310000205	RST WEIGEL LLC	36.5

104320000201	WEIGEL RONALD C	5.22
	total	41.72

Infrastructure analysis:

Transportation: Access to Subarea 7 would only be available by way of Ryals Avenue, through the Calloway Creek Subdivision and by Crane Lane. Crane Lane is an undedicated and unimproved road in Benton County. An easement is assumed across the south portion of Subarea 7, but the grantor and grantee have been in legal battles to determine ownership. This analysis assumes that property acquisition would not be required, but that 1000 lf of roadway improvements to Crane Ln would be required. Cost to develop: $300,000

Sewer: Public Sewer is in the Calloway Creek subdivision which is the abuting property to the north. A lift station in Calloway Creek was constructed which has excess capacity and will be able to accommodate this additional flow with no additional improvements. No offsite sewer improvements are necessary. Cost to develop: $0

Water: A 10" public watermain exists within the Calloway Creek development. Connection to the existing watermain in a minimum of two locations would be required. Cost to develop: $42,000

Stormwater: There are no stormwater facilities near the property. Stormwater would be required to be captured, detained, and treated on-site prior to discharge along the east property boundary. No offsite stormwater facilities would be required Cost to develop: $0

TOTAL COST TO EXTEND INFRASTRUCTURE TO SUBAREA 7: $342,000 ($8,200/acre)

SUMMARY

The table below provides a summary of the different subareas with the acreage, cost, and cost per acre of each area.

	Acres	Cost	Cost/acre
Subarea 1	8.66	$1,330,000	$153,580
Subarea 2	11.59	$1,282,000	$110,610
Subarea 3	2.51	$560,500	$223,310
Subarea 4	12.97	$347,500	$26,790
Subarea 5	103.21	$1,929,000	$18,690
Subarea 6	115.12	$2,430,000	$21,110
Subarea 7	41.72	$342,000	$8,200

Subareas 4 and 7 have lowest overall costs to develop, followed by Subarea 3. Other than the lowest three, costs for offsite development of the others are all in excess of $1 million, with

subareas 5 and 6 being near or above $2 million. Subarea 7 also has the lowest cost/acre to develop at $8,200/acre, with the next two being subareas 5 and 6 near $20,000/acre. Subarea 4 has a cost/acre of $26,790. Subareas 1-3 are all above $100,000 per acre.

Based on this analysis, Subareas 4 and 7 provide the lowest cost and are the easiest sites to develop. These two subareas would provide an additional 54+ acres of buildable acreage for the city.

5. City Requirements for UGB Expansion

I. Compliance with City of Adair Village Land Use Development Code

Section VI of this narrative contains sections of the Adair Village Development Code along with responses to demonstrate how the proposed project meets the applicable standards and criteria for a comprehensive plan amendment and zone change. Sections of the code that are not applicable are generally not included here unless necessary for context.

ARTICLE 2 APPLICATION PROCEDURES

SECTION 2.700 AMENDMENTS

It is recognized that this Code or the Comprehensive Plan, may require amendments to adjust to changing circumstances. Amendments may be a Text change or addition or a Map change or addition. A Zone Change is an example of a Map Amendment. An amendment shall require a Legislative Decision as defined in Section 3.200 (2) if it applies to the Code or Plan in general, or a Quasi-judicial Decision as defined in Section 3.200 (3) if it applies to a specific property or use.

(1) Amendment Application. An Amendment may be initiated by the City Administrator, the City Council, the City Planning Commission or by an Applicant. A request by an Applicant for an amendment shall be accomplished by filing an application with the City using forms prescribed in Section 2.130.

Response: The proposed amendment is being initiated by the City Administrator and is being processed as a legislative comprehensive plan amendment.

(2) Decision Criteria. All requests for an amendment to the text or to the Zoning/ Comprehensive Plan Map of this Code may be permitted upon authorization by City Council in accordance with the following findings:

(a) The proposed amendment is consistent with the intent of the Comprehensive Plan.

Response: Applicable Comprehensive Plan goals and policies are addressed in Section II of this narrative.

(b) There is a need for the proposed amendment to comply with changing conditions or new laws.

Response: The proposed amendment will facilitate annexation of the sites into the city for future residential development. The BLI, identifies a need for an additional 26 acres of buildable residential land in the city to accommodate projected housing demand over the next 20 years. As the population of Adair Village continues to

grow, the city will need additional residential land to accommodate new homes. The 2022 PRC population forecast data estimated the population of Adair Village to be 1,416 people. The proposed UGB expansion would add 50 new acres of residential land to the city to help ensure the city is able to accommodate additional growth and provide ample housing opportunities for its residents.

(c) The amendment will not have an undue adverse impact on adjacent areas or the land use plan of the city.

Response: Areas adjacent to the sites include residential developments, Adair County Park, and undeveloped county farmland to the north, south, and east. The proposed amendment will expand the UGB to include an additional approximately 50 acres of R-3 and R-4 zoned land. The Cornelius and Weigel properties are adjacent to existing roads and developed subdivisions and therefore will not impinge on or threaten any nearby agricultural uses or any incompatible uses. Further, the proposed amendment will not result in any fragmentation of land that could interfere with access of any existing uses.

The Cornelius property will be accessed from an extension of Hibiscus Drive that will be built as part of future development. The Weigel property will be accessed from an extension of current residential streets that connect to Ryals Avenue. The land use plan for the city anticipates the need to bring more residential land into the UGB to accommodate future housing demand (Comprehensive Plan Sections 9.400 and 9.800) and the proposed comprehensive plan amendment is consistent with that plan.

(d) The amendment will not have an undue adverse environmental impact.

Response: Wetlands have been identified on the Cornelius property. These wetlands have been evaluated per the criteria of OAR 141-086-0350 and have been determined not to be significant wetlands. The owner of the property has prepared a preliminary site plan for the site that illustrates an intent to minimize potential wetland impacts through the use of a cottage cluster design concept. Furthermore, approximately 7.85-acres of the Cornelius property would be retained in a conservation easement when brought inside the UGB and preserved in perpetuity.

Both the Cornelius and Weigel properties are immediately accessible from existing access roads, which will minimize the potential for environmental impacts to occur from road and infrastructure extensions into the sites. The Weigel property includes an approximately 5.4 acre area containing a FEMA-mapped floodplain associated with Calloway Creek which runs through the very southern portion of the property. While impacts to the floodplain are not anticipated, if future development were to propose any fill in this area, the applicant would be required to apply for the necessary permits and demonstrate

that the proposed development would not result in a net rise of the 100-year base flood elevation.

(e) The amendment will not have an undue adverse impact on public facilities.

Response: Road and utility stubs are readily available to both the Cornelius and Weigel properties making extension of public infrastructure very easy to the properties without an undue adverse impact on the local system.

Public parks will also not be adversely impacted by development on the annexation site. Adair County Park, directly north and south of the sites, is a large regional park and can accommodate additional use by residents of the future development. In addition, the applicants envision open space integrated into final development plans for both the Cornelius property and the Weigel property.

The impact on local schools will also be minimal. Per the U.S. Census Bureau Fact Finder data[8], approximately 32 percent of the Adair Village population is between the ages of 5 and 17 years. Extrapolating that data to the future residents of the annexation sites (approximately 640 residents), approximately 205 residents will be of school age. If those students are evenly distributed among the elementary, middle and high schools, it would result in about 68 or 69 new students per school. This increase would occur over time as the projects build out, thereby providing time for the school district to plan for the incremental increase in students. Section 9.620 of the City's Comprehensive Plan (updated 2015) indicates that local schools have adequate capacity to serve the population and can currently accommodate additional demand.

(f) The amendment will not have an undue adverse impact on transportation.

Response: The proposed comprehensive plan amendment would change the zoning to FD-50, a large lot holding designation that is intended to limit future development until such time as a site is incorporated into a city and up-zoned to allow for residential development. As a consequence, no direct impacts to transportation would result from this request. It is anticipated that with the future annexation and zone changes of the sites, a complete Transportation Planning Rule-compliant traffic impact assessment will be conducted to determine specific mitigation measures required with future development.

The existing segment of Hibiscus Drive that extends to the Cornelius site is built to the Local Street standard with a 50-foot right-of-way, two travel lanes and sidewalks on both sides. Future extension of the street will match the existing cross section. The existing segment of Ryals Avenue that connects to the

[8]https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_5YR_DP05&prodType=table

Calloway Creek subdivision serves as a Minor Collector and is expected to provide ample capacity for future development of the Weigel property to the south of Calloway Creek subdivision.

(g) The amendment will not have an undue adverse impact on the economy of the area.

Response: The proposed comprehensive plan amendment will allow for new residential areas that can be developed with minimal new public infrastructure and will generate new tax revenues to augment the existing tax base. The new residents will also have additional retail needs and bring additional market demand to support planned City efforts to develop a downtown core. As a result, it is expected that the proposed comprehensive plan amendment will have a positive effect on the economy of the area.

(h) The amendment is consistent with the intent of the applicable Statewide Planning Goals.

Response: Applicable Statewide Planning Goals are addressed in Chapter 6 of this document.

(3) Decision Process.

(a) Text amendments or map amendments that affect a group or class of properties within the City requires a "Legislative Decision" by the City Council with recommendation by the Planning Commission in conformance with the Legislative Public Hearing procedures of Section 3.520.

Response: The proposed comprehensive plan amendment affects multiple properties in the City and is being processed as a legislative update.

(b) Map amendments initiated by an Applicant for a specific property within the City requires a "Quasi-judicial Decision" by the City Council with recommendation by the Planning Commission in conformance with the Quasi-judicial Public Hearing procedures of Section 3.510.

Response: As noted above, the proposed comprehensive plan amendment involves multiple properties and is being processed as a legislative update.

(c) The City Council upon recommendation of the Planning Commission may approve, deny or approve with conditions to attain compliance with the intent of this Code or with the applicable standards of the zoning district.

(d) The City is not required to justify denial of a proposed legislative change.

(e) A written record of the findings and action of the Planning Commission and City Council shall be maintained by the City in a Record File of the Application as

specified in Section 2.150. Notice of Decision shall be given the Applicant together with any conditions of approval for the proposed Amendment as specified in Section 3.600.

Response: All decisions will follow the above process and a permanent record will be kept.

II. Compliance with City of Adair Village Comprehensive Plan

SECTION 9.290 ENVIRONMENTAL GOALS & POLICIES

GOALS & OBJECTIVES

1. *To recognize the opportunities and constraints posed by the natural environment.*
2. *To protect the unique resources of the Adair Village area.*
3. *To ensure that future development will complement the City's natural resource base.*

Response: The proposed amendment will allow approximately 50 acres of land to be brought into the city and used for residential development. As described in detail in the Site Selection Analysis included with Exhibit C, the subject areas are proposed for UGB inclusion because of their relatively minimal extent of productive soils and their enhanced access to public infrastructure. Non-significant wetlands have been identified on the Cornelius property. However, the owner has prepared a preliminary site plan for the site that illustrates that the property can be developed in a cottage-cluster style development (See Exhibit B) that would minimize impacts to wetlands and provide for 19 residences.

Further, the portion of the Cornelius property that is not proposed for UGB inclusion is in a conservation easement that was established for wetland mitigation as part of a previous development approval. That portion of the property and its associated natural resources will remain outside of the UGB, preserved in a conservation easement and will not be impacted by future development. Additionally, the Weigel property contains a FEMA-mapped floodplain on Calloway Creek which runs through the very southern portion of the property. It is expected that this portion of the property will remain largely undeveloped and will likely be incorporated into open space within the future residential neighborhood on the site.

POLICIES & RECOMMENDATIONS

General

1. *Any expansion of the Adair Village Urban Growth Boundary shall identify and classify existing natural features including wetland and riparian areas that may require preservation, protection or restoration.*

Response: Wetlands have been identified and delineated on the Cornelius property and have been determined to be non-significant pursuant to the criteria of OAR 141-086-0350. The owner of the property has prepared a preliminary site plan for the property that would leave large areas of the site undeveloped and retained in open space.

Similarly, the Weigel property contains a FEMA-mapped 100-year floodplain along Calloway Creek which runs through the very southern portion of the property. It is expected that this portion of the property will remain largely undeveloped and will likely be incorporated into open space within the future residential neighborhood on the site.

Geology & Soils

1. *As additional land is needed to accommodate the City's growth needs the Urban Growth Boundary may be expanded. Preservation of the most productive agricultural soils shall be a factor in determining the Urban Growth Boundary expansion area*

Response: Under ORS 197A.320 (2), lands that can be considered for UGB expansion must be evaluated and prioritized based on the soil capability to support agriculture. Capability is measured by soil classification ranging from Class I to Class XIII; Class I soils have the most capability for agricultural use and are therefore considered lowest priority for UGB inclusion. Class XIII soils have very limited capability for agricultural use and would be given highest priority. Per the analysis provided in the DOWL July 20, 2022 memorandum, the subject sites were found to rank higher for UGB inclusion than other EFU lands due to the fact that other sites on the UGB fringe generally had a higher percentage of Class II soils throughout the site.

SECTION 9.490 HOUSING GOALS & POLICIES

GOALS & OBJECTIVES

1. *To provide a housing policy plan that seeks to increase opportunities for all citizens to enjoy affordable, safe, energy efficient housing.*
2. *The city recognizes the need for an adequate supply of housing that includes a variety of types and designs that are responsive to community needs.*

Response: Consistent with these goals and objectives, this proposal supports the city's housing goals and policies by removing barriers to allow new residential development in the City. Consistent with Policy 2 above, it is expected that various housing types will be developed on the properties, including a higher

density development on the Cornelius property.

SECTION 9.590 LAND USE GOALS & POLICIES

POLICIES & RECOMMENDATIONS

Residential Land Use

1. *The City shall maintain an adequate availability of residential buildable lands that provides locational choices for each housing type.*

Response: This proposal supports this policy by increasing the amount of buildable residential land within the city.

SECTION 9.890 GROWTH MANAGEMENT GOALS & POLICIES

GOALS & OBJECTIVES

1. *To provide for an orderly and efficient transition from rural to urban land use.*
2. *To provide conservation and development policies for the orderly and efficient development of the community.*
3. *To ensure that the overall plan, policies and recommendations help conserve energy.*

Response: The subject sites are adjacent to existing residential development and public utilities are available to serve the site without significant infrastructure improvements. Hibiscus Drive was stubbed at the western boundary of the Cornelius property in anticipation of future residential development. Development on the site will provide an incremental transition from rural to urban uses while conserving the larger and more productive agricultural lands to the north and east of the site. The Calloway Creek subdivision, currently in development, provides an incremental transition from rural to urban uses on the Weigel property to the south. The development to the south conserves more productive agricultural lands to the east of the Weigel property.

POLICIES & RECOMMENDATIONS

Urban Growth

3. *The Exclusive Farm Use parcels abutting the easterly Urban Growth Boundary shall be maintained until urban development occurs within the existing Urban Growth Area.*

Response: All EFU parcels abutting the existing UGB will be maintained, with the exception of the Cornelius and Weigel properties. Urban development is occurring in Adair Village; the Calloway Creek development is currently underway and will ultimately cover 41 acres south of Ryals Avenue (with approximately 198 homes). As demonstrated in the Site Selection Analysis included in Exhibit C, the Cornelius and Weigel properties are appropriate for UGB expansion and will help

the city meet its goals of providing adequate housing opportunities and appropriate amounts of buildable land within the city.

6. *An urbanized development or annexation request outside the Urban Growth Boundary shall be considered a request for an amendment to the boundary and shall follow the procedures and requirements of the statewide Goals #2 and #14.*

Response: As demonstrated in the responses to the Statewide Planning Goals in Section 6 of this narrative, and the UGB expansion analysis provided in this request for UGB expansion and annexation is consistent with Goals 2 and 14.

III. Conclusion

As established in the above responses and in the attached Buildable Land Inventory and Site Selection Analysis, the proposed Comprehensive Plan amendment is consistent with City goals and policies and applicable Statewide Planning Goals to warrant the expansion of the Adair Village UGB and the proposed rezoning of the sites from EFU to UR-50.

6. County Requirements for UGB Amendment

Benton County Comprehensive Plan (BCCP)

Criteria for Amending the Comprehensive Plan. (Section 17(3), BCCP)

Criteria for Amendments:

Text Amendments:

Amendment to the text may be considered to correct an error, improve the accuracy of information, expand the data contained in the Plan, bring the Plan into compliance or more into compliance with statewide land use planning goals, or to reflect a public need in compliance with the State goals.

Map Amendments:

Amendments to the Plan map may be approved when compliance with all elements of the Comprehensive Plan and with statewide land use planning goals can be shown. Map amendments requiring goal exceptions shall comply with procedure and standards of OAR 660 Division 4 and State goals.

Findings:

The amendment under consideration is to the Comprehensive Plan Map. Compliance with all elements of the Comprehensive Plan is analyzed below. Compliance with statewide planning goals is evaluated in Section 7. Pursuant to OAR 660-024-0020(1)(a), the amendment of a UGB does not require a goal exception.

Consistency with the Benton County Comprehensive Plan

Comprehensive Plan Policies

Goal 2 – Land Use Planning

2.1.5 *Benton County shall consider coordinated future population projections when undertaking long range planning efforts.*

Findings: This legislative amendment is based on the population projections coordinated by Portland State Univerity's Population Research Center, as prescribed by state law.

Goal 3 – Agricultural Lands

3.1.1 *Agricultural lands as defined by Statewide Planning Goal 3, which are not developed or committed to non-farm uses, shall be protected with appropriate resource designations on the Comprehensive Plan and Zoning Maps. Comprehensive Plan Map amendments from "Agriculture" to a non-resource designation shall require an exception to Goal 3.*

Findings: The comprehensive plan amendment under consideration would change the designation of the subject properties from Agriculture to a non-resource designation (residential). However, a goal exceptions process is not applicable to a UGB amendment "unless the local jurisdiction chooses to take an exception to a particular goal requirement

…."[9] Staff's assessment of the goal exception process is that it will not add meaningfully to the analysis and consideration of this UGB amendment and would require significant additional work; therefore, staff recommends that the County not elect to take an exception to Goal 3.

3.1.4 *Benton County shall minimize conflicts between residential development and agricultural lands by requiring setbacks for residences adjacent to agricultural lands.*

Findings: The Development Code provisions implementing this policy do not apply to lands inside UGBs.

3.1.10 *For agricultural lands, soil capability shall be a prime factor used by Benton County in making land use decisions.*

Findings: The soil classification system runs from Class I (best agricultural soils) to Class XIII; howvever, most soils in the Willamette Valley are Class I through Class IV. Class I and Class II soils, along with some Class III and Class IV soils, are defined as "high-value agricultural soils" for land use planning purposes. Property 1 is mapped as approximately 54% Class II agricultural soils with the remainder being high-value Class III and Class IV soils. (Note that the Class III and IV soils correspond approximately with the conservation easement on this property.) Property 2 is mapped as approximately 67% Class II agricultural soils with the remainder being non-high-value Class III soils. As identified in Section 3 of this report, most of the other potentially available properties for UGB expansion contain higher percentages of Class II soils than the subject properties contain.

Goal 4 – Forest Lands

4.1.5 *Benton County shall ensure that conflicts between residential development and forest lands are minimized by requiring setbacks for residences adjacent to resource lands.*

Findings: As with Policy 3.1.4, the Development Code provisions implementing this policy do not apply to lands inside UGBs.

Goal 5 – Natural Resources

5.3.3 *Benton County shall recognize the scenic and natural values of greenspace surrounding rural and urban communities, and encourage, with community input, protection of these important community assets.*

Findings: Adair Village is bordered by E.E. Wilson Wildife Refuge to the north, McDonald Forest to the west, Adair County Park and farmland to the east.

5.6.3 *Benton County shall require land development and transportation projects to be designed to minimize incursions and other impacts to floodplains, wetlands, and riparian areas. When no reasonable option exists, roads, bridges, and access ways may be allowed, provided fish passage is assured, channel capacity is maintained, and removal of riparian*

[9] *OAR 660-024-0020(1)(a).*

vegetation is minimized.

Findings: Property 1 contains wetlands which will are protected through a conservation easement. Property 2 includes two stream corridors with associated riparian vegetation (which are also considered wetlands) and the southerly corridor has a regulatory floodplain identified. The UGB amendment is not a development project and so the County is not in a position to potential impacts and mitigations at this time; however, the presence of these natural resources has been noted and will be a consideration in subsequent review of development projects.

5.7.1 *Benton County shall protect wetlands that have been identified as significant pursuant to the Goal 5 process, utilizing federal and state inventories and other available information.*

Findings: No wetlands on the subject properties have been designated "significant" by Benton County through the Goal 5 process.

5.7.2 *Benton County shall utilize federal, state, and local inventories and other available information to determine if a proposed development is located in a wetland. The Division of State Lands will be notified when development is proposed in wetland areas.*

Findings: No development is proposed at this time; nonetheless, the Department of State Lands has been notified of this UGB amendment.

5.9.4 *In making land use decisions, Benton County shall protect identified sensitive wildlife habitat types and wildlife corridors from adverse impacts.*

Findings: The sensitive habitat that Benton County is aware of on Property 1 is the wetland area, which is protected by conservation easement. On Property 2, the riparian corridor of Calloway Creek near the southern property line is a sensitive riparian habitat and may serve as a wildlfe corridor. There is no development proposed at this time. The riparian corridor potentially could be adversely impacted if it is added into the UGB and zoned for development; likewise, the riparian corridor could be adversely impacted by agricultural use if the land is not added to the UGB. The regulations regarding protection of riparian corridors are more clearly defined for residentially zoned lands inside the City of Adair Village than they are for agricultural lands; therefore, it may be that the riparian corridor is better protected if brought into the UGB than if left outside.

Goal 7 – Natural Hazards

7.2.4 *Benton County shall strive to maximize open and undeveloped land in the 100-year floodplain to achieve flood mitigation, fish and wildlife habitat, and water quality objectives.*

Findings: The only floodplain in the proposed UGB expansion area is the narrow corridor along Calloway Creek. This corridor is likely to be avoided by subsequent development due to regulations and risk. However, that is a determination that would be made during review of a specific development proposal after annexation.

Goal 10 -- Housing

Benton County Goal: *To work with the cities within Benton County and other entities to meet the housing needs of County residents.*

Findings: The Benton County Comprehensive Plan section for Goal 10 (Housing) has no policies relevant to the proposed UGB amendment. However, the overall goal of the County stated above is relevant to the UGB amendment. Adding residential development capacity in the City of Adair Village will help address a shortage in available housing in the area.

Goal 11 – Public Facilites

11.8.1 *Benton County and the school districts shall collaborate as part of any land use decision that impacts the districts.*

11.8.3 *Benton County shall encourage schools serving primarily urban areas to be located within urban growth boundaries.*

11.8.4 *Benton County shall encourage the utilization of schools, especially in rural areas, as community centers for activities such as public meetings, continuing education, recreation, and cultural events.*

Findings: Staff have engaged with Corvallis School District staff regarding the proposed UGB expansion. The school district has determined that the proposed expansion will not lead to a need for public school facilities within Adair Village. However, through these conversations the district stated that a campus for an elementary school would be needed at some time in the future within Adair Village. It will be valuable to identify a potential location in the near term so that the future school can be factored in to additional land use planning and development. The school district foresees this facility as serving several community functions in addition to educating children. A central location would be best, for school children and for the facility to serve the broader community.

The school district will begin long-range facilities planning in 2023, and would like to explore potential future sites in Adair Village as part of that process. District staff were not concerned that the current proposed UGB expansion would conflict with identification of and planning for a future school site.

11.8.2 *Benton County and colleges and universities shall collaborate as part of any land use activities that impact these institutions.*

Findings: Oregon State University owns land, managed by OSU Research Forests, located directly to the west from Property 2, across Highway 99W. OSU Research Forests staff was invited to participate in the meeting staff held for interested agencies in June and they were notified of the Planning Commission hearing. To date, the County has received no comments from OSU.

Goal 12 -- Transportation

12.1.15 *Land use actions affecting state highways shall be consistent with the Oregon Highway Plan.*

Findings: The proposed UGB amendment affects land adjacent to a state highway. OAR 660-024-0020(1)(d) states that the state transportation planning rule requirements need not be applied to a UGB amendment if the land added to the UGB will be zoned in such a way that, prior to annexation, the land could not be developed in a manner that would generate more vehicle trips than would be allowed by the zoning prior to inclusion within the UGB. Currently, the subject properties are zoned EFU and could generate the vehicle trips associated with farm use including a primary farm dwelling and accessory farm-related dwellings. The proposed zoning for the subject properties, UR-50, which would allow establishment of a single dwelling on the property. The inclusion of the properties within the UGB will not allow development that would generate vehicle trips beyond what is allowed by the current zoning.

12.3.5 *Comprehensive Plan amendments affecting land use designations, densities and design standards shall be consistent with capacities and levels of service of facilities identified in the Benton County TSP.*

Findings: As discussed above, the comprehensive plan amendment will not enable development that would generate increased vehicle trips; therefore, it will not affect capacities and levels of service in the area. Specific development proposals subsequent to annexation will be reviewed for impacts on the transportation system.

Goal 13 – Energy Conservation

13.1.6 *When developing long-range plans, Benton County shall consider the energy consequences of the resulting land development patterns.*

Findings: Most people who live in Adair Village commute to other cities to work or to shop. Additional residential development by itself will increase the number of people commuting from Adair Village to other locations. However, the question of whether the proposed UGB amendment will lead to increased energy consumption is not a simple one to answer. It is not possible to know where the additional population would live if the UGB is not expanded, nor what their commuting patterns would be. Also, a critical mass of population is needed in order to support additional development of commercial or jobs-producing land uses, and so in theory at some point of population there will be less need for residents of Adair Village to commute. There are many variables that contribute to each of these considerations; without extensive data and modeling it is not possible to know with any certainty the effect on energy consumption or greenhouse gas emissions of this UGB amendment.

Because the state population projections combined with state administrative rules regarding UGBs *require* an expansion of the Adair Village UGB, staff recommends focusing on the potential energy implications of the proposed locations for the UGB expansion (the “where” rather than the “whether”). In this regard, the proposed locations do not seem inconsistent with energy conservation. Property 1 could result in a pedestrian and bike connection between northern Adair Village and Adair County Park where the current lack of connection

requires many people to drive to Adair County Park. Property 2 is located near Ryals Road and Highway 99W, facilitating access to those major roads to Corvallis, Albany and Salem.

Goal 14 -- Urbanization

14.1.1 *Benton County shall coordinate planning efforts with the cities to ensure that lands within urban growth boundaries (UGB) are efficiently and effectively developed so that urban densities will ultimately result. Urban fringe management agreements will be developed and maintained to clarify implementation roles and responsibilities.*

Findings: This joint legislative process is an example of coordinated planning between the County and a city. The current analysis of the need for and options to accommodate an expansion of the Adair Village UGB is toward the purpose of ensuring efficient and effective development of urban lands.

14.1.2 *Benton County shall periodically allocate county-wide population forecasts to all of its cities and unincorporated areas, in coordination with the cities. Such allocated forecasts shall be adopted in accordance with the applicable State statutes and administrative rules.*

Findings: Population forecasts are now allocated by the Population Research Center at Portland State University.

14.1.3 *Benton County shall require all new lands added to an urban growth boundary to be designated with a minimum lot size of at least 10 acres in order to preserve the land for future urbanization.*

Findings: Property 1 and Property 2 would be re-zoned to UR-50: Urban Residential zoning with a 50-acre minimum parcel size, which will prevent further division of the parcels prior to annexation.

14.1.4 *Benton County shall work with municipalities to contain future urban development within the geographical limits of a mutually adopted urban growth boundary.*

Findings: The current joint legislative process will ensure that the UGB is mutually adopted.

14.1.5 *Benton County shall base establishment and change of urban growth boundaries on the following factors:*

> *Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and*
>
> *Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of these categories.*

Findings: These factors are addressed in prior sections of this report.

14.1.6 *Benton County shall require local governments to demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary, prior to*

expanding an urban growth boundary.

Findings: As discussed in Section 2, development of vacant lands and redevelopment of partially vacant lands within the existing UGB can accommodate only a portion of the projected population increase.

14.1.7 *Benton County shall evaluate changes to urban growth boundaries by considering alternative boundary locations, consistent with ORS 197A.320, and with consideration of the following factors:*

- *Efficient accommodation of identified land needs;*
- *Orderly and economic provision of public facilities and services;*
- *Comparative environmental, energy, economic and social consequences; and*
- *Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.*
- *Protection of productive resource lands.*

Findings: The factors listed here derive from Statewide Planning Goal 14 and are addressed in Sections 3 and 4 of this report, with the exception of the last factor which was added to this policy by Benton County. With regard to protection of productive resource lands, Property 1 contains only seven acres outside of the conservation easement and does not appear to be actively farmed.

Property 2 is currently farmed and as noted earlier is composed of Class II and III agricultural soils. Farming of the property is constrained by the awkward shape of the property and by the riparian corridors that cross the property. The property is separated from other farmland by the railroad and Crane Lane.

Properties 1 and 2 are not highly productive resource lands. This conclusion, along with the results of the alternatives analysis in Sections 3 and 4, lead to the overall conclusion that of the potential sites for UGB expansion, the proposed properties are the best suited.

Conclusion: The analysis of Benton County Comprehensive Plan policies raises several relevant considerations relative to the proposed UGB amendment and, overall, staff concludes that the amendent is consistent with these policies.

Benton County Development Code (BCC)

ZONE CHANGE

53.505 Zone Change Criteria. The Official Zoning Map may be amended if:

(1) The proposed zoning for the property is more appropriate than the current zoning, when considering existing uses, changes in circumstances since the current zoning was applied, or information that indicates that the current zoning was not properly applied;

Findings: If the Comprehensive Plan amendment is approved, bringing the subject properties into the Adair Village UGB, then that would be a change in circumstance since the current EFU zoning was applied. At that point, with the lands located inside the UGB, Urban Residential zoning would be more appropriate than EFU zoning.

(2) The impact on adjacent properties will be minimal;

Findings: The change in zoning from EFU to Urban Residential with a 50-acre minimum parcel size would allow a single dwelling to be established on each subject property, along with the accessory uses or other land use that are allowed in the UR zone. As both properties are adjacent to urban density development and are buffered from adjacent resource uses it staff's conclusion that the zone change would result in minimal impact on adjacent properties. Subsequent annexation and residential development has the potential for much greater impact on adjacent properties.

(3) Any significant increase in the level of public services which would be demanded as a result of the proposed zone change can be made available to the area; and

Findings: Similar to the findings regarding the prior criterion, the minimal level of development allowable under the proposed UR-50 zoning would not require a significant increase in the level of public services.

(4) The proposed zone change is consistent with the policies of the Comprehensive Plan.

Findings: This criterion is addressed in preceding section.

Conclusion: The proposed zone change to UR-50 meets the criteria from the Development Code, provided the UGB amendment is approved to add the subject properties to the UGB.

7. Statewide Goal Consistency Analysis

Each chapter of the Adair Village Comprehensive Plan corresponds with a Statewide Planning Goal. Therefore, the responses in this section are intended to demonstrate compliance with both the Comprehensive Plan goals and policies and the corresponding Statewide Planning Goal.

Goal 1 - Citizen Involvement. *To ensure opportunities for citizens to be involved in the development of public policies and all phases of the planning process.*

Response: The procedure for a Comprehensive Plan map amendment includes a public notice and review period as well as two public hearings (one before the Planning Commission and one before the Board of Commissioners). The public was provided the opportunity to be involved in the decision-making process regarding the expansion of the UGB through public meetings (in-person and by video conference), including: (1) two open house presentations for the citizens of Adair Village at city hall, (2) two work sessions with the planning commissions of both the city and the county about the UGB process and analysis, and (3) the public hearings with both planning commissions, the City Council and the Board of Commissioners. Goal 1 has been properly addressed.

Goal 2 - Land Use Planning. *To maintain a transparent land use planning process in which decisions are based on factual information.*

Response: Goal 2 outlines the basic procedures of Oregon's statewide planning program, stating that land use decisions must be made in accordance with comprehensive plans and that effective implementation ordinances must be adopted. The procedure for a Comprehensive Plan map amendment requires the demonstration of consistency with City's goals and policies and the Statewide Planning Goals so that the Planning Commission and Board of Commissioners may make their decisions based on findings of fact.

In the process of developing buildable land inventory, the city inventoried existing residential land uses, projected suitable land needs, and compared these needs with potentially suitable land within and outside the Adair Village urban growth area. The resolution of land need and supply is found in the buildable land inventory and Chapter 2 of this document.

The process includes public notice and review in addition to at least two public hearings and opportunity for appeal, all of which help to ensure transparency in

the decision-making process. Consistent with Goal 2, the proposed legislative comprehensive plan amendment addresses the Goal 14 rules, as demonstrated under the Goal 14 section of this narrative.

Goal 2 also requires the consideration of alternatives. The City Council considered a range of alternatives for accommodating growth, both within the existing UGB and through expansion of the UGB. Goal 2 has been properly addressed.

Goal 3 - Agricultural Lands. *To preserve and maintain agricultural lands and to support agriculture for production and conservation.*

Response: The subject sites are currently zoned EFU and are protected under Goal 3. The purpose of the proposed comprehensive plan amendment is to ensure a sufficient 20-year supply of residential land and to allow for the Weigel and Cornelius sites to ultimately be annexed into the City of Adair Village for residential development.

As stated in 660-024-0020(1)(b), Goals 3 and 4 are not applicable when establishing or amending an urban growth boundary. No further analysis is required.

Goal 4 - Forest Lands*. To preserve and maintain forest lands for growing and harvesting trees and other forest products, watershed functions, conservation, recreation, and agriculture.*

Response: The proposed amendment does not impact forest lands. No further analysis is required.

Goal 5 - Natural Resources, Scenic & Historic Areas, Open Spaces. *Goal 5 requires local governments to inventory and protect natural resources.*

Response: The proposed Comprehensive Plan amendment will facilitate the Adair Village UGB expansion and bring approximately 50 acres of land into the city to be used for residential development. The Cornelius property does not contain any FEMA-mapped floodplain or identified historic or scenic resources. Wetlands have been identified on the site. If it is determined that future site development will conflict with any wetlands, the project applicant will be required to apply for the necessary state and federal permits and mitigate any wetland impacts. The owner of the Cornelius property also had a certified wetland biologist evaluate the wetlands on the site per the criteria of OAR 141-086-0350 and determined that no significant wetlands exist on the site.

The portion of the Cornelius property that is being proposed for UGB inclusion is in a conservation easement that was established for wetland mitigation as part of a previous development approval. That portion of the property and its

associated natural resources will be preserved through the conservation easement and will not be impacted by future development on the annexed portion.

The Weigel property contains FEMA-mapped floodplain areas. Preliminary development plans call for development up to but to the north of the FEMA-mapped floodplain area. If it is determined that future site development will encroach on FEMA-mapped floodplain, the applicant will be required to apply for the necessary permits and mitigate any impacts that could create a net rise in the 100-year base flood elevation. No significant wetlands are known to exist on the property.

Goal 6 - Air, Water & Land Resource Quality*. To maintain and improve the quality of air, land, and water resources in a manner that will meet current needs and preserve resources for future generations.*

Response: Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations. By complying with applicable air, water and land resource quality policies in the Adair Village Comprehensive Plan, Goal 6 will be properly addressed.

The subject sites do not contain high-value farmland. As noted in the Site Selection Analysis, the Cornelius and Weigel properties were of the lowest ranked properties within potential UGB expansion sites based on the relative lack of Class II soils on the site properties.

Wetlands have been identified on the Cornelius property and the southern edge of the Weigel property contains FEMA-mapped floodplain areas. The owner of the Cornelius property has prepared a preliminary site plan that indicates that slightly over 5 acres can be developed after preserving a wetland area tract on the site. If it is determined that future site development will conflict with any wetlands, the applicant will apply for the necessary state and federal permits and mitigate any wetland impacts as required. The remaining portion of the Cornelius property that is proposed for UGB inclusion is in a conservation easement that was established for wetland mitigation as part of a previous development approval. That portion of the property and its associated natural resources will be preserved through the conservation easement and will not be impacted by future development on the annexed portion.

As noted, approximately 5.4 acres of the 42.40-acre Weigel property proposed for inclusion in the UGB includes FEMA-mapped 100-year floodplain areas. Preliminary development plans have not been presented by the owner of the Weigel property at this time. However, it is expected that, if any future development is proposed within the site's 100-year floodplain, that the

owner/developer will apply for all required local, state and federal approvals for such actions.

Goal 7 – Natural Hazards*. To protect Benton County citizens, critical public facilities and infrastructure, private property, and the environment from natural hazards, and to guide the county toward building a safer, more sustainable community.*

Response: Goal 7 requires that jurisdictions apply appropriate safeguards when planning development in areas that are subject to natural hazards such as steep slopes or flood hazards.

There are no natural hazards (steep slopes or floodplain) identified on the Cornelius property. The Weigel property contains approximately 5.4-acres of FEMA-mapped 100-year floodplain area along Calloway Creek near the southern edge of the site. Any future development in that area, if proposed, would be required to obtain all necessary local, state and federal approvals prior to development. Lands included within the UGB expansion proposal have minimal areas within these constraints. Thus, Goal 7 has been properly addressed.

Goal 8 – Recreational Needs*. To maintain a park and open space system that represents the heritage and natural and scenic qualities of Benton County and provides outdoor recreation opportunities that contribute to healthy individuals, children, and families.*

Response: Adair County Park, a regional park with more than 114 acres of recreational land; is located immediately south of the Cornelius property. Any future development on the Cornelius property will be buffered from the park area by the existing conservation easement-protected wetlands. that will remain in the County and outside the City UGB. The owner of the property has expressed an interest in conveying these wetland areas to County parks to allow pier-supported trails or other low impact passive recreation use of this area to augment existing open space at the park. For this reason, it is not expected that the requested plan amendment will impact the Adair County Park or the greater park and open space system in Benton County.

The Weigel property is approximately 0.7-miles northeast of the Adair County Park and just south of a 32-acre ODF & W natural preserve. The ODFW property will be separated from any new development by Ryals Avenue and is not likely to directly impact the preserve.

The city currently is working on a "Trails Plan" with the Corvallis Area Metropolitan Planning Organization. The Adair Village Trails Plan will serve as a blueprint for creating an accessible, all-ages and abilities network of paved multiuse paths, walking trails, and separated bike lanes throughout the Adair Village community. The document will also provide details on future trail improvements as a means to help prioritize local investment in Adair Village's

multi-modal network of trails. Goal 8 has been properly addressed.

Goal 9 - Economic Development*. To support a stable and sustainable local economy, vital to the health, welfare, and prosperity of County residents.*

Response: Provision of housing to ensure a 20-year housing supply is critical to establishing a stable and sustainable local economy and ensuring that workers in the county can find housing that is affordable and convenient to their place of employment. Without addressing the lack of a proportional commercial district, Goal 9 requires jurisdictions to plan for an adequate supply of land for employment uses to further goals for economic development. Adair Village is not seeking a UGB expansion for employment land, thus Goal 9 is not applicable.

Goal 10 - Housing. *To work with the cities within Benton County and other entities to meet the housing needs of County residents.*

Response: The proposed amendment will facilitate annexation of the sites into the city for future residential development. The BLI, identifies a need for additional lands to accommodate projected housing demand over the next 20 years. Consistent with the intent of Goal 10, the proposed comprehensive plan amendment is critical to ensure that the City of Adair Village establishes a 20-year supply of available residential land for housing to serve projected population growth.

The BLI study finds that the City of Adair Village has buildable residential acreage within its UGB to accommodate 318 units, leaving a deficit of residential land to accommodate the additional 73 units needed to meet the 2042 population forecast.

Following an initial screen for vacant and partially vacant properties using GIS, DOWL conducted a site-by-site assessment of the GIS-generated list of vacant and partially vacant properties to determine if any of these sites should be eliminated from the buildable land assessment by applying the buildable criteria found in OAR 660-038-0060(3)(c). Specifically, OAR 660-038-0060(3)(c) states that the City *shall* exclude the following lots and parcels from the BLI:

(A) Lots and parcels, or portions of a lot or parcel, that are designated on a recorded final plat as open space, common area, utility area, conservation easement, private street, or other similar designation without any additional residential capacity.

(B) Lots and parcels, or portions of a lot or parcel, that are in use as a school, utility, or other public facility, or are dedicated as public right of way.

(C) Lots and parcels, or portions of a lot or parcel, which are in use as a non-public institution or facility, including but not limited to private schools and religious institutions. The excluded lots and parcels or portions of lots and parcels may not include vacant or unimproved lands that are owned by the non-public institution or facility.

Based on applying the above criteria, approximately eight parcels of residential land totaling 6.10-acres were eliminated from the BLI.

As discussed above, the City's engineering consultant, Civil West, provided DOWL with a memorandum, dated March 15, 2022, that details the various reasons why particular vacant and partially vacant properties should be considered unbuildable (See Appendix A: Buildable Lands Inventory & Assessment Memorandum). While many of these reasons directly address criteria in OAR 660-038-0060(3)(c) other reasons included practical impediments to development such as high cost of utility and roadway improvements, necessary demolition, reluctance of ownership to annex and access limitations. While DOWL is in agreement that, as a practical matter, these constraints inhibit the development of these parcels, DOWL determined that these limitations do not expressly require their elimination per 660-038-0060(3)(c). At their discretion, the City could seek to pursue a more nuanced review of these additional parcels and, through discussions with Benton County and the state, to determine if these properties could be eliminated from consideration as buildable.

Additionally, should further permitting on the Santiam Christian Schools site reveal a lesser capacity than the assumed 260 housing units, a near-term need for more buildable residential land could be required.

In summary, DOWL's technical review of lands within the City's UGB has revealed a deficit of housing capacity within the City's UGB and that lands are needed to accommodate 73 additional units.

Goal 10 has been properly addressed.

Goal 11 - Public Facilities & Services. *To plan, develop, and maintain public facilities and services that serve the needs of Benton County in an orderly and efficient manner.*

Response: Both the Weigel and Cornelius sites are immediately adjacent to existing urban development with public roads and utilities available for extension to serve these sites. As such, the proposed Comprehensive Plan Amendment represents an orderly and efficient expansion of public facilities and services consistent with Goal 11.

Goal 12 - Transportation. *The County seeks to preserve, protect, and promote the county's livability, sustainability, and vitality by:*

- *Providing choices of alternative travel modes,*
- *Maximizing the efficiency of existing facilities,*
- *Intertwining quality of life, land use, and transportation decision-making, and*
- *Providing equitably funded, safe, efficient, cost-effective mobility and accessibility to all county residents, businesses, and emergency services within and across county boundaries.*

Response: An expansion of the City's UGB is not anticipated to create impacts to the mobility and accessibility of residents within the community. Future development on the Cornelius property will take access from an extension of Hibiscus Drive, a local street. Future development on the Weigel property will take access from local streets within the Calloway Creek subdivision that connect to Ryals Avenue, an Adair Village minor collector. Because both of these properties are readily accessible to existing transportation facilities, they can be efficiently developed and offer immediate connectivity to the existing City and County Road network for all modes of transportation.

For the purposes of the proposed amendments, the Transportation Planning Rule (TPR) requires additional analysis if the proposed amendments would significantly affect an existing or planned transportation facility, as defined in OAR 660-001-0060(1). A TPR analysis of transportation facility impacts caused by urban growth boundary expansions may be deferred by administrative rule. OAR 660-024-0020(d), specifically states:

> *"the transportation planning rule requirements under OAR 660-012-0060 need not be applied to an urban growth boundary amendment if the land added to the urban growth area is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the area or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary."*

The city chooses to apply this deferral option for land that is proposed to be added to the UGB and has informed ODOT of its choice. The 55 acres of land proposed to be added to the UGB is not proposed for annexation into the City of Adair Village. As such, the existing Exclusive Farm Use (EFU) zoning will be retained. Benton County expects to re-zone the expansion area from EFU to the Urban Residential zone (UR-50).

Goal 12 has been met for the 55 acres of land proposed to be added to the Adair Village UGB.

Goal 13 - Energy Conservation. *To conserve energy through sound planning and pursuit of sustainability.*

Response: The proposed Comprehensive Plan amendment will expand the UGB in areas that are readily accessible by public roads and utilities, thereby avoiding leap-frog development and the inefficiencies associated with it. Both the Weigel and the Cornelius properties are adjacent to public roads and utilities that will allow for the sites to develop with maximum efficiency. The sites' adjacency to existing development also ensures that safe routes of travel via other modes of transportation such as bicycle and pedestrian routes are available, minimizing dependency on vehicular transportation. In addition, the Cornelius property will retain a large conservation easement protecting the wetland complex as part of the UGB expansion. As such, the proposed comprehensive plan amendment will provide opportunities for the conservation of energy through sound planning and for the pursuit of sustainability. Goal 13 has been adequately addressed.

Goal 14 - Urbanization. *To provide for an orderly and efficient transition from rural to urban land use; to accommodate urban populations and employment inside urban growth boundaries, to preserve rural character outside urban growth boundaries, and to preserve small town character.*

SECTION 9.890 GROWTH MANAGEMENT GOALS & POLICIES

Urban Growth Management

1. The City and County shall utilize the Urban Growth Management Agreement for administration of land development within the Urban Growth Area and the Planning Area.
2. The City shall ensure an orderly and efficient transition from rural to urban land use within the Urban Growth Area.

Response: Goal 14 has been complied with as demonstrated in Chapters 2 through 4 of this report, which includes an analysis of properties on the periphery of the existing Adair Village UGB and evaluates and ranks potential UGB expansion sites according to the Goal 14 prioritization factors found in ORS 197A.320. A summary of the analysis is provided below.

- The study area for the comparative analysis was established consistent with OAR 660-24-0065(a)(A), which requires that a one-half mile radius be used. Therefore, the area within a one-half mile radius of the subject site was used

in the evaluation, with the exception of those lands that are not contiguous with the current UGB, are under public ownership, or are west of Highway 99W.

- The evaluation under ORS 197A.320 requires that land considered for inclusion in a UGB be prioritized using a four-tiered hierarchy based on land designations and capability. Generally, land zoned EFU is a low priority for UGB inclusion. However, the analysis concluded that the Cornelius property and the Weigel property, although zoned EFU, can be considered for UGB inclusion because higher priority lands are not available within the study area. In addition, the agricultural capability of the subject sites (expressed by soil classification) is low relative to other lands in the study area. Lands with lower agricultural capability are a higher priority for urbanization.
- The evaluation under the Goal 14 factors (as listed above) concluded that the subject sites generally rank higher, or equally as high, when compared with the other EFU lands in the study area. The sites are directly adjacent to existing development; road and utility stubs are in place on Hibiscus Drive and the Calloway Creek subdivision to serve future development in these locations.

  Based on the analysis provided in Chapters 2-4, the requested UGB amendment is consistent with the City and County policies and the Goal 14 rules for

Goal 15-19 Willamette River Greenway and Coastal Resources*. To protect, conserve, restore, enhance and maintain the ecological, natural, scenic, historical, agricultural, economic, and recreational qualities and resources along the Willamette River.*

Response: Goals 15 through 19 are related to the Willamette Greenway and coastal resources. As such, these goals do not apply to the subject sites and therefore, these sections are not applicable.

Exhibit 3B
ADDITIONAL FINDINGS -- ADDENDUM TO THE 9.20.22 STAFF REPORT

Below are responses to questions and comments raised at the September 20, 2022, UGB Expansion public hearing

Each response is reflective of direction given to the city by the DLCD or by the Planning Commission's need for further clarification. The responses are in no particular order.

1. **Documents on the City and County Website.**

   Q. Can the city put the "Preliminary Adair Village Trails Map" up on their website?

   A. The Trail Map has been added to the website along with the recommendation letters from the Department of Land Conservation and Development (DLCD) and Oregon Depart of Transportation (ODOT) in response to the UGB expansion legislative action.

2. **Clarification on Transportation:**

   Q. Commissioner Whitcomb expressed concerns about wildfire and wanted to know if there have been any discussions about putting a traffic light on Hwy 99W.

   A. The city will work with ODOT and forward any development proposal submitted or upon annexation for review and comment before the development is approved. A majority of times this will require a traffic study. Through most of the conversions we had with ODOT, they do not see a need for a traffic signal or have plans to do a traffic study at this time. (See ODOT letter).
   The County's Transportation System Plan (TSP) identifies, for both the Arnold Avenue and the Ryals Avenue intersections with Hwy 99W: "Intersection improvement; project may install traffic signal or roundabout, if feasible, when warranted, this project should be coordinated with the OR 99W Streetscape Study, [TSP Project Number] CC-179, project is subject to ODOT approval." The TSP also identifies Project No. CC-179 on Hwy 99W between Ryals and Tampico Roads: "Streetscape Study; study to investigate potential to reduce traffic speeds and improve the environment for residents and businesses along the OR 99W corridor, project is subject to ODOT approval." The current UGB amendment does not trigger these improvements.

3. **New Urbanism:**

Q. Commissioner Whitcomb urged the city to develop live/work units in the city and consider new urbanism principles even before Adair develops additional areas in the works.

A. The city has been looking at creative development designs for a live, work, play community. The new cluster zone and the mixed-use downtown are good examples of creative development to achieve that goal.

4. **Housing**

Q. Explain price points/affordable housing?

A. Adair Village is providing necessary housing in an area of the state that is in the most need. The type of housing that has been provided helps relieve strain on every level of housing. This happens as people take the next step in home ownership opening up lower-level homes and reducing the cost for everyone.

We have reached out to a housing specialist that hopefully will provide some data prior to the October 11th meeting.

5. **Critical Mass or a Population to support a central business district**

Q. Commissioner Lee is asked it possible that Adair Village has reached critical mass already and how does the city know that they have grown enough to justify a UGB.

A. Mr. Hare responded that most studies show that a population of 3,000 community members will help sustain local businesses, if the community is more than 5 miles from another city.

Each city is unique due to particularities of size, demographics, existing businesses and other land uses, transportation options and relationship to other cities. Therefore, it is not possible to draw absolutes about the point at which a given city reaches the critical mass needed to support an active and sustainable commercial district.

6. **Buildable Land Inventory**

Q. There was a request for clarification about how the density ranges in the BLI were determined, in comparison to the actual densities seen in developed portions of Adair Village.

A. **The densities described in the BLI are based on the minimum lot sizes for each residential zone established in 2013 when the city updated and adopted a new development code.**

The City of Adair Village set forth density allowances for residential low-density (R-1), residential medium density (R-2), and residential high density (R-3). The R-1 Zone allows dwelling units on a 10,000 square foot minimum lot size which equates to approximately 4.4 dwelling units per acre. The R-2 Zone allows dwelling units on an 8,000 square foot minimum lot size which equates to approximately 5.4 housing units per acre. Finally, the R-3 Zone allows dwelling units on a 6,500 square foot minimum lot size which equates to approximately 6.7 dwelling units per acre. Additionally, OAR 660-038-0070 describes reductions of buildable land for natural resources. This includes 25% of all land be developed for infrastructure improvements.

The actual densities seen in developed portions of Adair Village were not part of the BLI and other than the Calloway Creek subdivision and the William R. Carr duplexes, pre-existed the adoption of the 2013 development code. Creekside at Adair Village Phase I & II are zoned R-2 (Medium Density Residential) and were approved and built in 2000-02. The subdivision plat is approximately 27 acres with 106 dwelling units (DU). Some of the land was set aside for storm detention or wetland preservation. The approximate density of both phases is 3.9 DU/acre.

The Adair Meadows subdivision, zoned R-1 (Low Density Residential), is left over from when the city was a military base and were built in the 1950s. It has an even lower density than Creekside at Adair Village.

Calloway Creek and William R. Carr Subdivisions were approved through the Planned Unit Development (PUD) process. This is a discretionary review process, requested by the applicants in those cases; therefore, the resulting densities indicate what is theoretically possible through a PUD process but they are not reflective of zoning and should not be the basis of BLI-related estimates. Calloway Creek subdivision is zoned R-3 (High Density Residential) and William R. Carr is zoned R-1. Calloway Creek Phases I, II & III have a total of 174 lots on 34.5 acres or approximately 4.8 DU/acre. William R Carr Sub has 16 units on one acre or 16 DU/acre.

7. <u>Population Numbers</u>

Q. Commissioner Lee asked why the expansion forecast was done for 2022-2042 instead of 2020-2040.

A. The city is required to show a 20-year supply of available residential land and to do so we needed to use the City's most current up to date population and then an extrapolated population projection (see below). Both numbers were derived by using the interpolation template found on the Portland Research Center's website.

8. <u>Annexation Process</u>

Q. Is annexation in Oregon any longer a public process? Basically, can the residents of Adair vote on an annexation request? Is the City Council decision a public process, presumably? So people get the opportunity to testify?

A. Cities in Oregon are precluded from requiring voter approval of annexations. This is a result of a change in state law a few years ago. The process to annex property into the city boundary is a legislative one. A change in the UGB requires an Amendment to the Adair Village Comprehensive Plan in conformance with Statewide Planning Goal 14 and an Amendment to the Urban Growth Boundary and Policy Agreement between the City of Adair Village and Benton County.

   A proposal for annexation may be initiated by the City Council or by a petition to the City Council by owners of real property located in the territory to be annexed. Both are considered the applicant. The City shall request a staff review together with other public or private agencies which may be affected by the proposed annexation. Upon receipt of the application, plans and accompanying narrative, staff shall conduct an evaluation listing their findings based on the criteria and comprehensive plan policies. The applicant shall be advised of any recommended changes or conditions for approval. The City shall incorporate all staff comments into a report to the Planning Commission and City Council. The report shall include an analysis of the impacts of the proposed annexation, a review of applicable City and State policies and standards, and a recommendation as to the appropriateness of the proposed development and the annexation itself. There is a separate public hearing before both the Planning Commission and City Council. Both hearings are published and posted and public comments shall be received at both meetings.

9. <u>Safety Concerns</u>

Q. Commissioner Gervais expressed concerns about the safety factors raised by the public. What role do potential natural or other hazards play in the recommendation for rezoning of land into the UGB?

A. Referring to the Benton County Development Code criteria for re-zoning, the proposed zoning must be "more appropriate than the current zoning." If natural hazards were such that residential development was inappropriate, then the current zoning (EFU, in this case) might be the more appropriate zoning. The criteria also require that "any significant increase in the level of public services which would be demanded as a result of the proposed zone change can be made available to the area." If the new zoning resulted in development that could not be adequately served by streets or by emergency response vehicles, then this criterion would not be met.

   In the current case, the concerns raised about natural hazards, particularly the Corvallis Fault, are, in staff's view, important to consider but difficult to evaluate. Past evaluations of the Corvallis Fault, including a fairly thorough examination of all natural hazards as part of the Corvallis Natural Features Project in the early to mid 2000s, determined that the risk of seismic activity associated with the fault was not certain enough to warrant development limitations. For example, the City of Corvallis chose not to adopt development restrictions or requirements for further investigation prior to development of property in the vicinity of the fault. Legacy development (such as Crescent Valley High School) as well as more recent development (such as portions of the Timberhill Subdivision have been constructed

over the Corvallis Fault. Past practice is not proof of good practice, but it is an indication of how relative risks and costs have been evaluated in the past. Staff's recommendation is that the level of risk known about the Corvallis Fault does not warrant exclusion of these areas from the UGB, but that seismic issues should be considered in subsequent, increasingly specific, land use decisions; namely, annexation, re-zoning for development, and subdivision review.

Regarding transportation safety and emergency services, in staff's assessment, the areas proposed for addition to the UGB do not on their face present insurmountable challenges for safety. They can be developed safely. The determinations about the specifics of what it takes to develop these areas safely requires a level of detailed analysis that is not possible (nor appropriate) at this stage.

10. Acreage Calculations

A slide in the staff presentation at the 9/20/22 hearing contained a calculation error (Greg owns it; appreciation to John Steeves for pointing it out).[1] Below are the corrected calculations.

Category	Acres	Acres (low end)
Partially Vacant Acres (gross)	16.15	
Vacant Acres (gross)	55.83	
Net Vacant Acres: a) Subtract 0.25 ac from eacy "partially vacant" parcel b) Add to gross vacant acres c) Subtract 25% for infrastructure Result is Net Vacant Acres	**51.92**	
Constrained Acres (*high end*) Up to this amount can be removed from Net Vacant Acres based on access, infrastructure, ownership and other constraints on development.	13.47	
Constrained acres (*low end*) Counting only the parcels that are fully prevented from being residentially developed.		4.58
Available acres for residential development Net Vacant Acres minus Constrained Acres	**38.45**	**47.34**
Acres Needed To meet 20-year demand	65.17	65.17
Deficit Available Acres minus Acres Needed	**-26.72**	**-17.83**
Net Acres in **Property 1 and Property 2** Gross acreage of the two properties minus conservation easement and riparian corridor, minus 25% for infrastructure.	31.6	31.6
Difference between Proposed UGB additions and quantified Deficit	**4.88**	**13.77**

[1] The error in the "low end" column had resulted in a "difference" (bottom line of the table) of 9.46 acres when it should have been 13.77 acres. This error demonstrates the risk of using a Word table instead of an Excel worksheet.

<u>The following three items are amendments to the "Justification and Findings" document.</u>

1. **<u>DIRECTION:</u>** Patrick Wingard (DLCD) asked the city to explain how DOWL arrived at the current population number of 1,416 for 2022.

Forecast for Housing Growth

Per ORS 195.033(3) and OAR 660-032-0020, the City of Adair Village is required to use the official population forecast issued by PRC for comprehensive urban growth planning. DOWL used PRC's 2022 forecast to estimate the Residential Land Need for the 20-year forecast window.[2]

The current population estimate of 1,416 residents was derived using PRC's population interpolation template found on their website. Because the PRC forecasts are only published every three years and the last report was in 2021, Adair Village's population had to be estimated using the PRC's five-year interval numbers.

DOWL inserted the forecasted 2025 and 2030 population estimates into the interpolation template to arrive at an estimated population number for 2026. Then DOWL used the same template, inserting the 2021 and 2026 population estimates to obtain the 2022 population estimate (1,416) used in this report.

Table 1: City of Adair Village Population Growth 2022-2042

PSU Population Forecast		Change 2022-2042 (number)	Change 2022-2042 (percent)	Average Annual Growth Rate (AAGR)
2022	2042			
1,416	2,541	1,125	79.4	4.0%

Source: Population Research Center, Portland State University, June 30, 2021, DOWL calculations

2. **<u>DIRECTION:</u>** Kevin Young (DLCD) identified that the city citations to statute ORS 197.298 need to be changed to 197A.320.

Chapter 3 presents the alternatives analysis required by OAR 660-024-0060 as well as findings related to the prioritization described in **<u>ORS 197A.320</u>**.

[2]PRC's population estimate for Adair Village, provided in 2021, estimated a population of 2,279 city residents in 2040. PRC's population interpolation template which applies an average annualized growth rate to estimate population in future years, estimates that the 2042 city population will be 2,541 residents.

For cities outside Metro, ORS 197A.320 replaces ORS 197.298; however, our analysis references ORS 197.298 in a few locations in the report. It's confusing, because the context of ORS 197A.320 is in relation to the "simplified UGB process," but this particular section (.320) applies to all UGB expansions under OAR 660-024 ("regular" UGB) and OAR 660-038 ("simplified" UGB). Nevertheless, when you look at the fundamentals, the prioritization scheme is the same.

After cross referencing and discussing the issue with DLCD, our analysis is consistent with those rules, but DLCD recommended we change any citations to statute from ORS 197.298 to 197A.320 which has been done.

ACTION: All references to ORS 197.298 have been changed to ORS 197A.320.

3. **DIRECTION:** Fair Housing Council of Oregon Letter to the City

Hello Pat,

I am the coordinator for a collaborative project between Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO) which reviews housing-related PAPAs. We were appreciative of the extensive information on the City's 20-year housing and land needs found on pages 17-20. However, we believe that the summary data should also be included in the Goal 10 findings on page 83. Citing the number of needed acres and units, as well as the potential acres and units resulting from the proposed change, would easily and transparently establish compliance with Goal 10. We request that the findings are amended before the City Council hearing.

Thank you.

Samuel Goldberg
Education & Outreach Specialist
Fair Housing Council of Oregon
1221 SW Yamhill St. #305
Portland, Oregon 97205
(503) 223-8197 ext. 104
Preferred Pronouns: He/Him/His

ACTION: The Goal 10 findings in Chapter 7. Statewide Goal Consistency Analysis of the "Justification and Findings" document has been updated to reflect the City's 20-year housing and land needs as request by the Fair Housing Council.

Exhibit 3A

Adair Village & Benton County Comprehensive Plan and UGB Amendment

Justifications and Findings

January, 2023

Final Report

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1. Introduction

Background

Adair Village last completed a periodic review in 2006. Adair Village has grown considerably since then, from 870 people in 2006 to 1,416 people in 2022. This is an addition of 546 people or 63% growth. Between 2006 and 2022, 186 units have received certificate of occupancy in Adair Village, 90% of which were single-family detached housing and the remaining 10% were duplexes. This growth has been accommodated within Adair Village's existing urban growth boundary (UGB), which has not been amended since 2011.

For the past few years, the City of Adair Village has been the focal point of new residential development. The development of over 200 homes in the last three years has substantially depleted the city's 20-year supply of buildable land. In 2018, when two residential subdivisions were approved through the planned development process, the city started to monitor its residential buildable land inventory (BLI). Statewide Planning Goal 10 (Housing)requires, at a local level, that cities inventory their "buildable lands"-- this refers to land inside an urban growth boundary that is suitable and available for residential use. Furthermore, Goal 10 states:

- If a city has a deficit of housing supply for the next 20-years, the city must either expand its urban growth boundary (UGB), increase the amount of allowed housing development on lands already within the UGB, or combine these two alternatives.

In June 2021, Portland State University's Population Research Center (PRC)[1] released its latest twenty (20) year population forecast. After the city went through some reconciliation with PRC's current population numbers, the city's population was forecasted to grow to 2,541 or a 1,125-person increase.

Through monitoring the progress of two active housing projects building within the city's boundaries the city decided to re-examine its buildable residential land. As required by the State of Oregon, the City performed a Buildable Lands Inventory (BLI) where the conclusions confirmed the deficiency and compelled the City to find solutions for meeting the requirement. To meet this requirement cities usually annex land from within their urban growth boundaries (UGB); the Adair Village UGB, however, does not contain enough land to meet its housing need and the City has chosen to explore expanding its UGB.

To accomplish a UGB expansion, the City and the County have been meeting regularly with our State of Oregon Department of Land Conservation and Development (DLCD) representative to formulate a coordinated legislative UGB amendment. With the assistance of two property owners interested in bringing their property into the City's UGB, the city brought in a planning consultant (DOWL) to determine the extent of the deficiency . In addition to DOWL's analysis of buildable land within the City, they have assisted in the analysis of the proposed UGB expansion required by

1 State of Oregon's population research official.

state rules, as necessary to accommodate the remaining unmet need.

The following is a summary of the two properties being considered for inclusion in the City's UGB.

The proposed UGB expansion will include the Cornelius property located adjacent to the City at the eastern stub of Northeast Hibiscus Drive and the Weigel property located adjacent to the City bordering OR 99W to its west and Northwest Ryals Avenue to the north. It is expected that after comprehensive plan amendments adopted by the County and City, the owners of these properties will request annexation into the city to allow residential development.

Property 1 – Cornelius Property

The Cornelius property is 12.97 acres total all of which is the subject of this legislative comprehensive plan amendment. The northern portion of the parcel (5.12 acres) is planned for future urban development whereas the southern portion of the parcel (7.85 acres) is encumbered by a conservation easement due to wetlands and is therefore not available for urban development. Tim Cornelius, the owner of the property, has had discussions with the Benton County Parks Department regarding transferring ownership of the conservation easement to the County and remains interested in partnering with the County to allow either a trail or other passive public use of that portion of the site. The Cornelius property is currently in Benton County's jurisdiction and is zoned Exclusive Farm Use (EFU). Properties surrounding the Cornelius property are a mix of City and County zoning and uses; see Table 1 below for details. See Figure 1 for site location and Figure 3 for the proposed UGB expansion area.

Figure 1: Property 1 -- Cornelius Property

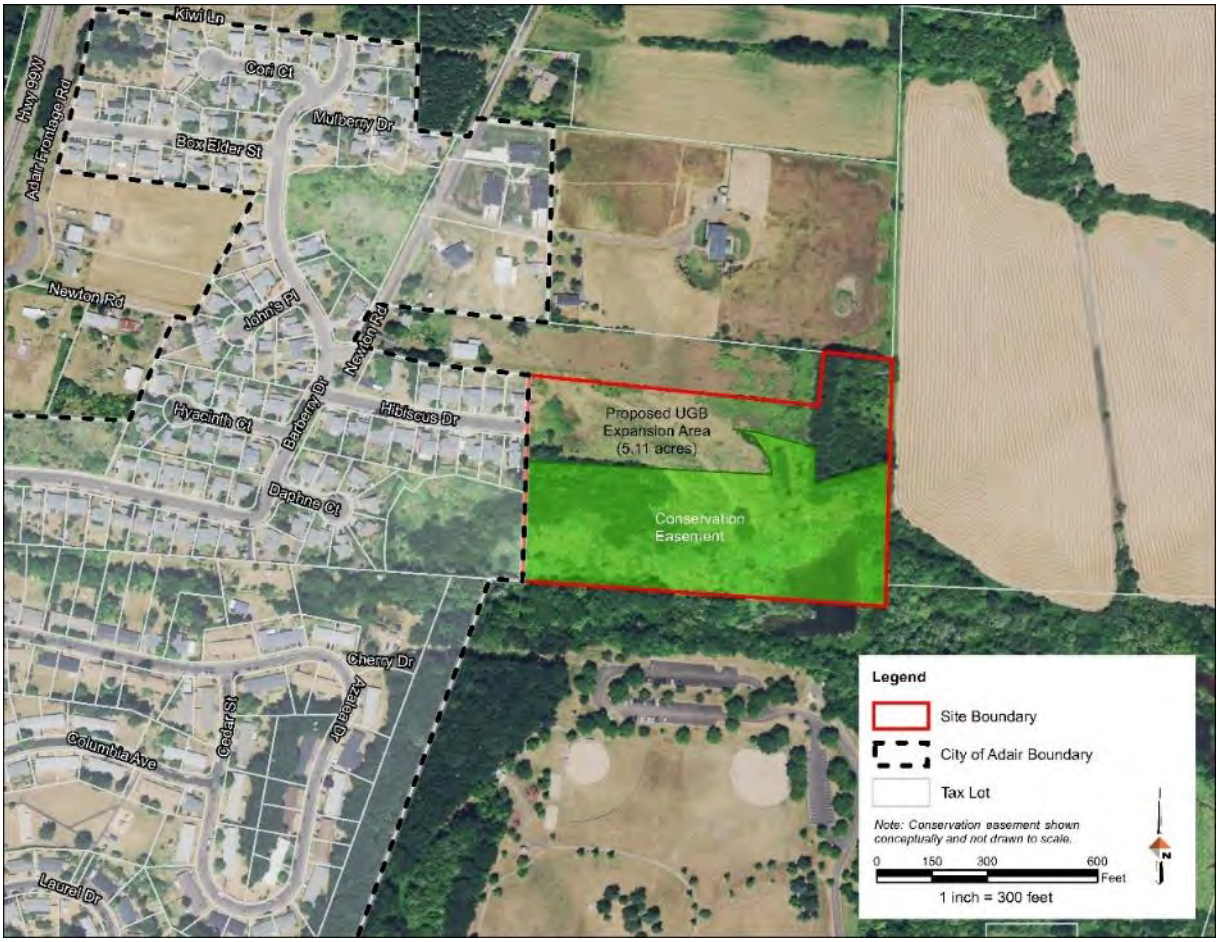


Table 1: Cornelius Property Surrounding Uses

Area	Zoning	Land Uses
North	EFU - Benton County	One single-family home
East	EFU - Benton County	Undeveloped farmland
South	EFU - Benton County	Adair County Park
West	R-2 – Adair Village	Single-family homes

Property 2 – Wiegel Property

The owner of the Weigel property anticipates future residential development to meet all the standards of both the Adair Village comprehensive plan and the Benton County comprehensive plan but has not presented a specific site development plan. The development would connect to available public infrastructure immediately adjacent to the site including public utilities and roads.

The Weigel property is approximately 42.4-acres and is surrounded by a mix of land uses and

zoning designations as noted in Table 2 below. See Figure 2 for site location and Figure 3 for the proposed UGB expansion area.

Figure 2: Weigel Property

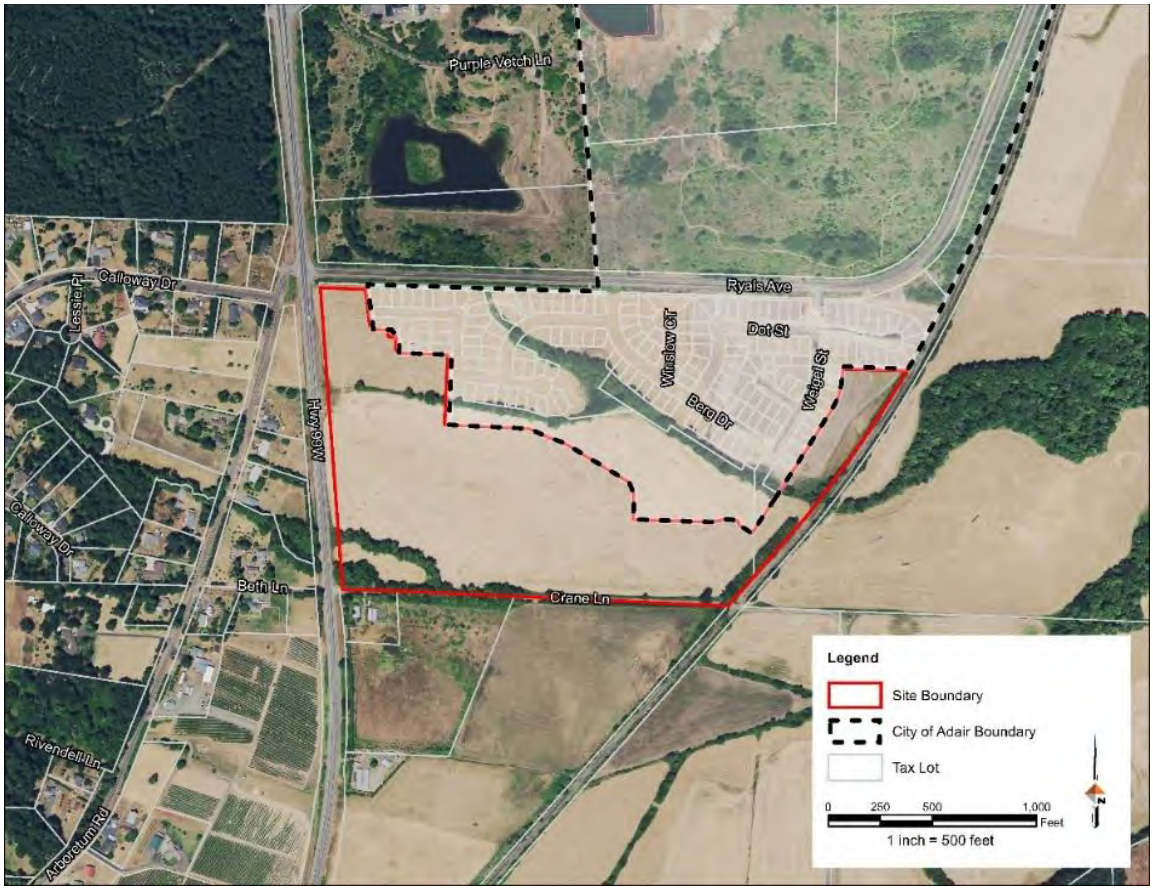
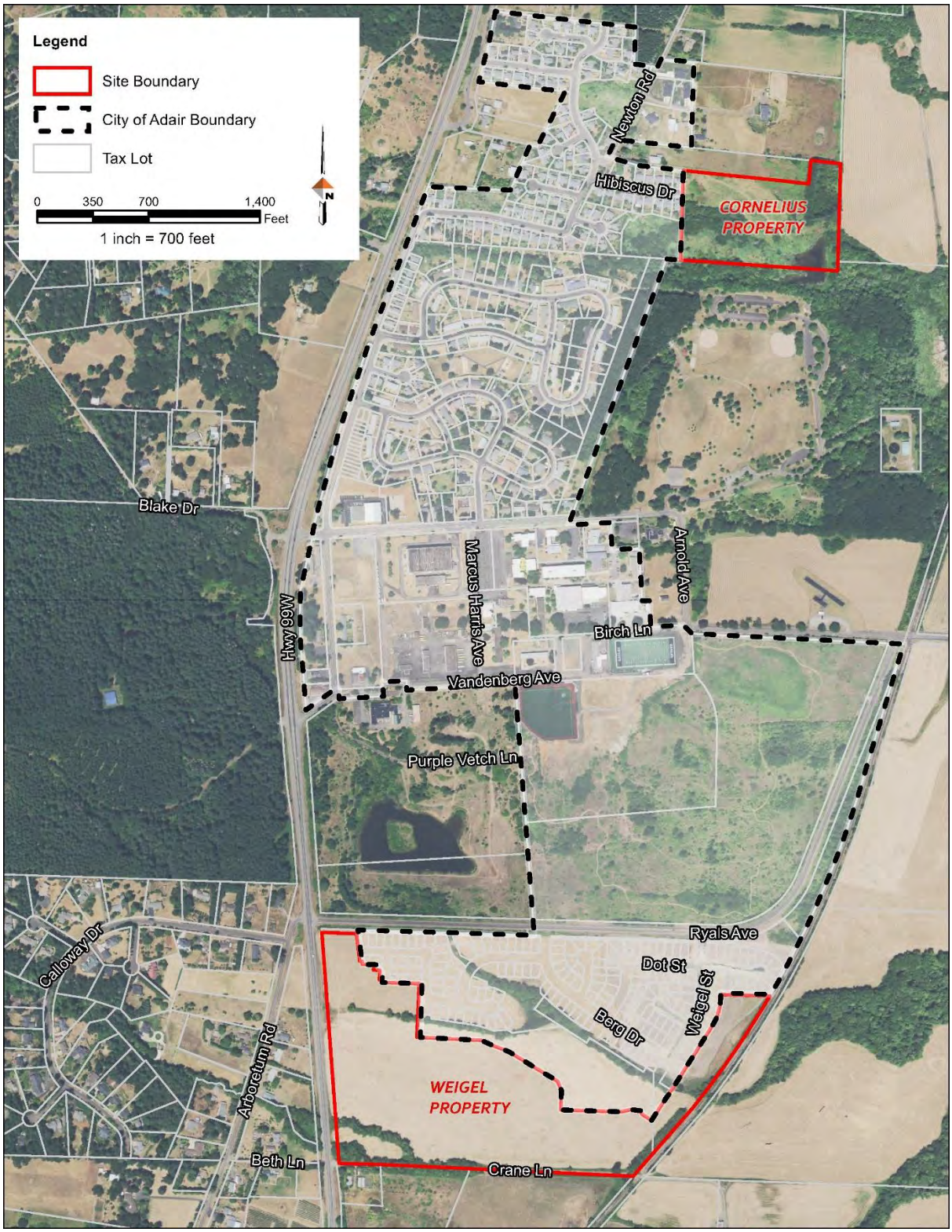


Table 2: Weigel Property Surrounding Uses

Area	Zoning	Land Uses
North	R-3 – Adair Village	Single-family homes
East	EFU - Benton County	Undeveloped farmland
South	EFU - Benton County	Undeveloped farmland
West	RR-2 – Benton County	Single-family homes

Figure 3. UGB Expansion Area Map, 2022

Proposed Expansion Areas



Organization of this Document

This document is organized as follows:

- **Chapter 2. Land Need** presents the land need from the technical analysis that supported the UGB expansion proposal.
- **Chapter 3. Alternatives Analysis for Establishment of the UGB Expansion Study Area** presents the process of establishing the study area and findings about inclusion of land in the final study area.
- **Chapter 4. Goal 14 Locational Factors** includes the evaluation and findings of each study subarea for the Goal 14 locational factors.
- **Chapter 5. City Requirements for UGB Amendment** presents findings for compliance with City of Adair Village's requirements for UGB expansion.
- **Chapter 6. County Requirements for UGB Amendment** presents findings for compliance with Benton County's requirements for UGB expansion.
- **Chapter 7. Statewide Goal Consistency Analysis** presents findings that demonstrate that the proposed UGB concept complies with applicable state planning requirements.

2. Land Need

This section summarizes the residential land needs for Adair Village, based on the results of the *2022 Buildable Lands Inventory (BLI)*, contained in Appendix 1. This section addresses Goal 14 need factors 1 and 2 for residential lands.

Need Factor 1: Population Growth

Goal 14 Need Factor 1 requires cities to demonstrate need to accommodate population growth:

> *Factor 1: Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments, or for cities applying the simplified process under ORS chapter 197A, a 14-year forecast.*

Goal 14, Factor 1 addresses the need for population growth and housing. Housing needs are a direct function of population growth, which are based on the official state population forecast from Portland State University (PSU) per OAR 660-032:

> ***660-032-0020 Population Forecasts for Land Use Planning***
>
> *(1) A local government with land use jurisdiction over land that is outside the Metro boundary shall apply the most recent final forecast issued by the PRC under OAR 577- 050-0030 through 577-050-0060, when changing a comprehensive plan or land use regulation that concerns such land, when the change is based on or requires the use of a population forecast, except that a local government may apply an interim forecast as provided in 660-032-0040.*

In 2021, Portland State University (PSU) released updated population forecasts for Adair Village, which includes Benton County and the cities in Benton County.[2] PSU shows the 20-year population forecast for Adair Village over the 2020 to 2040 period. The city extrapolated the PSU forecast to be from 2022 to 2042 based on the method of extrapolation consistent with the following requirements:

> ***660-032-0020 Population Forecasts for Land Use Planning***
>
> *(4) When applying a PRC forecast for a particular planning period, the local government shall use the annual increments provided in the applicable forecast, and shall not adjust the forecast for the start-year or for other years of the planning period except as provided in PRC's interpolation template described in OAR 577-050-0040.*

[2] *Oregon Population Forecast Program, Portland State University, Population Research Center, June 2021.*

Exhibit 3 shows that Adair Village is expected to grow from 1,416 residents in 2022 to 2,541 residents in 2042, an increase of 1,125 new residents over the 20-year period.

For the 2042 population, we used the PRC's population forecast interpolation template (for forecasting single-year time intervals). It is linked on their website. The most up to date PRC data for Adair Village forecasts the 2040 population at 2,472 and the 2045 population at 2,649. We entered those two numbers into the population interpolation template and were able to come up with a 2042 population of 2,541.

The same tool was used to formulate the current residents

Exhibit 3. Forecast of Population Growth, Adair Village UGB, 2022 to 2042
Source: Oregon Population Forecast Program, Portland State University, Population Research Center, June 2018.

1,416	2,541	1,125	80% increase
Residents in 2022	Residents in 2042	New residents 2022 to 2042	4.0% AAGR

Need Factor 1 Findings

The City finds that Adair Village will grow by 1,125 new residents between 2022 and 2042 based on PSU's Population Research Center coordinated population forecast for Adair Village, consistent with the requirements in OAR 660-032-0020 (1), OAR 660-032-0020 (4), OAR 660-032-0020 (5), and OAR 660-024-0040(2)(a).

Need Factor 2: Land Need

Goal 14 Need Factor 2 requires that cities demonstrate need for lands proposed for inclusion in a UGB:

> *Factor 2: Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2). In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.*

This section documents land need for housing to be included in the Adair Village UGB expansion proposal. It begins with a discussion of land supply in Adair Village's UGB based on the Buildable Land Inventory report.

Adair Village Land Supply

The report presents an inventory of the buildable lands within the existing Urban Growth Boundary (UGB) of the City of Adair Village as shown in Figure 4. The purpose of a Buildable Lands Inventory (BLI) is to document and determine the supply of land available as it relates to the long-term growth needs of the community. The inventory addresses residential land needs within the UGB. As referenced throughout this report, "UGB" refers to land within the city growth boundary, including land outside of the current City limits.

The BLI analysis structure is based on the State of Oregon Department of Land Conservation and Development (DLCD) HB 2709 workbook entitled, *Planning for Residential Growth: A Workbook for Oregon's Urban Areas.* Task 1 of the workbook is the basis for this analysis as it lays out the steps to prepare a BLI:

1. Calculate the gross vacant acres by plan designation, including fully vacant and partially vacant parcels.

2. Calculate gross buildable vacant acres by plan designation by subtracting unbuildable acres from total vacant acres.

3. Calculate net buildable vacant acres by plan designation by subtracting land for future facilities from gross buildable vacant acres.

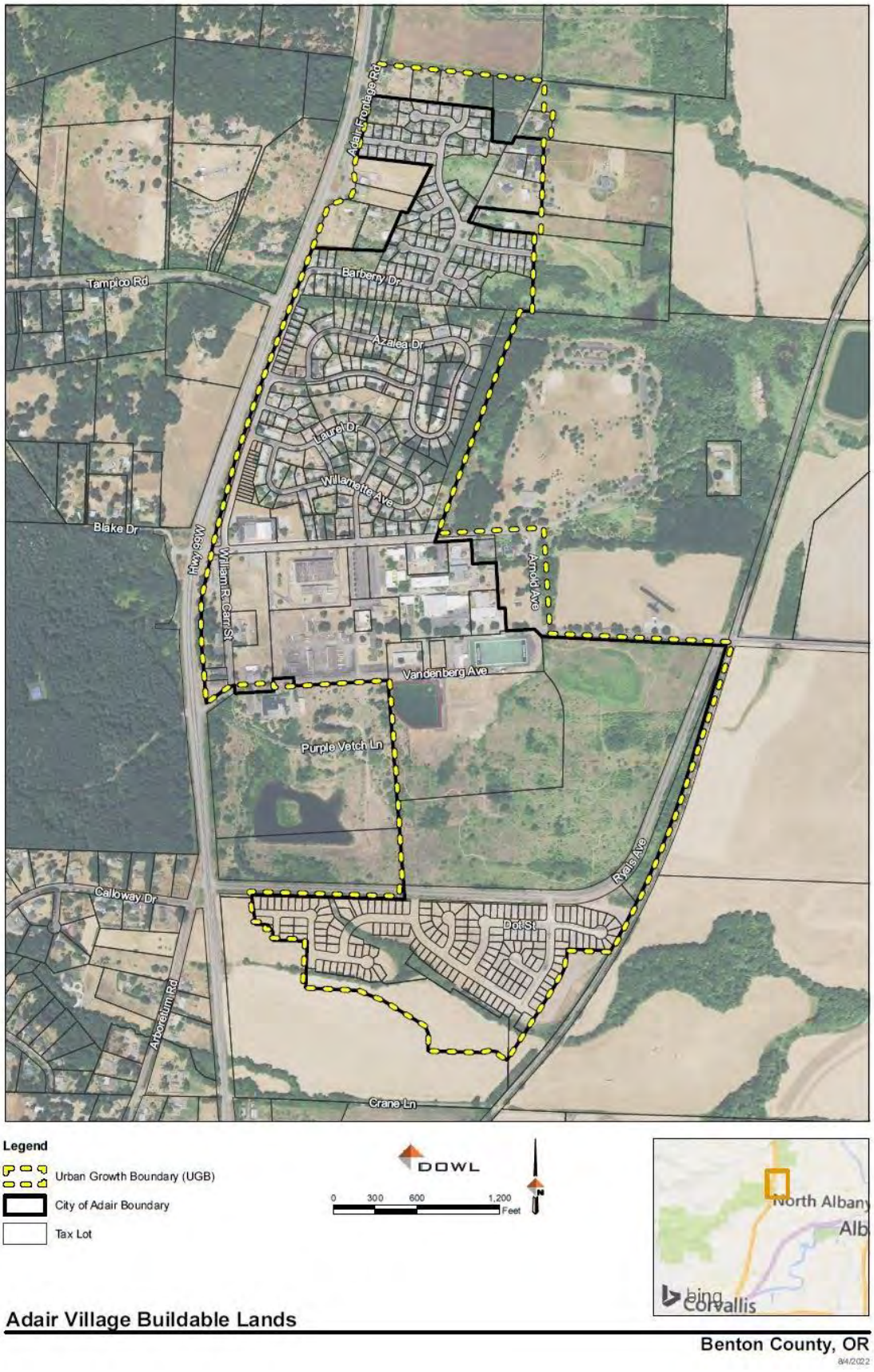
4. Calculate total net buildable acres by plan designation by adding redevelopable acres to net buildable vacant acres.[3]

DOWL's analysis of buildable land included all residentially designated land in the Adair Village Comprehensive Plan within the City Urban Growth Boundary. DOWL used the most up to date Benton County tax lot data for the BLI. The analysis builds off of the tax lot data, identifying all land within tax lots that fall within the UGB to estimate the amount of buildable land by residential plan designation.

This report contains two separate analyses. First, is a Buildable Lands Inventory of all parcels within the City's current UGB to determine available buildable acreage. Second, is an analysis of the most recent population forecasts from Portland State University Population Research Center (PRC). DOWL has used the population forecast to estimate the City's residential land need.

[3] *State of Oregon DLCD, Planning for Residential Growth: A Workbook for Oregon's Urban Areas. DLCD Urban Planning Documents, June 1997. https://www.oregon.gov/lcd/UP/Documents/planning_for_residential_growth.pdf*

Figure 4. Adair Village Urban Growth Boundary



BLI Methodology

The Simplified Urban Growth Boundary Methodology is identified in Oregon Administrative Rule (OAR) 660-038-0060 – Buildable Lands Inventory (BLI) for Residential Land within the UGB (see Figure 5 – Zoning Map). The rules list the following requirements:

- Classification of residential districts into low-density (8 dwelling units per acre or less); medium density (between 8 and 16 dwelling units per acre); and high density (greater than 16 dwelling units per acre). (660-038-0060(1)(B))
- For residential district parcels:
    - Identify vacant land as any parcel at least 3,000 square feet in size with an improvement value of less than $10,000. (660-038-0060(2))
    - For lots at least one-half acre in size that contain a single-family residence, subtract one-quarter acre for the residence and count the rest of the lot as vacant land. For lots that contain more than one single family residence, or other uses, use aerial photography or other method to identify vacant land. These lots are classified as "partially vacant." (660-038-0060(3))
    - The following lots are excluded: dedicated open space, private streets, common areas, utility areas, conservation easements, schools and other public facilities, rights of way, and other institutions. (660-038-0060(3))
- Determine the amount and location of vacant and partially vacant land at all density levels. (660-038-0060(4))

The City of Adair Village sets forth density allowances for residential low-density (R-1), residential medium density (R-2), and residential high density (R-3). The R-1 Zone allows dwelling units on a 10,000 square foot minimum lot size which equates to approximately 4.4 dwelling units per acre. The R-2 Zone allows dwelling units on an 8,000 square foot minimum lot size which equates to approximately 5.4 housing units per acre. Finally, the R-3 Zone allows dwelling units on a 6,500 square foot minimum lot size which equates to approximately 6.7 dwelling units per acre. Additionally, OAR 660-038-0070 describes reductions of buildable land for natural resources.

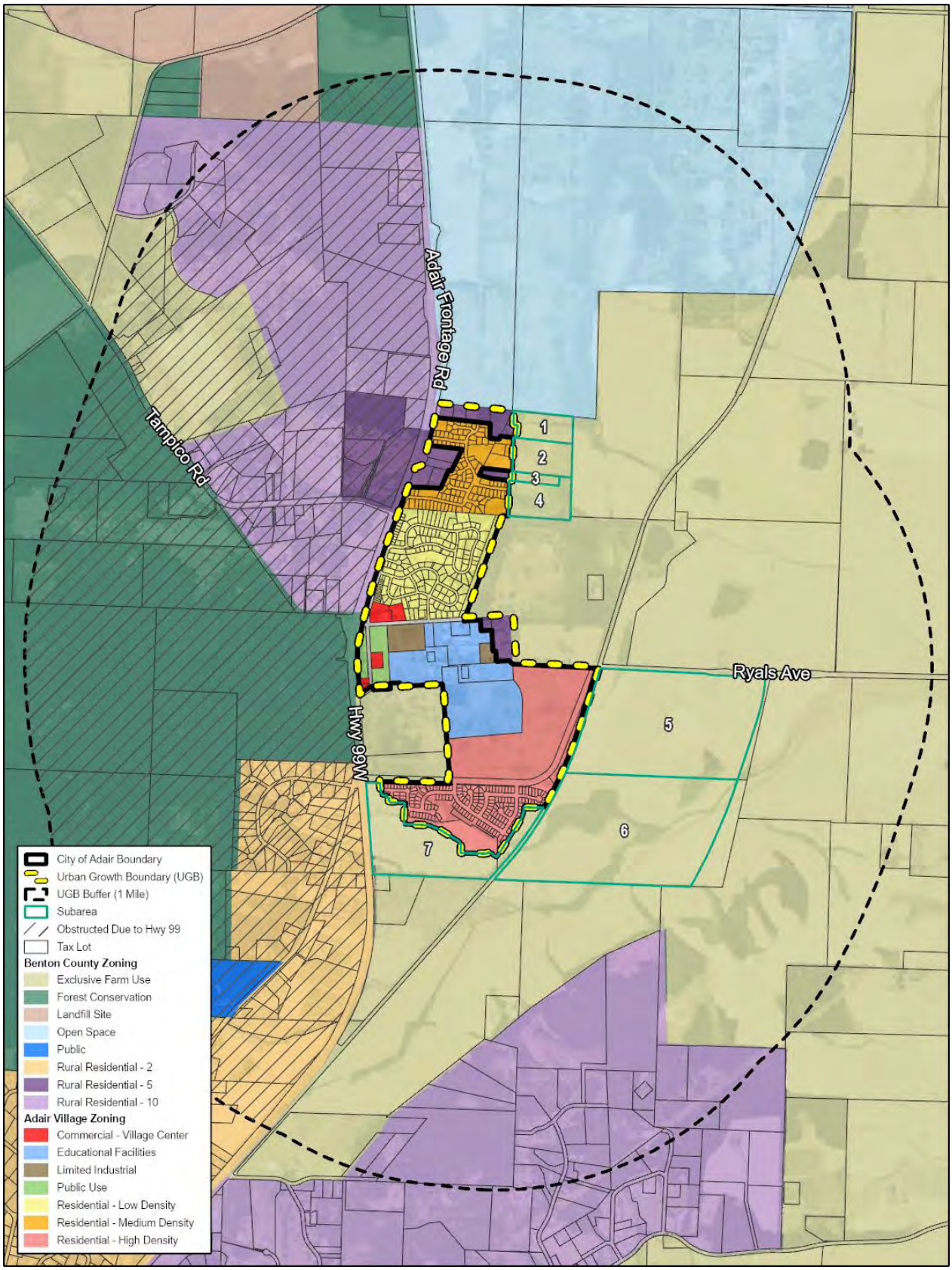
Identify Residential Land

Residential land must meet one of the following criteria for the BLI analysis:

- Land with a comprehensive plan designation of "Residential" within city limits.
- Land with a county residential zoning designation within the City's UGB.

Other land (Commercial, Limited Industrial, Public Use, Educational Facilities) is generally excluded as it is not intended for residential purposes. The City's code (Section 4.121) allows for second story residences above commercial in the C-1 Commercial – Village Center zone. However, all properties designated C-1 are developed. Therefore, for purposes of this analysis, DOWL omitted all C-1 zoned properties.

Figure 5. Adair Village and Benton County Zoning Map



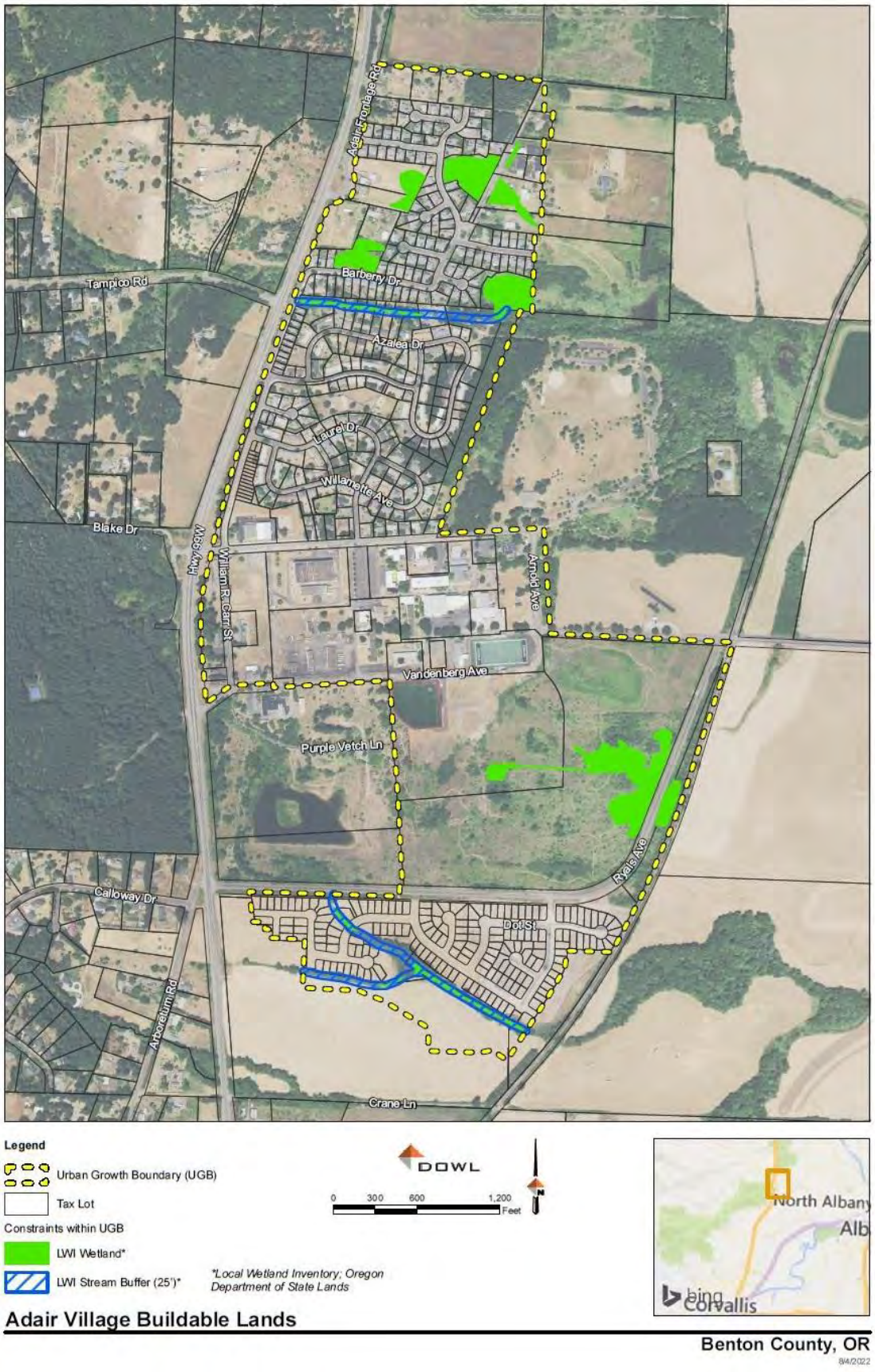
Identify Environmental Constraints and Natural Hazards

DOWL conducted an analysis of Benton County GIS data in order to remove lands where development is constrained due to environmental resources, hazards, or topography. The constraints listed below have been included in the BLI and are shown below in Figure 6:

- LWI Wetlands
- LWI Stream Buffer (25')
- Floodplain: Areas within the 100-year FEMA floodplain

The environmentally constrained areas, identified on the following page, were deducted from the total area of the parcel to estimate the total buildable potential of each parcel of land.

Figure 6. Adair Village Environmental Constraints



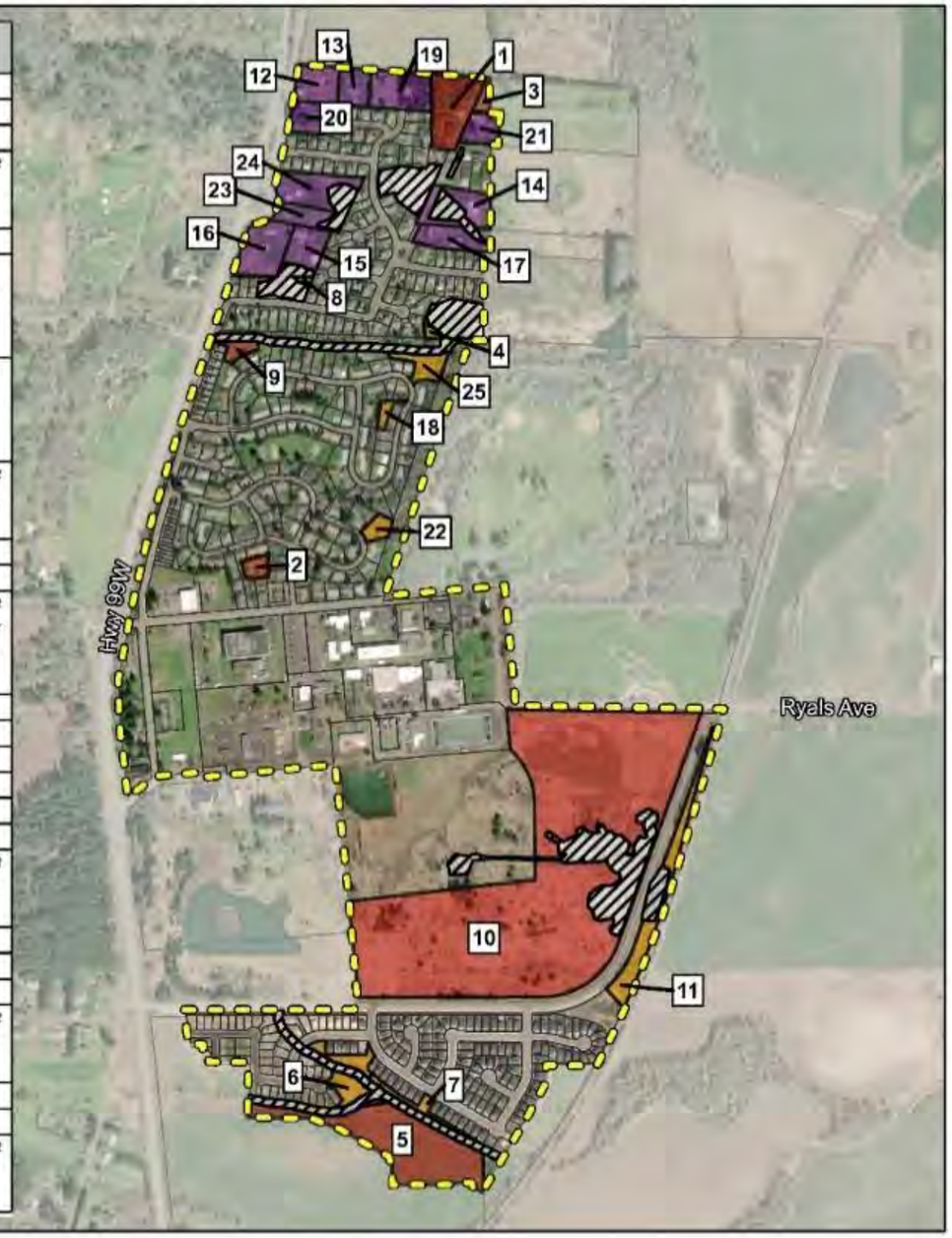
Classify Parcels by Development Status and Estimate Housing Unit Capacity

Parcel classification is used to separate parcels into developable and non-developable categories. Each parcel in the City of Adair Village and its adjacent UGB was classified based on its potential for accommodating new residential development. The classification is based on potentially buildable area on the parcel and the valuation of improvements. The GIS analysis and figures in this report are limited to residential zones only. Improvement values are sourced from Benton County Tax Assessment data. All relevant parcels were classified into four categories. These categories are:

- **Developed**: Improvement value of more than $10,000, but do not meet Partially Vacant or Constrained criteria.
- **Constrained**: Parcels with less than 3,000 square of unconstrained land. Constrained assumes that the area of the lot is too small to be developable.
- **Partially Vacant**: Parcels that meet the definition of partially vacant under OAR provision 660-038-0060(3). These parcels have an existing dwelling, an improvement value greater than $10,000, and are at least a half-acre in size. As determined in state provisions, a quarter-acre was removed from the unconstrained area of these parcels.
- **Vacant**: Parcels that are vacant with sufficient area for development and a minimum of 3,000 square feet of unconstrained land. They must also have an improvement value of less than $10,000 or tax assessor code that identifies the parcel as residentially zoned and vacant.

Aerial imagery was used in some cases to determine development status. Land classification was reviewed by City of Adair Village staff. After consultation with City staff and the City engineering consultant, multiple parcels were removed from consideration in this analysis (See Appendix 1). To estimate housing unit capacity, each parcel's capacity was estimated based on the City's zoning designation. For each zone, a projected density was calculated based on the minimum lot size standards of the zone. Then, that projected density was applied to the buildable acres on each parcel to estimate housing capacity measured in units. The housing unit capacity was rounded to the nearest whole number to reflect the actual maximum amount of permitted units.

Map ID	Taxlot	OWNER	Buildable Acres	Notes
1	4000	AMANDI ANTONIO & ELIZABETH C, TR	2.72	
2	201	DEMERS DENNIS L,AG	0.48	
3	600	AMANDI ANTONIO & ELIZABETH C, TR	0.34	
4	2000	CREEKSIDE AT ADAIR HOMEOWNERS	0.18	Property eliminated due to stream and wetland limitations
5	205	WEIGEL RONALD C	7.22	
6	6300	CALLOWAY CREEK HOMEOWNERS ASSOCIATION	1.59	Property eliminated as dedicated open space within Calloway Creek Subdivision
7	11300	CALLOWAY CREEK HOMEOWNERS ASSOCIATION	0.62	Property eliminated as dedicated open space within Calloway Creek Subdivision
8	1900	CREEKSIDE AT ADAIR HOMEOWNERS	0.10	Property eliminated due to stream and wetland limitations
9	1000	WRIGHT MARY LEE	0.48	
10	400	SANTIAM CHRISTIAN SCHOOLS INC	44.58	
11	400	SANTIAM CHRISTIAN SCHOOLS INC	2.37	Property eliminated due to not enough room for alternate access off of arterial
12	3700	YANEZ ERIC & BETHANY J	1.22	
13	3800	LOPEZ OMAR GENARO	0.84	
14	1500	SWARBRICK DAVID & MEGAN	1.35	
15	1800	NEVILLE STUART E & CORLISS J, TR	1.10	
16	1700	JONES ALMON O III,TR	2.02	
17	1000	WRIGHT THOMAS E & CAROLINE C	1.04	
18	800	HUBELE CURTIS J & DEANNA R	0.31	Property eliminated due to stream and wetland limitations
19	3900	AMANDI ANTONIO & ELIZABETH C, TR	1.90	
20	3600	DICKSON CALEB P & MARIANNE	0.75	
21	4100	AMANDI ANTONIO & ELIZABETH C, TR	0.75	
22	3500	BULLARD SOPHIE J	0.26	Property eliminated due to stream and wetland limitations
23	1600	LOWDEN IRONA S	0.76	
24	4200	LOWDEN IRONA S	1.67	
25	1600	THAYER ROBERT F & RENA K, TR	0.66	Property eliminated due to stream and wetland limitations



Legend

- Buildable Lands (Vacant)
- Buildable Lands (Partially Vacant)
- Property Removed from BLI
- Urban Growth Boundary (UGB)
- Taxlot within UGB
- Constraints within UGB

DOWL

0 400 800 1,600

Figure 7: Vacant and Partially Vacant Property

Key Findings and Results

- As noted in Tables 1 and 2 below, a total of 71.98 gross acres of vacant and partially vacant, residentially zoned, land exist within the City's UGB. After applying the required one-quarter acre deduction of land area from each partially vacant lot pursuant to OAR 660-038-0060(3) and a further deduction of 25 percent for required infrastructure per Adair Village Comprehensive Plan Section 9.800 Growth Management, DOWL determined that the total net buildable land area in the City's UGB is 51.92 acres.

- The majority of Adair Village's current developable residential land is located within the approximately 44.58-acre Santiam Christian Schools, Inc. parcel in the southern part of the City. This parcel is currently zoned R-3 (Residential – High Density). DOWL is aware that this site contains a large wetland complex, identified in the March 22, 2012, Department of State Lands Local Wetlands Inventory as an Emergent Seasonally Flooded (PEMC) wetland. DOWL is aware that there is a preliminary development proposal on the property that includes a more current delineation that does not conform to the DSL LWI mapped wetland. It should be noted that if development plans for the Santiam Christian Schools site reveal that the wetland is greater than mapped and/or preserves a larger area due to protected buffers and/or updated mapping, additional residential land may be needed to satisfy the City's 20-year land need.

- Many parcels identified as vacant through GIS research and review of aerial photography were determined to be undevelopable due to stream and wetland limitations, commitments to open space, and access limitations.

- The approximately 7.22-acre parcel of land along the south boundary of the City, owned by Calloway Creek LLC, was included as it is still undeveloped but there are currently plans to develop. Once developed, this will lead to a reduction in the amount of developable residential land.

Table 1: Development Status

Parcel Status	Vacant Acres (Gross)
Partially Vacant*	16.15
Vacant	55.83
Total	**71.98**

Source: Calculations using Benton County GIS Data
**For Partially Vacant, 0.25 acres is removed from each parcel as part of the gross-to-net calculation in Table 2.*

Table 2: Potentially Buildable Acres by Zoning Designation

Zoning Designation	Gross Vacant Acres			Net Vacant Acres[4]
	Partially Vacant	Vacant	Total	
R-1	13.55	4.03	17.58	**11.49**
R-2	2.60	0	2.60	**1.57**
R-3	0	51.80	51.80	**38.85**
Subtotal	**16.15**	**55.83**	**71.98**	**51.92**
Net Buildable Acres	***10.05***	***41.87***	***51.92***	--

Source: Calculations using Benton County GIS Data

Forecast for Housing Growth

Per ORS 195.033(3) and OAR 660-032-0020, the City of Adair Village is required to use the official population forecast issued by PRC for comprehensive urban growth planning. DOWL used PRC's 2022 forecast to estimate the Residential Land Need for the 20-year forecast window.[5]

The current population estimate of 1,416 residents was derived from using PRC's population interpolation template found on their website. Because the PRC forecasts are only published every three years and the last report was in 2021, Adair Village's population had to be estimated using the PRC's five-year interval numbers.

DOWL inserted the forecasted 2025 and 2030 population estimates into the interpolation template to arrive at an estimated population number for 2026. Then DOWL used the same template, inserting the 2021 and 2026 population estimates to obtain the 2022 population estimate (1,416) used in this report.

Table 3: City of Adair Village Population Growth 2022-2042

PSU Population Forecast		Change 2022-2042 (number)	Change 2022-2042 (percent)	Average Annual Growth Rate (AAGR)
2022	2042			
1,416	**2,541**	**1,125**	**79.4**	**4.0%**

Source: Population Research Center, Portland State University, June 30, 2021, DOWL calculations

4After subtracting 25% of acreage to account for public infrastructure .25 acres for each partially vacant lot

5PRC's population estimate for Adair Village, provided in 2021, estimated a population of 2,279 city residents in 2040. PRC's population interpolation template which applies an average annualized growth rate to estimate population in future years, estimates that the 2042 city population will be 2,541 residents.

DOWL then calculated the projected housing unit capacity for the City of Adair Village based on current density (units per acre) permitted in the residential zoning designation of the respective parcels.

Table 4: Housing Unit Capacity by Zone

Zoning Designation	Estimated Housing Unit Capacity		
	Net Buildable Acres	Projected DU/Net Acre	Projected Housing Capacity
R-1	11.49	4.4	50
R-2	1.57	5.4	8
R-3	38.85	6.7	260
Total	**51.92**	--	**318**

Source: Calculations using Benton County GIS Data

Summary

As noted in Table 5 below, this study finds that the City of Adair Village has buildable residential acreage within its UGB to accommodate 318 units, leaving a deficit of residential land to accommodate the additional 73 units needed to meet the 2042 population forecast.

Following an initial screen for vacant and partially vacant properties using GIS, DOWL conducted a site-by-site assessment of the GIS-generated list of vacant and partially vacant properties to determine if any of these sites should be eliminated from the buildable land assessment by applying the buildable criteria found in OAR 660-038-0060(3)(c). Specifically, OAR 660-038-0060(3)(c) states that the City *shall* exclude the following lots and parcels from the BLI:

> *(A) Lots and parcels, or portions of a lot or parcel, that are designated on a recorded final plat as open space, common area, utility area, conservation easement, private street, or other similar designation without any additional residential capacity.*
>
> *(B) Lots and parcels, or portions of a lot or parcel, that are in use as a school, utility, or other public facility, or are dedicated as public right of way.*
>
> *(C) Lots and parcels, or portions of a lot or parcel, which are in use as a non-public institution or facility, including but not limited to private schools and religious institutions. The excluded lots and parcels or portions of lots and parcels may not include vacant or unimproved lands that are owned by the non-public institution or facility.*

Based on applying the above criteria, approximately eight parcels of residential land totaling 6.10-acres were eliminated from the BLI.

As discussed above, the City's engineering consultant, Civil West, provided DOWL with a memorandum, dated March 15, 2022, that details the various reasons why particular vacant and partially vacant properties should be considered unbuildable (See Appendix A: Buildable Lands Inventory & Assessment Memorandum). While many of these reasons directly address criteria in OAR 660-038-0060(3)(c) other reasons included practical impediments to development such as high cost of utility and roadway improvements, necessary demolition, reluctance of ownership to annex and access limitations. While DOWL is in agreement that, as a practical matter, these constraints inhibit the development of these parcels, DOWL determined that these limitations do not expressly require their elimination per 660-038-0060(3)(c). At their discretion, the City could seek to pursue a more nuanced review of these additional parcels and, through discussions with Benton County and the state, to determine if these properties could be eliminated from consideration as buildable.

Additionally, should further permitting on the Santiam Christian Schools site reveal a lesser capacity than the assumed 260 housing units, a near-term need for more buildable residential land could be required.

In summary, DOWL's technical review of lands within the City's UGB has revealed a deficit of housing capacity within the City's UGB and that lands are needed to accommodate 73 additional units.

Table 5: Residential Land Need

Combined Projected Housing Capacity[6]	Projected Housing Need[7]	Housing Deficit
318 units	391 units	73 units

Source: Calculations using Benton County GIS Data, PSU Population Research Center Data, and 2020 Census Data

FINDING:

To calculate the number of deficient acreages in the city's residential inventory, the housing deficit (73 dwelling units) was divided by the average of all three residential zones dwelling units per acre (5.5 units). The result is that the city will need to add approximately 13.25 acres to accommodate 20-years of residential growth.

6 Projected Housing Capacity calculated by zone from Table 4.

7 Projected Housing Need calculated from PSU Population forecasted growth of 1,125 at 2.87 people per household per the 2020 Census data.

REVISED NEED BASED ON LAND USE EFFICIENCY MEASURES

As determined in Table 5, Adair Village does not have sufficient development capacity within its UGB to accommodate 20-years of residential growth. OAR 660-024-0050 requires Adair Village to consider land use efficiency measures prior to expanding the UGB.

> ***660-024-0050 Land Inventory and Response to Deficiency***
>
> *(4) If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024- 0040, the local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197.296 where applicable. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. If the local government determines there is a need to expand the UGB, changes to the UGB must be determined by evaluating alternative boundary locations consistent with Goal 14 and applicable rules at OAR 660-024-0060 or 660-024-0065 and 660-024-0067.*

The City has implemented several policies to increase development capacity of land already inside the UGB.

DOWNTOWN CORE

The city has been exploring efficiency measures long before this UGB amendment was needed. The city has envisioned designing and developing a walkable downtown core, a key part of developing a sustainable small city in north Benton County. To successfully accomplish this vision, it will require a critical mass of residences to support any form of a vibrant downtown.

For over 10 years the city has worked towards making this vision a reality. The city held multiple charettes and downtown planning workshops put on by professionals where citizens and stakeholders participated. The city adopted the results of these planning sessions as their downtown master plan. Out of these sessions came specific measures consisting of new growth management policies, a new commercial zoning district and development codes to implement the vision. The city has also been in negotiation with Oregon Department of Fish & Wildlife (ODFW) for years to create connections between its southern neighborhoods and the future downtown core.

In 2018, the city purchased a 5-acre piece of property directly in the center of town from the county to become its downtown. The city spent four years working with the Department of Interior to remove a parks in perpetuity classification left over from when the property was a former military base. After that, the city purchased a one-acre piece of property directly in the middle of where the downtown core is to be established. Today the city has clear title and owns all six acres of property between Arnold and Vandenberg Avenues that fronts along William R. Carr Street for its downtown.

During this time the city approved and adopted a new mixed use commercial zone to begin the transformation. Across the street the city moved two old historic barracks buildings for public use and a museum and built a veteran's memorial plaza to solidify their intentions. The city is now in a position to be a full-service compact city. Their efforts will continue to bring in development that supports mixed-use principles which includes commercial services, higher density residential, live work design all of which support walkable neighborhoods and a climate friendly environment.

PLANNED UNIT DEVELOPMENT (PUD) CODE

For further efficiency measures the City of Adair Village adopted a Planned Development Section to Article 7, Special Area Standards, in their 2015 development code (ORD 2010-005 (Amended ORD 2013-03)).

The Planned Unit Development (PUD) is intended as a development option to provide a degree of flexibility in the regulation of land development and the arrangement of uses. Through this option, more creative approaches to development can be utilized which take better advantage of the special characteristics of the land than would be possible through the strict enforcement of this ordinance. The specific objectives of this article are to:

(a) Encourage innovation in land use and variety in design, layout and type of structures constructed
(b) Achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
(c) Permit flexibility in the placement, lot area and building type regulations, and combination of uses while assuring the application of sound site planning standards.
(d) Encourage the provision of useful open space and more extensive landscaping.

In review of the two most recent residential developments, Calloway Creek and the William R. Carr Subdivision, the city agreed to allow an increase in density for both projects using the PUD approach. Calloway Creek is in an R-3 zoning district that allows for a 6.7 unit per acre density which was allowed to increase to just over 9 units per acre. This development is entirely built out.

William R. Carr Subdivision, which was a one-acre infill project, is in a R-1 zoning district that allows for 4.4 units per acre. The city allowed the developer to increase the density to 16 units per acre per the PUD code. This development is entirely built out.

NEW R-4 RESIDENTIAL DISTRICT

On September 7, 2021, the city adopted an ordinance creating the R-4 district that allows for 4,000 square foot minimum lot sizes. The R-4 district can provide for middle housing developments in areas zoned for residential use that allow for the development of detached single-family dwellings, du-plexes, row housing and cottage clusters and to provide areas suitable and desirable for higher density single-family residential use at a density of sixteen (16) dwelling units per net residential acre. As higher densities may be provided under the provisions of a Planned Development that can include a mixture of housing types and densities, the city also updated its multiple family standards and adopted a new section that outlines cottage cluster use standards based on the state's middle housing model code.

FINDINGS

The City of Adair Village growth management policies demonstrate their commitment to higher density projects by the implementation of their Downtown Village Plan, their PUD section of their development code and the recently adopted R-4 residential district. This approach coincides with the provisions in **197.296 (9), factors to establish a sufficiency of buildable lands within urban growth boundary.**

(9) In establishing that actions and measures adopted under subsections (6) and (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3) of this section, is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section and is in areas where sufficient urban services are planned to enable the higher density development to occur over the 20-year period. Actions or measures, or both, may include but are not limited to:

(a) Increases in the permitted density on existing residential land;
(b) Financial incentives for higher density housing;
(c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;
(d) Removal or easing of approval standards or procedures;
(e) Minimum density ranges;
(f) Redevelopment and infill strategies;
(g) Authorization of housing types not previously allowed by the plan or regulations;
(h) Adoption of an average residential density standard; and
(i) Rezoning or redesignation of nonresidential land.

GOAL 14 – LAND NEED

Land Need Establishment and change of urban growth boundaries shall be based on the following:

1. Demonstrated need to accommodate long range urban population, consistent with a 20 year population forecast coordinated with affected local governments, or for cities applying the simplified process under ORS chapter 197A, a 14-year forecast; and

2. Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection 2. In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

Under land need paragraph 2, the city is required to address schools and parks.

SCHOOLS

In June 2022, the city invited the Corvallis School District to participate in a round table discussion with a number of other agencies such as ODOT, ODFW, Oregon Forestry Department and Oregon State University. At this meeting we made them aware of our application to expand the city's UGB for the purposes of new housing to address the city's deficit of the required 20-year residential land supply.

Topics that came up were that Mountain View Elementary School, that services Adair Village, would be close to capacity if the estimated 105 new students from the proposed housing being proposed in the expansion area were to be built. However, they stated, to reach a critical mass where a new school would be warranted in this area the district would need to see an increase of 450 new students on top of the 105 new students that may possibly be added.

Their intentions are to always keep elementary kids at a neighborhood school that is within walking distance. They believe the need to set aside land for a future school would be one that is centrally located within the Adair community and not on the outskirts of town.

They also informed us that they were going to embark on a master plan assessment of the region next year for their entire district. Subsequently, to the school district meeting we

understand that the district officials reached out to the DLCD to continue to look at their options for citing a school in the future.

FINDINGS

Even though the current proposed UGB expansion will not trigger the need for a new school, identifying now that a school will likely be needed at some time in the future is valuable for effective long-term planning. Adding land for a new school fits in with the city being a full-service city with the perspective of having walkable neighborhoods and safe routes to school based on climate friendly rule making. The city values compactness and agrees a school should be close to a majority of its students and not on the other side of 99W.

We understand that any expansion due to housing needs contributes to a capacity issue the school district must deal with and that this area will need a school and Adair Village is the perfect place to put one. However, it would be pre-mature at this point to set aside land right now based on informal discussions where further studies have not been completed or derived. Within this analysis we understand that the next time the city considers a UGB amendment we are probably going to have to set aside land for a new school.

PARKS

Adair Village is one of few cities in Oregon that has an abundance of recreational land right outside its boundary. Directly adjacent to its west boundary is over 1,000 acres of pristine forest owned by the Oregon State University and managed in conjunction with the Oregon Department of Forestry. ODFW owns 43 acres directly in the middle of the city with a stocked lake and hiking trials. There is a 113-acre Benton County Park just to the east of town that has baseball fields, disc golf, and aerodrome and multiple picnicking shelters. To the north, the Department of State Lands owns over 1,000 acres of recreation and hunting land.

The city and the Corvallis Area Metropolitan Planning Organization (CAMPO) have been collaborating to develop a city-wide trails plan. The Adair Village Trails Plan serves as a blueprint for creating an accessible, all-ages and abilities network of paved multiuse paths, walking trails, and separated bike lanes throughout the Adair Village community. This document provides details on future trail improvements as a means to help prioritize local investment in Adair Village's multi-modal network of trails.

FINDINGS

In general, the city has fairly good access to all of these parks despite certain restrictions such as 99W. Recently the city vacated Cherry Drive and retained an easement to upgrade the trail from Azalea Drive to Adair Park. Realistically, the city doesn't have a need for any other areas of

open space or recreation land except for pocket parks in their newer neighborhoods. One exception is the northern neighborhood from NE Barberry Drive north that has the longest distance to travel to reach Adair Park. By adding the Cornelius property to the city's UGB, the northern neighborhood will have an opportunity to create a connection through the conservation easement to Adair Park via a well-designed environmentally friendly trail.

HOUSING

In 2019, the State passed new law called the Regional Housing Production Strategy. The State and the Department of Land Conservation and Development (DLCD) are still developing the rules to implement to law. Adair Village and all cities are going to have to report to the DLCD on doing their fair share of providing housing for the full spectrum of income and disabilities. Every city will have to show that they have the policies and ability in place to build an array of housing types including small units.

Section 2, chapter 640, Oregon Laws 2019, provide:

(2) (b) How a regional housing needs analysis and housing shortage analysis may compare to existing assessments of housing need and capacity conducted by local governments under **ORS 197.296 (Factors to establish sufficiency of buildable lands within urban growth boundary)** in terms of:

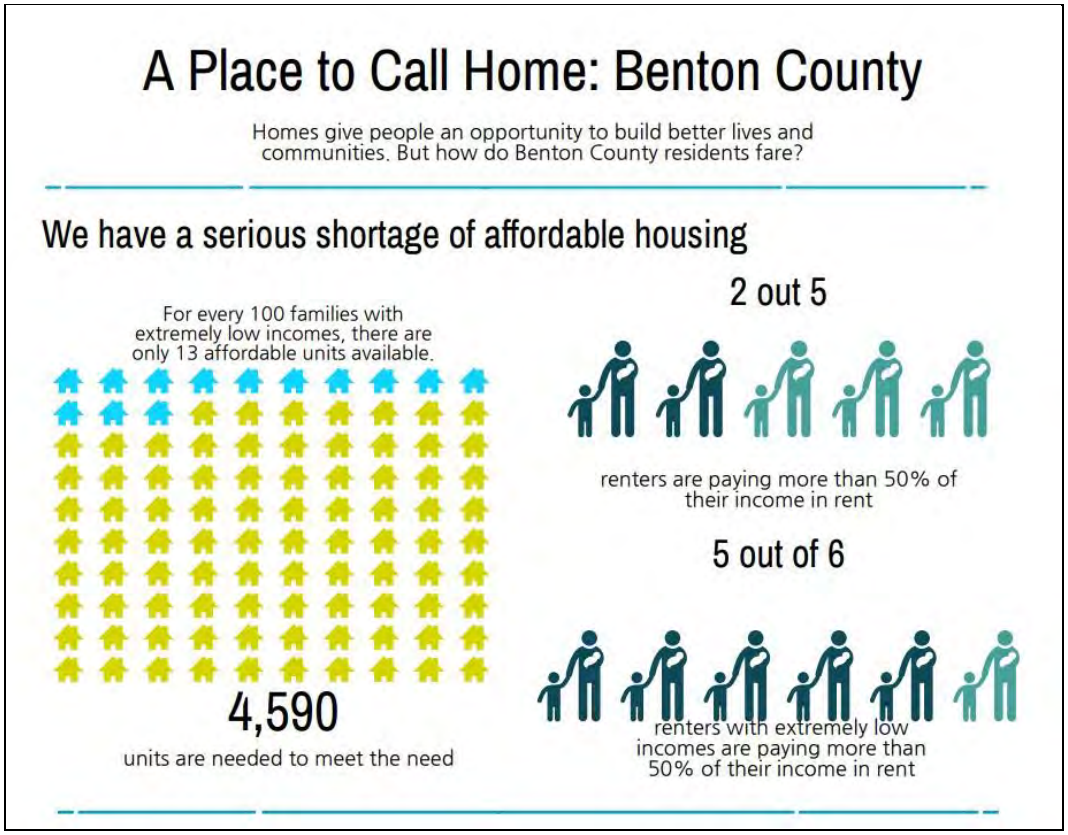
(A) Cost and cost effectiveness.
- **Adair Village has built 200 dwelling units in the past three years that were well below the region's average price point.**

(B) Reliability and accuracy.
- **All 200 dwelling have been sold and occupied and there is a waiting list for any new home as they become built.**

(C) Repeatability; and
- **The city plans to support the developers of Calloway Creek to duplicate the success of the first three phases of their project.**

(D) Predictability.
- **The city recognizes the need for new housing and hopes that after the UGB amendment is approved that the additional population will drive new mixed-use development in their downtown core.**

Benton County and Adair Village look forward to being a strong partner with the state as it moves forward on its regional production strategies. Adair Village has and will continue to promote higher density development using their PUD approach that supports duplexes, four-plexes and cottage cluster projects. This UGB amendment reflects Adair Village's commitment to the region's housing needs to provide livable opportunities to all Oregonians.



Source: Oregon Housing Alliance (2020)

GOAL 14 - GUIDELINES

A. PLANNING

1. Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account (1) the growth policy of the area;(2) the needs of the forecast population; (3) the carrying capacity of the planning area; and (4) open space and recreational needs.

2. The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.

3. Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans

should not exceed the carrying capacity of such resources.

4. Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.

B. IMPLEMENTATION

1. The type, location and phasing of public facilities and services are factors which should be utilized to direct urban expansion.

4. Local land use controls and ordinances should be mutually supporting, adopted and enforced to integrate the type, timing and location of public facilities and services in a manner to accommodate increased public demands as urbanizable lands become more urbanized.

CONTINUATION OF NEED FACTOR USING GUIDELINES

The following analysis addresses barriers to urbanization for certain parcels included in the BLI for various impediments such as cost of receiving utilities, under sized infrastructure to deliver services, age of the system to deliver utilities or encumbrances to access a parcel.

When exploring the development potential outlined in Appendix 1, Buildable Lands Assessment Memorandum, the following parcels show development is not feasible due to cost prohibitive improvements and should be considered for removal from the net buildable acres. These properties remained as net buildable land after the Simplified Urban Growth Boundary Methodology was applied per the Oregon Administrative Rule (OAR) 660-038-0060.

The following parcels are identified in Figure 7: Vacant and partially vacant property, on Page 18. The analysis has been done by Civil West Engineering Services Inc. which has been the city's engineer for over 20 years and knows the capacities and limitations of the city's current infrastructure.

Map ID #s 1, 3 & 21 (2.72, 0.34, and 0.75 acres respectively):
These properties are outside of the City Limits but within the UGB. Considerations for the development of this parcel includes access, water service and sewer service. Access to the property would be via Newton Road, which is an undeveloped private road. Roadway improvements, including ROW dedication, water and sewer service would all need to be extended up Newton Road at a cost of approximately $600,000. For the development of a total of 3 acres, this is not feasible.

Map ID #2 (0.48 acres):
This property is landlocked (no public access) and is therefore undevelopable. Residential buildings surround the property making future access impossible without the demolition of

existing residences. Development of this property is not feasible.

Map ID #s 4, 18, 22, & 25 (0.18, 0.31, 0.26, and 0.66 acres respectively):
These properties are part of larger properties and are limited by water (streams & wetlands). The cost to develop these small properties would necessarily include the demolition of the residences currently on the lots. Development of these properties is not feasible.

Map ID #s 6, &7 (1.59 & 0.62 acres respectively):
These properties are dedicated open space within the Calloway Creek Subdivision and are owned and maintained by the home-owner association. Development of these properties is not feasible.

Map ID #8 (0.10 acres):
This property is surrounded by wetlands and dense residential. It is landlocked and is too small to effectively develop. Development of this property is not feasible.

Map ID #9 (0.48 acres):
Although this property technically has frontage onto a public street, the frontage is all encumbered by drainage facilities effectively land-locking this parcel. Development of this property is not feasible.

Map ID #11 (2.37 acres):
This property is wedged in between Ryals Avenue and the Railroad. Because Ryals Avenue is an arterial roadway, fronting development onto the road is not allowed. There is not enough room for alternate access. This parcel is not developable.

Map ID #s 12, 13, 19, & 20 (1.22, 0.84, 1.90 & 0.75 acres respectively):
These properties lie on the north side of the City. These properties all have residences on the property with values at or over $500,000. Development of these properties would require the demolition of the existing structures and would be prohibitively expensive. There is also limited sewer and water service to these properties without extensive off-site extensions. These parcels are not developable.

Map ID #s 14 & 17 (1.35 and 1.04 acres respectively):
These properties are on the northeast side of the City and would front off of Newton Road, which is an undeveloped private road. Sewer and Water service would need to be extended up Newton Road. Cost estimates for offsite work, including ROW acquisition is $250,000. In addition to offsite work, these properties slope to the east, requiring a sewer lift station to provide sewer service. These parcels are not developable.

FINDINGS

Although the BLI already shows that the city has a deficit of land inside the UGB, additional analysis shows further deficit when applying Statewide Planning Goal 14 due to barriers to urbanization for numerous impediments such as cost of receiving utilities, under sized infrastructure to deliver services, age of the system to deliver utilities or encumbrances to access a parcel.

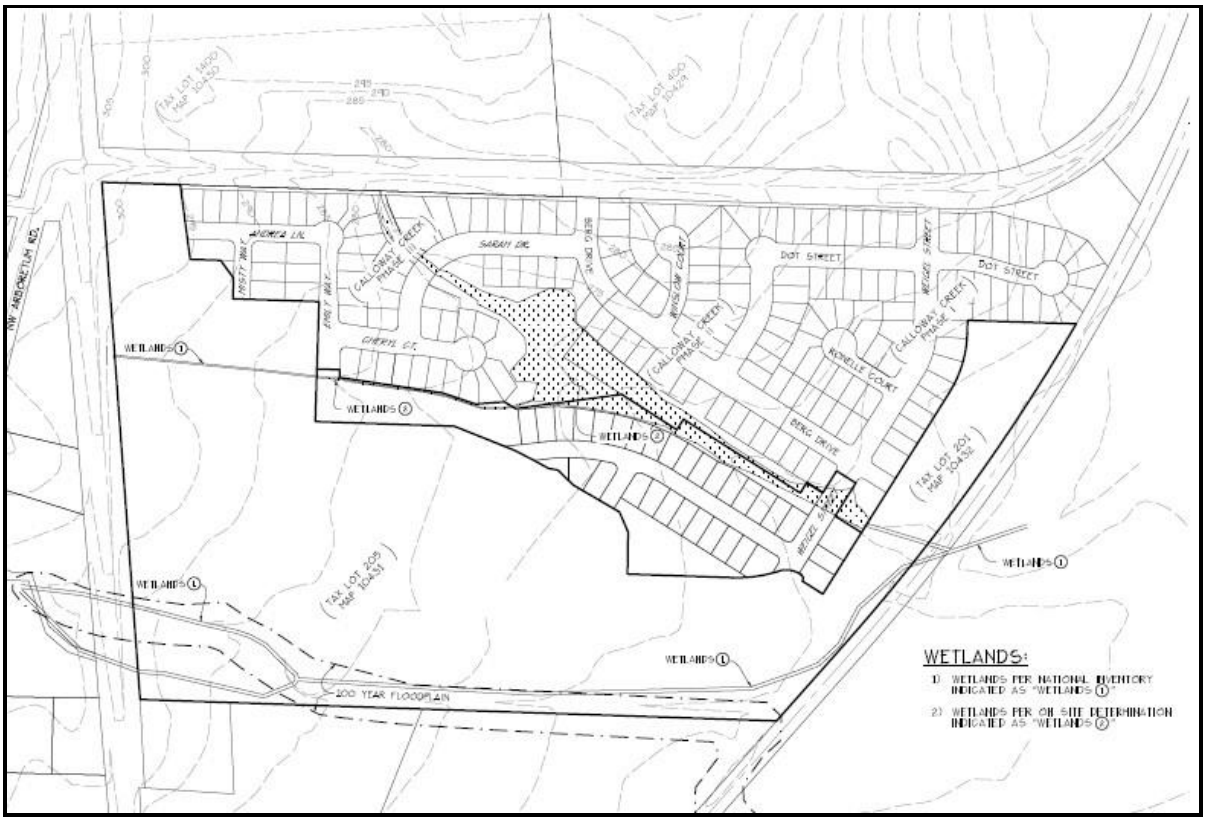
Looking to residentially zoned lands on the fringe of the current UGB that are very difficult to develop at urban densities is not consistent with the City's vision of compact, livable, walkable neighborhoods, particularly when other lands, currently zoned EFU, are well-suited to support that community vision.

The proposed UGB expansion areas are contiguous to the current city limits. Existing and adjacent infrastructure (roads, utilities, etc.) has been sized and installed anticipating and accounting for future growth in these areas. Installing new, or upgrading existing, infrastructure in semi-developed areas is inherently less efficient (roadways torn up for new utilities, procuring ROW or easements from multiple property owners, etc.) than development in open area on a single property.

Based on applying Goal 14 guidelines the city is proposing that the above properties be subtracted from the net buildable acres. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources. The total acreage of the above listed properties proposed for removal from the net buildable acres is **17.96 acres.**

Calloway Creek

Calloway Creek was approved in 2018 as a four (4) phase subdivision development. Three of those phases have been completed and entirely sold out. Phase 4, although already approved was delayed by the department of state land (DSL) for a wetland permit. The developer submitted for a .2 acre wetland mitigation (a minor application) to install a culvert that allows passage over the creek leading from phase 3 to phase 4 of the project. The permit was approved earlier this year. Phase 4 is planned with one street from the finished development stubbed to continue into Phase 4 and future phases. Phase 4 consists of 7.22 acres and has a preliminary layout for 29 new home sites that are identified in an Urban Conversion Plan filed with the County as a condition of a partition approval (Land Use File LU-21-050).



Urban Conversion Plan – Calloway Creek Phase IV - Weigel; Derby; Partition

FINDINGS

Goal 14 states that the urbanization of land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels. The size of the parcel is only relevant as urbanizable land in conjunction with the existing phases and the probability of development is based on the UGB expansion approval.

The 7.22 acres is identified as Map ID 5 in figure 7 on page 18. Although Calloway Creek Phase IV has preliminary PUD approval and its DSL permit to build over the stream bed it remains in the BLI net buildable acres.

CONCLUSION: Need Factor 2 Findings

The city identified land use deficiencies consistent with the requirements of OAR 660-024-0050. These measures allowed a wider range of housing constraints in residential districts. By expanding the BLI methodology based on ORS 197.296 and Goal 14, the city found that it has an additional 17.96 acres of land that can be removed from the gross buildable acres. Staying consistent with the BLI methodology, a 25 percent deduction for required infrastructure per Adair Village Comprehensive Plan Section 9.800 Growth Management is removed. The remaining amount of land that can be deducted from the net buildable acres is 13.47 acres.

By adding the 13.47 acres to the 13.25 acres initially found as the deficient acreage in the city's residential inventory, these measures increased Adair Village's residential deficit of land to 26.72 acres.

3. Alternatives Analysis for Establishment of the UGB Expansion Study Area

Chapter 2 concluded that Adair Village has insufficient land to accommodate projected growth for residential land. This chapter presents the alternatives analysis required by OAR 660-024-0060 as well as findings related to the prioritization described in ORS 197A.320.

Establishment of Study Area for UGB Expansion

Preliminary Study Area

ORS 197A.320 presents a priority list of lands to be included within an urban growth boundary for evaluating alternative boundary locations.

> ***197A.320 Priority of land to be included within urban growth boundaries outside Metro; rules.***
>
> *(1) Notwithstanding the priority in ORS 197.298 for inclusion of land within an urban growth boundary, a city outside of Metro shall comply with this section when determining which lands to include within the urban growth boundary of the city pursuant to ORS 197.286 to 197.314, 197A.310 or 197A.312.*
>
> *(2) The Land Conservation and Development Commission shall provide, by rule, that:*
>
> *(a) When evaluating lands for inclusion within the urban growth boundary, the city shall establish a study area that includes all land that is contiguous to the urban growth boundary and within a distance specified by commission.*
>
> *(b) The city shall evaluate all land in the study area for inclusion in the urban growth boundary as provided in subsection (4) of this section, except for land excluded from the study area because:*
>
> *(A) It is impracticable, as provided in subsection (3) of this section, to provide necessary public facilities or services to the land.*
>
> *(B) The land is subject to significant development hazards, including a risk of landslides, a risk of flooding because the land is within the 100-year floodplain or is subject to inundation during storm surges or tsunamis, and other risks determined by the commission.*
>
> *(C) The long-term preservation of significant scenic, natural, cultural or recreational resources requires limiting or prohibiting urban development of the land that contains the resources.*
>
> *(D) The land is owned by the federal government and managed primarily for rural uses.*

(c) When evaluating the priority of land for inclusion under paragraph(b) of this subsection:

(A) The city shall evaluate the land within the study area that is designated as an urban reserve under ORS 195.145 in an acknowledged comprehensive plan, land that is subject to an acknowledged exception under ORS 197.732 or land that is non-resource land and select as much of the land as necessary to satisfy the need for land using criteria established by the commission and criteria in an acknowledged comprehensive plan and land use regulations.

(B) If the amount of land appropriate for selection under subparagraph(A) of this paragraph is not sufficient to satisfy the need for land, the city shall evaluate the land within the study area that is designated as marginal land under ORS 197.247(1991 Edition) in the acknowledged comprehensive plan and select as much of the land as necessary to satisfy the need for land using criteria established by the commission and criteria in an acknowledged comprehensive plan and land use regulations.

(C) If the amount of land appropriate for selection under subparagraphs(A) and(B) of this paragraph is not sufficient to satisfy the amount of land needed, the city shall evaluate land within the study area that is designated for agriculture or forest uses in the acknowledged comprehensive plan that is not predominantly high-value farmland, as defined in ORS 195.300, or does not consist predominantly of prime or unique soils, as determined by the United States Department of Agriculture Natural Resources Conservation Service, and select as much of that land as necessary to satisfy the need for land:

(i) Using criteria established by the commission and criteria in an acknowledged comprehensive plan and land use regulations; and

(ii) Using the predominant capability classification system or the predominant cubic site class, as appropriate for the acknowledged comprehensive plan designation, to select lower capability or cubic site class lands first.

(D) If the amount of land appropriate for selection under subparagraphs(A) to(C) of this paragraph is not sufficient to satisfy the need for land, the city shall evaluate land within the study area that is designated as agricultural land in an acknowledged comprehensive plan and is predominantly high value farmland and select as much of that land as necessary to satisfy the need for land. A local government may not select land that is predominantly made up

of prime or unique farm soils, as defined by the United States Department of Agriculture Natural Resources Conservation Service, unless there is an insufficient amount of other land to satisfy its land need.

(3) For purposes of subsection (2)(b)(A) of this section, the commission shall determine impracticability by rule, considering the likely amount of development that could occur on the lands within the planning period, the likely cost of facilities and services, physical, topographical or other impediments to service provision and whether urban development has occurred on similarly situated lands such that it is likely that the lands will be developed at an urban level during the planning period. When impracticability is primarily a result of existing development patterns, the rules of the commission shall require that the lands be included within the study area, but may allow the development capacity forecast for the lands to be specified at a lower level over the planning period. The rules of the commission must be based on an evaluation of how similarly situated lands have, or have not, developed over time.

(4) For purposes of subsection (2)(b)(C) of this section, the commission by rule shall determine the circumstances in which and the resources to which this exclusion will apply.

(5) Notwithstanding subsection(2)(c)(D) of this section, the rules must allow land that would otherwise be excluded from an urban growth boundary to be included if:

(a) The land contains a small amount of resource land that is not important to the commercial agricultural enterprise in the area and the land must be included to connect a nearby and significantly larger area of land of higher priority for inclusion within the urban growth boundary; or

(b) The land contains a small amount of resource land that is not predominantly high-value farmland or predominantly made up of prime or unique farm soils and the land is completely surrounded by land of higher priority for inclusion into the urban growth boundary.

(6) When the primary purpose for expansion of the urban growth boundary is to accommodate a particular industry use that requires specific site characteristics, or to accommodate a public facility that requires specific site characteristics and the site characteristics may be found in only a small number of locations, the city may limit the study area to land that has, or could be improved to provide, the required site characteristics. Lands included within an urban growth boundary for a particular industrial use, or a particular public facility, must remain planned and zoned for the intended use:

(a) Except as allowed by rule of the commission that is based on a

significant change in circumstance or the passage of time; or

(b) Unless the city removes the land from within the urban growth boundary.

(7) Notwithstanding any other provision of this section, the commission may adopt rules that specify circumstances under which a city may exchange land within the urban growth boundary of the city for land that is outside of the urban growth boundary and that is designed to avoid adverse effects of an exchange on agricultural or forest operations in the surrounding area.

Consistent with ORS 197A.320 (2), OAR 660-024 provides direction on establishing the UGB study area, which includes all land within one-half mile of the Adair Village UGB and all exceptions area within one mile of the Adair Village UGB.

RULE 660-024-0065 ESTABLISHMENT OF STUDY AREA TO EVALUATE LAND FOR INCLUSION IN THE UGB

(1) When considering a UGB amendment to accommodate a need deficit identified in OAR 660-024-0050(4), a city outside of Metro must determine which land to add to the UGB by evaluating alternative locations within a "study area" established pursuant to this rule. To establish the study area, the city must first identify a "preliminary study area" which shall not include land within a different UGB or the corporate limits of a city within a different UGB. The preliminary study area shall include:

(a) All lands in the city's acknowledged urban reserve, if any;

(b) All lands that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one-half mile;

(c) All exception areas contiguous to an exception area that includes land within the distance specified in subsection (b) and that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one mile;

Response: The City of Adair Village is outside of Metro and has a UGB population of less than 10,000. Benton County has not adopted urban reserve areas, therefore no urban reserve areas are available for UGB expansion. However, there are identified exception areas contiguous to exception areas within the one-half mile radius. Therefore, in accordance with OAR 660-024-0065(1)(c)(A), a study area radius of one mile has been considered.

While exception lands west of Highway 99 could be considered for UGB expansion, the City of Adair Village and the Oregon Department of Transportation (ODOT) have, as a matter of policy, determined that the City should not expand west of Highway 99 in order to maintain a cohesive form, provide efficient public infrastructure, minimize access conflicts on Highway 99 and avoid UGB expansions along non-freeway highways consistent with the Oregon Highway Plan (1999). Specifically, Action 1B.8 of ODOT's Oregon Highway Plan addresses UGB expansion and states: "Avoid the expansion of urban growth boundaries along Interstate and Statewide Highways and around interchanges unless ODOT and the appropriate local governments agree to an interchange management plan to protect interchange operation or an access management plan along non-freeway highways." In this case, no such access management plan exists and the governing agencies of Adair Village, Benton County and ODOT are in agreement that an access management plan to enable UGB expansion to the west is neither practical nor consistent with agency policies.

Given the fact that Highway 99 has been determined to be the westward limit of urban growth for the city, exception lands adjacent to the existing City UGB available for expansion are deemed ineligible due to this barrier of urban expansion.

(4) The city may exclude land from the preliminary study area if it determines that:

(a) Based on the standards in section (7) of this rule, it is impracticable to provide necessary public facilities or services to the land;

Response: The ability to provide necessary public facilities or services was not used as a determination to exclude land from the preliminary study area. Therefore, this subsection is not applicable.

(b) The land is subject to significant development hazards, due to a risk of:

(A) Landslides: The land consists of a landslide deposit or scarp flank that is described and mapped on the Statewide Landslide Information Database for Oregon (SLIDO) Release 3.2 Geodatabase published by the Oregon Department of Geology and Mineral Industries (DOGAMI) December 2014, provided that the deposit or scarp flank in the data source is mapped at a scale of 1:40,000 or finer. If the owner of a lot or parcel provides the city with a site-specific analysis by a certified engineering geologist demonstrating that development of the property

would not be subject to significant landslide risk, the city may not exclude the lot or parcel under this paragraph;

Response: A reduction in study area is not proposed due to identified landslide areas as there are no identified landslide areas within the potential study area.

(B) Flooding, including inundation during storm surges: the land is within the Special Flood Hazard Area (SFHA) identified on the applicable Flood Insurance Rate Map (FIRM);

Response: A reduction in study area is not proposed due to Special Flood Hazard Areas.

(C) Tsunamis: the land is within a tsunami inundation zone established pursuant to ORS 455.446;

Response: A reduction in study area is not proposed due to tsunami inundation zones as there are no identified tsunami inundation zones within the potential study area.

(c) The land consists of a significant scenic, natural, cultural or recreational resource described in this subsection:

(A) Land that is designated in an acknowledged comprehensive plan prior to initiation of the UGB amendment, or that is mapped on a published state or federal inventory at a scale sufficient to determine its location for purposes of this rule, as:

(i) Critical or essential habitat for a species listed by a state or federal agency as threatened or endangered;

Response: A reduction in study area is not proposed for threatened or endangered species habitat as there is no identified threatened or endangered species habitat within the potential study area.

(ii) Core habitat for Greater Sage Grouse; or

Response: A reduction in study area is not proposed for Great Sage Grouse core habitat as there is no identified Great Sage Grouse core habitat within the potential study area.

(iii) Big game migration corridors or winter range, except where located on lands designated as urban reserves or exception areas;

Response: A reduction in study area is not proposed for big game migration corridors or winter range as there are no identified big game migration corridors or winter range within the potential study area.

(B) Federal Wild and Scenic Rivers and State Scenic Waterways, including Related Adjacent Lands described by ORS 390.805, as mapped by the applicable state or federal agency responsible for the scenic program;

Response: A reduction in study area is not proposed for mapped Federal Wild and Scenic Rivers and State Scenic Waterways as there are no Wild and Scenic Rivers or State Scenic Waterways within the potential study area.

(C) Designated Natural Areas on the Oregon State Register of Natural Heritage Resources;

Response: A reduction in study area is not proposed for Oregon State Register-designated Natural Areas as there are no designated Natural Areas within the potential study area.

(D) Wellhead protection areas described under OAR 660-023-0140 and delineated on a local comprehensive plan;

Response: A reduction in study area is not proposed for wellhead protection areas as there are no designated wellhead protection areas within the potential study area.

(E) Aquatic areas subject to Statewide Planning Goal 16 that are in a Natural or Conservation management unit designated in an acknowledged comprehensive plan;

Response: A reduction in study area is not proposed for aquatic areas in a Natural or Conservation management unit as there are no estuaries within the potential study area.

(F) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 17, Coastal Shoreland, Use Requirement 1;

Response: A reduction in study area is not proposed for lands subject to Statewide Planning Goal 17, Use Requirement 1 as coastal shorelands do not exist in the potential study area.

(G) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 18, Implementation Requirement 2;

Response: A reduction in study area is not proposed for lands subject to Statewide Planning Goal 18, Implementation Requirement 2, which relates to beaches and dunes which do not exist in the potential study area.

(d) The land is owned by the federal government and managed primarily for rural uses.

Response: A reduction in study area is not proposed for lands owned by the federal government and managed primarily for rural uses as there are no federally owned lands within the potential study area.

(7) For purposes of subsection (4)(a), the city may consider it impracticable to provide necessary public facilities or services to the following lands:

(a) Contiguous areas of at least five acres where 75 percent or more of the land has a slope of 25 percent or greater, provided that contiguous areas 20 acres or more that are less than 25 percent slope may not be excluded under this subsection. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals;

Response: The preliminary study area does not contain any areas of land where 75 percent or more of the land has a slope of 25 percent or greater. Therefore, this section is not applicable.

(b) Land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period. The city's determination shall be based on an evaluation of:

(A) The likely amount of development that could occur on the land within the planning period;

Response: A designation of the amount of development likely to occur on the land was not used as part of the determination of the preliminary study area. Therefore, this subsection is not applicable.

(B) The likely cost of facilities and services; and,

Response: The preliminary study area did not factor in the likely cost of facilities and services as part of the determination of a preliminary study area. Therefore, this subsection is not applicable.

(C) Any substantial evidence collected by or presented to the city regarding how similarly situated land in the region has, or has not, developed over time.

Response: No lands were considered unserviceable due to the development of other lands over time. Therefore, this subsection is not applicable.

(c) As used in this section, "impediments to service provision" may include but are not limited to:

(A) Major rivers or other water bodies that would require new bridge crossings to serve planned urban development;

Response: No lands have been eliminated from the study area due to the presence of major rivers or other water bodies that could be an impediment to service provision. Therefore, this subsection is not applicable.

(B) Topographic features such as canyons or ridges with slopes exceeding 40 percent and vertical relief of greater than 80 feet;

Response: No lands have been eliminated from the study area due to slopes exceeding 40 percent and/or vertical relief of greater than 80 feet. Therefore, this subsection is not applicable.

(C) Freeways, rail lines, or other restricted access corridors that would require new grade separated crossings to serve planned urban development;

Response: Based on the aforementioned policies stated in the Benton County Comprehensive Plan and the Oregon Highway Plan, Highway 99, a restricted access corridor, was deemed an impediment to service provisions. Furthermore, it was determined that it was not in the best interest of Adair Village to expand to the west of Highway 99. The City of Adair Village Comprehensive Plan (2015), in Section 9.890 – Growth Management Goals and Policies, calls for a local street network "without relying on Hwy 99W for intra-city trips." This policy is consistent with ODOT desires to minimize access points along Highway 99 and ensure that the facility is used for regional trips and not for local travel. Thus, expansion to the west would inherently isolate these properties from the

rest of the City, creating an impediment to utility and public services and a cohesive urban form.

(D) Significant scenic, natural, cultural or recreational resources on an acknowledged plan inventory and subject to protection measures under the plan or implementing regulations, or on a published state or federal inventory, that would prohibit or substantially impede the placement or construction of necessary public facilities and services.

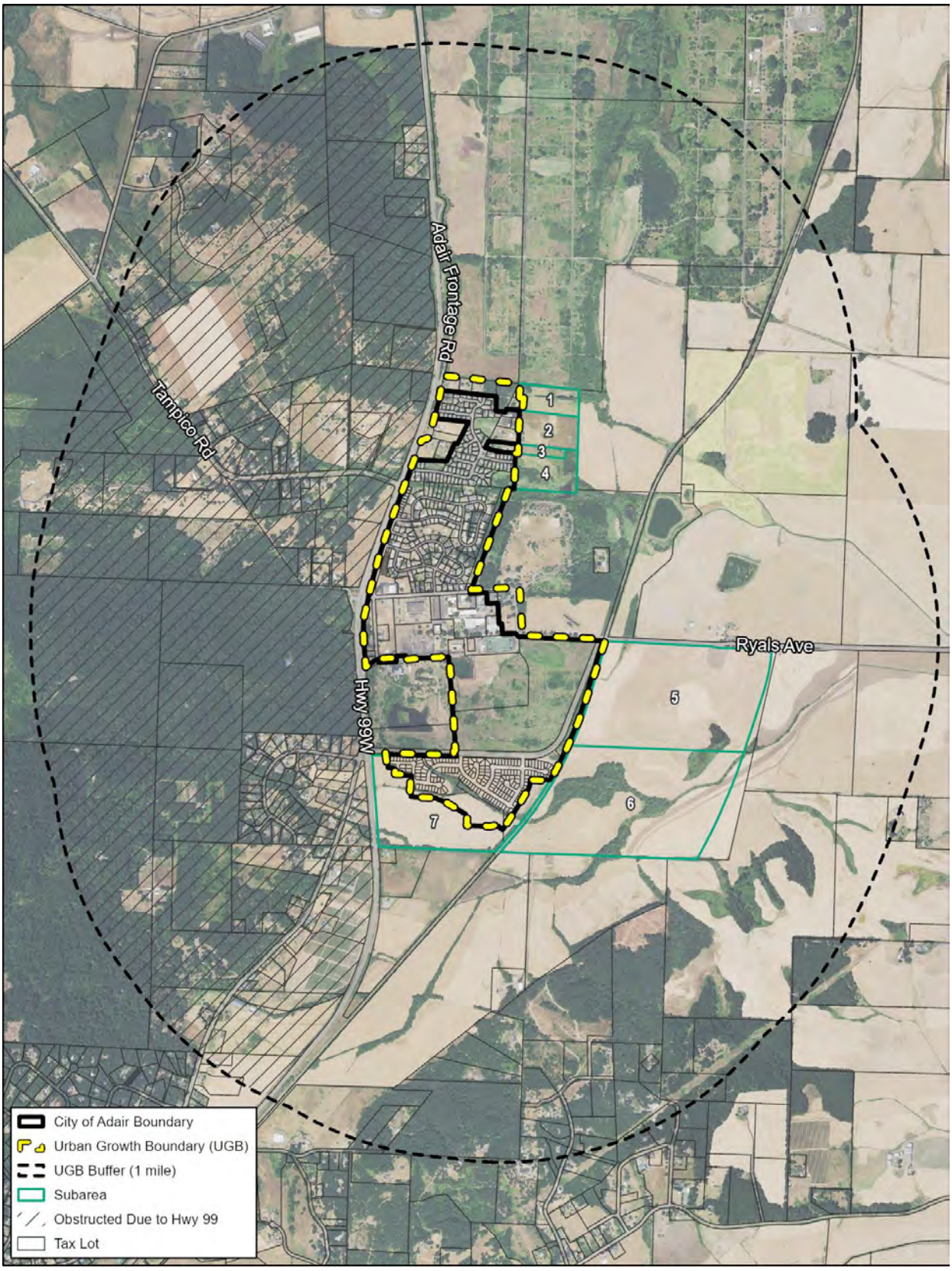
Response: Significant scenic, natural, cultural, or recreational resources were not used as a justification of an impediment to service provisions in the preliminary study area. Therefore, this subsection is not applicable.

(8) Land may not be excluded from the preliminary study area based on a finding of impracticability that is primarily a result of existing development patterns. However, a city may forecast development capacity for such land as provided in OAR 660-024-0067(1)(d).

Response: The identified preliminary study area, as shown in the Comparative Analysis, dated July 20, 2022, did not exclude any land based on existing development patterns.

Based on these requirements, the city evaluated all lands adjacent to the Adair Village UGB for suitability for residential uses. For purposes of the Alternatives Analysis, the city reviewed land in the preliminary study area within the one-mile buffer of the Adair Village UGB, as shown in Figure 8.

Figure 8: Comparative Analysis Study Area Map



Study Area

Per OAR 660-24-0065(a)(A), cities within a UGB population of less than 10,000 people, such as Adair Village, shall use a one-half mile radius to establish a study area for the comparative analysis. The selection of potential comparison sites is discussed in more detail in Appendix A at the end of this memo and in Chapter 4, pages 52-62. As shown on the attached Comparative Analysis Study Area map (Figure 8), properties within one-half mile were grouped into specific subareas based on common zoning, ownership, and physical site characteristics. For purposes of this analysis, subareas are groups of contiguous properties, adjacent to the UGB and zoned Exclusive Farm Use (EFU) by Benton County. EFU zones are considered resource zones and apply to lands classified by the U.S. Soil Conservation Service as predominantly Class I-IV soils, per Benton County Development Code 55.015. The following seven subareas are included in the study area:

- Subarea 1 - 8.7 acres
- Subarea 2 - 11.6 acres
- Subarea 3 - 2.51 acres
- Subarea 4 - 12.9 acres
- Subarea 5 - 103.2 acres
- Subarea 6 - 115.1 acres
- Subarea 7 - 41.7 acres

ORS 197A.320 Prioritization

The provisions in ORS 197A.320 (1) require that land to be included within a UGB be prioritized using the following general hierarchy:

First	Land designated as urban reserve
Second	Land adjacent to the UGB and designated as exception or non-resource
Third	Land designated as marginal land
Fourth	Land designated as agriculture or forest land

As shown in Figure 8 and Figure 10, none of the subareas are designated as urban reserves; therefore, there are no “first priority” lands within the study area.

Second priority is given to land that is adjacent to a UGB and designated as exception or non-resource land. With the study area, there are no properties adjacent to the UGB and designated as exception or non-resource land. Second priority may also include resource lands that are completely surrounded by exception lands; however, none of the EFU subareas meet that threshold. Therefore, the study area does not include any second priority lands.

Third priority is given to lands that are defined as marginal pursuant to ORS 197.247 (1991 Edition). Benton County has not adopted marginal lands provisions and, therefore, the third

level of prioritization does not apply here.

If lands identified as high priority under the first, second, and third tiers of prioritization are inadequate to accommodate the amount of land needed, then fourth priority can be given to lands designated for agriculture or farm use (resource lands). Since there are no identified first, second or third priority lands inside the study area, the seven EFU subareas can be included as fourth priority lands per this rule.

Under ORS 197A.320 (2), the lands that can be considered for UGB expansion per the prioritization evaluation in subsection (1) must be further evaluated and prioritized based on capability of the land. Capability is measured by soil classification ranging from Class I to Class XIII; Class I soils have the most capability for agricultural use and are therefore considered lowest priority for UGB inclusion. Class XIII soils have very limited capability for agricultural use and would be given highest priority. As shown on the soil classification map in Figure 9, each subarea was ranked based on the relative proportion of high soil capability. Per the soil map, the subareas have the following soil classifications:

- Subarea 1: approximately 90% Class II soils
- Subarea 2: approximately 100% Class II soils
- Subarea 3: approximately 100% Class II soils
- Subarea 4: approximately 54% Class II soils
- Subarea 5: approximately 77% Class II soils
- Subarea 6: approximately 48% Class II soils
- Subarea 7: approximately 67% Class II soils

Subareas 4, 6, and 7 were given higher priority due to the higher levels of Class III and IV soils. Other subareas in the analysis had greater proportions of Class I and II soils, which are more productive and therefore, a lower priority.

Finally, ORS 197A.320 (3) states that land of lower priority under subsection (1) of the rule can be included in a UGB if land of higher priority is found to be inadequate based on one or more of several factors. However, those factors do not apply here because all lands identified are fourth priority lands; land of higher priority was not identified within the study area.

To summarize the prioritization analysis under ORS 197A.320, there are no lands of first, second or third priority within the study area. Therefore, the EFU subareas 1-7 can be included as fourth priority lands. Under ORS 197A.320 (2), subareas 4, 6, and 7 are considered higher priority due to the higher levels of less productive soils.

Figure 9: Soil Classification Map

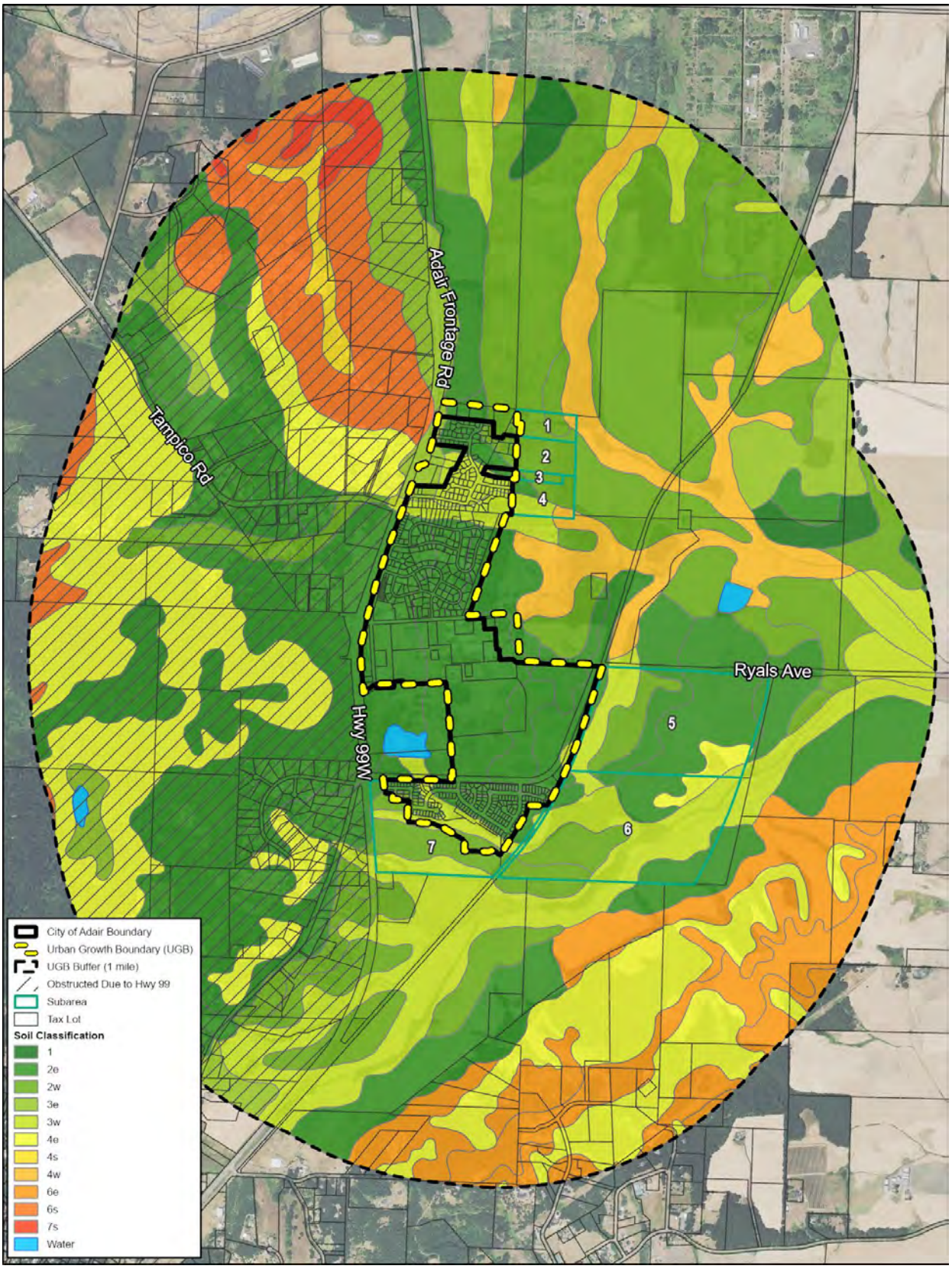
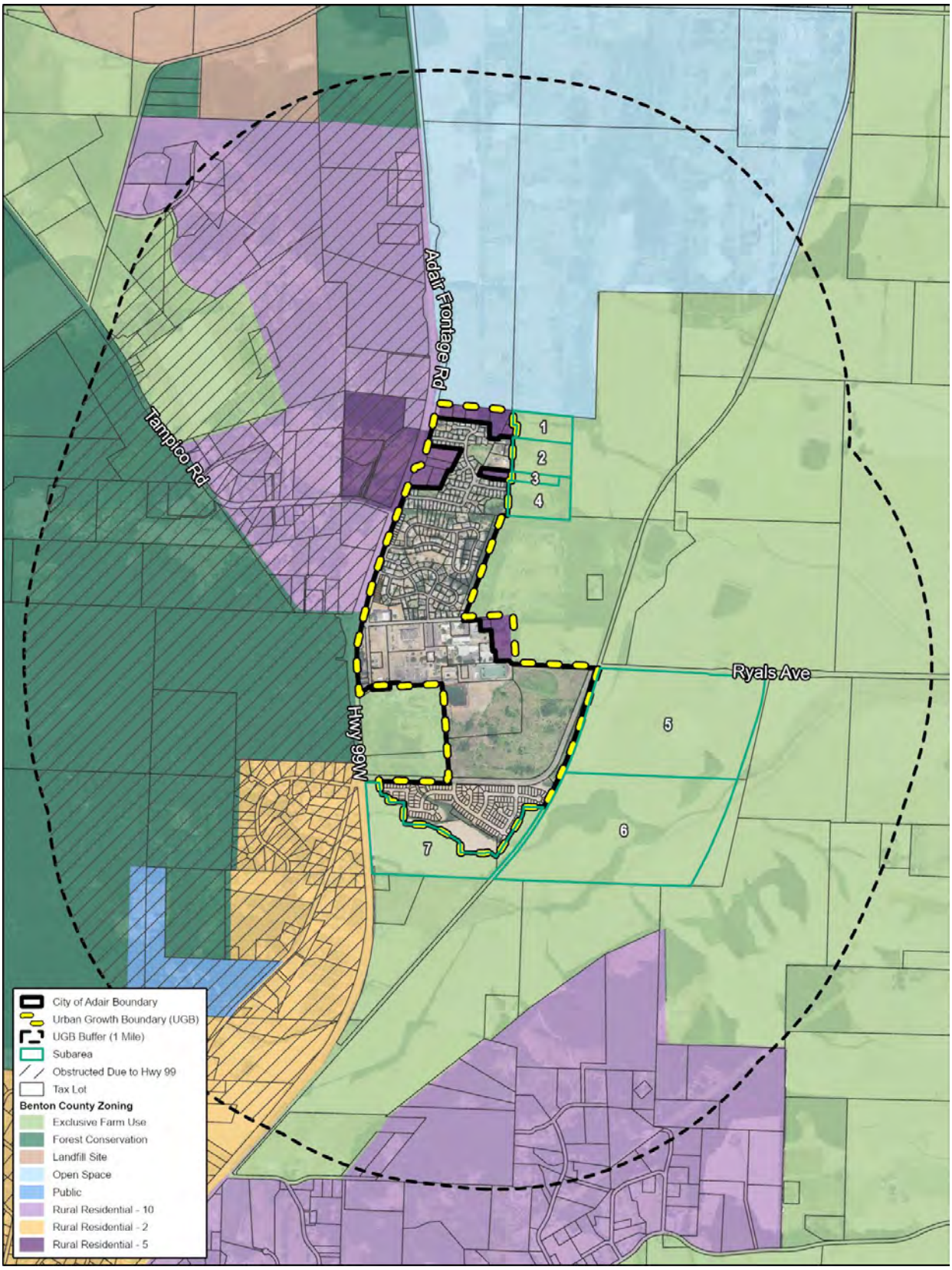


Figure 10: Comparative Analysis Zoning Map



4. Goal 14 Locational Factors

The findings and analysis in Chapters 2 and 3 of these findings demonstrate that insufficient land exists in the UGB to meet identified residential land needs.

Chapter 4 includes additional findings demonstrating compliance Goal 14 locational factors.

Goal 14 establishes four boundary location factors that must be considered when reviewing alternative boundaries:

> *The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197A.320 and with consideration of the following factors:*
>
> *a. Efficient accommodation of identified land needs;*
>
> *b. Orderly and economic provision of public facilities and services;*
>
> *c. Comparative environmental, energy, economic and social consequences; and*
>
> *d. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.*

Findings demonstrating consistency with Goal 14 Location Factors 1–4

The four Goal 14 location factors are: (1) Efficient accommodation of identified land needs; (2) Orderly and economic provision of public facilities and services; (3) Comparative environmental, energy, economic and social consequences; and (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

The following sections provide findings showing consideration of the Goal 14 locational factors.

Goal 14 Comparison

Based on the above analysis of the ORS 197A.320 prioritization requirements, EFU subareas within the study area can be considered for inclusion within the UGB. Upon making this conclusion, the county must then consider which sites are most eligible for expansion based on Statewide Planning Goal 14 urbanization factors. These factors are listed below along with a discussion of how the seven EFU subareas compare within each factor.

1. ***Efficient accommodation of identified land needs***.

The June 14, 2022 DOWL BLI analysis identifies the need for land to accommodate additional housing units in the City to accommodate 20-year population growth in the City. Section 9.440 of the comprehensive plan states also recognizes this shortage and states that, "The only other area capable of supporting future urban expansion is the area immediately east of the existing City UGB that contains portions of some of the same tax lots already in the UGB. This area contains 36 acres that is zoned EFU in the County and is the only other contiguous property available to the City." The parcels referenced in that statement are subareas 1-4 in the study area. Section 9.840 of the comprehensive plan further notes that these lands represent the only remaining lands east of Highway 99 West that can be urbanized without encroaching on the larger parcels of agricultural land northeast, east and south of the city. As such, these parcels "should be given early consideration for inclusion within the City's UGB…".

Subarea 7 is likely the subarea that is most able to efficiently accommodate the land need because it is about 42 acres under one ownership. This property (called the Weigel property in the comprehensive plan) was considered for a previous UGB expansion and roughly half of the property is already in the UGB.

Subareas 5 and 6 are relatively large parcels, each under single ownership, and could accommodate the identified land need. However, development of those subareas would represent a more significant encroachment into agricultural lands. Those subareas are not identified for long-range urban expansion per the comprehensive plan.

Subareas 1-4 are smaller parcels and could not individually accommodate the identified land need.

2. ***Orderly and economic provision of public facilities and services***. Public facilities and services include public utilities such as water and sewer, along with transportation facilities, parks, and schools. Currently, none of the EFU subareas have public services or facilities. The southern-most EFU subareas (subareas 5-7) are located away from existing public services (water and sewer) and have limited transportation facilities. Subareas 5 and 6 have proximity to NW Ryals Avenue but are separated from the roadway by the Southern Pacific Railroad line that runs north-south through that area. Subarea 7 does not have frontage on NW Ryals Avenue but could connect to the roadway through the northern portion of the Weigel property that is already inside the UGB. The northern portion of the Weigel property has now developed. For these southern EFU subareas, extension of public services and facilities to serve subareas 5 and 6 would be a significant effort. However, with the development of the northern portion of the Weigel property, subarea 7 is now in close proximity to existing services.

   The northern EFU subareas (1 through 4) have greater proximity to existing public services and facilities. The Cornelius property (subarea 4) provides the most efficiency for extension of services because NE Hibiscus Drive stubs to the property and was intended to ultimately extend into subarea 4. Water and sewer connections are available in NE Hibiscus Drive. Subareas 1-3 are north of subarea 4 and do not currently have stubs at their property lines. Infrastructure extensions into the Cornelius site could

easily occur from NE Hibiscus Drive. As such, subarea 4 provides the most orderly and economic extension of public facilities and services relative to the other EFU subareas. **(See additional analysis starting on page 53)**

3. ***Comparative environmental, energy, economic and social consequences.*** Including subareas 1-4 in the UGB would have fewer environmental consequences when compared with subareas 5-7. Subareas 1-4 are smaller lots and, per the comprehensive plan, could be developed without encroaching on larger and more productive EFU lands. In addition, subareas 6 and 7 are encumbered by waterways (Calloway Creek) and associated riparian areas. Development on those subareas could have impacts to the natural areas. There are no identified waterways on subareas 1-4. Subareas 1-4 also have energy and economic advantages over the other EFU subareas because they are in closer proximity to existing development and provide more efficient extension of public services and facilities. Subarea 4 also has a lower proportion of productive soils, which makes it a higher priority for UGB inclusion and minimizes environmental impacts of development in that location.

4. ***Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.*** Similar to the discussion under (3) above, the comprehensive plan notes that subareas 1-4 are some of the only remaining lands east of the highway that could be urbanized without encroaching on major agricultural parcels northeast, east and south of the city. These are relatively small parcels in terms of agricultural operations and some of the parcels in these subareas are already inside the UGB (portions of subareas 1 and 3 are inside the UGB). They are close to existing development and could serve as a buffer between the larger agricultural uses to the east and more dense development to the west. Subarea 7 could also serve in a similar capacity; it is naturally separated from other agricultural lands by Calloway Creek to the south and the railroad to the east. By comparison, subareas 5 and 6 are large parcels of EFU land with the potential to support larger, more productive agricultural operations. Fragmenting those large parcels for urbanization would likely reduce their productivity. The comprehensive plan does not identify these subareas for future inclusion into the UGB.

The table below summarizes the evaluation under Goal 14.

EFU Subarea	Ranking under Goal 14 Factors*				
	Factor 1	Factor 2	Factor 3	Factor 4	Total
1	0	0	1	1	2
2	0	0	1	1	2
3	0	0	1	1	2
4	0	1	1	1	**3**
5	1	0	0	0	1
6	1	0	0	0	1
7	1	1	0	1	**3**

*A score of 1 means the subarea generally fulfills the urbanization factors described above.

CONCLUSION

As indicated in the above summary, subarea 4 (Cornelius property) and subarea 7 (Weigel property) best meet the criteria for urban growth expansion when compared with other subareas relative to the four urbanization factors. While subarea 7 is identified in the comprehensive plan as a logical location for UGB expansion, efficient provision of public facilities to subarea 7 relies heavily on development directly to the north (the portion of the Weigel property already inside the UGB) which has now taken place. Subarea 4 is directly adjacent to existing development and road and utility stubs are in place on Hibiscus Drive to serve the Cornelius property.

For the selection of sites used in the comparative analysis for the Adair Village UGB amendment, a study area of one-half mile around the existing UGB was used.

While within one-half mile of the UGB, the following properties were excluded from this analysis:

- *Properties non-contiguous with the UGB*
  It is unlikely that land not adjacent to the UGB would receive priority for expansion, given the inefficiencies in public service provision. Tax lots excluded for this reason are:
  - 10431C000200
  - 104310000700
  - 104310000600
  - 104310000500
  - 104320000300
  - 104310000502
  - 104320000100
  - 104290000700
  - 104200000400

- *Properties under public ownership*
  Sites that are owned by a public agency such as Benton County, the City of Adair Village, or the Oregon State Game Commission are excluded from this analysis.
  - 104190000100
  - 104200000300
  - 104290000301
  - 104290000300
  - 104290000800
  - 10430D000400
  - 10430D001500

- *Properties located west of Oregon Route 99W*
  Expanding west across Highway 99W is impractical due to steep slopes, issues

related to serviceability, and transportation safety. Properties west of Highway 99W are excluded from this analysis.

ADDITONAL ANALYSIS: Civil West Subarea Infrastructure Cost Estimates

FACTOR 2: Orderly and economic provision of public facilities and services.

Infrastructure Methodology

This analysis presents construction cost estimates for public infrastructure necessary to access and serve the subject areas. These infrastructure projects do not include any on-site costs, except those necessary for any development of the area. Cost estimates rely on recent construction costs in the area when applicable, and existing facility and master plans where more recent work is not available.

Sewer Methodology: The City of Adair Village completed a Wastewater Facilities Plan update in 2019. Based on ENR index increases since 2019, unit costs have been increased 6% from those determined in the report. Sewer work for the subareas included in this analysis primarily include lift stations, gravity main, force mains, and railroad crossings when necessary. Costs associated with work which is not included in the WWFP (railroad crossing), are estimated based on recent similar work in the region.

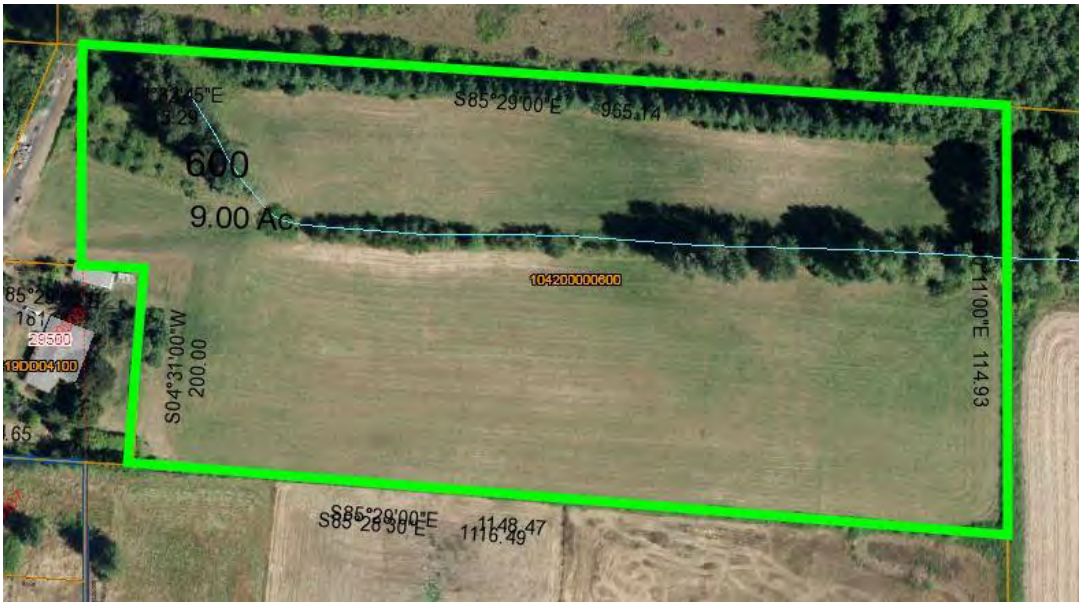
Water Methodology: Water needs associated with each subarea include extending service to the boundary of the property. Costs used for water cost estimates are based on recent water infrastructure improvements in, and around, the City of Adair Village.

Transportation Methodology: Many of the subareas evaluated herein do not have legal public access to the properties. Cost for transportation infrastructure include the procurement of right-of-way, development of a public street to current City standards, and when necessary, railroad crossings. Costs used for roadway work are estimated using recent roadway costs for development in the City of Adair Village and include dry utility conduit.

Stormwater Methodology: Most of the subareas evaluated do not need offsite stormwater infrastructure. Only one requires offsite work. The estimated costs for that infrastructure are determined using recent development cost in the City of Adair Village.

Subarea 1

Subarea consists of 8.66 acres of agriculturally zoned (EFU) land. The owners, Antonio & Elizabeth Amandi, own 6.09 acres of rural residential land already inside the UGB, directly adjacent to their holdings within subarea 1. While subarea 1 does not directly abut the UGB, the subarea is included in this analysis due to contiguous ownership.



Source: Benton County GIS

Subarea 1

Taxlot	Ownership	Acreage
104200000600	ANTONIO & ELIZABETH AMANDI REVOCABLE LIV	8.66

Infrastructure analysis:

Transportation: Access to Subarea 1 is only available by way of Newton Road. Newton Rd is an unimproved PRIVATE road across 5 different properties. Development of Subarea 1 will require 1000 lf of ROW dedication and roadway improvements. Cost to develop: $450,000

Sewer: The closest sewer available is at the south end of Newton Road, approximately 1000 feet away from the west side of the property. However, the property topography slopes from west to east, so the low point of the property is approximately 20' below the grade of the nearest sewer, meaning a wastewater lift station would be required to serve this property. Wastewater would be pumped to the west side of the property and then south along Newton Road to a point approximately 200' north of the end of Newton Road where it would transition to a gravity sewer for the remaining 200'. Costs include upgrade of existing lift station in Adair County Park. Cost to develop: $760,000

Water: Public water extends approximately 500 north from the intersection of Newton Road, however the waterline is only a 6" main. In order to serve a multi-unit development, the entire watermain (1000 lf) would have to be increased in size to an 8" or 10" pipe. Cost to develop: $120,000

Stormwater: There are no stormwater facilities near the property. Stormwater would be required to be captured, detained, and treated on-site prior to discharge along the east property boundary. No offsite stormwater facilities would be required. Cost to develop: $0

TOTAL COST TO EXTEND INFRASTRUCTURE TO SUBAREA 1: $1,330,000 ($153,580/acre)

Subarea 2

Subarea 2 consists of a single 11.59-acre property. There is an existing residential structure on the site, which is accessible to Newton Road to the west via a private driveway. The site is surrounded by residential areas to the west, agricultural lands to the east, subarea 1 to the north, and subarea 3 to the south.

Source: Benton County GIS

Subarea 2

Taxlot	Ownership	Acreage
104290001200	CHAD MORSE	11.59

Infrastructure analysis:

Transportation: Access to Subarea 2 is only available by way of Newton Road. Newton Rd is an unimproved PRIVATE road across 3 different properties. In addition to Newton Road, access would also have to cross on additional property adjacent to Subarea 2 on the west side.

Development of Subarea 2 will require 1000 lf of ROW dedication and roadway improvements. Cost to develop: $450,000

Sewer: The closest sewer available is at the south end of Newton Road, approximately 1000 feet away from the west side of the property. However, the property topography slopes from west to east, so the low point of the property is approximately 20' below the grade of the nearest sewer, meaning a wastewater lift station would be required to serve this property. Costs include upgrade of existing lift station in Adair County Park. Cost to develop: $730,000

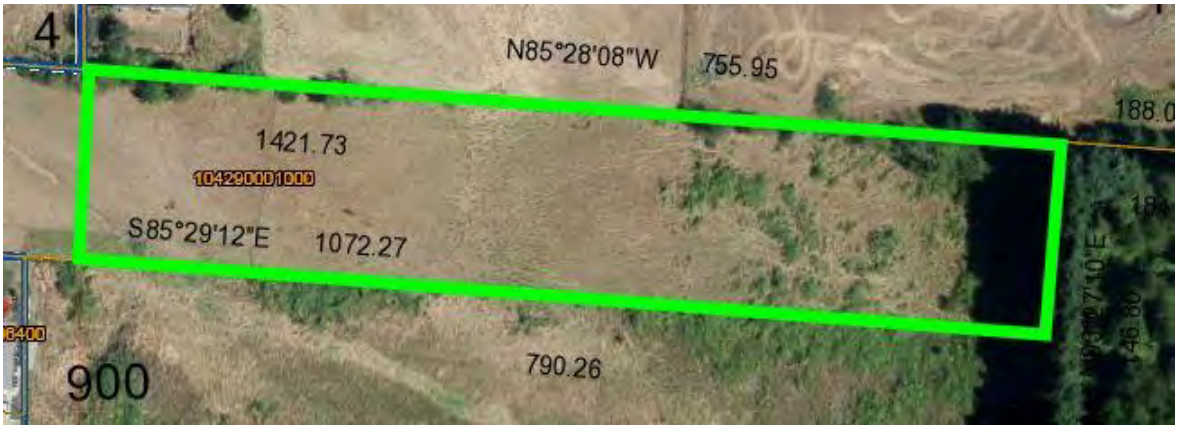
Water: Public water extends approximately 500 north from the intersection of Newton Road, however the waterline is only a 6" main. In order to serve a multi-unit development, the entire watermain (850 lf) would have to be increased in size to an 8" or 10" pipe. Cost to develop: $475,000

Stormwater: There are no stormwater facilities near the property. Stormwater would be required to be captured, detained, and treated on-site prior to discharge along the east property boundary. No offsite stormwater facilities would be required. Cost to develop: $0

TOTAL COST TO EXTEND INFRASTRUCTURE TO SUBAREA 2: $1,282,000 ($110,610/acre)

Subarea 3

Subarea 3 is the agriculturally zoned, western portion of tax lot 1000. The 2.51-acre subarea is located immediately north of the Cornelius property.



Source: Benton County GIS

Subarea 3

Taxlot	Ownership	Acreage
104290001000	WRIGHT THOMAS E	2.51

Infrastructure analysis:

Transportation: Access to Subarea 3 is only available by way of Newton Road and through the western portion of the tax lot. Newton Rd is public up to the western portion of the property. Development of this parcel would include the portion currently within the UGB. The only transportation improvements would along the 150' frontage of the property along Newton Road. Cost to develop: $67,500

Sewer: The closest sewer available is at the south end of Newton Road, adjacent to the west side of the property. However, the property topography slopes from west to east, so the low point of the property is approximately 15' below the grade of the nearest sewer, meaning a wastewater lift station would be required to serve this property, or a gravity line may be able to run south, directly into the County Park and the City's lift station in the park. Costs include upgrade of existing lift station in Adair County Park. Cost to develop: $475,000

Water: Public water extends approximately 500 north from the intersection of Newton Road, however the waterline is only a 6" main. In order to serve a multi-unit development, the entire watermain (150 lf) would have to be increased in size to an 8" or 10" pipe. Cost to develop: $18,000

Stormwater: There are no stormwater facilities near the property. Stormwater would be required to be captured, detained, and treated on-site prior to discharge along the east property boundary. No offsite stormwater facilities would be required. Cost to develop: $0

TOTAL COST TO EXTEND INFRASTRUCTURE TO SUBAREA 3: $560,500 ($223,310/acre)

Subarea 4

Subarea 4, the Cornelius property, consists of 12.97 acres. The eastern 5.12 acres of the property are unencumbered by wetlands. The site is accessible from the west via NE Hibiscus Drive and would be proposed for residential development subject to UGB expansion and annexation into Adair Village. Adair County Park abuts the property to the south.

Source: Benton County GIS

Subarea 4

Taxlot	Ownership	Acreage
104290000900	CORNELIUS TIMOTHY W	12.97

Infrastructure analysis:

Transportation: Access to Subarea 4 is available by way of NE Hibiscus Dr which is a publicly owned street within the City of Adair Village. No additional roadway improvements will be necessary to develop Subarea 4. Cost to develop: $0

Sewer: Public Sewer currently extends down Hibiscus Drive and turns and runs south at the end of the existing street to the Benton County Park. Because the land slopes from west to east, future development in Subarea 4 will likely require a new connection to the collection system in the park to the south. Costs include upgrade of existing lift station in Adair County Park. Cost to develop: $197,500

Water: An 8" public watermain extends down Hibiscus Drive. This is likely adequate to serve development of this parcel Cost to develop: $0

Stormwater: Stormwater facilities currently run west to east down Hibiscus Drive and discharge stormwater into Subarea 4. Development of Subarea 4 will need to account for drainage of upstream existing development. Cost to develop: $150,000 .

TOTAL COST TO EXTEND INFRASTRUCTURE TO SUBAREA 4: $347,500 ($26,310/acre)

Subarea 5

Subarea 5 consists of 103.21 acres and abuts the eastern edge of the UGB. The property is adjacent to Adair County Park, separated by the Southern Pacific Railroad.

Source: Benton County GIS

Subarea 5

Taxlot	Ownership	Acreage
104290000500	METGE CHARLES W	103.21

Infrastructure analysis:

Transportation: Access to Subarea 5 would only be available by way of Ryals Avenue. Ryals Avenue is a two-lane Benton County Road. Access from Ryals is assumed to require half street improvements to meet City requirements (Curb, bike path, sidewalk). This would also include adding pedestrian and bicycle improvements to the railroad crossing. Cost to develop: $805,000

Sewer: No existing Public Sewer collection system exists near this development. The closest system is currently in the Calloway Creek subdivision which is approximately 700 feet southwest. This sewer system is higher than Subarea 5 however, so a lift station would be required. Since a lift station is required, it would be best to pump sewage directly to the

treatment plant approximately 1500 feet away, including a railroad crossing. Cost to develop: $800,000

Water: A 10" public watermain runs through the property (from Voss Hill Reservoir to the City center). In order for this property to be developed, that watermain (approximately 2700 lf) would have to be replaced so that the property could be graded and the waterline alignment could line up with proposed streets/easements. Cost to develop: $324,000

Stormwater: There are no stormwater facilities near the property. Stormwater would be required to be captured, detained, and treated on-site prior to discharge along the northwest and southeast property boundaries. No offsite stormwater facilities would be required. Cost to develop: $0

TOTAL COST TO EXTEND INFRASTRUCTURE TO SUBAREA 5: $1,929,000 ($18,690/acre)

Subarea 6

Subarea 6 is adjacent to the UGB and Adair County Park along its northwest portion, separated by the Southern Pacific Railroad. The subarea is large, consisting of 115.12 acres.

Source: Benton County GIS

Subarea 6

Taxlot	Ownership	Acreage
104320000200	GRAHAM ROBERT E	115.12

Infrastructure analysis:

Transportation: Access to Subarea 6 would only be available by way of Crane Lane. Crane Lane is an undedicated and unimproved road in Benton County. An easement is assumed across the south portion of Subarea 7, but the grantor and grantee have been in legal battles to determine ownership. This analysis assumes that the easement would be acquired and made into public

right-of-way and improved from Hwy 99W. This access would also require a railroad crossing at the east end of crane lane/southwest corner of the subject property. Cost to develop: $1,700,000

Sewer: No existing Public Sewer collection system exists near this development. The closest system is currently in the Calloway Creek subdivision which is across the railroad tracks to the west. This sewer system is higher than Subarea 6 however, so a lift station would be required. The forcemain would have to go under the railroad tracks. Cost to develop: $700,000

Water: A 10" public watermain actually runs very close to the northeast corner of the property (from Voss Hill Reservoir to the City center). Connecting to this existing line would be relatively low cost. Cost to develop: $30,000

Stormwater: There are no stormwater facilities near the property. Stormwater would be required to be captured, detained, and treated on-site prior to discharge along the northeast property boundaries. No offsite stormwater facilities would be required. Cost to develop: $0

TOTAL COST TO EXTEND INFRASTRUCTURE TO SUBAREA 6: $2,430,000 ($21,110/acre)

Subarea 7

Subarea 7, also referred to as the Weigel property, consists of two properties under common ownership that abut the UGB. The parcel is accessible via Highway 99W to the west and NE Crane Lane to the south. The smaller parcel is narrow property along the Southern Pacific Railroad.

Source: Benton County GIS

Subarea 7

Taxlot	Ownership	Acreage
104310000205	RST WEIGEL LLC	36.5

104320000201	WEIGEL RONALD C	5.22
	total	41.72

Infrastructure analysis:

Transportation: Access to Subarea 7 would only be available by way of Ryals Avenue, through the Calloway Creek Subdivision and by Crane Lane. Crane Lane is an undedicated and unimproved road in Benton County. An easement is assumed across the south portion of Subarea 7, but the grantor and grantee have been in legal battles to determine ownership. This analysis assumes that property acquisition would not be required, but that 1000 lf of roadway improvements to Crane Ln would be required. Cost to develop: $300,000

Sewer: Public Sewer is in the Calloway Creek subdivision which is the abuting property to the north. A lift station in Calloway Creek was constructed which has excess capacity and will be able to accommodate this additional flow with no additional improvements. No offsite sewer improvements are necessary. Cost to develop: $0

Water: A 10" public watermain exists within the Calloway Creek development. Connection to the existing watermain in a minimum of two locations would be required. Cost to develop: $42,000

Stormwater: There are no stormwater facilities near the property. Stormwater would be required to be captured, detained, and treated on-site prior to discharge along the east property boundary. No offsite stormwater facilities would be required Cost to develop: $0

TOTAL COST TO EXTEND INFRASTRUCTURE TO SUBAREA 7: $342,000 ($8,200/acre)

SUMMARY

The table below provides a summary of the different subareas with the acreage, cost, and cost per acre of each area.

	Acres	Cost	Cost/acre
Subarea 1	8.66	$1,330,000	$153,580
Subarea 2	11.59	$1,282,000	$110,610
Subarea 3	2.51	$560,500	$223,310
Subarea 4	12.97	$347,500	$26,790
Subarea 5	103.21	$1,929,000	$18,690
Subarea 6	115.12	$2,430,000	$21,110
Subarea 7	41.72	$342,000	$8,200

Subareas 4 and 7 have lowest overall costs to develop, followed by Subarea 3. Other than the lowest three, costs for offsite development of the others are all in excess of $1 million, with

subareas 5 and 6 being near or above $2 million. Subarea 7 also has the lowest cost/acre to develop at $8,200/acre, with the next two being subareas 5 and 6 near $20,000/acre. Subarea 4 has a cost/acre of $26,790. Subareas 1-3 are all above $100,000 per acre.

Based on this analysis, Subareas 4 and 7 provide the lowest cost and are the easiest sites to develop. These two subareas would provide an additional 54+ acres of buildable acreage for the city.

5. City Requirements for UGB Expansion

I. Compliance with City of Adair Village Land Use Development Code

Section VI of this narrative contains sections of the Adair Village Development Code along with responses to demonstrate how the proposed project meets the applicable standards and criteria for a comprehensive plan amendment and zone change. Sections of the code that are not applicable are generally not included here unless necessary for context.

ARTICLE 2 APPLICATION PROCEDURES

SECTION 2.700 AMENDMENTS

It is recognized that this Code or the Comprehensive Plan, may require amendments to adjust to changing circumstances. Amendments may be a Text change or addition or a Map change or addition. A Zone Change is an example of a Map Amendment. An amendment shall require a Legislative Decision as defined in Section 3.200 (2) if it applies to the Code or Plan in general, or a Quasi-judicial Decision as defined in Section 3.200 (3) if it applies to a specific property or use.

(1) Amendment Application. An Amendment may be initiated by the City Administrator, the City Council, the City Planning Commission or by an Applicant. A request by an Applicant for an amendment shall be accomplished by filing an application with the City using forms prescribed in Section 2.130.

Response: The proposed amendment is being initiated by the City Administrator and is being processed as a legislative comprehensive plan amendment.

(2) Decision Criteria. All requests for an amendment to the text or to the Zoning/ Comprehensive Plan Map of this Code may be permitted upon authorization by City Council in accordance with the following findings:

(a) The proposed amendment is consistent with the intent of the Comprehensive Plan.

Response: Applicable Comprehensive Plan goals and policies are addressed in Section II of this narrative.

(b) There is a need for the proposed amendment to comply with changing conditions or new laws.

Response: The proposed amendment will facilitate annexation of the sites into the city for future residential development. The BLI, identifies a need for an additional 26 acres of buildable residential land in the city to accommodate projected housing demand over the next 20 years. As the population of Adair Village continues to

grow, the city will need additional residential land to accommodate new homes. The 2022 PRC population forecast data estimated the population of Adair Village to be 1,416 people. The proposed UGB expansion would add 50 new acres of residential land to the city to help ensure the city is able to accommodate additional growth and provide ample housing opportunities for its residents.

(c) The amendment will not have an undue adverse impact on adjacent areas or the land use plan of the city.

Response: Areas adjacent to the sites include residential developments, Adair County Park, and undeveloped county farmland to the north, south, and east. The proposed amendment will expand the UGB to include an additional approximately 50 acres of R-3 and R-4 zoned land. The Cornelius and Weigel properties are adjacent to existing roads and developed subdivisions and therefore will not impinge on or threaten any nearby agricultural uses or any incompatible uses. Further, the proposed amendment will not result in any fragmentation of land that could interfere with access of any existing uses.

The Cornelius property will be accessed from an extension of Hibiscus Drive that will be built as part of future development. The Weigel property will be accessed from an extension of current residential streets that connect to Ryals Avenue. The land use plan for the city anticipates the need to bring more residential land into the UGB to accommodate future housing demand (Comprehensive Plan Sections 9.400 and 9.800) and the proposed comprehensive plan amendment is consistent with that plan.

(d) The amendment will not have an undue adverse environmental impact.

Response: Wetlands have been identified on the Cornelius property. These wetlands have been evaluated per the criteria of OAR 141-086-0350 and have been determined not to be significant wetlands. The owner of the property has prepared a preliminary site plan for the site that illustrates an intent to minimize potential wetland impacts through the use of a cottage cluster design concept. Furthermore, approximately 7.85-acres of the Cornelius property would be retained in a conservation easement when brought inside the UGB and preserved in perpetuity.

Both the Cornelius and Weigel properties are immediately accessible from existing access roads, which will minimize the potential for environmental impacts to occur from road and infrastructure extensions into the sites. The Weigel property includes an approximately 5.4 acre area containing a FEMA-mapped floodplain associated with Calloway Creek which runs through the very southern portion of the property. While impacts to the floodplain are not anticipated, if future development were to propose any fill in this area, the applicant would be required to apply for the necessary permits and demonstrate

that the proposed development would not result in a net rise of the 100-year base flood elevation.

(e) The amendment will not have an undue adverse impact on public facilities.

Response: Road and utility stubs are readily available to both the Cornelius and Weigel properties making extension of public infrastructure very easy to the properties without an undue adverse impact on the local system.

Public parks will also not be adversely impacted by development on the annexation site. Adair County Park, directly north and south of the sites, is a large regional park and can accommodate additional use by residents of the future development. In addition, the applicants envision open space integrated into final development plans for both the Cornelius property and the Weigel property.

The impact on local schools will also be minimal. Per the U.S. Census Bureau Fact Finder data[8], approximately 32 percent of the Adair Village population is between the ages of 5 and 17 years. Extrapolating that data to the future residents of the annexation sites (approximately 640 residents), approximately 205 residents will be of school age. If those students are evenly distributed among the elementary, middle and high schools, it would result in about 68 or 69 new students per school. This increase would occur over time as the projects build out, thereby providing time for the school district to plan for the incremental increase in students. Section 9.620 of the City's Comprehensive Plan (updated 2015) indicates that local schools have adequate capacity to serve the population and can currently accommodate additional demand.

(f) The amendment will not have an undue adverse impact on transportation.

Response: The proposed comprehensive plan amendment would change the zoning to FD-50, a large lot holding designation that is intended to limit future development until such time as a site is incorporated into a city and up-zoned to allow for residential development. As a consequence, no direct impacts to transportation would result from this request. It is anticipated that with the future annexation and zone changes of the sites, a complete Transportation Planning Rule-compliant traffic impact assessment will be conducted to determine specific mitigation measures required with future development.

The existing segment of Hibiscus Drive that extends to the Cornelius site is built to the Local Street standard with a 50-foot right-of-way, two travel lanes and sidewalks on both sides. Future extension of the street will match the existing cross section. The existing segment of Ryals Avenue that connects to the

[8]https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_5YR_DP05&prodType=table

Calloway Creek subdivision serves as a Minor Collector and is expected to provide ample capacity for future development of the Weigel property to the south of Calloway Creek subdivision.

(g) The amendment will not have an undue adverse impact on the economy of the area.

Response: The proposed comprehensive plan amendment will allow for new residential areas that can be developed with minimal new public infrastructure and will generate new tax revenues to augment the existing tax base. The new residents will also have additional retail needs and bring additional market demand to support planned City efforts to develop a downtown core. As a result, it is expected that the proposed comprehensive plan amendment will have a positive effect on the economy of the area.

(h) The amendment is consistent with the intent of the applicable Statewide Planning Goals.

Response: Applicable Statewide Planning Goals are addressed in Chapter 6 of this document.

(3) Decision Process.

(a) Text amendments or map amendments that affect a group or class of properties within the City requires a "Legislative Decision" by the City Council with recommendation by the Planning Commission in conformance with the Legislative Public Hearing procedures of Section 3.520.

Response: The proposed comprehensive plan amendment affects multiple properties in the City and is being processed as a legislative update.

(b) Map amendments initiated by an Applicant for a specific property within the City requires a "Quasi-judicial Decision" by the City Council with recommendation by the Planning Commission in conformance with the Quasi-judicial Public Hearing procedures of Section 3.510.

Response: As noted above, the proposed comprehensive plan amendment involves multiple properties and is being processed as a legislative update.

(c) The City Council upon recommendation of the Planning Commission may approve, deny or approve with conditions to attain compliance with the intent of this Code or with the applicable standards of the zoning district.

(d) The City is not required to justify denial of a proposed legislative change.

(e) A written record of the findings and action of the Planning Commission and City Council shall be maintained by the City in a Record File of the Application as

specified in Section 2.150. Notice of Decision shall be given the Applicant together with any conditions of approval for the proposed Amendment as specified in Section 3.600.

Response: All decisions will follow the above process and a permanent record will be kept.

II. Compliance with City of Adair Village Comprehensive Plan

SECTION 9.290 ENVIRONMENTAL GOALS & POLICIES

GOALS & OBJECTIVES

1. *To recognize the opportunities and constraints posed by the natural environment.*
2. *To protect the unique resources of the Adair Village area.*
3. *To ensure that future development will complement the City's natural resource base.*

Response: The proposed amendment will allow approximately 50 acres of land to be brought into the city and used for residential development. As described in detail in the Site Selection Analysis included with Exhibit C, the subject areas are proposed for UGB inclusion because of their relatively minimal extent of productive soils and their enhanced access to public infrastructure. Non-significant wetlands have been identified on the Cornelius property. However, the owner has prepared a preliminary site plan for the site that illustrates that the property can be developed in a cottage-cluster style development (See Exhibit B) that would minimize impacts to wetlands and provide for 19 residences.

Further, the portion of the Cornelius property that is not proposed for UGB inclusion is in a conservation easement that was established for wetland mitigation as part of a previous development approval. That portion of the property and its associated natural resources will remain outside of the UGB, preserved in a conservation easement and will not be impacted by future development. Additionally, the Weigel property contains a FEMA-mapped floodplain on Calloway Creek which runs through the very southern portion of the property. It is expected that this portion of the property will remain largely undeveloped and will likely be incorporated into open space within the future residential neighborhood on the site.

POLICIES & RECOMMENDATIONS

General

1. *Any expansion of the Adair Village Urban Growth Boundary shall identify and classify existing natural features including wetland and riparian areas that may require preservation, protection or restoration.*

Response: Wetlands have been identified and delineated on the Cornelius property and have been determined to be non-significant pursuant to the criteria of OAR 141-086-0350. The owner of the property has prepared a preliminary site plan for the property that would leave large areas of the site undeveloped and retained in open space.

Similarly, the Weigel property contains a FEMA-mapped 100-year floodplain along Calloway Creek which runs through the very southern portion of the property. It is expected that this portion of the property will remain largely undeveloped and will likely be incorporated into open space within the future residential neighborhood on the site.

Geology & Soils

1. *As additional land is needed to accommodate the City's growth needs the Urban Growth Boundary may be expanded. Preservation of the most productive agricultural soils shall be a factor in determining the Urban Growth Boundary expansion area*

Response: Under ORS 197A.320 (2), lands that can be considered for UGB expansion must be evaluated and prioritized based on the soil capability to support agriculture. Capability is measured by soil classification ranging from Class I to Class XIII; Class I soils have the most capability for agricultural use and are therefore considered lowest priority for UGB inclusion. Class XIII soils have very limited capability for agricultural use and would be given highest priority. Per the analysis provided in the DOWL July 20, 2022 memorandum, the subject sites were found to rank higher for UGB inclusion than other EFU lands due to the fact that other sites on the UGB fringe generally had a higher percentage of Class II soils throughout the site.

SECTION 9.490 HOUSING GOALS & POLICIES

GOALS & OBJECTIVES

1. *To provide a housing policy plan that seeks to increase opportunities for all citizens to enjoy affordable, safe, energy efficient housing.*
2. *The city recognizes the need for an adequate supply of housing that includes a variety of types and designs that are responsive to community needs.*

Response: Consistent with these goals and objectives, this proposal supports the city's housing goals and policies by removing barriers to allow new residential development in the City. Consistent with Policy 2 above, it is expected that various housing types will be developed on the properties, including a higher

density development on the Cornelius property.

SECTION 9.590 LAND USE GOALS & POLICIES

POLICIES & RECOMMENDATIONS

Residential Land Use

1. *The City shall maintain an adequate availability of residential buildable lands that provides locational choices for each housing type.*

Response: This proposal supports this policy by increasing the amount of buildable residential land within the city.

SECTION 9.890 GROWTH MANAGEMENT GOALS & POLICIES

GOALS & OBJECTIVES

1. *To provide for an orderly and efficient transition from rural to urban land use.*
2. *To provide conservation and development policies for the orderly and efficient development of the community.*
3. *To ensure that the overall plan, policies and recommendations help conserve energy.*

Response: The subject sites are adjacent to existing residential development and public utilities are available to serve the site without significant infrastructure improvements. Hibiscus Drive was stubbed at the western boundary of the Cornelius property in anticipation of future residential development. Development on the site will provide an incremental transition from rural to urban uses while conserving the larger and more productive agricultural lands to the north and east of the site. The Calloway Creek subdivision, currently in development, provides an incremental transition from rural to urban uses on the Weigel property to the south. The development to the south conserves more productive agricultural lands to the east of the Weigel property.

POLICIES & RECOMMENDATIONS

Urban Growth

3. *The Exclusive Farm Use parcels abutting the easterly Urban Growth Boundary shall be maintained until urban development occurs within the existing Urban Growth Area.*

Response: All EFU parcels abutting the existing UGB will be maintained, with the exception of the Cornelius and Weigel properties. Urban development is occurring in Adair Village; the Calloway Creek development is currently underway and will ultimately cover 41 acres south of Ryals Avenue (with approximately 198 homes). As demonstrated in the Site Selection Analysis included in Exhibit C, the Cornelius and Weigel properties are appropriate for UGB expansion and will help

the city meet its goals of providing adequate housing opportunities and appropriate amounts of buildable land within the city.

6. *An urbanized development or annexation request outside the Urban Growth Boundary shall be considered a request for an amendment to the boundary and shall follow the procedures and requirements of the statewide Goals #2 and #14.*

Response: As demonstrated in the responses to the Statewide Planning Goals in Section 6 of this narrative, and the UGB expansion analysis provided in this request for UGB expansion and annexation is consistent with Goals 2 and 14.

III. Conclusion

As established in the above responses and in the attached Buildable Land Inventory and Site Selection Analysis, the proposed Comprehensive Plan amendment is consistent with City goals and policies and applicable Statewide Planning Goals to warrant the expansion of the Adair Village UGB and the proposed rezoning of the sites from EFU to UR-50.

6. County Requirements for UGB Amendment

Benton County Comprehensive Plan (BCCP)

Criteria for Amending the Comprehensive Plan. (Section 17(3), BCCP)

Criteria for Amendments:

Text Amendments:

Amendment to the text may be considered to correct an error, improve the accuracy of information, expand the data contained in the Plan, bring the Plan into compliance or more into compliance with statewide land use planning goals, or to reflect a public need in compliance with the State goals.

Map Amendments:

Amendments to the Plan map may be approved when compliance with all elements of the Comprehensive Plan and with statewide land use planning goals can be shown. Map amendments requiring goal exceptions shall comply with procedure and standards of OAR 660 Division 4 and State goals.

Findings:

The amendment under consideration is to the Comprehensive Plan Map. Compliance with all elements of the Comprehensive Plan is analyzed below. Compliance with statewide planning goals is evaluated in Section 7. Pursuant to OAR 660-024-0020(1)(a), the amendment of a UGB does not require a goal exception.

Consistency with the Benton County Comprehensive Plan

Comprehensive Plan Policies

Goal 2 – Land Use Planning

2.1.5 *Benton County shall consider coordinated future population projections when undertaking long range planning efforts.*

Findings: This legislative amendment is based on the population projections coordinated by Portland State Univerity's Population Research Center, as prescribed by state law.

Goal 3 – Agricultural Lands

3.1.1 *Agricultural lands as defined by Statewide Planning Goal 3, which are not developed or committed to non-farm uses, shall be protected with appropriate resource designations on the Comprehensive Plan and Zoning Maps. Comprehensive Plan Map amendments from "Agriculture" to a non-resource designation shall require an exception to Goal 3.*

Findings: The comprehensive plan amendment under consideration would change the designation of the subject properties from Agriculture to a non-resource designation (residential). However, a goal exceptions process is not applicable to a UGB amendment "unless the local jurisdiction chooses to take an exception to a particular goal requirement

…."[9] Staff's assessment of the goal exception process is that it will not add meaningfully to the analysis and consideration of this UGB amendment and would require significant additional work; therefore, staff recommends that the County not elect to take an exception to Goal 3.

3.1.4 *Benton County shall minimize conflicts between residential development and agricultural lands by requiring setbacks for residences adjacent to agricultural lands.*

Findings: The Development Code provisions implementing this policy do not apply to lands inside UGBs.

3.1.10 *For agricultural lands, soil capability shall be a prime factor used by Benton County in making land use decisions.*

Findings: The soil classification system runs from Class I (best agricultural soils) to Class XIII; howvever, most soils in the Willamette Valley are Class I through Class IV. Class I and Class II soils, along with some Class III and Class IV soils, are defined as "high-value agricultural soils" for land use planning purposes. Property 1 is mapped as approximately 54% Class II agricultural soils with the remainder being high-value Class III and Class IV soils. (Note that the Class III and IV soils correspond approximately with the conservation easement on this property.) Property 2 is mapped as approximately 67% Class II agricultural soils with the remainder being non-high-value Class III soils. As identified in Section 3 of this report, most of the other potentially available properties for UGB expansion contain higher percentages of Class II soils than the subject properties contain.

Goal 4 – Forest Lands

4.1.5 *Benton County shall ensure that conflicts between residential development and forest lands are minimized by requiring setbacks for residences adjacent to resource lands.*

Findings: As with Policy 3.1.4, the Development Code provisions implementing this policy do not apply to lands inside UGBs.

Goal 5 – Natural Resources

5.3.3 *Benton County shall recognize the scenic and natural values of greenspace surrounding rural and urban communities, and encourage, with community input, protection of these important community assets.*

Findings: Adair Village is bordered by E.E. Wilson Wildife Refuge to the north, McDonald Forest to the west, Adair County Park and farmland to the east.

5.6.3 *Benton County shall require land development and transportation projects to be designed to minimize incursions and other impacts to floodplains, wetlands, and riparian areas. When no reasonable option exists, roads, bridges, and access ways may be allowed, provided fish passage is assured, channel capacity is maintained, and removal of riparian*

[9] *OAR 660-024-0020(1)(a).*

vegetation is minimized.

Findings: Property 1 contains wetlands which will are protected through a conservation easement. Property 2 includes two stream corridors with associated riparian vegetation (which are also considered wetlands) and the southerly corridor has a regulatory floodplain identified. The UGB amendment is not a development project and so the County is not in a position to potential impacts and mitigations at this time; however, the presence of these natural resources has been noted and will be a consideration in subsequent review of development projects.

5.7.1 *Benton County shall protect wetlands that have been identified as significant pursuant to the Goal 5 process, utilizing federal and state inventories and other available information.*

Findings: No wetlands on the subject properties have been designated "significant" by Benton County through the Goal 5 process.

5.7.2 *Benton County shall utilize federal, state, and local inventories and other available information to determine if a proposed development is located in a wetland. The Division of State Lands will be notified when development is proposed in wetland areas.*

Findings: No development is proposed at this time; nonetheless, the Department of State Lands has been notified of this UGB amendment.

5.9.4 *In making land use decisions, Benton County shall protect identified sensitive wildlife habitat types and wildlife corridors from adverse impacts.*

Findings: The sensitive habitat that Benton County is aware of on Property 1 is the wetland area, which is protected by conservation easement. On Property 2, the riparian corridor of Calloway Creek near the southern property line is a sensitive riparian habitat and may serve as a wildlfe corridor. There is no development proposed at this time. The riparian corridor potentially could be adversely impacted if it is added into the UGB and zoned for development; likewise, the riparian corridor could be adversely impacted by agricultural use if the land is not added to the UGB. The regulations regarding protection of riparian corridors are more clearly defined for residentially zoned lands inside the City of Adair Village than they are for agricultural lands; therefore, it may be that the riparian corridor is better protected if brought into the UGB than if left outside.

Goal 7 – Natural Hazards

7.2.4 *Benton County shall strive to maximize open and undeveloped land in the 100-year floodplain to achieve flood mitigation, fish and wildlife habitat, and water quality objectives.*

Findings: The only floodplain in the proposed UGB expansion area is the narrow corridor along Calloway Creek. This corridor is likely to be avoided by subsequent development due to regulations and risk. However, that is a determination that would be made during review of a specific development proposal after annexation.

Goal 10 -- Housing

Benton County Goal: *To work with the cities within Benton County and other entities to meet the housing needs of County residents.*

Findings: The Benton County Comprehensive Plan section for Goal 10 (Housing) has no policies relevant to the proposed UGB amendment. However, the overall goal of the County stated above is relevant to the UGB amendment. Adding residential development capacity in the City of Adair Village will help address a shortage in available housing in the area.

Goal 11 – Public Facilites

11.8.1 *Benton County and the school districts shall collaborate as part of any land use decision that impacts the districts.*

11.8.3 *Benton County shall encourage schools serving primarily urban areas to be located within urban growth boundaries.*

11.8.4 *Benton County shall encourage the utilization of schools, especially in rural areas, as community centers for activities such as public meetings, continuing education, recreation, and cultural events.*

Findings: Staff have engaged with Corvallis School District staff regarding the proposed UGB expansion. The school district has determined that the proposed expansion will not lead to a need for public school facilities within Adair Village. However, through these conversations the district stated that a campus for an elementary school would be needed at some time in the future within Adair Village. It will be valuable to identify a potential location in the near term so that the future school can be factored in to additional land use planning and development. The school district foresees this facility as serving several community functions in addition to educating children. A central location would be best, for school children and for the facility to serve the broader community.

The school district will begin long-range facilities planning in 2023, and would like to explore potential future sites in Adair Village as part of that process. District staff were not concerned that the current proposed UGB expansion would conflict with identification of and planning for a future school site.

11.8.2 *Benton County and colleges and universities shall collaborate as part of any land use activities that impact these institutions.*

Findings: Oregon State University owns land, managed by OSU Research Forests, located directly to the west from Property 2, across Highway 99W. OSU Research Forests staff was invited to participate in the meeting staff held for interested agencies in June and they were notified of the Planning Commission hearing. To date, the County has received no comments from OSU.

Goal 12 -- Transportation

12.1.15 *Land use actions affecting state highways shall be consistent with the Oregon Highway Plan.*

Findings: The proposed UGB amendment affects land adjacent to a state highway. OAR 660-024-0020(1)(d) states that the state transportation planning rule requirements need not be applied to a UGB amendment if the land added to the UGB will be zoned in such a way that, prior to annexation, the land could not be developed in a manner that would generate more vehicle trips than would be allowed by the zoning prior to inclusion within the UGB. Currently, the subject properties are zoned EFU and could generate the vehicle trips associated with farm use including a primary farm dwelling and accessory farm-related dwellings. The proposed zoning for the subject properties, UR-50, which would allow establishment of a single dwelling on the property. The inclusion of the properties within the UGB will not allow development that would generate vehicle trips beyond what is allowed by the current zoning.

12.3.5 *Comprehensive Plan amendments affecting land use designations, densities and design standards shall be consistent with capacities and levels of service of facilities identified in the Benton County TSP.*

Findings: As discussed above, the comprehensive plan amendment will not enable development that would generate increased vehicle trips; therefore, it will not affect capacities and levels of service in the area. Specific development proposals subsequent to annexation will be reviewed for impacts on the transportation system.

Goal 13 – Energy Conservation

13.1.6 *When developing long-range plans, Benton County shall consider the energy consequences of the resulting land development patterns.*

Findings: Most people who live in Adair Village commute to other cities to work or to shop. Additional residential development by itself will increase the number of people commuting from Adair Village to other locations. However, the question of whether the proposed UGB amendment will lead to increased energy consumption is not a simple one to answer. It is not possible to know where the additional population would live if the UGB is not expanded, nor what their commuting patterns would be. Also, a critical mass of population is needed in order to support additional development of commercial or jobs-producing land uses, and so in theory at some point of population there will be less need for residents of Adair Village to commute. There are many variables that contribute to each of these considerations; without extensive data and modeling it is not possible to know with any certainty the effect on energy consumption or greenhouse gas emissions of this UGB amendment.

Because the state population projections combined with state administrative rules regarding UGBs *require* an expansion of the Adair Village UGB, staff recommends focusing on the potential energy implications of the proposed locations for the UGB expansion (the “where” rather than the “whether”). In this regard, the proposed locations do not seem inconsistent with energy conservation. Property 1 could result in a pedestrian and bike connection between northern Adair Village and Adair County Park where the current lack of connection

requires many people to drive to Adair County Park. Property 2 is located near Ryals Road and Highway 99W, facilitating access to those major roads to Corvallis, Albany and Salem.

Goal 14 -- Urbanization

14.1.1 *Benton County shall coordinate planning efforts with the cities to ensure that lands within urban growth boundaries (UGB) are efficiently and effectively developed so that urban densities will ultimately result. Urban fringe management agreements will be developed and maintained to clarify implementation roles and responsibilities.*

Findings: This joint legislative process is an example of coordinated planning between the County and a city. The current analysis of the need for and options to accommodate an expansion of the Adair Village UGB is toward the purpose of ensuring efficient and effective development of urban lands.

14.1.2 *Benton County shall periodically allocate county-wide population forecasts to all of its cities and unincorporated areas, in coordination with the cities. Such allocated forecasts shall be adopted in accordance with the applicable State statutes and administrative rules.*

Findings: Population forecasts are now allocated by the Population Research Center at Portland State University.

14.1.3 *Benton County shall require all new lands added to an urban growth boundary to be designated with a minimum lot size of at least 10 acres in order to preserve the land for future urbanization.*

Findings: Property 1 and Property 2 would be re-zoned to UR-50: Urban Residential zoning with a 50-acre minimum parcel size, which will prevent further division of the parcels prior to annexation.

14.1.4 *Benton County shall work with municipalities to contain future urban development within the geographical limits of a mutually adopted urban growth boundary.*

Findings: The current joint legislative process will ensure that the UGB is mutually adopted.

14.1.5 *Benton County shall base establishment and change of urban growth boundaries on the following factors:*

> *Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and*
>
> *Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of these categories.*

Findings: These factors are addressed in prior sections of this report.

14.1.6 *Benton County shall require local governments to demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary, prior to*

expanding an urban growth boundary.

Findings: As discussed in Section 2, development of vacant lands and redevelopment of partially vacant lands within the existing UGB can accommodate only a portion of the projected population increase.

14.1.7 *Benton County shall evaluate changes to urban growth boundaries by considering alternative boundary locations, consistent with ORS 197A.320, and with consideration of the following factors:*

- *Efficient accommodation of identified land needs;*
- *Orderly and economic provision of public facilities and services;*
- *Comparative environmental, energy, economic and social consequences; and*
- *Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.*
- *Protection of productive resource lands.*

Findings: The factors listed here derive from Statewide Planning Goal 14 and are addressed in Sections 3 and 4 of this report, with the exception of the last factor which was added to this policy by Benton County. With regard to protection of productive resource lands, Property 1 contains only seven acres outside of the conservation easement and does not appear to be actively farmed.

Property 2 is currently farmed and as noted earlier is composed of Class II and III agricultural soils. Farming of the property is constrained by the awkward shape of the property and by the riparian corridors that cross the property. The property is separated from other farmland by the railroad and Crane Lane.

Properties 1 and 2 are not highly productive resource lands. This conclusion, along with the results of the alternatives analysis in Sections 3 and 4, lead to the overall conclusion that of the potential sites for UGB expansion, the proposed properties are the best suited.

Conclusion: The analysis of Benton County Comprehensive Plan policies raises several relevant considerations relative to the proposed UGB amendment and, overall, staff concludes that the amendent is consistent with these policies.

Benton County Development Code (BCC)

ZONE CHANGE

53.505 Zone Change Criteria. The Official Zoning Map may be amended if:

(1) The proposed zoning for the property is more appropriate than the current zoning, when considering existing uses, changes in circumstances since the current zoning was applied, or information that indicates that the current zoning was not properly applied;

Findings: If the Comprehensive Plan amendment is approved, bringing the subject properties into the Adair Village UGB, then that would be a change in circumstance since the current EFU zoning was applied. At that point, with the lands located inside the UGB, Urban Residential zoning would be more appropriate than EFU zoning.

(2) The impact on adjacent properties will be minimal;

Findings: The change in zoning from EFU to Urban Residential with a 50-acre minimum parcel size would allow a single dwelling to be established on each subject property, along with the accessory uses or other land use that are allowed in the UR zone. As both properties are adjacent to urban density development and are buffered from adjacent resource uses it staff's conclusion that the zone change would result in minimal impact on adjacent properties. Subsequent annexation and residential development has the potential for much greater impact on adjacent properties.

(3) Any significant increase in the level of public services which would be demanded as a result of the proposed zone change can be made available to the area; and

Findings: Similar to the findings regarding the prior criterion, the minimal level of development allowable under the proposed UR-50 zoning would not require a significant increase in the level of public services.

(4) The proposed zone change is consistent with the policies of the Comprehensive Plan.

Findings: This criterion is addressed in preceding section.

Conclusion: The proposed zone change to UR-50 meets the criteria from the Development Code, provided the UGB amendment is approved to add the subject properties to the UGB.

7. Statewide Goal Consistency Analysis

Each chapter of the Adair Village Comprehensive Plan corresponds with a Statewide Planning Goal. Therefore, the responses in this section are intended to demonstrate compliance with both the Comprehensive Plan goals and policies and the corresponding Statewide Planning Goal.

Goal 1 - Citizen Involvement. *To ensure opportunities for citizens to be involved in the development of public policies and all phases of the planning process.*

Response: The procedure for a Comprehensive Plan map amendment includes a public notice and review period as well as two public hearings (one before the Planning Commission and one before the Board of Commissioners). The public was provided the opportunity to be involved in the decision-making process regarding the expansion of the UGB through public meetings (in-person and by video conference), including: (1) two open house presentations for the citizens of Adair Village at city hall, (2) two work sessions with the planning commissions of both the city and the county about the UGB process and analysis, and (3) the public hearings with both planning commissions, the City Council and the Board of Commissioners. Goal 1 has been properly addressed.

Goal 2 - Land Use Planning. *To maintain a transparent land use planning process in which decisions are based on factual information.*

Response: Goal 2 outlines the basic procedures of Oregon's statewide planning program, stating that land use decisions must be made in accordance with comprehensive plans and that effective implementation ordinances must be adopted. The procedure for a Comprehensive Plan map amendment requires the demonstration of consistency with City's goals and policies and the Statewide Planning Goals so that the Planning Commission and Board of Commissioners may make their decisions based on findings of fact.

In the process of developing buildable land inventory, the city inventoried existing residential land uses, projected suitable land needs, and compared these needs with potentially suitable land within and outside the Adair Village urban growth area. The resolution of land need and supply is found in the buildable land inventory and Chapter 2 of this document.

The process includes public notice and review in addition to at least two public hearings and opportunity for appeal, all of which help to ensure transparency in

the decision-making process. Consistent with Goal 2, the proposed legislative comprehensive plan amendment addresses the Goal 14 rules, as demonstrated under the Goal 14 section of this narrative.

Goal 2 also requires the consideration of alternatives. The City Council considered a range of alternatives for accommodating growth, both within the existing UGB and through expansion of the UGB. Goal 2 has been properly addressed.

Goal 3 - Agricultural Lands. *To preserve and maintain agricultural lands and to support agriculture for production and conservation.*

Response: The subject sites are currently zoned EFU and are protected under Goal 3. The purpose of the proposed comprehensive plan amendment is to ensure a sufficient 20-year supply of residential land and to allow for the Weigel and Cornelius sites to ultimately be annexed into the City of Adair Village for residential development.

As stated in 660-024-0020(1)(b), Goals 3 and 4 are not applicable when establishing or amending an urban growth boundary. No further analysis is required.

Goal 4 - Forest Lands*. To preserve and maintain forest lands for growing and harvesting trees and other forest products, watershed functions, conservation, recreation, and agriculture.*

Response: The proposed amendment does not impact forest lands. No further analysis is required.

Goal 5 - Natural Resources, Scenic & Historic Areas, Open Spaces. *Goal 5 requires local governments to inventory and protect natural resources.*

Response: The proposed Comprehensive Plan amendment will facilitate the Adair Village UGB expansion and bring approximately 50 acres of land into the city to be used for residential development. The Cornelius property does not contain any FEMA-mapped floodplain or identified historic or scenic resources. Wetlands have been identified on the site. If it is determined that future site development will conflict with any wetlands, the project applicant will be required to apply for the necessary state and federal permits and mitigate any wetland impacts. The owner of the Cornelius property also had a certified wetland biologist evaluate the wetlands on the site per the criteria of OAR 141-086-0350 and determined that no significant wetlands exist on the site.

The portion of the Cornelius property that is being proposed for UGB inclusion is in a conservation easement that was established for wetland mitigation as part of a previous development approval. That portion of the property and its

associated natural resources will be preserved through the conservation easement and will not be impacted by future development on the annexed portion.

The Weigel property contains FEMA-mapped floodplain areas. Preliminary development plans call for development up to but to the north of the FEMA-mapped floodplain area. If it is determined that future site development will encroach on FEMA-mapped floodplain, the applicant will be required to apply for the necessary permits and mitigate any impacts that could create a net rise in the 100-year base flood elevation. No significant wetlands are known to exist on the property.

Goal 6 - Air, Water & Land Resource Quality*. To maintain and improve the quality of air, land, and water resources in a manner that will meet current needs and preserve resources for future generations.*

Response: Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations. By complying with applicable air, water and land resource quality policies in the Adair Village Comprehensive Plan, Goal 6 will be properly addressed.

The subject sites do not contain high-value farmland. As noted in the Site Selection Analysis, the Cornelius and Weigel properties were of the lowest ranked properties within potential UGB expansion sites based on the relative lack of Class II soils on the site properties.

Wetlands have been identified on the Cornelius property and the southern edge of the Weigel property contains FEMA-mapped floodplain areas. The owner of the Cornelius property has prepared a preliminary site plan that indicates that slightly over 5 acres can be developed after preserving a wetland area tract on the site. If it is determined that future site development will conflict with any wetlands, the applicant will apply for the necessary state and federal permits and mitigate any wetland impacts as required. The remaining portion of the Cornelius property that is proposed for UGB inclusion is in a conservation easement that was established for wetland mitigation as part of a previous development approval. That portion of the property and its associated natural resources will be preserved through the conservation easement and will not be impacted by future development on the annexed portion.

As noted, approximately 5.4 acres of the 42.40-acre Weigel property proposed for inclusion in the UGB includes FEMA-mapped 100-year floodplain areas. Preliminary development plans have not been presented by the owner of the Weigel property at this time. However, it is expected that, if any future development is proposed within the site's 100-year floodplain, that the

owner/developer will apply for all required local, state and federal approvals for such actions.

Goal 7 – Natural Hazards*. To protect Benton County citizens, critical public facilities and infrastructure, private property, and the environment from natural hazards, and to guide the county toward building a safer, more sustainable community.*

Response: Goal 7 requires that jurisdictions apply appropriate safeguards when planning development in areas that are subject to natural hazards such as steep slopes or flood hazards.

There are no natural hazards (steep slopes or floodplain) identified on the Cornelius property. The Weigel property contains approximately 5.4-acres of FEMA-mapped 100-year floodplain area along Calloway Creek near the southern edge of the site. Any future development in that area, if proposed, would be required to obtain all necessary local, state and federal approvals prior to development. Lands included within the UGB expansion proposal have minimal areas within these constraints. Thus, Goal 7 has been properly addressed.

Goal 8 – Recreational Needs*. To maintain a park and open space system that represents the heritage and natural and scenic qualities of Benton County and provides outdoor recreation opportunities that contribute to healthy individuals, children, and families.*

Response: Adair County Park, a regional park with more than 114 acres of recreational land; is located immediately south of the Cornelius property. Any future development on the Cornelius property will be buffered from the park area by the existing conservation easement-protected wetlands. that will remain in the County and outside the City UGB. The owner of the property has expressed an interest in conveying these wetland areas to County parks to allow pier-supported trails or other low impact passive recreation use of this area to augment existing open space at the park. For this reason, it is not expected that the requested plan amendment will impact the Adair County Park or the greater park and open space system in Benton County.

The Weigel property is approximately 0.7-miles northeast of the Adair County Park and just south of a 32-acre ODF & W natural preserve. The ODFW property will be separated from any new development by Ryals Avenue and is not likely to directly impact the preserve.

The city currently is working on a "Trails Plan" with the Corvallis Area Metropolitan Planning Organization. The Adair Village Trails Plan will serve as a blueprint for creating an accessible, all-ages and abilities network of paved multiuse paths, walking trails, and separated bike lanes throughout the Adair Village community. The document will also provide details on future trail improvements as a means to help prioritize local investment in Adair Village's

multi-modal network of trails. Goal 8 has been properly addressed.

Goal 9 - Economic Development*. To support a stable and sustainable local economy, vital to the health, welfare, and prosperity of County residents.*

Response: Provision of housing to ensure a 20-year housing supply is critical to establishing a stable and sustainable local economy and ensuring that workers in the county can find housing that is affordable and convenient to their place of employment. Without addressing the lack of a proportional commercial district, Goal 9 requires jurisdictions to plan for an adequate supply of land for employment uses to further goals for economic development. Adair Village is not seeking a UGB expansion for employment land, thus Goal 9 is not applicable.

Goal 10 - Housing. *To work with the cities within Benton County and other entities to meet the housing needs of County residents.*

Response: The proposed amendment will facilitate annexation of the sites into the city for future residential development. The BLI, identifies a need for additional lands to accommodate projected housing demand over the next 20 years. Consistent with the intent of Goal 10, the proposed comprehensive plan amendment is critical to ensure that the City of Adair Village establishes a 20-year supply of available residential land for housing to serve projected population growth.

The BLI study finds that the City of Adair Village has buildable residential acreage within its UGB to accommodate 318 units, leaving a deficit of residential land to accommodate the additional 73 units needed to meet the 2042 population forecast.

Following an initial screen for vacant and partially vacant properties using GIS, DOWL conducted a site-by-site assessment of the GIS-generated list of vacant and partially vacant properties to determine if any of these sites should be eliminated from the buildable land assessment by applying the buildable criteria found in OAR 660-038-0060(3)(c). Specifically, OAR 660-038-0060(3)(c) states that the City *shall* exclude the following lots and parcels from the BLI:

(A) Lots and parcels, or portions of a lot or parcel, that are designated on a recorded final plat as open space, common area, utility area, conservation easement, private street, or other similar designation without any additional residential capacity.

(B) Lots and parcels, or portions of a lot or parcel, that are in use as a school, utility, or other public facility, or are dedicated as public right of way.

(C) Lots and parcels, or portions of a lot or parcel, which are in use as a non-public institution or facility, including but not limited to private schools and religious institutions. The excluded lots and parcels or portions of lots and parcels may not include vacant or unimproved lands that are owned by the non-public institution or facility.

Based on applying the above criteria, approximately eight parcels of residential land totaling 6.10-acres were eliminated from the BLI.

As discussed above, the City's engineering consultant, Civil West, provided DOWL with a memorandum, dated March 15, 2022, that details the various reasons why particular vacant and partially vacant properties should be considered unbuildable (See Appendix A: Buildable Lands Inventory & Assessment Memorandum). While many of these reasons directly address criteria in OAR 660-038-0060(3)(c) other reasons included practical impediments to development such as high cost of utility and roadway improvements, necessary demolition, reluctance of ownership to annex and access limitations. While DOWL is in agreement that, as a practical matter, these constraints inhibit the development of these parcels, DOWL determined that these limitations do not expressly require their elimination per 660-038-0060(3)(c). At their discretion, the City could seek to pursue a more nuanced review of these additional parcels and, through discussions with Benton County and the state, to determine if these properties could be eliminated from consideration as buildable.

Additionally, should further permitting on the Santiam Christian Schools site reveal a lesser capacity than the assumed 260 housing units, a near-term need for more buildable residential land could be required.

In summary, DOWL's technical review of lands within the City's UGB has revealed a deficit of housing capacity within the City's UGB and that lands are needed to accommodate 73 additional units.

Goal 10 has been properly addressed.

Goal 11 - Public Facilities & Services. *To plan, develop, and maintain public facilities and services that serve the needs of Benton County in an orderly and efficient manner.*

Response: Both the Weigel and Cornelius sites are immediately adjacent to existing urban development with public roads and utilities available for extension to serve these sites. As such, the proposed Comprehensive Plan Amendment represents an orderly and efficient expansion of public facilities and services consistent with Goal 11.

Goal 12 - Transportation. *The County seeks to preserve, protect, and promote the county's livability, sustainability, and vitality by:*

- *Providing choices of alternative travel modes,*
- *Maximizing the efficiency of existing facilities,*
- *Intertwining quality of life, land use, and transportation decision-making, and*
- *Providing equitably funded, safe, efficient, cost-effective mobility and accessibility to all county residents, businesses, and emergency services within and across county boundaries.*

Response: An expansion of the City's UGB is not anticipated to create impacts to the mobility and accessibility of residents within the community. Future development on the Cornelius property will take access from an extension of Hibiscus Drive, a local street. Future development on the Weigel property will take access from local streets within the Calloway Creek subdivision that connect to Ryals Avenue, an Adair Village minor collector. Because both of these properties are readily accessible to existing transportation facilities, they can be efficiently developed and offer immediate connectivity to the existing City and County Road network for all modes of transportation.

For the purposes of the proposed amendments, the Transportation Planning Rule (TPR) requires additional analysis if the proposed amendments would significantly affect an existing or planned transportation facility, as defined in OAR 660-001-0060(1). A TPR analysis of transportation facility impacts caused by urban growth boundary expansions may be deferred by administrative rule. OAR 660-024-0020(d), specifically states:

> *"the transportation planning rule requirements under OAR 660-012-0060 need not be applied to an urban growth boundary amendment if the land added to the urban growth area is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the area or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary."*

The city chooses to apply this deferral option for land that is proposed to be added to the UGB and has informed ODOT of its choice. The 55 acres of land proposed to be added to the UGB is not proposed for annexation into the City of Adair Village. As such, the existing Exclusive Farm Use (EFU) zoning will be retained. Benton County expects to re-zone the expansion area from EFU to the Urban Residential zone (UR-50).

Goal 12 has been met for the 55 acres of land proposed to be added to the Adair Village UGB.

Goal 13 - Energy Conservation. *To conserve energy through sound planning and pursuit of sustainability.*

Response: The proposed Comprehensive Plan amendment will expand the UGB in areas that are readily accessible by public roads and utilities, thereby avoiding leap-frog development and the inefficiencies associated with it. Both the Weigel and the Cornelius properties are adjacent to public roads and utilities that will allow for the sites to develop with maximum efficiency. The sites' adjacency to existing development also ensures that safe routes of travel via other modes of transportation such as bicycle and pedestrian routes are available, minimizing dependency on vehicular transportation. In addition, the Cornelius property will retain a large conservation easement protecting the wetland complex as part of the UGB expansion. As such, the proposed comprehensive plan amendment will provide opportunities for the conservation of energy through sound planning and for the pursuit of sustainability. Goal 13 has been adequately addressed.

Goal 14 - Urbanization. *To provide for an orderly and efficient transition from rural to urban land use; to accommodate urban populations and employment inside urban growth boundaries, to preserve rural character outside urban growth boundaries, and to preserve small town character.*

SECTION 9.890 GROWTH MANAGEMENT GOALS & POLICIES

Urban Growth Management

1. The City and County shall utilize the Urban Growth Management Agreement for administration of land development within the Urban Growth Area and the Planning Area.
2. The City shall ensure an orderly and efficient transition from rural to urban land use within the Urban Growth Area.

Response: Goal 14 has been complied with as demonstrated in Chapters 2 through 4 of this report, which includes an analysis of properties on the periphery of the existing Adair Village UGB and evaluates and ranks potential UGB expansion sites according to the Goal 14 prioritization factors found in ORS 197A.320. A summary of the analysis is provided below.

- The study area for the comparative analysis was established consistent with OAR 660-24-0065(a)(A), which requires that a one-half mile radius be used. Therefore, the area within a one-half mile radius of the subject site was used

in the evaluation, with the exception of those lands that are not contiguous with the current UGB, are under public ownership, or are west of Highway 99W.

- The evaluation under ORS 197A.320 requires that land considered for inclusion in a UGB be prioritized using a four-tiered hierarchy based on land designations and capability. Generally, land zoned EFU is a low priority for UGB inclusion. However, the analysis concluded that the Cornelius property and the Weigel property, although zoned EFU, can be considered for UGB inclusion because higher priority lands are not available within the study area. In addition, the agricultural capability of the subject sites (expressed by soil classification) is low relative to other lands in the study area. Lands with lower agricultural capability are a higher priority for urbanization.
- The evaluation under the Goal 14 factors (as listed above) concluded that the subject sites generally rank higher, or equally as high, when compared with the other EFU lands in the study area. The sites are directly adjacent to existing development; road and utility stubs are in place on Hibiscus Drive and the Calloway Creek subdivision to serve future development in these locations.

  Based on the analysis provided in Chapters 2-4, the requested UGB amendment is consistent with the City and County policies and the Goal 14 rules for

Goal 15-19 Willamette River Greenway and Coastal Resources*. To protect, conserve, restore, enhance and maintain the ecological, natural, scenic, historical, agricultural, economic, and recreational qualities and resources along the Willamette River.*

Response: Goals 15 through 19 are related to the Willamette Greenway and coastal resources. As such, these goals do not apply to the subject sites and therefore, these sections are not applicable.

Exhibit 3B
ADDITIONAL FINDINGS -- ADDENDUM TO THE 9.20.22 STAFF REPORT

Below are responses to questions and comments raised at the September 20, 2022, UGB Expansion public hearing

Each response is reflective of direction given to the city by the DLCD or by the Planning Commission's need for further clarification. The responses are in no particular order.

1. **Documents on the City and County Website.**

   Q. Can the city put the "Preliminary Adair Village Trails Map" up on their website?

   A. The Trail Map has been added to the website along with the recommendation letters from the Department of Land Conservation and Development (DLCD) and Oregon Depart of Transportation (ODOT) in response to the UGB expansion legislative action.

2. **Clarification on Transportation:**

   Q. Commissioner Whitcomb expressed concerns about wildfire and wanted to know if there have been any discussions about putting a traffic light on Hwy 99W.

   A. The city will work with ODOT and forward any development proposal submitted or upon annexation for review and comment before the development is approved. A majority of times this will require a traffic study. Through most of the conversions we had with ODOT, they do not see a need for a traffic signal or have plans to do a traffic study at this time. (See ODOT letter).
   The County's Transportation System Plan (TSP) identifies, for both the Arnold Avenue and the Ryals Avenue intersections with Hwy 99W: "Intersection improvement; project may install traffic signal or roundabout, if feasible, when warranted, this project should be coordinated with the OR 99W Streetscape Study, [TSP Project Number] CC-179, project is subject to ODOT approval." The TSP also identifies Project No. CC-179 on Hwy 99W between Ryals and Tampico Roads: "Streetscape Study; study to investigate potential to reduce traffic speeds and improve the environment for residents and businesses along the OR 99W corridor, project is subject to ODOT approval." The current UGB amendment does not trigger these improvements.

3. **New Urbanism:**

   Q. Commissioner Whitcomb urged the city to develop live/work units in the city and consider new urbanism principles even before Adair develops additional areas in the works.

   A. The city has been looking at creative development designs for a live, work, play community. The new cluster zone and the mixed-use downtown are good examples of creative development to achieve that goal.

4. **Housing**

   Q. Explain price points/affordable housing?

   A. Adair Village is providing necessary housing in an area of the state that is in the most need. The type of housing that has been provided helps relieve strain on every level of housing. This happens as people take the next step in home ownership opening up lower-level homes and reducing the cost for everyone.

   We have reached out to a housing specialist that hopefully will provide some data prior to the October 11th meeting.

5. **Critical Mass or a Population to support a central business district**

   Q. Commissioner Lee is asked it possible that Adair Village has reached critical mass already and how does the city know that they have grown enough to justify a UGB.

   A. Mr. Hare responded that most studies show that a population of 3,000 community members will help sustain local businesses, if the community is more than 5 miles from another city.

   Each city is unique due to particularities of size, demographics, existing businesses and other land uses, transportation options and relationship to other cities. Therefore, it is not possible to draw absolutes about the point at which a given city reaches the critical mass needed to support an active and sustainable commercial district.

6. **Buildable Land Inventory**

   Q. There was a request for clarification about how the density ranges in the BLI were determined, in comparison to the actual densities seen in developed portions of Adair Village.

   A. **The densities described in the BLI are based on the minimum lot sizes for each residential zone established in 2013 when the city updated and adopted a new development code.**

The City of Adair Village set forth density allowances for residential low-density (R-1), residential medium density (R-2), and residential high density (R-3). The R-1 Zone allows dwelling units on a 10,000 square foot minimum lot size which equates to approximately 4.4 dwelling units per acre. The R-2 Zone allows dwelling units on an 8,000 square foot minimum lot size which equates to approximately 5.4 housing units per acre. Finally, the R-3 Zone allows dwelling units on a 6,500 square foot minimum lot size which equates to approximately 6.7 dwelling units per acre. Additionally, OAR 660-038-0070 describes reductions of buildable land for natural resources. This includes 25% of all land be developed for infrastructure improvements.

The actual densities seen in developed portions of Adair Village were not part of the BLI and other than the Calloway Creek subdivision and the William R. Carr duplexes, pre-existed the adoption of the 2013 development code. Creekside at Adair Village Phase I & II are zoned R-2 (Medium Density Residential) and were approved and built in 2000-02. The subdivision plat is approximately 27 acres with 106 dwelling units (DU). Some of the land was set aside for storm detention or wetland preservation. The approximate density of both phases is 3.9 DU/acre.

The Adair Meadows subdivision, zoned R-1 (Low Density Residential), is left over from when the city was a military base and were built in the 1950s. It has an even lower density than Creekside at Adair Village.

Calloway Creek and William R. Carr Subdivisions were approved through the Planned Unit Development (PUD) process. This is a discretionary review process, requested by the applicants in those cases; therefore, the resulting densities indicate what is theoretically possible through a PUD process but they are not reflective of zoning and should not be the basis of BLI-related estimates. Calloway Creek subdivision is zoned R-3 (High Density Residential) and William R. Carr is zoned R-1. Calloway Creek Phases I, II & III have a total of 174 lots on 34.5 acres or approximately 4.8 DU/acre. William R Carr Sub has 16 units on one acre or 16 DU/acre.

7. <u>Population Numbers</u>

Q. Commissioner Lee asked why the expansion forecast was done for 2022-2042 instead of 2020-2040.

A. The city is required to show a 20-year supply of available residential land and to do so we needed to use the City's most current up to date population and then an extrapolated population projection (see below). Both numbers were derived by using the interpolation template found on the Portland Research Center's website.

8. <u>Annexation Process</u>

Q. Is annexation in Oregon any longer a public process? Basically, can the residents of Adair vote on an annexation request? Is the City Council decision a public process, presumably? So people get the opportunity to testify?

A. Cities in Oregon are precluded from requiring voter approval of annexations. This is a result of a change in state law a few years ago. The process to annex property into the city boundary is a legislative one. A change in the UGB requires an Amendment to the Adair Village Comprehensive Plan in conformance with Statewide Planning Goal 14 and an Amendment to the Urban Growth Boundary and Policy Agreement between the City of Adair Village and Benton County.

A proposal for annexation may be initiated by the City Council or by a petition to the City Council by owners of real property located in the territory to be annexed. Both are considered the applicant. The City shall request a staff review together with other public or private agencies which may be affected by the proposed annexation. Upon receipt of the application, plans and accompanying narrative, staff shall conduct an evaluation listing their findings based on the criteria and comprehensive plan policies. The applicant shall be advised of any recommended changes or conditions for approval. The City shall incorporate all staff comments into a report to the Planning Commission and City Council. The report shall include an analysis of the impacts of the proposed annexation, a review of applicable City and State policies and standards, and a recommendation as to the appropriateness of the proposed development and the annexation itself. There is a separate public hearing before both the Planning Commission and City Council. Both hearings are published and posted and public comments shall be received at both meetings.

9. <u>Safety Concerns</u>

Q. Commissioner Gervais expressed concerns about the safety factors raised by the public. What role do potential natural or other hazards play in the recommendation for rezoning of land into the UGB?

A. Referring to the Benton County Development Code criteria for re-zoning, the proposed zoning must be “more appropriate than the current zoning.” If natural hazards were such that residential development was inappropriate, then the current zoning (EFU, in this case) might be the more appropriate zoning. The criteria also require that “any significant increase in the level of public services which would be demanded as a result of the proposed zone change can be made available to the area.” If the new zoning resulted in development that could not be adequately served by streets or by emergency response vehicles, then this criterion would not be met.

In the current case, the concerns raised about natural hazards, particularly the Corvallis Fault, are, in staff’s view, important to consider but difficult to evaluate. Past evaluations of the Corvallis Fault, including a fairly thorough examination of all natural hazards as part of the Corvallis Natural Features Project in the early to mid 2000s, determined that the risk of seismic activity associated with the fault was not certain enough to warrant development limitations. For example, the City of Corvallis chose not to adopt development restrictions or requirements for further investigation prior to development of property in the vicinity of the fault. Legacy development (such as Crescent Valley High School) as well as more recent development (such as portions of the Timberhill Subdivision have been constructed

over the Corvallis Fault. Past practice is not proof of good practice, but it is an indication of how relative risks and costs have been evaluated in the past. Staff's recommendation is that the level of risk known about the Corvallis Fault does not warrant exclusion of these areas from the UGB, but that seismic issues should be considered in subsequent, increasingly specific, land use decisions; namely, annexation, re-zoning for development, and subdivision review.

Regarding transportation safety and emergency services, in staff's assessment, the areas proposed for addition to the UGB do not on their face present insurmountable challenges for safety. They can be developed safely. The determinations about the specifics of what it takes to develop these areas safely requires a level of detailed analysis that is not possible (nor appropriate) at this stage.

10. <u>Acreage Calculations</u>

A slide in the staff presentation at the 9/20/22 hearing contained a calculation error (Greg owns it; appreciation to John Steeves for pointing it out).[1] Below are the corrected calculations.

Category	Acres	Acres (low end)
Partially Vacant Acres (gross)	16.15	
Vacant Acres (gross)	55.83	
Net Vacant Acres: a) Subtract 0.25 ac from eacy "partially vacant" parcel b) Add to gross vacant acres c) Subtract 25% for infrastructure Result is Net Vacant Acres	**51.92**	
Constrained Acres (*high end*) Up to this amount can be removed from Net Vacant Acres based on access, infrastructure, ownership and other constraints on development.	13.47	
Constrained acres (*low end*) Counting only the parcels that are fully prevented from being residentially developed.		4.58
Available acres for residential development Net Vacant Acres minus Constrained Acres	**38.45**	**47.34**
Acres Needed To meet 20-year demand	65.17	65.17
Deficit Available Acres minus Acres Needed	**-26.72**	**-17.83**
Net Acres in **Property 1 and Property 2** Gross acreage of the two properties minus conservation easement and riparian corridor, minus 25% for infrastructure.	31.6	31.6
Difference between Proposed UGB additions and quantified Deficit	**4.88**	**13.77**

[1] The error in the "low end" column had resulted in a "difference" (bottom line of the table) of 9.46 acres when it should have been 13.77 acres. This error demonstrates the risk of using a Word table instead of an Excel worksheet.

The following three items are amendments to the "Justification and Findings" document.

1. **DIRECTION:** Patrick Wingard (DLCD) asked the city to explain how DOWL arrived at the current population number of 1,416 for 2022.

Forecast for Housing Growth

Per ORS 195.033(3) and OAR 660-032-0020, the City of Adair Village is required to use the official population forecast issued by PRC for comprehensive urban growth planning. DOWL used PRC's 2022 forecast to estimate the Residential Land Need for the 20-year forecast window.[2]

The current population estimate of 1,416 residents was derived using PRC's population interpolation template found on their website. Because the PRC forecasts are only published every three years and the last report was in 2021, Adair Village's population had to be estimated using the PRC's five-year interval numbers.

DOWL inserted the forecasted 2025 and 2030 population estimates into the interpolation template to arrive at an estimated population number for 2026. Then DOWL used the same template, inserting the 2021 and 2026 population estimates to obtain the 2022 population estimate (1,416) used in this report.

Table 1: City of Adair Village Population Growth 2022-2042

PSU Population Forecast		Change 2022-2042 (number)	Change 2022-2042 (percent)	Average Annual Growth Rate (AAGR)
2022	2042			
1,416	2,541	1,125	79.4	4.0%

Source: Population Research Center, Portland State University, June 30, 2021, DOWL calculations

2. **DIRECTION:** Kevin Young (DLCD) identified that the city citations to statute ORS 197.298 need to be changed to 197A.320.

Chapter 3 presents the alternatives analysis required by OAR 660-024-0060 as well as findings related to the prioritization described in **ORS 197A.320**.

[2]PRC's population estimate for Adair Village, provided in 2021, estimated a population of 2,279 city residents in 2040. PRC's population interpolation template which applies an average annualized growth rate to estimate population in future years, estimates that the 2042 city population will be 2,541 residents.

For cities outside Metro, ORS 197A.320 replaces ORS 197.298; however, our analysis references ORS 197.298 in a few locations in the report. It's confusing, because the context of ORS 197A.320 is in relation to the "simplified UGB process," but this particular section (.320) applies to all UGB expansions under OAR 660-024 ("regular" UGB) and OAR 660-038 ("simplified" UGB). Nevertheless, when you look at the fundamentals, the prioritization scheme is the same.

After cross referencing and discussing the issue with DLCD, our analysis is consistent with those rules, but DLCD recommended we change any citations to statute from ORS 197.298 to 197A.320 which has been done.

ACTION: All references to ORS 197.298 have been changed to ORS 197A.320.

3. **DIRECTION:** Fair Housing Council of Oregon Letter to the City

Hello Pat,

I am the coordinator for a collaborative project between Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO) which reviews housing-related PAPAs. We were appreciative of the extensive information on the City's 20-year housing and land needs found on pages 17-20. However, we believe that the summary data should also be included in the Goal 10 findings on page 83. Citing the number of needed acres and units, as well as the potential acres and units resulting from the proposed change, would easily and transparently establish compliance with Goal 10. We request that the findings are amended before the City Council hearing.

Thank you.

Samuel Goldberg
Education & Outreach Specialist
Fair Housing Council of Oregon
1221 SW Yamhill St. #305
Portland, Oregon 97205
(503) 223-8197 ext. 104
Preferred Pronouns: He/Him/His

ACTION: The Goal 10 findings in Chapter 7. Statewide Goal Consistency Analysis of the "Justification and Findings" document has been updated to reflect the City's 20-year housing and land needs as request by the Fair Housing Council.

Feb 6, 2023
Adair Village City Council
Ordinance 2023-01 Urban Growth Boundary Expansion

Dear AV City Council,

This is testimony in opposition to Ordinance 2023-01.

Please work to use up AV's land inside the existing UGB's inner core residential and commercial zones, before allowing Benton County and DLCD to agree with the lose of high quality EFU Ag lands.

The soil condemnation of the Weigel parcel to be annexed in DLCD analysis should be evaluated by AV Planning Dept. The Wetland Analysis for these two parcels was said to have been done by AV so this study should be evaluated with this land use request. I assume the AV Wetland Study is not in the application as it was not evaluated in BC or AV UGB expansion deliberations.

Parcel one is very wet and may be undevelopable.

With Development application the 55 acres will be reduced because of wetland, floodplain and creek riparian corridor buffering.

Developable acres in Parcel - One Cornelius and Parcel- Two Weigel are under 55 acres with subtraction of: wetlands, creeks, and floodplain areas. Ordinance 2023-01 and it's amendment may not comply to DLCD required total of 50 acre developable acres for this expansion.

Goal 14 proven need analysis has not been done for the inner core area, to how best to develop the inner core acres of residential zone before allowing EFU acres to be converted to residential zone. In 3-4 years from 2023, the Weigel parcel may be built out and more land will be needed in a third UGB expansion. EFU land should be conserved and infill into AV urban center should be completed before DLCD and Benton County agree to a third UGB expansion in four years time.

New information to this application:

-State of Oregon is loosing population in 2022-2023.

-AV has water quality and safety concerns from chemicals added into City of Corvallis Waste Water treatment plant from Coffin Butte Regional Land Fill leachate contains chemicals- PFAR. City of Eugene also, may be adding Short Mountain Land Fill leachate to City of Eugene Waste Water Treatment Plant and out falling this treated water to the Willamette or McKenzie Rivers.

City of AV water quality may be impacted by PFAR and other chemical placed in the Willamette River and may be a long term cancer threat to the residents of AV who drink and use Willamette River water.

-Corvallis Fault location needs to be clearly defined in all applications for development by the Calloway Creek Subdivision builder and developer as he purchases the Wiegel Parcel Two, and begins the application process to build this second subdivision over top of the Corvallis Fault. Current Calloway Creek Subdivision Phase one owners may not know they live on top of the Corvallis Fault as this information was not in the application for development for Calloway Creek Subdivision Phase one. Benton County Planning has been notified of this important safety issue in Mr. Joel Geier's testimony to this UGB expansion.

-Traffic changes created in the future by the complete closure of Coffin Butte Road and the use of Tampico Road for heavy truck traffic by Knife River and Republic Service and other trash hauling firms. Coffin Butte Regional Landfill (CBRLF) owner Republic Service will apply to BC to expand this Regional Land Fill to the south.

Traffic on both 99E and 99W will increase as trash volume becomes unlimited into CBRLF with Republic Service pending south land fill expansion and permanent closure of Coffin Butte Road. Access to 99 from the Weigel parcel will be difficult, due to unlimited trash hauling into this one area and increasing use of Tampico Road for commercial traffic.

-Traffic to and through the existing Calloway Creek Subdivision from the Weigel parcel development will negatively impact the lives and safety of all current Calloway Creek Phase one residents. I assume these residents in Callway Creek Subdivision Phase one can not participate in this land use as part of their home sale agreement.

Freedom of speech is a right and residents should not be limited by this developer to not participate in land use activity which will directly impact their lives with this UGB expansion, or be limited to speak out about ongoing UGB expansions in another 4 years time.

Traffic into Calloway Creek Subdivision Phase one will increase and add safety, noise and more air pollution concerns from heavy traffic flow into these neighborhoods from the pending application to develop the Weigel parcel by the probable Calloway Creek Subdivision Phase one developer and builder.

Thanks, R.Foster

OLD BUSINESS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/07/23

View Agenda Tracker

Suggested Placement * BOC Tuesday Meeting

Department * Board of Commissioners

Contact Name * Nick Kurth

Phone Extension * 6076

Meeting Attendee Name * Vance Croney, County Counsel; Nick Kurth, Justice System Improvement Program Manager

Agenda Item Details

Item Title * Justice System Improvement Program (JSIP) Bond Resolution and Title/Summary Language for SEL-805

Item Involves * Check all that apply

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

Estimated Time * 20 minutes

Board/Committee Involvement *

- ( ) Yes
- (•) No

Advertisement *

- ○ Yes
- ◉ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

To place the JSIP bond measure on the May 2023 ballot, the Board of Commissioners must consider for adoption/approval Bond Resolution R2023-002 and SEL-805. The resolution authorizes County Counsel to submit SEL-805 to the County Clerk, which will occur on or before February 24, 2023. SEL-805 provides requisite bond title and summary language for consideration by the Oregon Secretary of State.

Options *

1) Adopt/approve Resolution R2023-002 and SEL-805 as provided without edits.
2) Edit either resolution R2023-002 or SEL-805 or both and adopt/approve.
3) Reject either resolution R2023-002 or SEL-805 or both and instruct staff to return at a later date for further consideration and adoption/approval.
4) Take no action.

Fiscal Impact *

- (•) Yes
- ( ) No

Fiscal Impact Description *

The measure authorizes the County to issue general obligation bonds totaling $110,000,000. The annual bond levy rate is estimated at $0.55 per $1,000 of assessed property value, or approximately $142.00 per year on residential property with median assessed value of $258,596. Actual levy rate may differ due to changes in interest rates and assessed value.

2040 Thriving Communities Initiative

Mandated Service? *

- ○ Yes
- ◉ No

2040 Thriving Communities Initiative

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

To review the initiative, visit the website HERE.

Values and Focus Areas

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

Core Values *

Select all that apply.

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

Explain Core Values Selections *

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

Focus Areas and Vision *

Select all that apply.

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

Explain Focus Areas and Vision Selection *

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

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Adopt resolution R2023-002 and approve SEL-805 as presented (and without edits).

Meeting Motions * I move to ...
Adopt resolution R2023-002 and approve SEL-805 as presented.

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.

Benton County - 2023 GO (May) - Election Resolution FINAL.pdf	369.74KB
SEL805_JSIP Bond Title FINAL1.pdf	865 KB

Comments (optional)

If you have any questions, please call ext.6800

Department Approver MAURA KWIATKOWSKI

Department Approval

Comments

Signature

Counsel Approval

Comments

Signature

Finance Approval

Comments

Signature

County Administrator Approval

Comments

Signature

BOC Final Approval

Comments

Signature

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

A Resolution Referring a Measure for General Obligation Bonds to Voters; and Related Matters	))	RESOLUTION NO. R2023-002

WHEREAS, the Board of County Commissioners (the "Board") of Benton County, Oregon, (the "County") has determined that a need exists for the County to finance capital costs, as more fully described in the notice of bond election attached hereto as Exhibit A (the "Project"); and

WHEREAS, ORS 287A.100 and the Oregon Constitution authorize the County to issue general obligation bonds to finance capital costs upon approval by the electors of the County; and

WHEREAS, ORS 287A.100 limits the amount of general obligation bonds to two percent of the real market value of the taxable property in the County, and issuing the bonds described in this Resolution will not cause the County to exceed this limit;

NOW, THEREFORE, BE IT HEREBY RESOLVED:

SECTION 1. The Board hereby refers to the voters of the County at the May 16, 2023 election a measure authorizing general obligation bonds in the name of the County in a principal amount not to exceed $110,000,000 (the "Bonds"). Bond proceeds will be used to finance the Project.

SECTION 1. The Board hereby refers to the voters of Benton County a measure authorizing the issuance of general obligation bonds for the Project at the May 16, 2023 election.

SECTION 2. The County authorizes the County Counsel, the Chief Financial Officer, or the designee of any of those officials (each an "Authorized Representative") to finalize the ballot title in substantially the form attached hereto as Exhibit A but with such changes as the Authorized Representative shall approve (the "Ballot Title"), to submit the Ballot Title and explanatory statement, if required, and to execute any documents and take any other action necessary or desirable to facilitate the measure election.

SECTION 3. Pursuant to ORS 250.175(5) and 250.185, the County Clerk shall publish in the next available edition of the *Corvallis Gazette-Times*, a newspaper of general circulation in the County, a notice of receipt of ballot title, including notice that an elector may file a petition for review of the Ballot Title pursuant to ORS 250.195. The notice shall be in substantially the form attached to this Resolution as Exhibit B.

SECTION 5. The Authorized Representative shall file with the County Clerk the Ballot Title so that this measure may appear on the ballot for the May 16, 2023 election.

SECTION 6. This Resolution shall take effect immediately upon its adoption.

Adopted this 7th day of February, 2023.

Signed this 7th day of February, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

Pat Malone, Chair

Xanthippe Augerot, Vice Chair

Nancy Wyse, Commissioner

Approved as to form:

Vance M. Croney, County Counsel

DocuSign Envelope ID: 5B3ECED4-6A18-43C8-A594-90AD88B4E78C

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

A Resolution Referring a Measure for General Obligation Bonds to Voters; and Related Matters) **RESOLUTION NO. R2023 - 002**

WHEREAS, the Board of County Commissioners (the "Board") of Benton County, Oregon, (the "County") has determined that a need exists for the County to finance capital costs, as more fully described in the notice of bond election attached hereto as Exhibit A (the "Project"); and

WHEREAS, ORS 287A.100 and the Oregon Constitution authorize the County to issue general obligation bonds to finance capital costs upon approval by the electors of the County; and

WHEREAS, ORS 287A.100 limits the amount of general obligation bonds to two percent of the real market value of the taxable property in the County, and issuing the bonds described in this Resolution will not cause the County to exceed this limit;

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BENTON COUNTY BOARD OF COMMISSIONERS

DocuSigned by:
Pat Malone
741EC1377E0C4AF...

Pat Malone, Chair

DocuSigned by:
[signature]
829B24BF3C1342E...

Xanthippe Augerot, Vice Chair

[signature]

Nancy Wyse, Commissioner

Approved as to form:

DocuSigned by:
Vance Croney
B0D6732477204FA...

Vance M. Croney, Benton County Counsel

DocuSign Envelope ID: 5B3ECED4-6A18-43C8-A594-90AD88B4E78C

EXHIBIT A

NOTICE OF BOND ELECTION

BENTON COUNTY, OREGON

NOTICE IS HEREBY GIVEN that a measure election will be held in Benton County, Oregon on May 16, 2023. The following shall be the ballot title of the measure to be submitted to the county's voters:

CAPTION: (10 WORD LIMIT THAT REASONABLY IDENTIFIES THE SUBJECT OF THE MEASURE)

[___]

QUESTION: (20 WORD LIMIT AND QUESTION MUST PLAINLY PHRASE THE CHIEF PURPOSE OF THE MEASURE)

[___]? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution. *[Second sentence doesn't count against word count]*

SUMMARY: (175 WORD LIMIT. A CONCISE AND IMPARTIAL STATEMENT SUMMARIZING THE MEASURE AND ITS MAJOR EFFECT. MUST ALSO PROVIDE A REASONABLY DETAILED, SIMPLE AND UNDERSTANDABLE DESCRIPTION OF THE USE OF PROCEEDS)

[___]

DocuSign Envelope ID: 5B3ECED4-6A18-43C8-A594-90AD88B4E78C

EXHIBIT B

NOTICE OF RECEIPT OF BALLOT TITLE

Notice is hereby given that a ballot title for a measure referred by Benton County has been filed with the County Clerk on May 16, 2023. The ballot title caption is [___].

A complete copy of the ballot title, which includes caption, question, and summary of the measure may be obtained at [4500 SW Research Way, 2nd Floor, Corvallis, OR 97333 or by contacting the County Clerk at elections@co.benton.or.us or by calling (541) 766-6756].

An elector may file a petition for review of this ballot title in the Benton County Circuit Court no later than [__] p.m., [__], 2023 under ORS 250.195.

Signature of County Clerk	Date signed
Printed name of County Clerk	Title

This legal notice is to be published by the County Clerk in the *[Corvallis Gazette-Times]*, or in another newspaper of general distribution within the County.

EXHIBIT A

NOTICE OF BOND ELECTION

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[___]

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An elector may file a petition for review of this ballot title in the Benton County Circuit Court no later than [__] p.m., [__], 2023 under ORS 250.195.

_____ _____

Signature of County Clerk Date signed

_____ _____

Printed name of County Clerk Title

This legal notice is to be published by the County Clerk in the *Corvallis Gazette-Times* or in another newspaper of general distribution within the County.

Request for Ballot Title
Preparation or Publication of Notice

SEL 805
rev 08/21
OAR 165-014-0005

No later than the **81st day before an election**, a governing body that has referred a measure must prepare and file with the local elections official the text of the referral for ballot title preparation or the ballot title for publication of notice of receipt of ballot title. This form may be used to file the text of the referral and request the elections official begin the ballot title drafting process or file a ballot title and request the elections official publish notice of receipt of ballot title.

Filing Information

Election Date	Authorized Official
May 16, 2023	Vance M. Croney

Contact Phone	Email Address
541.766.6890	vance.m.croney@co.benton.or.us

Referral Information

Title, Number or other Identifier

This Filing is For

☐ Drafting of Ballot Title Attach referral text.

■ Publication of Notice Ballot title below.

Ballot Title Additional requirements may apply

Caption 10 words which reasonably identifies the subject of the measure.

Bonds for community safety, mental health, and homelessness services facilities.

Question 20 words which plainly phrases the chief purpose of the measure.

Shall Benton County issue $110,000,000 of general obligation bonds for community safety, mental health, homelessness services facilities improvements and construction?

If the bonds are approved, they will be payable from taxes on property, or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

If approved, general obligation bonds would be issued to finance capital costs, which may include:

COMMUNITY SAFETY (at new Community Safety and Justice Campus):
- Construct modern correctional facility with dedicated areas for providing mental health and substance abuse treatment for adults in custody.
- Construct co-located sheriff and emergency operations facilities.

MENTAL HEALTH:
- Upgrade and expand children and family facility where therapists provide mental health treatment and wraparound services; deliver school-based programs.

HOMELESSNESS:
- Construct or renovate navigation resource center to provide services and support to people experiencing homelessness.

OTHER: Site improvements, furnishings and equipment, land, and bond issuance costs.

Public Bond Oversight Committee would provide accountability and review audits of bond projects and expenditures. Bonds may be issued in series; each series may mature not to exceed 31 years. Annual Bond levy rate is estimated to be $0.55 per $1,000 of assessed property value, or approximately $142 per year on residential property with median assessed value of $258,596. Actual levy rate may differ due to changes in interest rates and assessed value.

By signing this document:

→ I hereby state that I am authorized by the county or city governing body, or district elections authority to submit this Request for Ballot Title – Preparation or Publication of Notice.

Signature	Date Signed

Request for Ballot Title

Preparation or Publication of Notice

SEL 805

rev 08/21
OAR 165-014-0005

No later than the **81st day before an election**, a governing body that has referred a measure must prepare and file with the local elections official the text of the referral for ballot title preparation or the ballot title for publication of notice of receipt of ballot title. This form may be used to file the text of the referral and request the elections official begin the ballot title drafting process or file a ballot title and request the elections official publish notice of receipt of ballot title.

Filing Information

Election Date	**Authorized Official**
May 16, 2023	Vance M. Croney
Contact Phone	**Email Address**
541.766.6890	vance.m.croney@co.benton.or.us

Referral Information

Title, Number or other Identifier

This Filing is For

☐ Drafting of Ballot Title Attach referral text.

☐ Publication of Notice Ballot title below.

Ballot Title Additional requirements may apply

Caption 10 words which reasonably identifies the subject of the measure.

Bonds for community safety, mental health, and homelessness services facilities.

Question 20 words which plainly phrases the chief purpose of the measure.

Shall Benton County issue $110,000,000 of general obligation bonds for community safety, mental health, homelessness services facilities improvements and construction?

If the bonds are approved, they will be payable from taxes on property, or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

If approved, general obligation bonds would be issued to finance capital costs, which may include:

COMMUNITY SAFETY (at new Community Safety and Justice Campus):
- Construct modern correctional facility with dedicated areas for providing mental health and substance abuse treatment for adults in custody.
- Construct co-located sheriff and emergency operations facilities.

MENTAL HEALTH:
- Upgrade and expand children and family facility where therapists provide mental health treatment and wraparound services; deliver school-based programs.

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By signing this document:

→ I hereby state that I am authorized by the county or city governing body, or district elections authority to submit this Request for Ballot Title – Preparation or Publication of Notice.

Signature	**Date Signed**

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/07/23

View Agenda Tracker

Suggested Placement * BOC Tuesday Meeting

Department * Public Works

Contact Name * Gary Stockhoff

Phone Extension * 6010

Meeting Attendee Name * Gary Stockhoff

Agenda Item Details

Item Title * Award Construction Manager/General Contractor (CM/GC) Services for the Courthouse/District Attorney Facilities Project to Hoffman Construction.

Item Involves * Check all that apply

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

Estimated Time * 15 min

Board/Committee Involvement *

- ○ Yes
- ◉ No

Advertisement * ○ Yes ◉ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The Board of Commissioners previously approved using the Construction Manager/General Contractor procurement method for the new Benton County Courthouse and District Attorney facilities project. A Request for Proposals (RFP) was prepared and advertised in November, and responses submitted on December 21, 2022. A total of five responses were received and reviewed by a stakeholders panel on January 5, 2023.

After the initial review, three firms (Fortis Construction, Hoffman Construction, and Howard S. Wright Construction) were selected to advance to in-person interviews held on January 18, 2023. At the conclusion of the interviews, the stakeholders panel unanimously recommended that Hoffman Construction be awarded the CM/GC contract for the Courthouse/District Attorney Facilities project.

A scoring summary for the RFP review and follow-up interviews is included in Attachment A.

Options *

1) Approve the recommendation of the stakeholder panel and award the CM/GC contract for the new Benton County Courthouse and District Attorney Facilities to Hoffman Construction.

2) Reject the recommendation and direct staff accordingly.

Fiscal Impact *

- (●) Yes
- ( ) No

Fiscal Impact Description *

The funds for the CM/GC contract, which includes the actual construction cost, is included in the overall Courthouse and District Attorney Facilities project budget. The estimated construction cost is $44,000,000. Funding sources for the project are primarily County borrowing and State of Oregon court funds.

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.

Courthouse and District Attorney services

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

Explain Core Values Selections *

The new facility will better support the staff and the citizens who use the facilities.

Focus Areas and Vision *

Select all that apply.

- [x] 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 new courthouse and district attorney facilities will greatly enhance the County's ability to provide a greater level of community safety.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Staff recommends the Board of Commissioners award the Construction Manager/General Contractor (CM/GC) contract for the Benton County Courthouse and District Attorney facilities to Hoffman Construction and authorize staff to commence with contract negotiations.

Meeting Motions * I move to ...

...award the Construction Manager/General Contractor (CM/GC) contract for the Benton County Courthouse and District Attorney facilities to Hoffman Construction and authorize staff to commence with contract negotiations.

Attachments, Comments, and Submission

Item Comments and Attachments

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

Attachment A-Courthouse - CMGC Proposals Scoring Sheets.pdf 129KB

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

Department Approver GARY STOCKHOFF

1. Department Approval Comments Signature Gary Stockhoff	4. County Administrator Approval Comments Signature Hanna Kwiatkowski
2. Counsel Approval Comments Signature Vance H. Cheney	5. BOC Final Approval Comments Signature Hanna Kwiatkowski
3. Finance Approval Comments Signature Rick Crager	

Benton County Courthouse

CM/GC Proposal Scoring

CM/GC Proposals Final Scoring					
	Fortis	**Gerding**	**Hoffman**	**HSW**	**P&C**
Total	**1987.5**	**1192.0**	**2222.0**	**1931.5**	**1377.5**
Average	**298.5**	**186.3**	**337.4**	**292.9**	**215.8**
Ranking	**2**	**5**	**1**	**3**	**4**

Benton County Courthouse

CM/GC Proposal Scoring

		Proposal / Interview Reviewers							Fee		
Fortis	**Possible Total**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**A**	**Total**	**Average**
4.9.1 Firm Qualifications	30.0	25.0	20.0	24.0	28.0	24.0	18.0	25.5	-	164.5	23.5
4.9.2 Project Experience	40.0	40.0	35.0	32.0	36.0	33.0	20.0	32.0	-	228.0	32.6
4.9.3 Key Personnel	40.0	40.0	37.0	30.0	36.0	30.0	22.0	36.0	-	231.0	33.0
4.9.4 Communication	20.0	20.0	10.0	15.0	18.0	18.0	16.0	14.0	-	111.0	15.9
4.9.5 Project Approach for Pre-Construction Services	35.0	35.0	35.0	33.0	34.0	30.0	30.0	28.0	-	225.0	32.1
4.9.6 Project Approach for Construction Services		-	-	-	-	-	-	-	-		
A. Schedule	15.0	15.0	15.0	13.0	15.0	15.0	13.0	12.0	-	98.0	14.0
B. Cost Estimating	15.0	15.0	15.0	13.0	14.0	13.0	11.0	12.0	-	93.0	13.3
C. Subcontractor Selection	10.0	10.0	10.0	10.0	7.0	9.0	7.0	8.0	-	61.0	8.7
D. Procurement	10.0	10.0	10.0	10.0	7.0	8.0	8.0	9.5	-	62.5	8.9
4.9.7 COBID Subcontracting Plan	10.0	10.0	10.0	10.0	9.0	10.0	9.0	9.5	-	67.5	9.6
4.9.8 Safety Protocol	15.0	15.0	15.0	15.0	8.0	12.0	12.0	12.0	-	89.0	12.7
4.9.9 Sustainability	15.0	15.0	15.0	13.0	7.0	7.0	10.0	12.0	-	79.0	11.3
4.9.10 Fee Proposal	25.0	-	-	-	-	-	-	-	17.0	17.0	17.0
Interview	100.0	81.0	51.0	85.0	68.0	63.0	53.0	60.0	-	461.0	65.9
Total	380.0	331.0	278.0	303.0	287.0	272.0	229.0	270.5	17.0	**1987.5**	**298.5**
										Total	Average

Benton County Courthouse

CM/GC Proposal Scoring

		Proposal / Interview Reviewers							Fee		
Gerding	**Possible Total**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**A**	**Total**	**Average**
4.9.1 Firm Qualifications	30.0	30.0	15.0	27.0	10.0	15.0	15.0	15.0	-	127.0	18.1
4.9.2 Project Experience	40.0	40.0	20.0	34.0	32.0	20.0	16.0	20.0	-	182.0	26.0
4.9.3 Key Personnel	40.0	35.0	30.0	35.0	34.0	25.0	16.0	28.0	-	203.0	29.0
4.9.4 Communication	20.0	20.0	5.0	15.0	11.0	12.0	10.0	6.0	-	79.0	11.3
4.9.5 Project Approach for Pre-Construction Services	35.0	35.0	25.0	27.0	12.0	20.0	18.0	17.5	-	154.5	22.1
4.9.6 Project Approach for Construction Services		-	-	-	-	-	-	-	-		
A. Schedule	15.0	15.0	15.0	13.0	8.0	10.0	6.0	12.0	-	79.0	11.3
B. Cost Estimating	15.0	15.0	15.0	14.0	13.0	9.0	7.0	12.0	-	85.0	12.1
C. Subcontractor Selection	10.0	10.0	5.0	10.0	5.0	8.0	5.0	5.0	-	48.0	6.9
D. Procurement	10.0	10.0	5.0	10.0	5.0	8.0	4.0	5.0	-	47.0	6.7
4.9.7 COBID Subcontracting Plan	10.0	10.0	3.0	10.0	6.0	8.0	5.0	8.0	-	50.0	7.1
4.9.8 Safety Protocol	15.0	15.0	5.0	15.0	9.0	12.0	7.0	12.0	-	75.0	10.7
4.9.9 Sustainability	15.0	15.0	5.0	15.0	5.0	7.0	8.0	7.5	-	62.5	8.9
4.9.10 Fee Proposal	25.0	-	-	-	-	-	-	-	16.0	16.0	16.0
Interview	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-	0.0	0.0
Total	380.0	250.0	148.0	225.0	150.0	154.0	117.0	148.0	16.0	**1192.0**	**186.3**
										Total	Average

Benton County Courthouse

CM/GC Proposal Scoring

		Proposal / Interview Reviewers							Fee		
Hoffman	**Possible Total**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**A**	**Total**	**Average**
4.9.1 Firm Qualifications	30.0	30.0	30.0	30.0	30.0	28.0	28.5	25.5	-	202.0	28.9
4.9.2 Project Experience	40.0	40.0	40.0	38.0	40.0	38.0	35.0	36.0	-	267.0	38.1
4.9.3 Key Personnel	40.0	40.0	40.0	40.0	40.0	36.0	32.0	36.0	-	264.0	37.7
4.9.4 Communication	20.0	20.0	20.0	20.0	18.0	17.0	16.0	16.0	-	127.0	18.1
4.9.5 Project Approach for Pre-Construction Services	35.0	35.0	35.0	27.0	35.0	30.0	30.0	28.0	-	220.0	31.4
4.9.6 Project Approach for Construction Services		-	-	-	-	-	-	-	-		
A. Schedule	15.0	15.0	15.0	15.0	15.0	14.0	13.0	13.5	-	100.5	14.4
B. Cost Estimating	15.0	10.0	15.0	12.0	14.0	11.0	13.0	13.5	-	88.5	12.6
C. Subcontractor Selection	10.0	10.0	10.0	9.0	8.0	8.0	8.0	8.0	-	61.0	8.7
D. Procurement	10.0	10.0	10.0	9.0	8.0	7.0	8.0	8.0	-	60.0	8.6
4.9.7 COBID Subcontracting Plan	10.0	9.0	10.0	10.0	8.0	9.0	8.0	9.0	-	63.0	9.0
4.9.8 Safety Protocol	15.0	15.0	15.0	15.0	9.0	12.0	10.0	12.0	-	88.0	12.6
4.9.9 Sustainability	15.0	15.0	15.0	15.0	7.0	7.0	10.0	12.0	-	81.0	11.6
4.9.10 Fee Proposal	25.0	-	-	-	-	-	-	-	20.0	20.0	20.0
Interview	100.0	91.0	94.0	90.0	80.0	87.0	73.0	85.0	-	600.0	85.7
Total	380.0	340.0	349.0	330.0	312.0	304.0	284.5	302.5	20.0	**2222.0**	**337.4**
										Total	Average

Benton County Courthouse

CM/GC Proposal Scoring

		Proposal / Interview Reviewers							Fee		
HSW	**Possible Total**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**A**	**Total**	**Average**
4.9.1 Firm Qualifications	30.0	30.0	30.0	27.0	27.0	28.0	22.0	25.5	-	189.5	27.1
4.9.2 Project Experience	40.0	40.0	40.0	34.0	38.0	38.0	34.0	36.0	-	260.0	37.1
4.9.3 Key Personnel	40.0	40.0	40.0	30.0	38.0	38.0	32.0	34.0	-	252.0	36.0
4.9.4 Communication	20.0	20.0	5.0	18.0	16.0	14.0	14.0	17.0	-	104.0	14.9
4.9.5 Project Approach for Pre-Construction Services	35.0	35.0	35.0	35.0	31.0	30.0	18.0	31.5	-	215.5	30.8
4.9.6 Project Approach for Construction Services		-	-	-	-	-	-	-	-		
A. Schedule	15.0	15.0	15.0	13.0	13.0	15.0	12.0	13.5	-	96.5	13.8
B. Cost Estimating	15.0	15.0	15.0	14.0	13.0	13.0	13.0	12.0	-	95.0	13.6
C. Subcontractor Selection	10.0	5.0	10.0	6.0	8.0	8.0	6.0	7.0	-	50.0	7.1
D. Procurement	10.0	0.0	0.0	0.0	0.0	2.0	0.0	2.0	-	4.0	0.6
4.9.7 COBID Subcontracting Plan	10.0	5.0	2.0	10.0	7.0	9.0	8.0	7.0	-	48.0	6.9
4.9.8 Safety Protocol	15.0	15.0	15.0	15.0	9.0	12.0	10.0	12.0	-	88.0	12.6
4.9.9 Sustainability	15.0	15.0	15.0	15.0	5.0	7.0	10.0	12.0	-	79.0	11.3
4.9.10 Fee Proposal	25.0	-	-	-	-	-	-	-	17.0	17.0	17.0
Interview	100.0	70.0	64.0	73.0	76.0	65.0	47.0	55.0	-	450.0	64.3
Total	380.0	305.0	286.0	290.0	281.0	279.0	226.0	264.5	17.0	**1931.5**	**292.9**
										Total	Average

Benton County Courthouse

CM/GC Proposal Scoring

		Proposal / Interview Reviewers							Fee		
P&C	**Possible Total**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**A**	**Total**	**Average**
4.9.1 Firm Qualifications	30.0	20.0	15.0	27.0	26.0	13.0	25.0	24.0	-	150.0	21.4
4.9.2 Project Experience	40.0	40.0	20.0	34.0	32.0	18.0	30.0	20.0	-	194.0	27.7
4.9.3 Key Personnel	40.0	20.0	30.0	32.0	34.0	25.0	28.0	32.0	-	201.0	28.7
4.9.4 Communication	20.0	20.0	5.0	15.0	15.0	15.0	15.0	16.0	-	101.0	14.4
4.9.5 Project Approach for Pre-Construction Services	35.0	30.0	35.0	27.0	30.0	27.0	28.0	31.5	-	208.5	29.8
4.9.6 Project Approach for Construction Services		-	-	-	-	-	-	-	-		
A. Schedule	15.0	15.0	15.0	8.0	12.0	10.0	13.0	13.5	-	86.5	12.4
B. Cost Estimating	15.0	15.0	15.0	14.0	13.0	12.0	11.0	13.5	-	93.5	13.4
C. Subcontractor Selection	10.0	10.0	15.0	9.0	10.0	8.0	7.0	9.0	-	68.0	9.7
D. Procurement	10.0	8.0	10.0	10.0	7.0	7.0	7.0	9.0	-	58.0	8.3
4.9.7 COBID Subcontracting Plan	10.0	10.0	3.0	10.0	7.0	8.0	8.0	9.0	-	55.0	7.9
4.9.8 Safety Protocol	15.0	15.0	10.0	15.0	9.0	12.0	13.0	12.0	-	86.0	12.3
4.9.9 Sustainability	15.0	10.0	12.0	15.0	7.0	7.0	13.0	12.0	-	76.0	10.9
4.9.10 Fee Proposal	25.0	-	-	-	-	-	-	-	19.0	19.0	19.0
Interview	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-	0.0	0.0
Total	380.0	213.0	185.0	216.0	202.0	162.0	198.0	201.5	19.0	**1377.5**	**215.8**
										Total	Average

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/07/23

View Agenda Tracker

Suggested Placement * BOC Tuesday Meeting

Department * Finance

Contact Name * Rick Crager

Phone Extension * 6246

Meeting Attendee Name * Rick Crager, Shurisa Steed, Jerry Sorte

Agenda Item Details

Item Title * ARPA (American Rescue Plan Act) Grant - Proposed Business Grant Program

Item Involves * Check all that apply

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

Estimated Time * 20 minutes

Board/Committee Involvement *

- ( ) Yes
- (•) No

Advertisement * ○ Yes
● No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

In May 2022, the Board of Commissioners approved 18 sub-grants to organizations across the County. These grants were funded with ARPA resources made available through a Notice of Funding Opportunity (NOFO). One of these 18 grants was with the City of Corvallis for $275,000 to create a funding program focused on aiding small business that were impacted or disproportionately impacted during the pandemic.

These grant funds were awarded through Contract 503163; however, the release of the funds was conditioned on approval of a proposal by the Corvallis- Benton County Economic Development Office (EDO) for a plan/program that would effectively respond to the community and local business needs.

Attached to this checklist is a letter from the EDO that provides an overview of the Proposed Business Grant Program they recommend for implementation with these resources. The proposed plan would help support 52 small businesses in Benton County that were either closed due to COVID restrictions or were severely impacted by the pandemic.

Options *

Option 1 - Approve the proposed plan as presented
Option 2 - Approved the proposed plan as amended by BOC direction.
Option 3 - Deny the plan and either dissolve the current agreement or redirect resources for alternative proposal.

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 *

Help ensure local small businesses continue to operate successfully and provide goods and services to local citizens and continue to strengthen economic sustainability and growth for the County and its communities.

Focus Areas and Vision *

Select all that apply.

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

Explain Focus Areas and Vision Selection *

Ensuring small businesses continue to operate successfully helps provide job opportunities for the county, meet the basic needs of employees and their employers, and strengthen overall local economic conditions.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations * Staff recommends approval of the proposed plan.

Meeting Motions * I move to ...

...approve, as required within Contract 503163, the proposed plan provided by the Corvallis-Benton Economic Development Office for a Business Grant Program in the amount of $275,000.

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.

CityofCorvallis #503163 Executed - Program Proposal.pdf 514.16KB

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

Department Approver RICHARD CRAGER

1.

Department Approval

Comments

Signature

2.

Counsel Approval

Comments

Signature

3.

County Administrator Approval

Comments

Signature

4.

BOC Final Approval

Comments

Signature

CORVALLIS
BENTON COUNTY
ECONOMIC DEVELOPMENT OFFICE

TO: Board of Commissioners

FROM: Jerry Sorte, Economic Development Supervisor

DATE: January 17, 2023

SUBJECT: Proposed Business Grant Program Using ARPA Funds

Issue

Should the Corvallis-Benton County Economic Development Office implement the proposed business grant program?

Proposed Business Grant Program

The CBCEDO was awarded $275,000 of American Rescue Plan Act of 2021 (ARPA) funds by Benton County. This award was for the purpose of creating a funding program focused on aiding small businesses that were impacted or disproportionately impacted during the pandemic. The program must focus on businesses in severely impacted industries or those forced to close during the pandemic. (See Attachment A, Pages 2 and 7). Page 7 of the contract provides additional specific ARPA and County requirements for this program. Section 4 of the contract stipulates that funds will be released after approval by the County of a plan that outlines the framework and procedures of the program. Staff at the EDO propose the following program to implement this contract:

Program Outline

- Grant Amount: This program would provide grants of $5,000 to eligible businesses. The $275,000 grant award is divided between $261,250 for the funding program and $13,750 for program administration. See Attachment A, Page 12. $5,000 grants will allow 52 small businesses to receive grants under this program.
- Business Eligibility:
    - Grant recipients must have no more than 500 employees, and be a small business concern as defined in section 3 of the Small Business Act (which includes, among other requirements, that the business is independently owned and operated and is not dominant in its field of operation). (Contract requirement)
    - Businesses must have been in existence prior to June 30, 2021 and continue to be in existence today. The Governor lifted the general pandemic restrictions on June 30, 2021, and it is reasonable to conclude that a business needed to have started when state pandemic restrictions were in effect in order to be impacted by the pandemic.
    - The program will focus on businesses that were forced to close due to COVID restrictions, as well as the industries and populations that were most severely affected by the pandemic. (Contract requirement). For the purposes of this program, businesses that were "most severely affected by the pandemic" will include businesses that were "impacted or disproportionately impacted" as described in the following section.

  - Eligible small businesses must have been either impacted or disproportionately impacted by the pandemic. The U.S. Treasury defines impacted small businesses as those that can demonstrate any of the following: closed during the pandemic, decreased revenues or gross receipts, increased cost, or reduced capacity to weather financial hardship. Small business that are considered disproportionately impacted include small businesses operating in a Qualified Census Tract; small businesses operated by Tribal governments or on Tribal lands; or small businesses operating in the U.S. territories.
  - Grant funds may be used to mitigate financial hardships, such as supporting payroll and benefits, cost to retain employees, and mortgage, rent, utility, and other operating costs. Small businesses disproportionately impacted may receive grants for the additional purposes of rehabilitation of commercial properties, storefront improvements and façade improvements; start up or expansion costs; or support for microbusinesses.
- Fund Allocation:
  - The program will use 1/3 of funds for eligible businesses located outside of the Corvallis Urban Growth Boundary (UGB). This would allocate grants for 17 businesses located outside of the Corvallis UGB. (Contract requirement)
  - If the number of applications exceeds available funds, first preference would be given to businesses that did not receive government loans or grants during the pandemic. These include funds from the Payroll Protection Program or the Economic Injury Disaster Loan program.

If EDO staff finds that the ARPA standards are more restrictive than described above, staff will apply the more restrictive standards.

Program Implementation

This program would operate similarly to past grant programs managed by the EDO during the pandemic. The EDO plans to contract with a financial institution to receive and review applications and distribute grant funds according to the program parameters. The EDO would market the program and provide an application window. After the application window closes, the financial administrator would run a lottery if the number of applications exceeds the funds available. This would not be a first-come, first-served program. Providing an application window would allow the EDO to market the program broadly and hopefully provide time for a broader cross section of businesses to apply.

As required under the contract with Benton County, administration costs of this project would not exceed 5% of the total grant amount ($13,750). The chosen financial administrator would provide a report of small businesses and documentation on how they meet the appropriate criteria.

Request

EDO staff requests that the Board of Commissioners review the above proposal and either approve the proposed plan, approve with amendments, or remand to EDO staff with direction on how it should be modified.

Attachment A: $275,000 contract between Benton County and the City of Corvallis for use of ARPA Funds

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CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS
SUBRECIPIENT AGREEMENT #503163

Between
BENTON COUNTY, OREGON
And
City of Corvallis

This Subrecipient Agreement (hereinafter "CONTRACT") is made between Benton County, a political sub-division of the State of Oregon, (hereinafter "COUNTY"), and City of Corvallis, operating through the Corvallis-Benton County Economic Development Office (hereinafter "RECIPIENT").

WHEREAS, on March 11, 2021, President Joseph R. Biden signed into law the American Rescue Plan Act of 2021 (hereinafter "ARPA"); and

WHEREAS, on May 17, 2021, the United States Department of the Treasury (hereinafter "US TREASURY") published an Interim Final rule regarding the allowable usage of the Coronavirus State and Local Fiscal Recovery Funds, (hereinafter "SLFRF") to be disseminated to local governments in accordance with the ARPA; and

WHEREAS, on January 27, 2022, the US TREASURY published a Final Rule that modified the Interim Rule regarding the allowable usage of the SLFRF for all funding commitments made on or after April 1, 2022; and

WHEREAS, in an effort to provide guidance regarding the eligible uses of SLFRF funds, the US TREASURY published an overview of Coronavirus State and Local Fiscal Recovery Funds: Overview of the Final Rule, (hereinafter "GUIDANCE"); and

WHEREAS, the grand total allocation of SLFRF to the COUNTY, as published by the US TREASURY, is $18,074,454; and

WHEREAS, the COUNTY released a Notice of Funding Opportunity, (hereinafter "NOFO"), on February 18, 2022, in which $2,400,000 of the County allocated SLFRF was made available for organizations to apply under the GUIDANCE category of Responding to Public Health and Economic Impacts of COVID-19; and

WHEREAS, the RECIPIENT submitted a NOFO application to the COUNTY on or prior to the close of the application period date of March 11, 2022: and

WHEREAS, GUIDANCE provides funds may be used for addressing the public health and economic needs of those impacted by the pandemic in their communities, as well as address longstanding health and economic disparities, which amplified the impact of the pandemic in disproportionately impacted communities, resulting in more severe pandemic impacts; and

WHEREAS, during their regular public meeting on May 3, 2022, the Board of County Commissioners (hereinafter "BOARD") approved the aforementioned request from the RECIPIENT in a grant amount of $275,000; and

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WHEREAS, the grant amount is subject to all federal, state, and local guidelines regarding the usage of SLFRF funds; and

WHEREAS, the COUNTY and RECIPIENT desire to enter into this CONTRACT

NOW, THEREFORE, in consideration of the foregoing recitals which are incorporated herein by reference, and the terms and conditions set forth below, the parties agree as follows:

1. **EFFECTIVE DATE AND TERM**
   This CONTRACT shall commence when last executed by all parties and remain in effect no later than June 30, 2024 (hereinafter, "COMPLETION DATE"), unless terminated by the COUNTY in writing.

2. **USE OF FUNDS**
   As more particularly described in Exhibit A, RECIPIENT will use funds to create Funding Program focused on aiding small businesses that were impacted or disproportionately impacted during the pandemic. The Fund will focus on businesses in severely impacted industries or those forced to close during the pandemic. (hereinafter "PROJECT"). Funds will be used in accordance to the Project Budget outlined in Exhibit D. Any deviation from this Project Budget must be approved by COUNTY.

3. **FINANCIAL ASSISTANCE**
   The COUNTY shall provide RECIPIENT, and RECIPIENT shall accept from COUNTY a grant (hereinafter, "GRANT") in an aggregate amount not to exceed $275,000.

   County's obligations are subject to the receipt of the following items, in form and substance satisfactory to County and its Counsel:
   (A) This CONTRACT duly signed by an authorized officer of RECIPIENT; and
   (B) Such other certificates, documents, opinions and information as County may reasonably require.

4. **DISBURSEMENT OF FUNDS**
   Upon execution of this CONTRACT, and subsequent approval by the COUNTY of a plan from RECIPIENT that outlines the framework and procedures of how the Funding Program will be made available to eligible small businesses, all GRANT funds will be released to RECIPIENT. Any GRANT funds released that is either not obligated within 12 months of CONTRACT execution or expended by the COMPLETION DATE, must be returned to the COUNTY with 30 days.

5. **COMPLIANCE WITH LAWS**
   RECIPIENT will comply with the requirements of all applicable federal, state and local laws, rules, regulations, and orders of any governmental authority, except to the extent an order of a governmental authority is contested in good faith and by proper proceedings. RECIPIENT is responsible for all federal or state tax laws applicable to its implementation of the PROJECT and its use of the GRANT or compensation or payments paid with the GRANT.

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6. UNIFORM ADMINISTRATIVE REQUIREMENTS

RECIPIENT must comply with all applicable provision of 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, including the Cost Principles and Single Audit Act requirements.

7. FEDERAL AUDIT REQUIREMENTS

The GRANT is federal financial assistance, and the associated Assistance Listings number is 21.027. RECIPIENT is a subrecipient. If RECIPIENT receives federal funds in excess of $750,000 in RECIPIENTS's fiscal year, it is subject to audit conducted in accordance with the provisions of 2 CFR part 200, subpart F. RECIPIENT, if subject to this requirement, shall at its own expense submit to COUNTY a copy of, or electronic link to, its annual audit subject to this requirement covering the funds expended under this CONTRACT and shall submit or cause to be submitted to COUNTY the annual audit of any subrecipient(s), contractor(s), or subcontractor(s) of RECIPIENT responsible for the financial management of funds received under this CONTRACT.

8. SYSTEM FOR AWARD MANAGEMENT

RECIPIENT must comply with applicable requirements regarding the federal System for Award Management (SAM), currently accessible at https://www.sam.gov. This includes applicable requirements regarding registration with SAM as well as maintaining current information in SAM.

9. TERMINATION

At any time, with or without cause, COUNTY, in its sole discretion shall have the absolute right to terminate this CONTRACT by giving written notice to RECIPIENT. If COUNTY terminates pursuant to this paragraph, RECIPIENT shall be entitled to payment for all expenses incurred through the date of termination; provided, that there shall be deducted from such payment the amount of damage, if any, sustained by COUNTY due to any breach of the CONTRACT by RECIPIENT.

10. WARRANTY

COUNTY has relied upon representations by RECIPIENT regarding its professional ability and training as a material inducement to enter into this CONTRACT. RECIPIENT represents and warrants that PROJECT will be performed in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state, and local laws, it being understood that acceptance of RECIPIENT work by COUNTY shall not operate as a waiver or release of such warranty.

11. HOLD HARMLESS AND INDEMNIFICATION

RECIPIENT shall hold harmless, indemnify, and defend COUNTY, its officers, agents, and employees from any and all liability, actions, claims, losses, damages or other costs including attorney's fees and witness costs (at both trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity arising from, during or in connection with the work described in this CONTRACT, except liability arising out of the sole negligence of the COUNTY and its employees. Such indemnification shall also cover claims brought against COUNTY under state or federal workers' compensation laws. If any aspect of this indemnity or the above warranty shall be found to be illegal or invalid for any reason whatsoever, such illegality or invalidity

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shall not affect the validity of the remainder of this indemnification or the above warranty.

12. INSURANCE

RECIPIENT and any of its contractors, subcontractors or subrecipients shall maintain insurance acceptable to the COUNTY as provided in Attachment A. Such insurance shall remain in full force and effect throughout the term of this contract. If RECIPIENT employs one or more workers as defined in ORS 656.027 and such workers are subject to the provisions of ORS Chapter 656, RECIPIENT shall maintain currently valid workers' compensation insurance covering all such workers during the entire period of this CONTRACT.

13. FINANCIAL RECORDS AND REPORTING

RECPIENT will cooperate with COUNTY to provide all necessary financial information and records to comply with SLFRF reporting requirements, as well as provide COUNTY the reporting required in Exhibit A. RECIPIENT will keep proper books of account and records on all activities associated with the GRANT, including, but not limited to, invoices, cancelled checks, payroll records, instruments, agreements and other supporting financial records documenting the use of the GRANT. RECIPIENT will maintain these books of account and records in accordance with generally accepted accounting principles and will retain these books of account and records until five years after the COMPLETION or the date that all disputes, if any, arising under this CONTRACT have been resolved, whichever is later.

14. NOTICES

All notices, funding requests and payment shall be made in writing and may be given by personal delivery, by mail or email, receipt requested. Notices sent by mail should be addressed as follows:

RECIPIENT
City of Corvallis: Corvallis- Benton County Economic Development Office
Kate Porsche, Economic Development Manager
P.O. Box 1083
Corvallis, Oregon 97330
Kate.Porsche@corvallisoregon.gov

COUNTY
Benton County Financial Services Department
Rick Crager, Chief Financial Officer
4077 SW Research Way
Corvallis, Oregon 97333
rick.crager@co.benton.or.us

15. AMENDMENT

No amendment or modification to the CONTRACT shall be effective without prior written consent of the authorized representatives of the parties.

16. GOVERNING LAW; VENUE

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This CONTRACT shall be governed and construed by the laws of the State of Oregon.

17. ASSIGNMENT

The RECIPIENT shall not assign or transfer any of its interests in or obligations under this CONTRACT without the prior written consent of the COUNTY.

18. CIVIL RIGHTS COMPLIANCE

Recipients of Federal financial assistance from the US TREASURY are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the US TREASURY do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23.

19. SEVERABILITY

If any term or provision of this CONTRACT is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected.

20. COUNTERPARTS

This CONTRACT may be executed in on or more counterparts, any of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

21. MERGER

This writing and the attached exhibits constitute the entire and final CONTRACT between the parties. No modification of this CONTRACT shall be effective unless and until it is made in writing and signed by both parties

22. AUTHORIZATION

Each party signing below warrants to the other party, that they have the full power and authority to execute this CONTRACT on behalf of the party for whom they sign.

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IN WITNESS WHEREOF, this CONTRACT is executed and shall become effective as of the last date signed below:

Dated this 7th day of July, 2022.

SUBRECIPIENT
City of Corvallis

DocuSigned by:
Mark W. Shepard
070B2E424B4A4C6...
Mark Shepard, City Manager

Date: 7/7/2022 | 8:09 AM PDT

Approved as to form:

DocuSigned by:
6359C8D076DF4CD...
City Attorney

7/6/2022 | 4:47 PM PDT

BENTON COUNTY

DocuSigned by:
Rick Crager
273DA0E9582A498...
Benton County
Chief Financial Officer

Date: 7/7/2022 | 3:00 PM PDT

Reviewed as to form:
County Counsel
7-5-22

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EXHIBIT A
Contact Information, Use of Funds/Project Description and Reporting Requirements

Contact Information:

COUNTY
Benton County
4077 SW Research Way
Corvallis, Oregon 97333

Contract Administrator: Rick Crager

Telephone: 541-766-6246

Email: rick.crager@co.benton.or.us

RECIPIENT
City of Corvallis
P.O. Box 1083
Corvallis, Oregon 97339

Contact: Kate Porsche

Telephone: (541) 766-6339

Email: Kate.Porsche@corvallisoregon.gov

Use of Funds/ Project Description:

This grant is funded under the U.S Treasury Expenditure Category of Negative Economic Impacts – Assistance to Small Businesses: Loans or Grant to Mitigate Financial Hardship (EC 2.29) and is focused on addressing economic harm and providing assistance to households, small businesses, nonprofits, and impacted industries that have either been impacted or disproportionately impacted by the pandemic. RECIPIENT will use funding to focus on businesses that were forced to close due to COVID restrictions, as well as the industries and populations that were most severely affected by the pandemic. RECIPIENT will use one third of funds for eligible rural businesses in Benton County. All funds will be administered via a funding program with program guidelines to be approved by the Benton County Board of Commissioners. RECIPIENT will charge administration fees not to exceed 5%. The U.S. Treasury defines eligible small businesses as follows: a) have no more than 500 employees, or if applicable, the size standard in number of employees established by the Administrator of the Small Business Administration for the industry in which the business concern or organization operates, and b) are a small business concern as defined in section 3 of the Small Business Act (which includes, among other requirements, that the business is independently owned and operated and is not dominant in its field of operation). Eligible small businesses must have been either impacted or disproportionately impacted by the pandemic. The U.S. Treasury defines impacted small businesses as those that can demonstrate any of the following: closed during the pandemic, decreased revenues or gross receipts, increased cost, or reduced capacity to weather financial hardship. Small business that are consider disproportionately impacted include small businesses operating in a Qualified Census Tract; small businesses operated by Tribal governments or on Tribal lands; or small businesses operating in the U.S. territories. All eligible small businesses that are either impacted or disproportionately impacted may receive loans or grant to mitigate financial hardships, such as supporting payroll and benefits, cost to retain employee, and mortgage, rent, utility, and other operating costs. Small businesses disproportionately impacted may receive loans or grants for the additional purposes of rehabilitation of commercial properties, storefront improvements and façade improvements; start up or expansion costs; or support for microbusinesses. RECIPIENT will ensure all small businesses meet requirements by maintaining documentation that demonstrates meeting the appropriate criterion.

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Reporting Requirements:

RECIPIENT is required to submit quarterly project and expenditure reports to COUNTY on 15th of the month following the end of each quarter. Table 1 below provides the timeline for each report

Report	Fiscal Year	Quarter	Period Covered	Due Date
1	2022	4	May 3 – June 30	July 15, 2022
2	2023	1	July 1 – September 30	October 15, 2022
3	2023	2	October 1 – December 31	January 15, 2023
4	2023	3	January 1 – March 31	April 15, 2023
5	2023	4	April 1 – June 30	July 15, 2023
6	2024	1	July 1 – September 30	October 15, 2023
7	2024	2	October 1 – December 31	January 15, 2024
8	2024	3	January 1 – March 31	April 15, 2024
9	2024	4	April 1 – June 30	July 15, 2024

RECIPIENT shall submit Quarterly Project and Expenditure Reports to COUNTY which include such information as is necessary for COUNTY to comply with the reporting requirements established by 42 U.S.C. 802, guidance issued by the U.S. Treasury, and 2 CFR Part 200 (known as the "Super Circular"). The reports shall be submitted using a template provided by COUNTY that includes the following information:

1. Expenditure Information
   a) Detailed Expenditures To Date (categories to be provided by COUNTY)
   b) Outstanding Commitments/Obligations To Date
   c) If applicable, listing of any Contracts or Sub-Grants in excess of $50,000, including expenditure to date information

2. Project Status Update
   a) Status of project: not started, completed less than 50 percent, 50 percent or more completed.
   b) Progress since last update including project outputs and achieved outcomes.
   c) Identify barriers/risks to outcomes and describe actions taken to mitigate delays/risks to the overall project goal.

3. Programmatic Information
   a) Number of small businesses provided with loans including business name, location, type of activities supported, and loan term.
   b) Brief description of how project is related and reasonably proportional to a public health or negative economic impact.
   c) Brief description of structure and objective of project.
   d) Any dollar amounts used specifically towards an evidence-based intervention, and if a program evaluation of the project is being conducted.

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EXHIBIT B
Certification of Insurance Requirements

Recipient shall at all times maintain in force at Recipient's expense for insurance noted below.

Workers' Compensation insurance in compliance with ORS 656.017, which requires subject employers to provide workers' compensation coverage in accordance with ORS Chapter 656 or CCB (Construction Contractors Board) for all subject workers. Recipient and all subcontractors of Recipient with one or more employees must have this insurance unless exempt under ORS 656.027. **Employer's Liability Insurance with coverage limits of not less than $1,000,000 must be included.** THIS COVERAGE IS REQUIRED. If Recipient does not have coverage, and claims to be exempt, Recipient must indicate exemption within their Bid/Proposal submittal letter with qualified reasons for exemption, see ORS 656.027. Out-of-state Recipients with one or more employees working in Oregon in relation to this contract must have Workers' Compensation coverage from a state with extraterritorial reciprocity, or they must obtain Oregon specific Workers' Compensation coverage ORS 656.126.

Professional Liability insurance covering any damages caused by error, omission or any negligent acts of the Recipient, its subcontractors, agents, officers, or employees' performance under this Contract. **Combined single limit per occurrence shall not be less than $2,000,000. Annual aggregate limit shall not be less than $2,000,000.**

☐ If this box is checked, the limits shall be $1,000,000 per occurrence and $1,000,000 in annual aggregate.

☒ Required by County ☐ Not Required by County

Commercial General Liability insurance with coverage satisfactory to the County on an occurrence basis. **Combined single limit shall not be less than $2,000,000 per occurrence for Bodily Injury and Property Damage and annual aggregate limit for each shall not be less than $2,000,000.** Coverage may be written in combination with Automobile Liability Insurance (with separate limits). **Annual aggregate must be on a "per project basis".**

☐ If this box is checked, the limits shall be $1,000,000 per occurrence and $2,000,000 in annual aggregate.

☐ If this box is checked, the limits shall be $5,000,000 per occurrence and $5,000,000 in annual aggregate.

☐ Required by County ☒ Not Required by County

Automobile Liability covering all owned, non-owned, or hired vehicles. If there are no owned autos this coverage may be written in combination with the Commercial General Liability Insurance (with separate limits). **Combined single limit per accident shall not be less than $2,000,000.**

☐ If this box is checked, the limits shall be $1,000,000 per accident.

☐ If this box is checked, the limits shall be $5,000,000 per accident.

☐ Required by County ☒ Not Required by County

Property of Others in Transit (Cargo) covering all County owned property / equipment being hauled by Recipient. **Limit per occurrence shall not be less than $100,000.**

☐ Required by County ☒ Not Required by County

Coverage must be provided by an insurance company authorized to do business in Oregon or rated by A.M. Best's Insurance Rating of no less than A-VII or County approval. Recipient's coverage will be primary in the event of loss. Recipient shall furnish a current Certificate of Insurance to the County. Recipient is also responsible to provide renewal Certificates of Insurance upon expiration of any of the required insurance coverage.

Recipient shall immediately notify the County of any change in insurance coverage. The certificate shall also state the

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deductible or retention level. The County must be listed as an Additional Insured by endorsement of any General Liability Policy on a primary and non-contributory basis. Such coverage will specifically include products and completed operations coverage.

The Certificate shall state the following in the description of operations: “Additional Insured Form (include the number) attached. The form is subject to policy terms, conditions and exclusions”. A copy of the additional insured endorsement shall be attached to the certificate of insurance. If requested complete copies of insurance policies shall be provided to the County.

Certificate holder should be: Benton County ARPA Funded Project, 4077 SW Research Way, Corvallis OR 97330. Certificates of Insurance can be emailed to rick.crager@co.benton.or.us.

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EXHIBIT C
Federal Award Identification
(Required by 2 CFR 200.332 (A)(1))

(i)	Subrecipient* Name: *(must match name associated with UEI)*	City of Corvallis
(ii)	Subrecipient's Unique Entity Identifier (UEI):	P6JYFJDEZWF8
(iii)	Federal Award Identification Number (FAIN):	SLFRP0526
(iv)	Federal award date: *(date of award to Benton County by federal agency)*	May 14, 2021
(v)	Grant period of performance start and end dates:	Start: May 3, 2022 End: June 30, 2024
(vi)	Grant budget period start and end dates:	Start: May 3, 2022 End: June 30, 2024
(vii)	Amount of federal funds obligated by this Grant to Subrecipient:	$275,000
(viii)	Total amount of federal funds obligated to Subrecipient by pass-through entity, including this Grant:	$275,000
(ix)	Total amount of the federal award committed to Subrecipient by pass-through entity**: *(amount of federal funds from this FAIN committed to Recipient)*	$275,000
(x)	Federal award project description:	Coronavirus State and Local Fiscal Recovery Funds
(xi)	a. Federal awarding agency:	U.S. Department of the Treasury
	b. Name of pass-through entity:	Benton County
	c. Contact information for awarding official of pass-through entity:	Rick Crager, CFO rick.crager@co.benton.or.us
(xii)	Assistance listings number, title and amount:	Number: 21.027 Title: Coronavirus State and Local Fiscal Recovery Funds Amount: $18,074,454.00
(xiii)	Is award research and development?	Yes ☐ No ☒
(xiv)	a. Indirect cost rate for the federal award:	
	b. Is the 10% de minimis rate being used per 2 CFR § 200.414?	Yes ☒ No ☐

* *For the purposes of this Exhibit C, "Subrecipient" refers to Recipient and "pass-through entity" refers to County*

*** The total amount of federal funds obligated to the Subrecipient by the pass-through entity is the total amount of federal funds obligated to the Subrecipient by the pass-through entity during the current state fiscal year.*

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EXHIBIT D
Project Budget

Activity	SLRFR Funds	Other Funds	Total Funds
Funding Program	$261,250	$0	$261,250
Program Administration Fee @ 5%	$13,750	$0	$13,750
Total Project Cost	**$275,000**	**$0**	**$275,000**

DEPARTMENTAL REPORTS AND REQUESTS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/07/23

View Agenda Tracker

Suggested Placement * Work Session and Meeting

Department * Human Resources

Contact Name * Tracy Martineau

Phone Extension * 5417666389

Meeting Attendee Name * Tracy Martineau

Agenda Item Details

Item Title * Telework Policy Consideration and Approval

Item Involves * Check all that apply

- [ ] Appointments
- [ ] Budget
- [ ] Contract/Agreement
- [x] Discussion and Action
- [ ] Discussion Only
- [ ] Document Recording
- [x] 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

Advertisement *

- ○ Yes
- ◉ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

Telework allows employees to work at home, on the road, or in a satellite location for all or part of their workweek. Benton County considers telework to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telework may be appropriate for some employees and jobs, but not for others. Telework is not an entitlement, it is not a County-wide benefit, and it in no way changes the terms and conditions of employment with Benton County.

Telework can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office. Employees may submit requests to telework or supervisors may suggest telework arrangements.

All terms of telework are subject to the A100 Acceptable Electronic Use policy. "Telework" is a new policy that sets forth the criteria and guidance for requesting and approving telework assignments fairly and equitably. This policy was developed with input from the COVID Executive Committee and the Leadership Team. Procedures are included here to provide additional information, howwerver, it is the policy that requires Board approval. It has completed the Policy Oversight Committee (POC) process and is recommended for adoption.

Options *

1. Adopt the Telework policy as submitted.
2. Provide direction to staff for policy revisions and delay adoption until completed.
3. Do not adopt the Telework policy.

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 *

Telework is considered a benefit for employees by their not having to travel to work. The ability to work from home supports employee job satisfaction and well-being. As COVID illustrated, we are a more resilient organization by enabling much of our work to be performed remotely without the limitations of having to be on-site.

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 Telework policy provides for flexibility in emergency situations, which enhances the County's ability to provide emergency support to the communities we serve.

Teleworking in lieu of on-site work is a significant contribution to the County's climate action goals by reducing carbon.

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations *	The HR Director and County Administrator recommend adoption of the Telework policy as submitted.
Work Session Motions *	I move to ... . place adoption of the Telework policy on the next regular meeting of the Board of Commissioners.
Meeting Motions *	I move to ... . adopt the Telework policy and phase in implementation over the next few months.

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.

Benton County Ergo Self Assessment.pdf	350.18KB
Benton County Home Office Safety Checklist.pdf	103.39KB
Telework Agreement and Assignment Form.pdf	174.24KB
Telework DRAFT Policy __Final.pdf	416.5KB

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

Department Approver TRACY MARTINEAU

1.

Department Approval

Comments

Signature

2.

Counsel Approval

Comments

Signature

3.

County Administrator Approval

Comments

Signature

4.

BOC Final Approval

Comments

Signature

Benton County

Policy Title:	Telework				
Policy Number:	Pxxxx	Version:	New	Effective Date:	Est: TBD, 2023

Policy

Board of Commissioners

Approved By

Date Adopted

Overview

Purpose/Rationale:

Telework allows employees to work at home, on the road, or in a satellite location for all or part of their workweek. Benton County considers telework to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telework may be appropriate for some employees and jobs, but not for others. Telework is not an entitlement, it is not a County-wide benefit, and it in no way changes the terms and conditions of employment with Benton County.

Telework can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office. Employees may submit requests to telework or supervisors may suggest telework arrangements.

All terms of telework are subject to the A100 Acceptable Electronic Use policy.

Scope:

This policy applies to all employees of Benton County.

Policy Owner:

Human Resources

1. Eligibility

- An employee is eligible for telework with the approval of their supervisor and the Department Director, provided their job requires minimal direct supervision and face-to face interaction or where such interaction can be accomplished by virtual means or scheduled successfully to permit teleworking.

- Each telework assignment should be reviewed for costs (financial and opportunity) and benefits, such as the nature of the job, equipment requirements, and expected results.

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Criteria for evaluation may include, but not be limited to:

i. Additional or duplicated equipment and IT licensing costs.

ii. Reduction of business facility expenses. (Work space, parking lot, common/shared resources, etc.)

iii. Impact on productivity.

iv. Potential to attract or retain talent.

v. Impact on coworkers, customers, and teams. (E.g., does it create a hardship or inconvenience elsewhere?)

vi. Achievement of County goals.

- Supervisors shall use the following guidelines in approving employees for telework:

i. The employee can accomplish their duties remotely for an agreed upon portion of their regular work schedule without detrimental impact on the productivity of the work group.

ii. Clear work objectives can be set, tasks can be clearly defined, and results are measurable.

iii. Employee has suitable work space and technology for telework.

iv. Employee must have sufficient internet bandwidth to consistently and reliably engage in virtual platforms of meeting and communication. (The County does not provide personal internet reimbursement or support.)

v. County laptop and other required resources are available for deployment.

vi. The employee shall have demonstrated to the supervisor's satisfaction, their capability to work productively without direct (in-person) supervision. Indicators include consistent satisfactory performance, satisfactory attendance, self-motivation, and no relevant corrective action in the employee's work history.

vii. The employee has completed any probation or trial service periods for their position or has demonstrated successful competency in the essential functions of their position. Exceptions may be made in unique circumstances after consultation with Human Resources.)

viii. Not all County computer systems or programs may be available for remote access or outside normal business hours. Supervisors shall take this into consideration when approving telework for employees.

Definition(s):

Word:	Definition:
Home Office	A work site provided by the employee in the employee's residence.
Official Workstation	An employee's assigned place of work or duty station at a county office location.
Public Records	With a few exceptions, all government records of any kind are considered public records. A public record is any writing with information about the conduct of public business that is prepared, owned, used or retained by a public body.
Regular Office Hours	Typically 8AM – 5PM or the employee's assigned work schedule. Teleworking employees are expected to be accessible to customers, coworkers, and supervisors with the exception of breaks and mealtimes.
Routine Telework	Telework which is a regular and recurring part of an employee's work schedule.
Situational Telework	Identified as occasional or emergency telework.
Telework	'Telework' or 'teleworking' refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.
Telework Agreement	A written agreement between the County and the employee outlining the work schedule, duties, and performance standards for the teleworking employee. A model Telework Agreement is attached to this Personnel Rule and is incorporated herein by reference.
Telework Site	A workplace other than the employee's regular work location that is approved by the employee's supervisor as suitable for teleworking.
Telework Site Safety Checklist	The checklist required to assess risk hazards of the telework site prior to supervisor approval of a Telework Agreement. It is the teleworker's self-assessment of workspace hazards designed to address and resolve deficiencies. The Telework Site Safety Checklist is attached to this Personnel Rule and is incorporated herein by reference.

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Policy

1. Prior Authorization

Employees are not authorized to telework without prior approval of their supervisor. If employees are assigned telework on a regular basis, employees must also receive prior written approval by their Department Director or designee.

Short-term (2 weeks or less) or ad hoc telework may be approved by supervisors on a case by case basis without formal written agreement.

2. Departmental Policies

Each County department is responsible for determining the positions within the department that are appropriate for telework and for developing department specific policies on telework to supplement this Personnel Rule as necessary.

3. Telework Agreement

a. Routine telework will be permitted for employees only under the terms of a written Telework Agreement (see attached model agreement) reached between the employee and the employee's supervisor and approved by the Department Director. The model Telework Agreement may require modification by the Human Resources Department to fit individual employee circumstances. Employees who have been previously assigned Routine Telework prior to the implementation of this Personnel Rule must complete the Telework Agreement and all of the requirements therein.

b. Telework is not an employee right or entitlement and Telework Agreements shall be entered into voluntarily by both the employee and the County. Unless otherwise provided in the Telework Agreement, either the County or the employee may discontinue the telework arrangement at any time and for any reason.

c. The Telework Agreement must clearly outline the following:

   i. Telework schedule: The employee's work schedule shall be documented and be in compliance with wage and hour laws, County policies, and any applicable collective bargaining agreement. The Telework Agreement must specify which hours the employee will work on County premises and which hours will be worked off County premises.

   ii. Location: The location of the telework site must be identified. If the location for the telework site will be a location other than a home office, the teleworker must receive approval from the supervisor to use the location as the telework site. The supervisor must consult with their Human Resources Analyst and County Safety Officer if there is any question regarding the appropriateness of the location as a telework site.

   iii. Accessibility: The means by which the employee can be reached during off-premises work.

iv. Evaluation: The criteria that will be used to evaluate the success of the telework assignment and how often the telework assignment will be evaluated. At a minimum, the Telework Agreement should be evaluated by the supervisor with the employee every 6 months, but it is encouraged that the evaluation occur on a quarterly or monthly basis. This evaluation is in addition to the regular and consistent monitoring of the employee's telework assignments.

v. Use of County resources: Any County owned resources the employee will use off-premises and the terms and conditions under which such resources will be maintained.

vi. Telework Safety Checklist: Affirmation the employee has conducted a self-assessment of the risk hazards and ergonomics of the telework site and that the supervisor has worked collaboratively with the employee to address any areas of concerns.

vii. Telework agreements and safety checklists will be maintained in the employee's personnel file.

4. Terms of Employment

a. Telework does not otherwise alter the basic terms and conditions of employment including wages, overtime compensation, insurance benefits, paid leave, classification, workers compensation, etc.

b. County and departmental policies, rules, and practices shall apply at the telework site, including, but not limited to, those governing communicating internally and with the public, employee rights and responsibilities, facilities and equipment management, financial management, information resource management, purchasing of property and/or services, security and confidentiality of data, and safety.

c. Any telecommuting arrangement made will be on a trial basis for the first three months and may be discontinued at will and at any time at the request of either the telecommuter or the supervisor. Every effort will be made to provide 14 days' notice of such change to accommodate commuting, child care and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

5. Work Hours and Accessibility

a. Work Hours and Scheduling

i. Telework arrangements must comply with any applicable collective bargaining agreement and state and federal laws including wage and hour laws which regulate the payment of overtime for non-exempt employees. This includes the scheduling of rest and meal breaks while the employee is working at a telework site.

ii. Employees must receive advance approval from their supervisor for any

overtime work or flexing of their telework schedule. Approval of scheduling outside of regular business hours will take time scheduled for IT and system maintenance into consideration as network access and productivity may be affected. Employees must also report to their supervisor any absences from duty during telework hours in the same manner as if they were scheduled to be at their assigned work station.

iii. Employees will not be paid for travel between the telework site and the employee's official workstation. Any travel from the telework site and meetings at locations other than the employee's official workstation shall be compensated in accordance with state wage and hour laws.

b. Adequate Time in Office

i. The amount of time spent teleworking during a work week will generally be no more than 50% of the employee's regular schedule, but may vary according to each job, equipment needs, and the individual Telework Agreement. The amount of time required in office will vary according to the duties of each position, and will be determined by the supervisor. Employees may be required to spend a minimum amount of work hours in the office. Minimally, the telework schedule must allow adequate regular office time for meetings, access to facilities and supplies, and communication with other employees and with customers.

ii. In-person business visits, meetings with customers, or regularly scheduled meetings with coworkers shall not be held at a home office location.

iii. Telework shall not adversely affect customer service or delivery, employee productivity, or the progress of an individual or team assignment.

iv. Teleworkers shall attend in-person job-related meetings, training sessions, and conferences, as requested by supervisors. Teleworkers may be requested to attend meetings in-person on "short notice." When possible and effective, virtual meeting platforms or telephone conference calling may be offered as an alternative to in-person attendance.

c. Accessibility

i. Teleworkers will maintain accessibility via telephone/text, email, and instant messaging during agreed upon work hours or specific core hours of accessibility as required by the County. Only the teleworker and the teleworker's supervisor will designate who will be given the teleworker's personal phone number.

ii. The employee shall promptly notify the supervisor when unable to perform work assignments due to equipment failure or other unforeseen circumstances. Supervisors may reassign employees to another project and/or work location in the event of equipment failure.

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d. Family Care and Duties

While telework may facilitate employees working around family responsibilities, employees who telework must have day care or other supervision for any member of the household requiring care through the workday. Telework is not to be viewed as a substitute for dependent care. The County recognizes that one advantage of working at home is the opportunity to have more time with dependents, but it is the employee's responsibility to ensure that they are fully accessible during work hours and able to complete work assignments on time.

6. County Owned Equipment

a. All Personnel Policies and department work rules regarding personal use of County equipment apply to employees using County equipment at a telework site.

b. County technology equipment must be used for telework and the employee must exercise the same reasonable care for the equipment as would be expected in any County work site.

c. The security of County property in the home is as important as it is in the office. Telework employees are expected to take reasonable precautions to protect County equipment from theft, damage, or misuse.

d. The employee may be held liable for damage caused by negligence, intentional damage or damage resulting from a power surge if no surge protector is used.

e. The County will provide for repairs to County-owned equipment by authorized technicians or vendors. Employees are responsible for bringing equipment to the office, IT Department, or designated County facility.

f. County equipment and/or software may not be used by other household members or any other non-County personnel. County owned software may not be duplicated except as authorized in writing by the County's Information Technology Department.

g. A list of any County equipment that is issued to the employee to be used at a telework site should be tracked by their department just as if the equipment was issued to be used by the employee at their official workstation on County premises. A list of the County issued equipment should also be maintained on the Telework Agreement and updated as needed.

h. The Information Technology Department will define the standards related to computer related equipment issued to the employee and will maintain a list of supported equipment.

7. Employee Expectations

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a. The employee must assure consistent and stable internet access is maintained.

b. The employee, in cooperation with the Information Technology Department, is

responsible for ensuring the maintenance and upkeep of their equipment and software, and security updates. Remote equipment connected to any County system must conform to County policy including the usage of encryption software or hardware to protect stored data. Transporting work product via portable media such as flash drives is expressly forbidden. Managers and teleworkers who would like to seek an exception for these requirements must contact the County's Information Technology Department for consultation on appropriate hardware and software solutions to minimize the chances of data theft or corruption. Any special arrangements made must be documented in the Telework Agreement and Assignment form. Teleworkers are encouraged to contact the County's Information Technology Department for consultation on appropriate hardware and software to minimize the chances of data theft or corruption.

c. The County will not be responsible for damages or losses that occur to the employee's equipment and real property resulting from the telework process.

d. Information produced by teleworkers in the pursuit of County business is subject to public record requirements regardless of the location of equipment used. Information on the computer is subject to the discovery process in the event of a public records request or litigation related to County business. Health information as defined by state law and the Health Insurance Portability and Accountability Act (HIPAA) is also subject to privacy or security investigations. Employees may be required to provide the County with full access to their property in order for the County to respond to record or information requests, subpoenas, court or administrative orders, and HIPAA privacy or security investigations.

8. Telework Product and Records

a. Work done on behalf of the County at the telework site is considered official County business. Products, documents and records used by/or developed while teleworking shall remain the property of the department and the County and are subject to department and County rules regarding confidentiality, disclosure, and records retention requirements.

b. Any records, products, or documents that are covered by HIPAA shall not be used at home without written permission from the employee's manager and their department's HIPAA Privacy Official. Additionally, if any identifiable protected health information is electronically transmitted, it must be encrypted. If there are actual or potential breaches of confidentiality for HIPAA protected information, the employee must immediately notify their supervisor.

c. The teleworker will apply approved safeguards to protect County records and property. All records, correspondence, and equipment must be kept in a secure location to prevent data loss, damage, theft, or unauthorized disclosure.

d. Release or destruction of any public records must only be done at the official location according to statute and regulations. The teleworker must adhere to confidentiality requirements of all data and records.

e. Teleworkers must seek advance approval from their supervisor before removing documents, files, supplies, or equipment from County premises to take to a telework location. Any such items should be promptly returned to County premises as soon as the teleworker has completed the assignment that required the usage of the item at the telework site. Supervisors and teleworkers are responsible for maintaining an inventory of items that teleworkers remove from County premises and take to a telework site.

9. Workplace Health and Safety

a. The County's responsibility and accountability for employees' health and safety while working at home is essentially the same as that when employees work in their assigned County work location. For this and other reasons, employees may be required to maintain a separate, designated work area at home.

b. Teleworkers will be expected to set up and maintain the designated workspace in a safe, unobstructed and clean fashion and maintain the designated work area so that it complies with all laws regulating work areas. This includes, but is not limited to, the following basic safety precautions:

   i. Avoid obstructions in the work area.

   ii. Eliminate trip and fall hazards.

   iii. Ensure proper lighting, ventilation and appropriate furniture.

   iv. Ensure surge protection is in place for computer and other County-owned peripherals, such as printer, scanner, etc.

c. The Telework Safety Checklist must be completed prior to any telework activity governed by this policy. Any questions about the safety of a telework site should be referred to the supervisor or the Safety Officer.

d. Safety, Ergonomic, and Security Assessment, Inspections, and Training

   i. The County has the right to visit an employee's home telework site during normal work hours to ensure that it meets County safety or security standards; such routine visits will be scheduled with at least twenty-four (24) hours advance notice.

   ii. The employee must complete the safety and ergonomic assessments within 1 week of beginning the regular telework assignment.

   iii. Upon request, the Safety Officer will provide the employee with individualized safety training and conduct a site-specific hazard assessment of the home telework site. Employees are encouraged to request safety training and ergonomic assessment services prior to implementing the Telework Agreement, but such requests can be made at any time. All teleworkers are also encouraged to participate in ergonomics training as a personal effort to identify and address potential risk factors associated with the work site.

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e. Worker's Compensation

   i. Standard worker's compensation practices apply and employees are covered by applicable laws for illness or injury occurring during the course and scope of work. If injured while working at a telework site and during telecommuting work hours, the teleworker must report the injury to the supervisor immediately, following standard County reporting procedures.

   ii. The County does not assume responsibility for injury to any persons other than the employee at the employee's residence or alternate workspace within it.

   iii. Compensability of all workers' compensation claims are thoroughly investigated by the designated Third Party Administrator. Depending on the nature and the severity of the injury, an on-site investigation may be initiated immediately upon notification. Securing the scene can be critical for OR-OSHA compliance and employer responsibility determination. The on-site investigation will be performed by the County Safety Officer or an investigative service provider acting under the control of the Third Party Administrator. The investigation may include a site inspection with less than twenty-four (24) hours' notice to the employee.

10. Reimbursable Expenses

a. Any variable expenses incurred as a result of the employee choosing to telework will be borne by the employee. The County will only reimburse the employee for expenses the employee would have borne if the employee were working in the office.

b. The County will not reimburse an employee for expenses related to an internet connection for the telework site.

c. Supplies required to complete assigned work at the telework work site shall be obtained from the County during the teleworker's in-office work periods. Employees should arrange their schedule to print documents while at their official workstation. (See A100 Acceptable Electronic Use policy)

d. Reimbursable expenses must be approved by an employee's supervisor in advance, documented in writing on the Telework Agreement form, and meet the requirements of the "Miscellaneous Expense Reimbursement" administrative procedure FIN-4 specifications.

11. Training

a. Routine teleworking employees and their supervisor must complete County-provided Telework training and participate in the class within three (3) months of the approved Telework Agreement start date.

12. Situational and Emergency Telework

a. Supervisors may approve Situational Telework to allow employees to work remotely for reasons that are inclusive of the policy's purpose.
Situational Telework will be permitted with the authorization of the employee's supervisor, subject to the Department Director's or designee's review, on a case by case basis. The terms of Situational Telework may be clarified in a written agreement.

b. If an employee performs telework on a regular rather than on an occasional basis (2 weeks or less), the telework then becomes Routine Telework and a Telework Agreement must be entered into.

c. In circumstances where the County Board of Commissioners has declared an emergency or other emergency circumstances exist as identified by the Board of Commissioners or their designee, a temporary or interim situational/emergency telework policy may be immediately activated. In emergency situations all or part of the requirements of the Telework Policy may be waived or amended as approved by the Board of Commissioners or their designee.

Keywords:

Policy Keywords- see Keyword list for reference

Category:

Personnel

Contact(s):

Name: Human Resources **Phone:** (541)766-6081 **Email:**

Policy History:

- 07/01/2022 New

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Benton County
Telework Agreement

This agreement confirms the telework arrangement by the Department of _____ (employer) and _____ (employee), _____(job title) consistent with County policy.

1. By signing this agreement, the employee certifies that they have reviewed, understand, and agree to abide by the Benton County policy with regard to telework arrangements, as well as the specific provisions included in this agreement including:

   - work hours, accessibility and performance expectations;
   - use and responsibility for County owned equipment and other resources;
   - establishing a work space;
   - safety and ergonomics;
   - work related injuries;
   - confidentiality of information and data;
   - intellectual property; and
   - revocability of the agreement.

   It is further agreed that:

2. Terms of Employment. The employee understands that this telework agreement is not a contract of employment between the County and the employee, and does not provide any contractual rights to continued employment. It does not alter or supersede the terms of the existing employment relationship. The employee remains obligated to comply with all County rules, policies, practices and instructions that would apply if the employee was working at the regular County worksite. Work products developed or produced by the employee while teleworking remain the property of the County.

   Work hours, compensation, and leave scheduling while teleworking continue to conform to applicable Human Resource policies. Requests to work overtime or use accrued leave must be approved by the employee's supervisor in the same manner as when working at the regular County worksite.

3. Length of Commitment & Reversibility. This telework arrangement will begin on _____and continue until ___TBD_____ or until ended by the employee or supervisor. Should the employee wish to terminate the telework arrangement, the employee agrees to provide a minimum of fourteen (14) calendar days advance notice to the employer.

   Continuation of the agreement is subject to review for the business and productivity effectiveness of the arrangement, and may be revoked at the option of the supervisor. The supervisor shall normally provide a minimum notice of fourteen (14) calendar days notice prior to termination of the agreement.

4. Telework Assignment, Accountability and Performance Measurement. The completed **Telework Assignment Form**, detailing the employee's telework assignment, performance and communications expectations, and work schedule must be attached and incorporated into this agreement.

   The employee agrees to stay current on department and work group events, and facilitate communication with customers and co-workers who may be affected by the employee's telework arrangement. The employee also agrees to keep the supervisor informed of progress on assignments worked on while at the alternate work site and any problems encountered while teleworking. The employee agrees to structure their time to ensure attendance at required meetings as designated by the supervisor. The supervisor agrees to facilitate communication within the work group.

5. Equipment, Equipment Insurance, Office Supplies.

County-owned resources may only be used for County business. The employee is responsible for ensuring that all items are properly used and consistent and stable internet access is in place.

The employee agrees to take reasonable steps to protect any County property from theft, damage or misuse. This includes maintaining data security and record confidentiality to at least the same degree as when working at the regular County worksite. The employee will comply with all licensing agreements for the installation and use of County-owned software, including software installation on multiple computers. The employee will not copy County-owned software in any manner unless such copying is expressly permitted by the licensing agreement.

The County assumes no responsibility for any damage to, wear of, or loss of the employee's personal property.

The employee agrees to return in good working order, and in a timely fashion, all County-owned items used at the alternate worksite upon request or if the telework agreement is discontinued for any reason.

6. Telework Site Safety and Ergonomics. The employee and the supervisor agree to work together to ensure that the alternate worksite is safe and ergonomically suitable.

   The employee's supervisor may make on-site visits to the employee's telework site, at a mutually agreed upon time, to ensure that the designated work space is safe and free from hazards, and to maintain, prepare, inspect or retrieve County-owned equipment, software, supplies, and furniture.

   The employee will be covered by workers' compensation for job-related injuries that occur in the course and scope of employment while teleworking. The employee remains liable for injuries to third parties and/or members of the employee's family on the employee's premises.

7. Signature. By signing this agreement, each party agrees that it has reviewed and agreed upon the above stated terms and conditions.

Employee's signature	Date
Supervisor's signature	Date
Department head's signature	Date

Attachment: Completed Telework Assignment Form

TELEWORK ASSIGNMENT FORM

The supervisor and teleworking employee must complete this form together. The completed Telework Assignment Form shall be attached and incorporated into the Telework Agreement. Updates should be made as needed.

Employee Name:	Job Title:
Department/Division:	E-Mail Address:
Address/Location of Telework Space	Telework Phone Number
Supervisor's Name	Supervisor's Work Phone & Email Address

Employee's Weekly Work Schedule, Hours of Work and Location

Day of Week	Work Hours	Work Location

What work assignments will the employee perform at the telework site?
What standards of performance will be established for these telework assignments?
What means will be used to assess the employee's performance while teleworking?
How will communication with the supervisor be handled while teleworking?
How will communication with others at the County be handled while teleworking?

How will telephone or in-person customers for the employee at the County worksite be handled?

Itemize the equipment, supplies, data or furniture the employee will need at the telework site. Specify which of these items the department will provide and which the employee will provide.

Equipment/Supplies/Data/Furniture	Provided By

Employees are responsible for bringing County equipment to the office or designated County facility for support where assistance cannot be provided remotely. What additional support services (e.g., troubleshooting equipment problems) will the employee need at the telework site, and how will these be provided?

Describe location of telework site, e.g., home office, guest room, basement, kitchen table, etc.
What will be done to ensure the security of the equipment, supplies, data and furniture?

In the event of equipment failure, how will "down time" be handled? (For example, employee will perform assignments that do not depend on equipment, time will be made up within the week or charged to an appropriate leave balance, employee will report to the County worksite until equipment is operational again, etc.)

What records will the employee keep at home and how will they be handled?

Employee's Signature	Date
Supervisor's Signature	Date

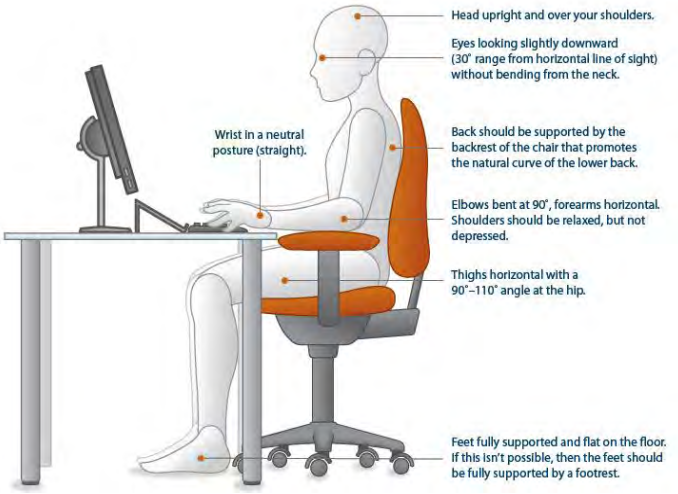
	General	Yes	No
1	Workspace is away from noise, distractions, and is devoted to your work needs?		
2	Workspace accommodates workstation, equipment, and related material?		
3	Floors are clear and free from hazards?		
4	File drawers are not top-heavy and do not open into walkways?		
5	Phone lines and electrical cords are secured under a desk or along wall, and away from heat sources?		
6	Temperature, ventilation, and lighting are adequate?		
7	All stairs with four or more steps are equipped with handrails?		
8	Carpets are well secured to the floor and free of frayed or worn seams?		
	Fire Safety	**Yes**	**No**
1	There is a working smoke detector in the workspace area?		
2	A home multi-use fire extinguisher, which you know how to use, is readily available?		
3	Walkways aisles, and doorways are unobstructed?		
4	Workspace is kept free of trash, clutter, and flammable liquids?		
5	All radiators and portable heaters are located away from flammable items?		
6	You have an evacuation plan so you know what to do in the event of a fire?		
	Electrical Safety	**Yes**	**No**
1	Sufficient electrical outlets are accessible?		
2	Computer equipment is connected to a surge protector?		
3	Electrical system is adequate for office equipment?		
4	All electrical plugs, cords, outlets, and panels are in good condition? No exposed/damaged wiring?		
5	Equipment is placed close to electrical outlets?		
6	Extension cords and power strips are not daisy chained and no permanent extension cord is in use?		
7	Equipment is turned off when not in use?		
	Computer Workstation	**Yes**	**No**
1	Chair casters (wheels) are secure and the rungs and legs of the chair are sturdy?		
2	Chair is adjustable?		
3	Your back is adequately supported by a backrest?		
4	Your feet are on the floor or adequately supported by a footrest?		
5	You have enough leg room at your desk?		
6	There is sufficient light for reading?		
7	The computer screen is free from noticeable glare?		
8	The top of the screen is at eye level?		
9	There is space to rest the arms while not keying?		
	Other Safety/Security Measures	**Yes**	**No**
1	Files and data are secure?		
2	Materials and equipment are in a secure place that can be protected from damage and misuse?		
3	You have an inventory of all equipment in the office including serial numbers?		

Benton County
OREGON

BENTON COUNTY ERGONOMIC SELF ASSESSMENT

The Workstation Ergonomics Self-Assessment is best undertaken by two people e.g. with your supervisor or team member. This enables the person to sit at their workstation while a second person observes and assists them achieve the recommended posture.

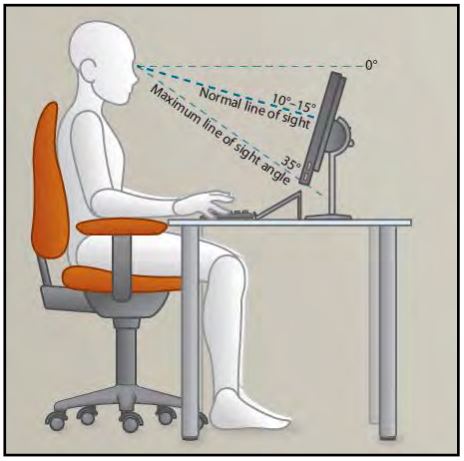
Item	The Office Chair	Yes	No	N/A	Suggested Actions
1.	Can the height, seat and back of the chair be adjusted to achieve the posture outlined below?				• Obtain a fully adjustable chair
2.	Are your feet fully supported by the floor when you are seated?				• Lower the chair • Use a footrest
3.	Does your chair provide support for your lower back?				• Adjust chair back • Obtain proper chair • Obtain lumbar roll
4.	When your back is supported, are you able to sit without feeling pressure from the chair seat on the back of your knees?				• Adjust seat pan • Add a back support
5.	Do your armrests allow you to get close to your workstation?				• Adjust armrests • Remove armrests

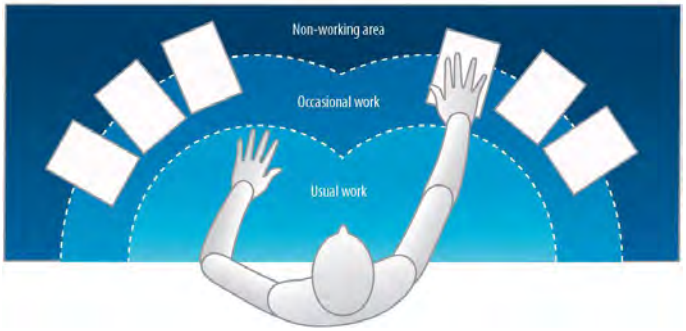


Item	Keyboard and Mouse	Yes	No	N/A	Suggested Actions
6	Are your keyboard, mouse and work surface at your elbow height?				• Raise / lower workstation • Raise or lower keyboard • Raise or lower chair
7	Are frequently used items within easy reach?				• Rearrange workstation
8	Is the keyboard close to the front edge of the desk allowing space for the wrist to rest on the desk surface?				• Move keyboard to correct position
9	When using your keyboard and mouse, are your wrists straight and your upper arms relaxed? *The keyboard should be flat and <u>not</u> propped up on keyboard legs as an angled keyboard may place the wrist in an awkward posture when keying.*				• Re-check chair, raise or lower as needed • Check posture • Check keyboard and mouse height
10	Is your mouse at the same level and as close as possible to your keyboard?				• Move mouse closer to keyboard • Obtain larger keyboard tray if necessary

11	Is the mouse comfortable to use?				• Rest your dominant hand by using the mouse with your non-dominant hand for brief periods (mouse buttons can be changed within the computer control panel) • Investigate alternate mouse options.

Item	WorkSurface	Yes	No	N/A	Suggested Actions
12	Is your monitor positioned directly in front of you?				• Reposition monitor
13	Is your monitor positioned at least an arm's length away? Note: the monitor's location is dependent on the size of the monitor, the font, screen resolution and the individual user e.g. vision/use of bifocal spectacles etc.				• Reposition monitor • Seek an alternative monitor if necessary e.g. flat screen that uses less space
14	Is your monitor height slightly below eye level?				• Add or remove monitor stand • Adjust monitor height
15	Is your monitor and work surface free from glare?				• Windows at side of monitor • Adjust overhead lighting • Cover windows • Obtain antiglare screen
16	Do you have appropriate light for reading or writing documents?				• Obtain desk lamp • Place on left if right-handed – place on right if left handed
17	Are frequently used items located within the usual work area and items which are only used occasionally in the occasional work area?				• Rearrange worsktation





Item	Breaks	Yes	No	N/A	Suggested Actions
18	Do you take postural breaks every 30 minutes? E.g. standing, walking to printer / fax etc.?				• Set reminders to take breaks

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19	Do you take regular eye breaks from looking at your monitor?				• Refocus on picture on wall every 30 minutes

Item	Accessories	Yes	No	N/A	Suggested Actions
20	Is there a sloped desk surface or angle board for reading and writing tasks if required?				• Obtain an angle board
21	Is there a document holder either beside the screen or between the screen and keyboard if required?				• Obtain document holder
22	Are you using a headset or speakerphone if you are writing or keying while talking on the phone?				• Obtain a headset if using the phone and keyboard
Item	**Laptop**	**Yes**	**No**	**N/A**	**Suggested Actions**
23	In the event of using a laptop computer for prolonged periods of time use of; • A full sized external keyboard and mouse; • Docking station with full sized monitor or a laptop stand				• Obtain appropriate laptop accessories

Following completion of this checklist, please discuss any concerns or requirements with your supervisor.
All completed assessments should be submitted to your supervisor.

Person Completing Assessment

Name		Position	
Signature		Date	

Supervisor

Name		Position	
Signature		Date	
Comments	*E.g. New ergonomic chair approved – please follow up directly with Administration / E.g. Formal ergonomic assessment approved*		