

AGENDA

BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, February 2, 2021

GoToMeeting: <https://www.gotomeet.me/BOCCCommissioners>

or Dial 1 (224) 501-3412; Access Code 377-762-829#

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

(Chair May Alter the Agenda)

THE BOARD WILL TAKE A BRIEF RECESS BETWEEN THE WORK SESSION AND THE REGULAR MEETING

9:00 A.M.

I. Opening:

- A. Introductions
- B. Announcements

II. 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.

III. Review and Approve Agenda

IV. Work Session

- 4.1 9:00 a.m., 30 minutes - Update from Emergency Operations Center – Bryan Lee, Suzanne Hoffman, Lili'a Neville, Kate Porsche
- 4.2 9:30 a.m., 30 minutes – Discuss Proposed Amendments to Benton County Code Chapter 23 (Solid Waste Management) – Greg Verret, Daniel Redick; Community Development
- 4.3 10:00 a.m., 30 minutes – Community Development Year-End Review – Monroe, Philomath and Adair Village – Pat Depa, Community Development

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

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

REGULAR MEETING

V. Consent Calendar

- 5.1 Approval of January 5, 2021 Board Minutes

VI. Proclamations

- 6.1 In the Matter of Proclaiming February 2021 Black History Month – *Joe Hahn, Equity, Diversity & Inclusion Program Manager*

Public Hearings

(Hearings are heard at 10:00 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 and Potential First Reading Adopting Ordinance No. 2021-0299 Setting Fees for Permits, Inspections, and Services – *Ron Diettrich, Community Development*

PH 2 In the Matter of a Public Hearing Transferring Jurisdiction of a Segment of South 13th Street to the City of Philomath – *Laurel Byer, Public Works*

VII. Old Business

- 7.1 In the Matter of Approving the Statewide Transportation Improvement Fund (STIF) FY 2022-2023 Formula – *Gary Stockhoff - Public Works; Lisa Scherf, Brad Dillingham – City of Corvallis Transportation*
- 7.2 In the Matter of Approving the Children and Family Outpatient Mental Health Treatment Program – *Dannielle Brown, Behavioral Health Deputy Director*
- 7.3 Approval of December 15, 2020 Board Minutes
- 7.4 Approval of December 22, 2020 Board Minutes

VIII. 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
Tuesday, February 2, 2021
9:00 a.m.

GoToMeeting: <https://www.gotomeet.me/BOCCommissioners>

or Dial 1 (224) 501-3412; *Access Code* 377-762-829#

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

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

Staff: **Dannielle Brown**, **April Holland**, **Suzanne Hoffman**, **Thom King**, Health; **Patrick Depa**, **Ron Dettrich**, **Daniel Redick**, Community Development; **Teresa Farley**, **Lili'a Neville**, BOC Staff; **Joe Hahn**, Equity, Diversity, and Inclusion; **Bryan Lee**, Emergency Management; **Kelly Locey**, **Alyssa Rash**, Public Information Officers; **Erika Milo**, BOC Recorder; **Kate Porsche**, Corvallis-Benton Economic Development; **Greg Ridler**, Sheriff's Office; **Gary Stockhoff**, Public Works

Guests: **Catherine Biscoe**, Philomath City Council; **Brad Dillingham**, **Lisa Scherf**, City of Corvallis; **Peggy Lynch**, resident

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

I. Opening:

A. Introductions

B. Announcements

Augerot acknowledged the long service of Sheriff Scott Jackson, whose last work day was January 29, 2021. Jackson served the County for more than 25 years, the last several years as Sheriff. Jackson oversaw much modernization of the Sheriff's Office, including the advent of body-worn cameras, in-car computers, and collecting soft data under the new State mandate. Augerot thanked Jackson very much for his service.

Augerot acknowledged that Benton County is on the historic Kalapuya lands of the Marys River or Chepenapha and the Muddy Creek or Chemapho bands, who were displaced to the Grand Ronde Confederated Tribes or Siletz Confederated Tribes of Indians.

II. Comments from the Public

No comment was offered.

III. Review and Approve Agenda

The following items were added to the agenda under VIII. Other:

- 8.1 In the Matter of a Letter in Support of Allowing Students to Receive Federal Stimulus Checks Directly
- 8.2 In the Matter of Supporting House Bill (HB) 2165 to Promote Electric Vehicles
- 8.3 Executive Session regarding an update on various land acquisition questions related to the Criminal Justice Systems Improvement Project (CJSIP)

The following items were removed from the agenda:

7.3 Approval of the December 15, 2020 Board Minutes

7.4 Approval of the December 22, 2020 Board Minutes

MOTION: Malone moved to approve the amended February 2, 2021 agenda. Wyse seconded the motion, which **passed 3-0.**

IV. Consent Calendar

4.1 Update from Emergency Operations Center (EOC) – Bryan Lee, Emergency Management; Suzanne Hoffman, April Holland, Health; Lili'a Neville, Senior Strategic Programs Manager; Kate Porsche, Corvallis-Benton Economic Development

Lee reported that this week the EOC is setting up for another Reser Stadium mass vaccination event. Last week's event went very smoothly, with many positive comments. The three EOC teams will begin a regular rotation.

Neville described the state of the JIC response after the first month of reactivation. When the JIC was activated in spring 2020, Neville started monthly communications reports. In January 2021, the County COVID-19 website received 42,230 home page views, at the level of May-July 2020. Website sub-pages have seen exponential traffic, with 82,332 views in January 2021 (vaccine information), compared to 24,000 views in May 2020 (business reopening information).

The telephone bank received 48 calls in December 2020, but had 1,115 calls in January 2021, far surpassing any previous levels. As a result, much more support was needed. On January 8, 2021, the JIC started a vaccine update email distribution list. The first email was sent to 1000-2000 recipients. On January 29, 2021, the third email was sent to 3,379 recipients, with a 75% open rate.

During previous activation, the JIC produced a daily video. In early winter 2020, this was reduced to one weekly video in English and one in Spanish. The December 2020 Spanish videos reached 2,600 views on Facebook (the County's main social media platform for video), and the English videos reached 1,300 views. In January 2021, the Spanish videos reached 2,000 views, and the English videos reached 1,400 views. Numbers were much lower on Youtube and Instagram. Video is an important strategy to reach certain populations. Led by Rocío Muñoz, Vulnerable Populations Sections Chief, the JIC is developing video and radio outreach in Mam, a language frequently used among farm workers and others. Mam is not traditionally written, so written communication is not suitable for this audience. One Mam video in December 2020 reached over 20,000 people on Facebook.

Malone praised the JIC for getting the word out, especially regarding vaccination and showing that progress is happening. Hopefully the Reser Stadium and Linn County Fairgrounds vaccination clinics will become regular area events. The JIC is doing a great job to reduce public confusion.

Augerot concurred with Malone's comments.

Hoffman shared that the Health Department is working collaboratively with Samaritan Health Services and Oregon State University (OSU) on the large vaccination events, and planning

multiple outreach strategies. Staff are actively working with Kerby, Finance, and the EOC to determine needed resources and reimbursement options.

Holland provided a vaccination update. The next County mass vaccination clinic will be held February 5, 2021, with 1,700 appointments. The County received 800 vaccine doses for educator use, and Samaritan contributed 900 doses for Phase 1a populations. Over 2,000 doses were administered last week. Rural vaccination clinic planning continues, as well as mobile outreach and dose allocation to pharmacies and healthcare providers. Efforts are limited by vaccine availability; there are far more people eligible than there are doses. Holland described how the EOC conducts vaccination scheduling for eligible individuals in two groups: eligible people based on State/Federal lists, and self-selected eligible people who complete the Benton County Vaccine Assessment Survey (VAS). There is some duplication, but there is no list of every eligible person/agency. The goal is to ensure access. The current known outreach list for eligibility Phase 1a contains over 200 agencies. The Phase 1b list includes all public and private school districts, 63 licensed childcare agencies, license-exempt family providers, and substitute teachers.

The VAS has been considerably improved from the original Lincoln County model. The Benton County vaccine webpage has also been updated to provide clarity. People can check eligibility status, and if not eligible, can sign up for listserv updates. Currently eligible people, agencies, or facilities can complete the VAS. Respondents from an agency enter what type of vaccine is needed and how many people need vaccination. Individual respondents enter how many people in the household need vaccination and which eligibility group. The County is partnering with a pharmacy and a healthcare provider to administer vaccines to people who are housebound.

The County has received over 3,500 VAS responses, most from individuals in Phase 1a, the remainder from educators, ranging from large agencies to individuals. When respondents attest eligibility, their contact information will be included in future scheduling messages. The County does not verify eligibility. When there is a vaccination opportunity, the County sends messaging in English and Spanish to survey respondents. OHA is allocating doses for specific use, so the County sometimes times the scheduling email strategically to ensure correct allocation. Emails include event information, a survey link, and instructions. Appointments fill very quickly. The County provides a new scheduling link for each vaccination opportunity. Community Liaisons staff are honing the VAS list once people are vaccinated. The County sent a survey to respondents to determine needs; 1,100 Phase 1a people responded who still need vaccination. The Liaisons team is moving to the Constant Contact platform to better manage the volume of emails. As older adults become eligible, the County wants pharmacies and providers offer vaccines, as well as mass vaccination sites. Refrigerator-stable vaccines may be forthcoming.

Augerot stated that one of the biggest problems has been that the VAS was hard to understand, so Augerot appreciates what Health and JIC staff have done to clarify the process.

Malone asked if vaccine shipments are becoming more routine and providing more advance notice of how many doses will arrive and when.

Holland replied that allocations still provide short notice, with Health typically receiving the information around Thursday for the following week's deliveries. Soon, numbers may be given for the next three weeks, which will help with planning events.

Wyse asked if there is a plan about how and when vaccines will be distributed to homeless and unsheltered populations.

Holland answered that the Vulnerable Populations Team is working on that plan. There is no state eligibility timeline for those groups yet. The County has already begun outreach to partners who serve those populations.

Augerot acknowledged that people in prisons are particularly vulnerable, and asked if that population had been discussed.

Holland affirmed. Incarcerated people will be on the eligibility list.

Ridler noted that the Sheriff's Office has explored vaccination, and the staff nurse will receive vaccine training. It will be difficult for the Sheriff's Office to provide vaccination due to the way the vaccine is stabilized, but staff are preparing to do so.

Holland added that Health will connect with Ridler when there is a timeline.

Porsche reported that the Corvallis-Benton Economic Development Office continues to distribute free Personal Protective Equipment (PPE) to businesses. Staff are preparing for the next wave of Federal business funding. Two staff members are serving at the EOC.

Augerot asked if Porsche is performing data analysis of who has received business assistance and whether groups have been missed.

Porsche replied that demographics on the previous small business grants are now available from Community LendingWorks and will be reported to the Board in future.

4.2 Discuss Proposed Amendments to Benton County Code Chapter 23 (Solid Waste Management) – Greg Verret, Daniel Redick, Community Development

Redick reviewed proposed draft amendments to Chapter 23. Changes included the Solid Waste Program's (SWP) shift from the Health Department to Community Development, updates to Solid Waste Advisory Committee (SWAC) membership requirements, and updated word choice for gender neutrality. Language has shifted around the use of fees collected under the franchise agreement. Originally the language said that fees would be used for administration of Chapter 23 and use of the SWP, but the franchise agreement has been restructured. This required a Chapter 23 amendment so the County can use some or all of the funds outside of the Solid Waste administration.

Counsel shared being primarily concerned with Section 23.420. The franchise fee under the prior agreement generated about \$260-\$270,000 in revenue, which was earmarked for supporting the SWP. Now that the franchise fee is around \$2,000,000, language should be adjusted to allow the Board to earmark the bulk of the revenue to other programs, hence the change to Subsection Four. Counsel would prefer to eliminate Subsection Four since the County has a strong commitment to funding the SWP. However, without a provision in code, future Boards could have different priorities. The result is a compromise, which provides that the SWP will be funded at no less than current biennial levels.

Verret shared wanting an option for the Board between fully funding through code or removing from code. This approach allows a significant amount of latitude for the County in the budget process. Verret agreed it is unusual for funding to be addressed in County code.

Augerot did not feel this item belongs in the code and preferred to rephrase Section 24.20 about the purposes envisioned in the code. The purpose is broader than what is enumerated here, which narrows the scope of Chapter 23. There is a research component, potentially partnering with OSU to mine the landfill and derive additional value. Augerot would prefer a statement that links to the stated purpose, rather than a narrow set of functions; or at a minimum, this narrow set of functions must be funded by Landfill Fund revenues.

Malone would prefer to remove Subsection Four from the code.

Wyse suggested that this matter could be captured elsewhere in a policy.

Verret agreed that a policy is an option. The purpose of Chapter 23 also describes what the County wants to accomplish through solid waste management. In the past, there was a desire to ensure that some portion of landfill money was used for waste management, but this is unusual compared to other programs.

Augerot noted that this type of funding decision could be included in a strategic plan for Solid Waste, which is under discussion.

Verret agreed. Staff intend to develop the strategic plan this year.

Counsel reviewed the origin of Subsection Four in 2000, when the SWAC was adamant that funded programs be included in County code. In Subsection 11, one of the purposes is to carry out local government responsibility and authority for solid waste management under State law, so that subsection provides an adequate description of the County's obligation to provide a program. The next step would be to place the funding of that obligation in a policy or strategic plan, then delete Subsection Four in its entirety.

Wyse requested an example of what the funds could be used for, besides administrative support.

Augerot replied that the funds could be used for anything else in the budget. The plan needs to actively address minimums, such as waste along the landfill road, odor from the landfill, and managing the relationship with the landfill. There are also issues of waste recovery/recycling, ensuring that education and outreach has an appropriate role.

Malone supports the recycling and other programs relating to the landfill, just feels that the item does not belong in the code. There should not be any concern about community support for these programs; it is simply necessary to find the appropriate place for that language.

Augerot to provide a few minor edits to the team.

MOTION: Malone moved to direct staff to prepare an ordinance for amendments to Chapter 23 and proceed to a public hearing, with the intent to remove 23.420 Subsection 4 and make minor edits. Wyse seconded the motion, which **passed 3-0**.

Redick noted the Public Hearing is scheduled for March 2, 2021.

4.3 Community Development Year-End Review – Monroe, Philomath and Adair Village – Pat Depa, Community Development

Verret praised Depa for helping with County planning work and being the interface with cities.

Depa provided an update on planning for the City of Philomath. The 2040 Comprehensive Plan is underway. Year 2020 was mainly occupied by three major reports: the Building Land inventory, Housing Needs Analysis, and Economic Opportunity Analysis. Staff are working to complete the Safety and Streetscape plan in 2021 and put the plan out to bid in 2022. The community chose the theme “timber town”. Depa is working on a design manual to help buildings reflect that theme and tie into the streetscape plan. There has not been much citizen involvement due to COVID-19, but staff are considering new approaches to capture input.

Depa created a Local Improvement District on Landmark Drive, which will probably go out to bid in January 2022 and build in summer 2022. Planning cases in 2020 went down compared to 2019. Downtown residential development in Philomath is doing very well. Depa described specific projects as seen in the packet.

Kerby asked Depa to expand on the recreational vehicle (RV) park, which may impact the Benton County Fairgrounds RV park.

Depa replied that the Philomath RV park is in the engineering phase; the decision was delayed by an appeal. All State agency reviews are complete and approved. The City of Philomath received a bus shelter grant and installed a bus stop anticipating increased growth.

Depa provided an update on projects in the City of Adair Village. A five-acre piece of land in the center of town was successfully annexed under commercial zoning. The piece still has a parks in perpetuity covenant. The property will be exchanged with an industrial property, which will host a bicycle repair station and picnic area. Two consultant firms are working on the Federal Land Exchange application packet to submit to the Department of Interior. The downtown parks property has another acre in the center; the plan is to make an Adair Village downtown. In 2020, both Phase II & III of Calloway Creek LLC were approved.

Augerot described Adair Village growth as a lot of low density housing with a feeling of sprawl and asked if there is any planning to also provide high-density, lower cost housing in the expansion to exclusive farm-use land.

Depa replied that the topic had not been raised south of Calloway Creek. High-density housing could provide a good buffer to single family neighborhoods along Highway 99, but retail/office space is desired downtown. Downtown will probably be zoned for higher density.

Augerot asked how much community engagement there has been in Adair Village.

Depa replied there has been no engagement on the park because of the parks in perpetuity issue. Many past studies have been done. Once the exchange is completed, there will be design work for downtown.

Augerot asked if there had been discussion of “missing middle” housing, duplexes that would bring in more diversity.

Malone recalled a discussion with Adair Village City Administrator Pat Hare about higher-density housing downtown, with a possible preference for higher-end units to help support retail businesses.

Depa shared that the goal is a mixture of density, housing styles, and price points. Hare envisions a historical look for downtown, buildings with a minimum of two stories, encouraging office space and service industry.

Depa reported that the City of Monroe is doing well but needs a lot of work. Since there is no City Manager, Depa has taken on some of those roles. The Monroe Mayor and a City Council member resigned in summer 2020. Red Hills Residential development is still proceeding slowly. The Riverside project is about two-thirds done and probably will need a design manual. Depa put in extra unpaid time to help Steve Martinenko, Monroe Public Works Director, during the period of turmoil. Depa is slightly less involved now that the situation has calmed down.

Responding to a question from Augerot, Depa described his typical work schedule of three days per week in Philomath and mainly remote work for Adair and Monroe, then taking County land use cases as assigned.

Augerot noted this was an experimental position and seems extremely successful and timely.

Malone asked about problems with city water in Monroe in relation to upcoming development.

Depa replied there is water capacity to serve the Brickyard development. The real issue in the northern part of Monroe is the sanitary line, which ends at Mill Street. Storm water often takes up capacity. Upgrades to the pump station may be needed, and a complete new line if the Brickyard is developed. Monroe is exploring funding options.

Augerot noted there are funding sources from the United States Department of Agriculture and Business Oregon. Augerot encouraged Depa to work with Porsche and team.

Malone asked if there was a legislative mandate to have planners in smaller jurisdictions.

Verret replied that the County is required to have staff building inspectors in certain positions in each jurisdiction rather than contracting, and each city must have a planning commission. Depa's position arose more from a need expressed by the cities, not a mandate.

Kerby praised Depa's outstanding work.

Wyse asked if Depa has ever identifies needful code changes for incorporated areas.

Depa affirmed, particularly in Monroe and Philomath. Depa will introduce three new code changes in Philomath on February 16, 2021. Community Development brings code changes forward whenever necessary.

Augerot shared community feedback that school districts need to be discussed when adding family homes, and encouraged Depa to speak to Corvallis and Philomath school districts.

V. Consent Calendar

5.1 Approval of January 5, 2021 Board Minutes

MOTION: Malone moved to approve the Consent Calendar of February 2, 2021. Wyse seconded the motion, which **passed 3-0.**

VI. Proclamations

6.1 In the Matter of Proclaiming February 2021 Black History Month – Joe Hahn, Equity, Diversity & Inclusion Program Manager

Hahn read aloud the proclamation for Black History Month and Black Futures Month. This year's Black History theme is "The Black family: representation, identity, and diversity." The proclamation highlighted the history of Black exclusion laws in Oregon. While those laws have ended, Black communities are currently disproportionately harmed by COVID-19. The proclamation celebrates Black pioneers in the City of Corvallis such as Hannah and Eliza Gorman. For the first time, February also celebrates Black Futures Month, looking ahead to equity, diversity, inclusion, and justice. Black Futures Month celebrates art, culture, and science. The Benton County 2040 Initiative fits this vision.

MOTION: Malone moved to approve the proclamation. Wyse seconded the motion, which **passed 3-0.**

Public Hearings

PH 1 In the Matter of a Public Hearing and Potential First Reading Adopting Ordinance No. 2021-0299 Setting Fees for Permits, Inspections, and Services – Ron Dettrich, Community Development

Chair Augerot opened the public hearing at 10:03 a.m.

Staff Report

Dettrich explained that this is the first fee increase since 2010, applied to mechanical, electrical plumbing, and structural fees. The increase averages 6% on total revenue. Fees on a single family dwelling unit increase from 5% to 6.5%. Although staff propose raising fees 15%, the minimum fee will not change, so contractors will not see an increase for most projects. The increase will help the County keep up with inflation.

Augerot asked if the increased fees will cover costs.

Dettrich affirmed. The main deficit was in electrical and plumbing fees, where the County has to contract out for commercial help.

Verret noted that covering costs with revenues is challenging, but staff believe this increase will help secure Community Development's financial stability over the long-term. The department has operated in the black for the last few years and hopes to maintain that contingency in future.

Malone expressed a preference for modest increases rather than big jumps.

Public Comment

No comments were offered.

MOTION: Malone moved to approve Ordinance 2021-0299 adopting revised building permit fees and conduct the first reading of the ordinance. Wyse seconded the motion, which **passed 3-0.**

Wyse expressed being sensitive to the effect of increased fees for the community, but it is important to cover County costs rather than subsidize with other taxpayer money.

Augerot expressed appreciation that minimum fees were not increased.

Counsel read aloud the Ordinance. Second reading to occur at the February 16, 2021 Board Meeting.

Chair Augerot closed the public hearing at 10:12 a.m.

PH 2 In the Matter of a Public Hearing Transferring Jurisdiction of a Segment of South 13th Street to the City of Philomath – Laurel Byer, Public Works

Chair Augerot opened the public hearing at 10:12 a.m.

Staff Report

Byer explained that this transfer was requested by the City of Philomath, allowing the City to enter an agreement with the Oregon Department of Transportation (ODOT) to perform streetscape improvements, and thereby exit a third-party agreement.

Public Comment

No public comment was offered.

MOTION: Malone moved to approve Order #D2021-027 to transfer jurisdiction of South 13th Street between Main and Applegate, County Road No. 26250A, to the City of Philomath. Wyse seconded the motion, which **passed 3-0.**

Chair Augerot closed the public hearing at 10:15 a.m.

VII. Old Business

7.1 In the Matter of Approving the Statewide Transportation Improvement Fund (STIF) FY 2022-2023 Formula – Gary Stockhoff, Public Works; Lisa Scherf, Brad Dillingham – City of Corvallis Transportation

Scherf explained that STIF funding comes from the statewide transit tax. The proposal contains projects from area Transportation Service Providers including Corvallis Transit Service, Benton Area Transit (BAT), the Philomath Connection (operated by the City of Corvallis), the City of Albany (which operates Albany Transit System and Linn-Benton Loop), and Oregon Cascades West Council of Governments (COG). Once approved, the list will be submitted to ODOT, although changes can be made to the final list. Many of these projects are tied to discretionary matching funds. The State has two STIF-related funds: one is formula and is run by Benton County; the other is discretionary, and is run by ODOT. ODOT received five applications that touch Benton County; the STIF Advisory Committee ranked the projects, of which three have related funding matches. Those projects include a camera system for BAT buses, with a full cost of \$100,000 if the grant is not received. Other projects with matching options are the COG OSU mobility hub design, and the service pilot project on Highway 99W, implementing COG's feasibility and needs study.

Under discretionary projects, the Highway 99W corridor pilot service was a top priority for the STIF Advisory Committee. Another project is the Yamhill County portion from the City of Junction City to the City of McMinnville, which is operated by Benton and Yamhill counties, with Polk County also involved in planning. The third project addresses regional transit network gaps, including a planning component. COG is not requesting a match for the planning, so that does not appear on the discretionary list. The next step is to submit the list to the State. Staff

hope to secure agreements with ODOT by July 1, 2021. Item ALL-1 is funding that can be used (with ODOT approval) for unanticipated projects of regional significance, such as unanticipated expense or cost increases. That balance is high due to unspent money from the previous biennium, and will likely be smaller in future.

Malone praised the work to expand transit systems to connect systems in the Cities of Eugene, Corvallis, and Albany. It is important to maintain existing roads, but transit has advantages, especially considering the increase in economic stress.

Wyse appreciated the explanation of process and background. The process is working well.

MOTION: Malone moved to hereby accept the Benton County STIF Advisory Committee's funding and ranking recommendations for Formula Fund projects to be included in the Benton County STIF Plan for the 2022-23 Biennium, and sign the Order. Wyse seconded the motion, which **passed 3-0.**

7.2 In the Matter of Approving the Children and Family Outpatient Mental Health Treatment Program – Dannielle Brown, Behavioral Health Deputy Director

Brown explained that staff want to develop this new Mental Health program to provide services to high-needs children and families. Program implementation will initially include two staff clinicians, with up to six additional staff, including a program manager, after July 2021.

MOTION: Wyse moved to approve the Children and Family Outpatient Mental Health Treatment Program. Malone seconded the motion, which **passed 3-0.**

7.3 Approval of the December 15, 2020 Board Minutes

7.4 Approval of the December 22, 2020 Board Minutes

Items 7.3 and 7.4 were removed from the agenda, having been approved at the January 26, 2021 Board Meeting.

VIII. Other

8.1 In the Matter of a Letter in Support of Allowing Students to Receive Federal Stimulus Checks Directly

Augerot presented a letter in support of changing the formula for young adults, particularly students, to receive Federal stimulus checks independently rather than through their parents. The intent is that dependents aged 18 and older be included in any upcoming stimulus plan with direct payments to help with living expenses. The letter is directed to the Oregon congressional delegation. The Corvallis City Council unanimously approved supporting the letter.

MOTION: Wyse moved to sign on to the letter to members of Congress about stimulus checks. Malone seconded the motion, which **passed 3-0.**

8.2 In the Matter of Supporting House Bill (HB) 2165 to Promote Electric Vehicles

Malone explained that HB 2165 supports electric cars through State funding. The bill does not mention fiscal impact, but Malone supports the bill.

Augerot noted that ratepayers provide a large proportion of funding; the bill requires electric companies to collect a transportation electrification charge from all customers. Some money is also provided by the Oregon Public Utility commission. Augerot generally supports the bill. Electrification of transportation is a key piece to reach national climate mitigation goals.

MOTION: Wyse moved to support HB 2165. Malone seconded the motion, which **passed 3-0.**

Chair Augerot recessed the meeting at 11:45 a.m. and entered Executive Session under ORS 192.660(2)(e) – Real Estate Transactions at 11:48 a.m.

Chair Augerot adjourned the Executive Session at 12:09 p.m. and immediately reconvened the regular Board Meeting at 12:09 p.m.

IX. Adjournment

Chair Augerot adjourned the meeting at 12:09 p.m.



Xanthippe Augerot, Chair



Erika Milo, Recorder

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

4.265

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/02/21

[View Agenda Tracker](#)

Suggested Placement * Work Session

Department * Community Development

Contact Name * Daniel Redick

Phone Extension * 6014

Meeting Attendee Name * Daniel Redick, Greg Verret

Agenda Item Details

Item Title * Proposed Amendments to Chapter 23 (Solid Waste Management) of the County Code

Item Involves * Check all that apply

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

Estimated Time * 15 minutes

Board/Committee Involvement * ☒ Yes
☐ No

Name of
Board/Committee

Solid Waste Advisory Council

Advertisement *

☐ Yes

☒ No

Issues and Fiscal Impact

Item Issues and Description

**Identified Salient
Issues ***

Staff is seeking guidance on the proposed amendments to Chapter 23 (Solid Waste Management), and are looking for direction to prepare an ordinance for public hearing. The drafted amendments to chapter 23 (attachment 1) include reflecting the solid waste program shift from the Health Department to the Community Development Department, changes to the Solid Waste Advisory Council membership requirements (23.025), updated word choice for gender neutrality, and updates to the use of fees collected under the Landfill Franchise Agreement (23.420, subsection 4). Staff has used feedback from County Counsel to draft the attached amendments, and are looking for specific guidance from the board on the options for 23.420, subsection 4.

Options *

Options for Chapter 23 amendments:

- 1) Direct staff to prepare an ordinance for amendments to chapter 23 and proceed to public hearing.
- 2) Do not move forward with chapter 23 amendments, and provide staff with further direction .

Options for the use of fees collected under the Landfill Franchise Agreement (23.420, subsection 4):

- 1) Amend the subsection to have solid waste funding "come from fees collected under the Landfill Franchise Agreement in an amount no less than the amount budgeted in the fiscal years 2019-21" (this option is in the attached draft; it would ensure the solid waste program is funded through a portion of the franchise fee).
- 2) Delete the subsection entirely. (This option would grant the Board of Commissioners the greatest latitude in determining how to expend franchise fee funds.)

Fiscal Impact *

- ☒ Yes
☐ No

**Fiscal Impact
Description ***

With the increase in fees to be collected under the latest Landfill Franchise Agreement, the language in 23.420, subsection 4 required amendments in order to use some or all of those funds for uses outside of solid waste administration.

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.
This is for amendments to Chapter 23 of Benton County Code, "Solid Waste Management".

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 * These amendments include updates to make language more gender neutral.

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 * One of the functions of Chapter 23 is to contribute to reducing waste of natural resources.

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations* For the use of fees collected under the Landfill Franchise Agreement (23.420, subsection 4), staff recommends to amend the subsection to have solid waste funding "come from fees collected under the Landfill Franchise Agreement in an amount no less than the amount budgeted in the fiscal years 2019-21" (this option is in the attached draft). County Counsel prefers to remove this subsection, but recommends the language above if the Board prefers to keep the subsection.

Work Session
Motions* I move to ...
I move to direct staff to prepare an ordinance for amendments to Chapter 23 and proceed to a public hearing.

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.

Chap 23 Solid Waste Mgmt DRAFT.docx

38.67KB

Comments (optional)

If you have any questions, please call ext.6800

Department
Approver

GREG VERRET

Department Approval

Comments

Signature

Greg Verret

BOC Initial Approval

Approvals Required ☒ Counsel
☒ Finance
☐ HR

Counsel Approver VANCE CRONEY

Finance Approver MARY OTLEY

**County
Administrator
Approver** JOE KERBY

Comments

Counsel Approval

Comments

Signature

Vance H. Cline

Finance Approval

Comments

iii

Signature

Mary K. Otley

County Administrator Approval

Comments

Signature



Joseph Kirby

BOC Final Approval

Comments

Signature

Teresa Farley

CHAPTER 23

SOLID WASTE MANAGEMENT

ADMINISTRATION

23.005 Definitions. As used in BCC Chapter 23:

- (1) **"Council"** means the County Solid Waste Advisory Council established pursuant to this section.
- (2) **"Uncovered Load"** means a load which is:
 - (a) not completely covered on all sides and on the top and bottom and such cover is either a part of or securely fastened to the body of the motor vehicle or trailer,
 - (b) not securely tied to the body of the motor vehicle or trailer so that no piece, article, item or part of such solid waste or recyclable material is not fastened to the body of the motor vehicle or trailer, or
 - (c) not contained in the body of the motor vehicle or trailer, in such a way as to prevent any part of the solid waste or recyclable material from being deposited upon any private or public property, road, right-of-way or driveway within the County.
- (3) **"Department"** means the Benton County ~~Community Development~~Health Department.
- (4) **"Discarded Vehicle"** means any vehicle which does not have a lawfully affixed unexpired license plate and is inoperative, wrecked, dismantled or partially dismantled, abandoned or junked. A "discarded vehicle" is a form of "Solid Waste".
- (5) **"Disposal Site"** means land and facilities used for the disposal, handling or transfer of, or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site.
- (6) **"Franchise"** includes a franchise, certificate, contract or license issued by a local government unit authorizing a person to provide solid waste management services.
- (7) **"Hazardous Waste"** means any hazardous waste as defined by ORS 466.005 or wastes found by the franchisee to be hazardous to service workers, service equipment or facilities, or to the public. "Hazardous waste" shall also include "hazardous waste" as defined by other governmental units which have legislative or administrative jurisdiction.
- (8) **"Holder"** means a person to whom the Board has granted a franchise or permit.
- (9) **"Landfill"** means a facility for the disposal of solid waste involving the placement of solid waste on or beneath the land surface.
- (10) **"Permit"** means a limited license to provide only specified recycling or reuse services.
- (11) **"Person"** means any individual or other legal entity.

(12) **"Resource Recovery"** means the process of obtaining useful material or energy resources from solid waste, including source separation and materials or energy recovery.

(13) **"Service"** means the collection, transportation, and disposal of, or resource recovery from, solid waste. "Service area" is the geographic area in which service is provided.

(14) **"Solid Waste"** means all useless or discarded putrescible and nonputrescible materials, including but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid materials, dead animals and infectious waste as defined in ORS 459.386.

(15) **"Solid Waste Management"** means the prevention or reduction of solid waste, management of the storage, collection, transportation, treatment, utilization, processing and final disposal of solid waste, recycling, reuse and material or energy recovery from solid waste and facilities necessary or convenient to such activities.

(16) **"Source Separation"** means the separation of waste materials by the generator in preparation for recycling.

(17) **"Waste"** means material that is no longer directly usable by the source, and which is to be disposed of or may be resource recovered by another person.

(a) The fact some materials have value and may be recovered, reconditioned or resold, does not exempt such materials from the definition of "waste".

(b) Separation of materials from other wastes by the source does not remove the materials from this definition. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 94-0108; Ord. 2000-0165; Ord. 2003-0183]

23.010 Purpose. In order to protect the health, safety and welfare of the people of Benton County and to provide a solid waste management program, it is declared to be the public policy of Benton County to regulate solid waste management to:

(1) Provide for a coordinated solid waste management program and administration with cities within Benton County and with other counties or cities under existing and future regional programs.

(2) Provide for cooperation and agreements between Benton County and cities and other counties involving joint or regional franchising of solid waste service.

(3) Provide standards, regulations and franchising to insure the safe and sanitary accumulation, storage, collection, transportation and disposal or resource recovery of solid wastes and insure maintenance of solid waste collection, resource recovery and disposal service.

(4) Encourage research, studies, surveys and demonstration projects to develop a safe, sanitary, efficient, and economical solid waste management system.

(5) Provide research, development and promotion of and public education for technologically and economically feasible resource recovery including recycling and reuse, by and through the franchisees or permittees and other persons.

- (6) Eliminate duplication of service or routes to conserve energy and material resources, reduce air pollution, noise pollution, truck traffic, and increase efficiency, thereby minimizing consumer cost.
- (7) Encourage the use of the capabilities and expertise of private industry and encourage volunteer efforts in accomplishing the purposes of BCC Chapter 23.
- (8) Provide equitable classes of collection rates to classes or users of solid waste services that are just, fair, reasonable, and adequate to provide necessary services to the public, justify investment in solid waste management systems and provide for equipment and systems modernization to meet environmental service requirements and technology.
- (9) Minimize the cost and burden of regulation, administration and enforcement.
- (10) Provide for public input in solid waste management.
- (11) Carry out the local government responsibility and authority for solid waste management under ORS 459, and carry out the mandate for waste reduction under Chapter 773, Oregon Laws, 1979. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2000-0165]

23.015 Administration. Administration under the supervision of the Board shall be by the Benton County ~~Community Development~~Health Department under the Administrator or ~~his~~ designee. The following persons and agencies shall assist the Department in carrying out its duties under BCC Chapter 23: The Planning Commission, ~~Community Development~~ Department (Planning, Zoning and Land Use.); ~~Health Department (Environmental Health)~~; Solid Waste Advisory Council (Solid Waste Management Planning.); Finance Division (Fiscal Management and Rates.); Public Works Department (Public and Private Facilities.); County Counsel, District Attorney and Sheriff (Enforcement). [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2000-0165]

23.020 Solid Waste Advisory Council Established. The Board shall create a County Solid Waste Advisory Council in accordance with Benton County Code sections 23.025 through 23.035 and may create a Regional Solid Waste Advisory Council or Committee in cooperation with cities and other counties. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2003-0183]

23.025 County Solid Waste Advisory Council Membership.

- (1) The Council shall consist of ten (10) ~~voting members, and three (3) ex-officio, not voting members, with specific membership details in the Solid Waste Advisory Council Bylaws. All members shall be appointed by the Board.~~ ~~All members shall be appointed by the Board and shall be selected as follows:~~
 - ~~(a) Three (3) members shall be residents of the City of Corvallis;~~
 - ~~(b) One (1) member from each of the cities of Adair Village, Albany, Monroe, and Philomath. Each member shall be a resident of the represented city; and~~
 - ~~(c) Three (3) members who reside in the unincorporated areas of Benton County.~~
- (2) The following persons may be appointed by the Board as ex officio members entitled to participate in proceedings of the Council, but not to vote: the Administrator of the ~~Community Development~~Health Department or ~~his~~ designate; a collection franchise holder; a disposal site

franchise holder; a person holding a permit; or a person lawfully engaged in providing recycling or reuse service or the promotion or education for such service. The Board may appoint additional ex officio members as they see fit. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 95-0115; Ord. 2003-0183]

23.030 County Solid Waste Advisory Council Terms. Members shall serve at the pleasure of the Board. The Council shall select its own chairperson and vice chairperson. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 2003-0183]

23.035 County Solid Waste Advisory Council Duties. The Council shall assist the Board in planning and implementation of solid waste management. First priority shall be given to those areas assigned by the Board including maintenance of County roads in the vicinity of Coffin Butte and to recycling and reuse and matters related to those areas. The County Solid Waste Advisory Council shall provide input or recommendations to the Board on the use of the host surcharge. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2000-0165; Ord. 2003-0183]

FRANCHISES AND PERMITS

23.105 Franchise or Permit Required to Provide Service. No person shall solicit for service customers or provide service in Benton County, without first acquiring a franchise or permit under BCC Chapter 23 unless specifically exempted pursuant to this section. BCC Chapter 23 shall not apply within the limits of an incorporated city, except as may be provided through an agreement with the city. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035]

23.110 Exemptions to Requirement for Franchise or Permit.

(1) The following persons or practices are exempted from the requirements of BCC Chapter 23:

(a) A private charitable organization which regularly engages in the collection and reuse of repairable or cleanable discards, such as the Salvation Army, St. Vincent DePaul, Goodwill, and similar organizations.

(b) A religious, charitable, benevolent or fraternal organization, which organization is not organized for solid waste management purposes, and which is using the activity for fund raising, such as scouts and churches, and which collects and reuses or recycles totally source separated materials, or operates a collection center for totally source separated materials.

(c) The collection, transportation or redemption of returnable beverage containers under the "Bottle Bill" (ORS Chapter 459).

(d) A producer who transports and disposes of waste created as an incidental part of the regular operation of a licensed auto wrecking business or a janitorial service or a gardening or landscaping service, or a septic tank pumping or sludge collection or disposal service. "Janitorial service" does not include accumulation or collection of wastes produced by a property owner or occupant.

(e) The transportation by a person of solid waste produced by the person to a disposal site or resource recovery site or market. In the case of non-owner occupied property, the exemption applies only to waste which is produced and transported by the occupant of the premises and not by the landlord or property owner or his agent.

(f) The collection by the County or other subordinate jurisdiction of leaves, street sweepings or similar wastes, and transportation to a disposal site, resource recovery site or market.

(g) A person engaging in the practice or business of the purchase of totally source separated solid wastes for fair market value, provided, however, that the person shall obtain a certificate from the Department for this service prior to commencing business in the County. Application shall be on forms supplied by the Department, which shall require information sufficient to determine qualifications under this exemption. The application shall be accompanied by a certificate fee. A holder may obtain a certificate under this subsection.

(h) A collection center for totally source separated materials operated by a nonprofit organization which was organized for one or more solid waste management purposes in addition to other purposes of the organization, provided that the operation has been continuous from January 16, 1981. This exemption terminates upon termination of collection center operations following January 16, 1981. The nonprofit corporate operator of an existing collection center shall apply for a permit from the County within 30 days after the effective date of BCC Chapter 23.

(2) The following disposal sites are exempted from the requirements of this ordinance.

(a) A landfill which is used by the owner or person in control of the premises to dispose of rock, soil, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a collection service.

(b) A portion of land or a facility specifically possessing a waste water discharge permit pursuant to ORS Chapter 468B and in compliance with all Oregon Environmental Quality Commission regulations on solid waste management.

(c) Land on which solid wastes are used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of animals. ORS 459.005(24)(b).

(d) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste.

(e) A site operated by a wrecker issued a certificate under ORS 822.110. Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2003-0183]

23.115 Additional Exemptions Upon Application. In addition to the exemption listed above the Board may grant additional exemptions, as follows:

(1) An applicant shall obtain an application for exemption from the Department. A completed application shall be filed with the Department.

(2) Upon twenty (20) days written notice to the applicant and affected franchisees or permittees, a public hearing shall be held before the Board.

(3) The Department shall review the application and provide information and recommendations to the Board to assist it in reaching a determination.

(4) At the conclusion of the hearing to consider the application, the Board shall make a decision, including written findings, based upon the following factors, among others:

- (a) The purpose stated in BCC 23.010.
- (b) The ability of the existing franchise holders or exemption holders to provide the required service.
- (c) Unnecessary or unreasonable hardships or practical difficulties which can be relieved only by granting an exemption.
- (d) Whether the granting of an exemption will be materially detrimental or have a substantial negative impact on service, consumer rates, or the holder of the service area or service.
- (e) The ability of the applicant to secure the necessary equipment and personnel to provide the service.

(5) The Board's decision shall be mailed to the applicant and affected holders by first class mail. The Board may attach any conditions or limitations to the granting or exercising of an exemption deemed necessary to carry out the purposes and policies of Chapter 23. The Board also may impose additional conditions on an existing holder in this regard. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2000-0165]

APPLICATION AND QUALIFICATIONS

23.205 Applications Required for Franchises and Permits. Applications for franchises and permits shall be on forms provided by the Department. In addition to information required on the forms, the Department may require the filing of any additional information it deems necessary to insure compliance with BCC Chapter 23. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035]

23.210 Collection Franchise Requirements.

(1) An applicant for an original collection franchise or for a collection franchise transfer shall demonstrate to the satisfaction of the Board that the applicant:

- (a) Has a majority of the service accounts in the service area for which he has applied, as evidenced by a list of customers served; and
- (b) Has available collection vehicles, equipment, facilities and personnel sufficient to meet the standards established by BCC Chapter 23, ORS Chapter 459 and applicable administrative rules. If the applicant proposes to serve a service area which is wholly or in part under franchise to another person, or to replace such person upon expiration of the existing franchise, the applicant shall have available on the beginning date of the proposed franchise term collection vehicles, containers and other equipment equal to that presently used in service; and
- (c) Has sufficient experience to insure compliance with BCC Chapter 23. If the applicant does not have sufficient experience, the Board may require the applicant to submit a corporate surety bond, in the amount of not less than \$500,000.00, guaranteeing full and faithful performance by the applicant of the duties and obligations of a franchisee under the provisions of BCC Chapter 23 and applicable federal, state and local laws and rules or regulations, and holding Benton County harmless from liability; and

- (d) Has in force, or intends to provide for, public liability insurance in the amount of not less than \$2,500,000.00 for injury to a single person, or \$10,000,000.00 for injury to a group of persons and property damage insurance in the amount of not less than \$5,000,000.00, which shall be evidenced by a certificate of insurance or a letter of intent. Upon award of a franchise, any applicant providing only a letter of intent with the application shall provide a copy of a certificate of insurance prior to the effective date of the franchise. The certificate shall name Benton County as an additional insured. The Board may, by order, increase the minimum amount of required insurance to meet inflationary costs; and
 - (e) When requesting a transfer of franchise, the applicant must submit, as part of the application, a letter from the current franchisee requesting the transfer.
- (2) If the applicant is not already serving the area proposed to be served, applicant shall show that:
- (a) The defined service area has not been franchised to another person; or
 - (b) The defined service area is not being presently served by a holder pursuant to any schedule established as part of the franchise in accordance with BCC Chapter 23; or
 - (c) The defined service area is not being adequately served by a holder and there is a substantial demand from customers within the area for a change of service to that area. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2003-0183]

23.215 Disposal Site Franchise Requirements. An applicant for an original disposal site franchise or franchise transfer shall demonstrate, to the satisfaction of the Board:

- (1) The type of disposal site and the transfer, disposal, processing or resource recovery method to be employed, together with any proposed special regulations dealing with hazardous wastes or concerning the types of waste that will be accepted at the disposal site; and
- (2) That the applicant has available land, equipment, management, facilities and personnel to meet the standards established by BCC Chapter 23, ORS Chapter 459 and applicable rules, and has insurance equal to that required for a collection franchise; and
- (3) That the applicant has sufficient experience to ensure compliance with BCC Chapter 23.
 - (a) If the applicant does not have sufficient experience, the Board may either deny the application or require the applicant to submit a corporate surety bond in the maximum amount of \$10,000,000.00, which guarantees full and faithful performance by the applicant of the duties and obligations of a franchise holder under provisions of Chapter 23, guarantees compliance with all applicable laws, and which holds Benton County harmless.
 - (b) In determining whether or not a bond is required and the amount necessary, the Board shall give due consideration to the size and type of the site, the solid waste handling methods proposed, the population or type of customers to be served, alternative sites, availability of the bond, cost to the ratepayer, adjacent or nearby land uses, the potential danger of failure of service and such other factors as the Board deems relevant.
- (4) If the application is for a transfer of a disposal site franchise, the applicant must submit, as part of the application, a letter from the current holder requesting transfer. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2003-0183]

23.220 Recycling or Reuse Franchise or Permit Requirements. The Board shall specify which of the collection franchise requirements, as set forth in BCC 23.210, shall apply to specific permits. In addition:

- (1) The Board may include recycling or reuse service or the education or promotion of such service in a collection franchise.
- (2) In lieu of a franchise, the Board may issue a limited permit for specified service and subject to such terms and conditions as the Board may impose to carry out the policy, purpose and findings.
- (3) Issuance of a recycling or reuse franchise or permit by the Board is discretionary. The grounds for issuance shall be compliance with the requirements specified by the Board. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035]

23.225 Provisions in Addition to Zoning Code. The above franchise requirements are in addition to any provisions of the Benton County Zoning Code that may be applicable. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0002; Ord. 86-035]

23.230 Investigation and Findings for Franchise or Permit.

(1) Generally applications shall be reviewed by the Department, which shall make such investigation as it deems appropriate. The Department shall give written notice of any application to affected holders. In addition, the following specific requirements apply where appropriate:

(a) Collection Franchises. Upon the basis of the collection franchise application, evidence submitted and results of investigation, the Department shall make a finding on the qualifications of the applicant and shall determine whether additional areas should be included or additional service or equipment should be provided.

(b) Disposal Site Franchises. Upon the basis of the disposal site application, evidence submitted, and results of any investigation, the Department shall make a finding on the qualifications of the applicant, whether additional service, land, equipment or facilities should be provided and what conditions of service should be imposed, including whether the site should be opened to the public and under what conditions, whether or not certain types of wastes, solid wastes or hazardous wastes should be excluded from the site or what types of wastes should be required to be accepted at the site, and shall make findings as to whether or not the site is economically feasible, whether or not the site may be integrated with existing private or County-owned or operated sites, and, further, whether the site complies with all rules and regulations adopted pursuant to BCC Chapter 23 or ORS Chapter 459. The Board may impose any conditions deemed necessary to carry out the purposes and policy of this Section.

(2) On the basis of these findings, the Department shall recommend to the Board whether or not an application should be granted, denied, or be modified. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035]

23.235 Public Hearing on Franchise or Permit.

(1) The Board shall conduct a public hearing to consider an application within 30 days of receipt of the Department's recommendation.

(2) Notice shall be served on the applicant and any affected holder, and shall be published once in a newspaper of general circulation within the franchise area not more than ten (10) nor fewer than seven (7) days preceding the hearing.

(3) The Board's decision shall be supported by written findings. The determination of the Board after conclusion of the public hearing shall be final.

(4) If the Board order rejects all or part of the application for a franchise or permit, the applicant may not submit another application for the same service area, or a portion thereof, or the same disposal site, for a period of six (6) months, unless the Board finds that the public interest requires reconsideration within a shorter period of time.

(5) Upon receipt of the order granting a franchise or permit, the applicant shall enter into a written franchise or permit with Benton County. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-023, Ord. 86-035; Ord. 2003-0183]

TERM; RENEWAL

23.305 Renewal of Franchise or Permit.

(1) Renewal of any franchise or permit shall be based on an application filed with the Department. The procedure for review, renewal, approval and denial shall be as set forth above for the granting of the franchise or permit. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035]

23.310 Term of Franchise or Permit. (1) Unless the Board finds in writing that a longer or shorter term is required in the public interest:

(a) The term of a collection franchise shall be ten (10) years.

(b) The term of a disposal site franchise shall be determined by the Board upon recommendation of the Department. The recommendation shall be based upon site longevity, population to be served, and probable use, and shall not exceed twenty-five (25) years.

(c) The term of a permit shall be determined by the Board upon recommendation of the Department. The recommendation shall be based upon achieving the purposes in BCC 23.010.

(2) The Board or holder may reopen a franchise or permit during its term for a change in provisions, or for negotiation of an early renewal. The change or renewal shall require the mutual approval of both the Board and the holder.

(3) The terms of a franchise or permit shall be binding upon a holder, its heirs, successors or assigns.

(4) A franchise or permit granted pursuant to BCC Chapter 23 shall be inoperative unless the holder files with Benton County a written acceptance within thirty (30) days of issuance. Upon the filing of such written acceptance, a franchise or permit and the written acceptance shall constitute a contract between Benton County and the holder, terminable only as provided by BCC Chapter 23. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035]

23.315 Transfer of Pledge for Franchise or Permit.

- (1) A franchise or permit shall not be sold, transferred or assigned to another person without prior written approval of the Board.
- (2) A person desiring a franchise or permit transfer shall submit an application to the Solid Waste Advisory Council on forms provided by the Department. The Council shall review the application at a public meeting and forward a recommendation to the Board of Commissioners. The Board shall then hold a public hearing and vote to approve or deny the request.
- (3) A pledge of a holder to secure financing shall be considered to be a transfer of the franchise or permit and shall be reviewed for approval as a transfer.
- (4) The term of the transferred franchise or permit shall continue for the same period as the original franchise or permit. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035]

DUTIES AND RESPONSIBILITIES OF HOLDER

23.405 Hold Harmless.

- (1) The privileges granted to a holder are upon the express condition that the holder shall be liable for all damages or injuries to persons or property caused by the negligence or mismanagement of the holder or any of its employees while engaged in the business under the terms of the franchise or permit. Should Benton County, or any of its officers, agents or employees in the scope of their employment be sued for damages caused wholly or in part by the operations of a holder under the terms of the franchise or permit, the holder shall be notified in writing of such suit and it shall be the holder's duty to defend or settle the suit. Should judgment go against Benton County, its officers, agents or employees, the holder shall further indemnify the County for costs and attorney's fees. The record of judgment against Benton County, or any of its officers, agents or employees, in such a case shall conclusively entitle Benton County, its officers, agents or employees to recover against the holder.
- (2) The holder shall covenant to purchase an indemnity insurance policy with a company licensed to do business in the State of Oregon with limits of liability specified in BCC 23.210(d) which policy shall name Benton County, its officers, agents and employees as the additional insured. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035]

23.410 Service to be Provided by Holder.

- (1) A collection franchise holder shall provide for solid waste collection at least once weekly unless otherwise authorized by the Board or Department. In addition to serving regular customers, the holder shall pick up and haul away all solid waste at the request of any resident of Benton County in holder's service area. The Board may specify when remote, sparsely populated areas will be served and the service frequency. A holder shall not, without good cause, as determined by the Department, refuse to provide service to any person living or conducting business within its area in Benton County; except under one or more of the following conditions:
 - (a) Upon nonpayment or incomplete payment of a billing for service within the time provided in the bill, provided that holder sends a written ten day (10) notice to the customer that service will be terminated unless full payment is made.
 - (b) Upon refusal by a customer to pay any required advance payment for service, or, if provided in the rate schedule, a charge for reinstating service after discontinuance for nonpayment; or a charge for starting a new service. A holder may bill up to three (3)

months in advance for service to reduce bad debt costs charged to ratepayers and to reduce administrative costs.

- (c) Where street or road access is blocked.
 - (d) Where excessive weather conditions, as determined by a holder, render the providing of service hazardous to the persons actually providing the service or to the public.
 - (e) Where collection is prevented by an act of God, public enemy or vandal.
 - (f) Where a customer violates service standards in BCC 23.705.
- (2) A holder shall, where applicable: provide, maintain and use adequate equipment to handle and dispose of or resource recover solid waste; handle collected solid wastes in a good and workmanlike manner; transport all liquids in a watertight, drip-proof container; and provide equipment that meets all applicable laws, codes, regulations and standards.
- (3) A holder shall resource recover collected wastes or dispose of them in a disposal site approved by the Department of Environmental Quality.
- (4) The Board may require a collection franchise holder to contract with a disposal site for the right to dispose of wastes collected during the term of the franchise, including renewals.
- (5) Equipment and work supplied by any holder shall meet the reasonable satisfaction of the Department. The Department shall not make any unreasonable or arbitrary demands upon the holder.
- (6) The permit holder shall comply with service conditions imposed by their permits.
- (7) A disposal site franchise holder shall supply disposal services covered by its permit to those persons who contract for disposal, handling, or recovery of solid wastes collected under a franchise, license or permit; to those local government units and public agencies located within Benton County for wastes generated by activities of such units or agencies; and, subject to limitation by the Board, members of the general public hauling wastes generated by such person and not collected from other persons.
- (8) All service under a franchise or permit shall be subject to applicable laws and regulations, and to permit conditions and decisions of administrative, legislative and judicial agencies having jurisdiction.
- (9) A disposal site franchise holder shall not discontinue required service without ninety (90) days written notice to the Board and to any collection franchise or permit holders having a contract to use the site. Board approval shall be obtained before such discontinuance. This paragraph does not apply to discontinuation of service pursuant to subsections 1-8 of this section.
- (10) No holder is required to store, collect, transport, dispose of or resource recover any hazardous waste. A holder may engage in one or more of those activities apart from BCC Chapter 23 as long as such activity is in compliance with all applicable local, state, and federal laws.
- (11) Except as provided in subsection 8 above, where a governmental unit or agency is the landlord of any disposal site, the holder shall comply with all requirements imposed by such governmental unit or agency.

(12) A holder may subcontract with another person to provide service upon obtaining written permission from Benton County; provided, however, that the holder remains responsible for service.

(13) A holder shall make the payments as provided promptly as they become due. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035; Ord. 2003-0183]

23.415 Preventing Interruption of Service. Each holder shall agree in writing and it shall be a condition of the franchise or permit that whenever the Board determines that the failure of service, or threatened failure of service, would result in creation of an immediate and serious health hazard or serious public nuisance, the Board may, after a minimum of twenty-four (24) hours written notice to the holder authorize County personnel or other persons to temporarily provide the service or to use and operate the land, facilities or equipment of the holder. The Board may authorize whatever expenses are necessary to operate such land, facilities or equipment consistent with BCC Chapter 23. The Board shall return any seized property and business upon the abatement of the actual or threatened interruption of service. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035]

23.420 Fees.

(1) The holder of any franchise or permit granted pursuant to BCC Chapter 23 shall pay the following fees:

(a) Except as provided below, a collection franchise holder shall pay a fee not to exceed five (5) percent of the gross cash receipts from franchised collection service.

(b) A disposal site franchise holder shall pay an annual franchise fee. The franchise fee shall be set by agreement.

(c) A recycling or reuse permit holder shall pay an annual fee. The Board may waive this fee in order to promote reuse or recycling. Where recycling or reuse services are provided by a collection franchise, the collection franchise holder shall pay the same annual fee as for a recycling or reuse permit and such service shall not be included in the percentage of gross receipts established above for a collection franchise.

(2) The collection franchise fee shall be computed and be payable to Benton County quarterly within thirty (30) days from the end of the calendar quarter. The fee shall be accompanied by a sworn statement of gross receipts. Each collection franchisee shall maintain sufficient books and records to disclose the gross receipts from the service area and shall make such books and records available at reasonable times and places for audit by authorized personnel of Benton County. The Board may specify reasonable requirements for keeping such books and records.

(3) Where reasonably required by the Board, the holder of a disposal site franchise or a permit shall maintain books and records disclosing gross receipts at the disposal site or under the permit, which books and records shall be available at reasonable times and places for audit by authorized personnel of Benton County, subject to the terms of the franchise agreement.

(4) Subject to the requirements of the local budget law and other applicable laws, funding for the administration of BCC chapter 23, for solid waste nuisance abatement, or for promotion or provision of source reduction, recycling, reuse or resource recovery, or for other waste management expenses of Benton County shall come from fees collected under the Landfill Franchise Agreement in an amount no less than the amount budgeted in the fiscal years 2019-21. Subject to the requirements of the local budget law and other applicable laws, fees, other than

~~host surcharges, collected under this section shall be used for the administration of BCC Chapter 23, for solid waste nuisance abatement, or for promotion or provision of source reduction, recycling, reuse or resource recovery, or for other solid waste management expenses of Benton County.~~ [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035; Ord. 2000-0165]

RATES

23.505 Rate Structure.

(1) A holder may charge and collect reasonable compensation from persons to whom it furnishes services. The term "reasonable compensation" may be defined by the Board after a study and consideration of rates for similar service under similar conditions in other areas, and as affected by local conditions, and which allows a holder to earn a reasonable rate of return. This subsection shall not apply to disposal site franchise holders.

23.510 Procedure for Rate Change.

(1) A holder shall provide the Board with a certified copy of its published rate schedule, setting out the rates for all its operations. A holder shall file with the Board a new or revised rate schedule at least ninety (90) days prior to any contemplated change.

(2) The schedule shall be examined by the Board in a public hearing. The Board may either approve or deny the rate change, or may request additional information from the holder. It shall be approved by the Board no less than thirty (30) days before the effective date, unless the delay is caused by failure of the Board to meet or obtain a quorum to conduct business.

(3) Notification of the decision of the Board shall be made to the holder by certified mail.

(4) In the event of disapproval, a holder shall not put the new rate schedule into effect, but may file with the Board further information to justify the rate schedule changes. Upon the receipt of the new information, the Board shall determine whether it will rehear the request.

(5) The Board may require annual statements and other records to be furnished to the Board to carry out the intentions of this section.

(6) In the event of approval of a revised rate schedule, the revised rate schedule shall not apply to persons and groups who have an advance payment agreement with the franchisee or permittee until the normal expiration of the advance payment agreement.

(7) The maximum approved rates in effect shall be subject to review and change only one time in a calendar year beginning January 1st; provided:

(a) Upon application and without prior notice, the Board may, by order, grant an interim or emergency rate for new, special or different service. The Board may specify the duration of the rate or continue it until final determination by the Board on the next overall rate adjustment.

(b) In addition to an annual rate adjustment, a supplemental rate adjustment may be requested when the cost of service is increased due to compliance with governmental regulations; or when there is substantial increase in a single expense that was not anticipated at the time of the last rate adjustment; or when the total cost of service exceeds projected costs by five (5) percent or more.

(8) The Board shall support a decision to revise rates with findings of fact. In making its findings, the Board may consider rates charged by other persons performing the same or similar service. The Board shall give due consideration to current and projected revenue and expense; actual and overhead expense; the cost of acquiring and replacement of equipment; management costs; the cost of providing for future, added or different service; promotion and provision of source separation services; a reasonable return to holder for doing business; research and development; systems to avoid or recover the costs of bad debts; interest payments; and such other factors as the Board deems relevant.

(9) Subsections 1 through 8 shall not apply to disposal site franchise holders or franchised waste haulers for Refuse Rate Index adjustments as approved by Board order. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035; Ord. 2000-0165; Ord. 2003-0183; Ord. 2013-0252]

23.515 Penalty Fee for Uncovered Loads. Disposal sites may apply a penalty fee for uncovered loads. [Ord. 2000-0165]

OVERSIGHT AND ENFORCEMENT

23.605 Accounting Records. The holder shall keep a complete and accurate set of books which shall reflect the gross receipts from service rendered inside Benton County outside the boundaries of incorporated cities. These books shall be balanced at least annually. A statement showing the basis for the quarterly fee payment shall be furnished to Benton County on each payment date. Benton County shall have the right to inspect the books and records of a holder at all reasonable times and places, and a holder shall render all reasonable assistance to Benton County, its officers, agents and employees when Benton County desires to audit or inspect the books and records. This section shall not apply to disposal site franchise holders. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035; Ord. 2000-0165]

23.610 Enforcement and Penalties.

(1) If the holder fails to promptly comply with any duty imposed, then Benton County may, after written notice to the holder and a reasonable opportunity to comply, proceed to perform the duty at the cost of the holder, which shall immediately become liable to Benton County for all expenses incurred by Benton County in fulfilling the obligation.

(2) The Board reserves the right to make further regulations as deemed necessary to protect the welfare of the public.

(3) A holder shall at all times be subject to applicable laws of the State of Oregon. A violation of state law if found by the Board to be substantial and material to the policy of this ordinance, may be deemed by the Board as a breach of the franchise or permit.

(4) A waiver by Benton County of a breach of any term of a franchise or permit or BCC Chapter 23 shall not operate as a waiver of a subsequent breach.

(5) If a holder breaches in any of the terms or payments required under the terms of BCC Chapter 23, and such default continues for a period of ten (10) days after receipt of written notification sent by certified mail by the Department, then Benton County may revoke the franchise or permit and the holder shall cease any solid waste service. This subsection shall not apply to disposal site franchise holders.

(6) Where a breach occurs for reasons not within the control of holder, such as lack of specialized equipment, personnel or similar reasons, the Board shall give a holder reasonable opportunity to comply before revoking the franchise or permit. This subsection shall not apply to disposal site franchise holders.

(7) Should a holder become insolvent, or acquire financial or legal encumbrances which materially affect its ability to comply with the terms of its permit or franchise or the requirements of BCC Chapter 23, Benton County may revoke the franchise or permit, and any other agreements entered into concerning solid waste management.

(8) Violation of BCC Chapter 23 shall be deemed to be a violation of County laws and is punishable upon conviction by a fine of not more than \$500.00; provided, however, that each day of continued violation is a separate offense and is separately punishable, but may be joined in a single prosecution. In addition, Benton County shall have the right to pursue any other remedy provided to it in law or in equity. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035; Ord. 2000-0165]

23.615 Appeals.

(1) An action of a holder under BCC Chapter 23 may be appealed to the Department.

(2) An action of the Department under BCC Chapter 23 may be appealed to the Board.

(3) Disputes arising under a collection franchise or permit or BCC Chapter 23 between Benton County and a holder or applicant shall be subject to judicial review in the Circuit Court of the State of Oregon for Benton County. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035; Ord. 2000-0165]

RESPONSIBILITIES OF SERVICE USERS

23.705 Public Responsibilities.

(1) No person shall place hazardous wastes out for collection or disposal by the collection franchise holder nor place it into any solid waste container supplied by the holder without prior notice to, and written approval from, the holder. Prior to the notice to the collection franchise holder, a person wishing to have such wastes collected shall obtain the approval of the disposal site franchise holder. Where required, an additional approval shall be obtained from the local governmental unit having jurisdiction over the disposal site. This disposal approval shall be in writing, signed by the person designated by the disposal site or local government unit affected. Either the holder or the disposal site or the local government unit having jurisdiction of the disposal site may require written authorization from the Oregon Department of Environmental Quality for the handling of hazardous wastes. This subsection does not apply to household waste generated by a single family residential dwelling unit.

(2) No person shall accumulate or store wastes in violation of the Benton County Nuisance Abatement Section or in violation of regulations of the Oregon Environmental Quality Commission.

(3) A franchisee is not required to service an underground container unless the person responsible for it places the can above ground prior to collection.

(4) No person shall, unless permitted by a holder, install or use any container of one yard or greater capacity for pickup by a holder, other than those supplied by a holder. The purpose of this subsection is to insure safe equipment, sizes and weights and facilitate holders utilizing the most

efficient collection equipment and methods. Rates for use of a holder's containers and drop boxes shall be included in the adopted rate schedule.

(5) No person shall locate a solid waste container for residential collection service behind any locked or latched gate or inside of any structure unless authorized by the franchise holder. No person shall block the access to a receptacle.

(6) Each customer shall provide safe and reasonable access to the solid waste or solid waste container to a holder's employees.

(7) No container designed for mechanical pickup shall exceed safe loading weights or volumes as established by a holder to protect service workers, the customer, and collection equipment.

(8) No unauthorized person shall utilize, or remove material from, a solid waste collection container without permission of the owner of the container. For purposes of this section, a holder is the "owner" of containers supplied by the holder.

(9) No person shall remove solid waste disposed for collection and resource recovery except the disposer or a holder. This subsection does not apply to the purchase of materials for fair market value under a certificate issued pursuant to BCC 23.110(3), or by a person exempt under BCC 23.110(1) where placed out for collection by such person.

(10) Where a customer requires a large volume or special type of service requiring substantial investment in equipment, a holder may require a contract with the customer to finance such equipment. The purpose of this subsection is to assure that any specialized equipment not become a charge against other ratepayers. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035; Ord. 2003-0183]

23.710 Ownership of Wastes. Unless exempted under this ordinance, solid waste placed out for collection by another person is the property of the holder designated by the Board to provide service for that area. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035]

23.715 Responsibility for Payment for Service. A person who receives service shall be responsible for payment for the service. The landlord of any premises shall be responsible for payment for service provided to that premises if the tenant does not pay for the service. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035]

4.3WS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/02/21

[View Agenda Tracker](#)

Suggested Placement * BOC Work Session

Department * Community Development

Contact Name * Linda Ray

Phone Extension * 0250

Meeting Attendee Name * Pat Depa

Agenda Item Details

Item Title * Planning for Monroe, Philomath & Adair Village - Year in Review

Item Involves * Check all that apply

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

Estimated Time * 30 min.

Board/Committee Involvement * ☐ Yes
☒ No

Advertisement*

☐ Yes

☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *	Staff Planner, Pat Depa, provides land use planning services to the Cities of Monroe, Philomath & Adair Village via intergovernmental agreement. Pat will present a recap of development and land use cases in 2020 and an update of projects. See the attached report for full details.
Options *	Discussion only.
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
- ☐ NA

Explain Core Values Selections *

The County provides professional planning services to the small cities by contract, enabling the cities to better plan for the future of their communities and prepare for natural hazards.

Focus Areas and Vision *

Select all that apply.

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

Explain Focus Areas and Vision Selection *

Housing and growth are key issues faced by each of the three cities. Professional planning staff helps the cities to proactively address these issues.

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations *

N/A

Meeting Motions *

I move to ...

N/A

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

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

Exhibit C Annexations.pdf	583.56KB
County Commissioners Project Update - Small	1.48MB
Cities.docx	
Exhibit A - Hartz Property.pdf	333.88KB
Exhibit B Exchange Map1 - 2019.pdf	1.61MB

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

Department GREG VERRET
Approver

Department Approval

Comments

Signature

Greg Verret

BOC Initial Approval

Approvals Required ☐ Counsel
☐ Finance
☐ HR

County Administrator Approver JOE KERBY

Comments

County Administrator Approval

Comments

Signature

Joseph Kirby

BOC Final Approval

Comments

Signature

Teresa Fakley

Exhibit A

Hartz Property Conceptual Plans

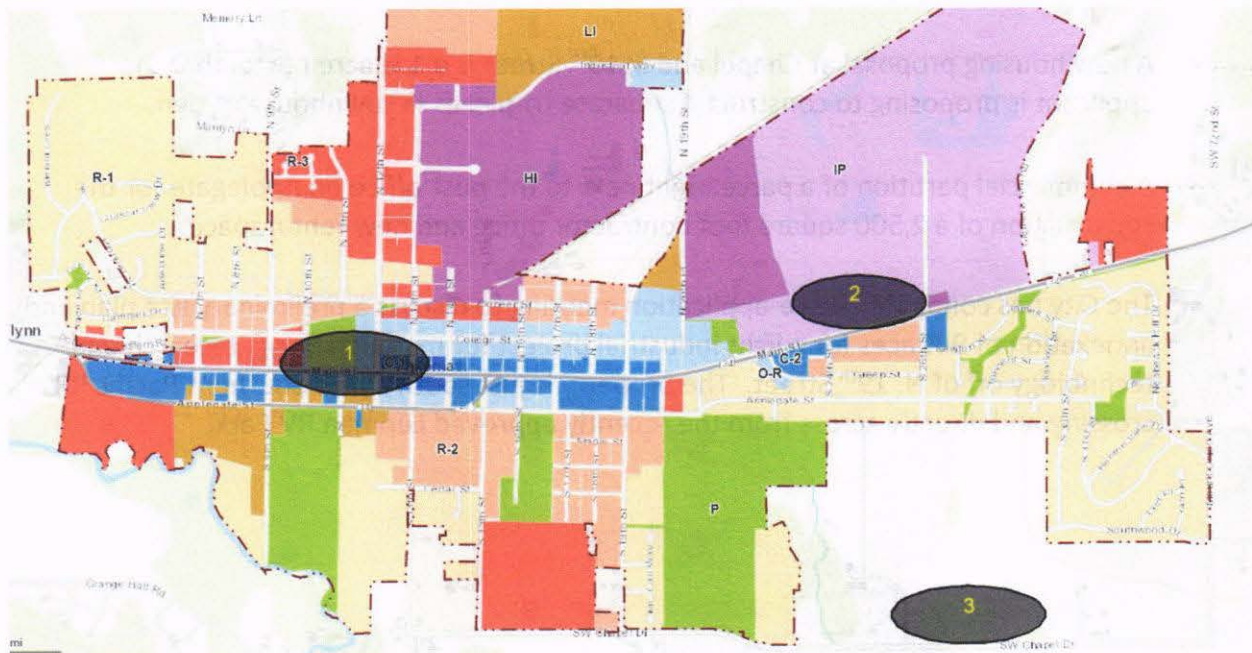


Small Cities Report and on Going Projects

City of Philomath:

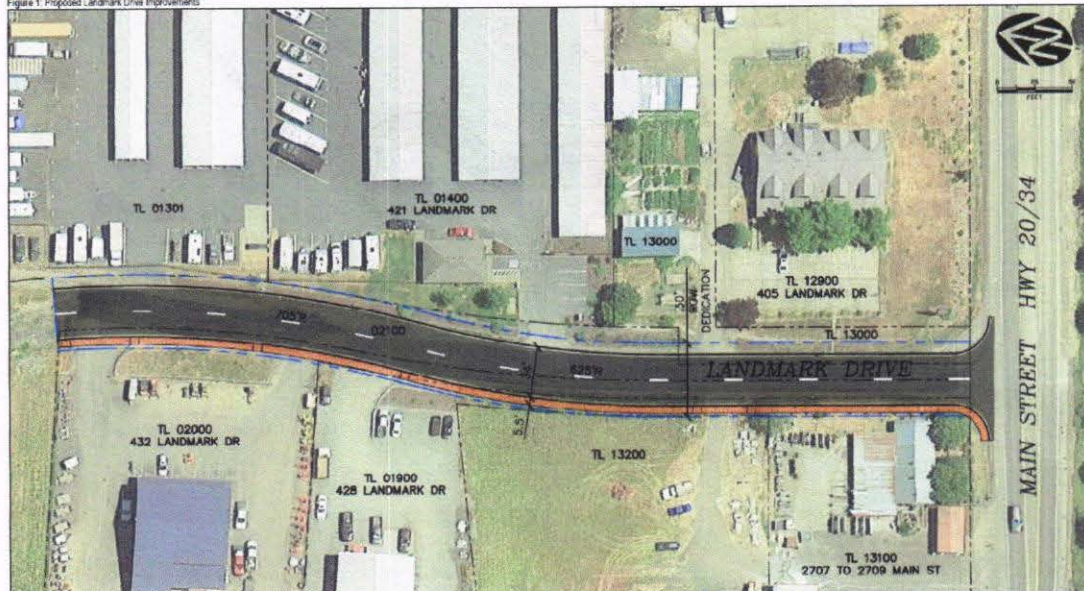
- The updates to the 2040 Comprehensive plan is moving along and we have finished the Building Land Inventory (BLI), the Housing Needs Analysis (HNA) and the Economic Opportunities Analysis (EOA). Other related topics:

1. Main Street Plan
2. Downtown Design Manual
3. Sub Area Plans



- A Local Improvement District (LID) for Landmark Drive was approved by Philomath's City Council last summer. Two Industrial Park conceptual plans were created with the help of the EPA Brownfield Coalition Assessment Grant (see Exhibit A).

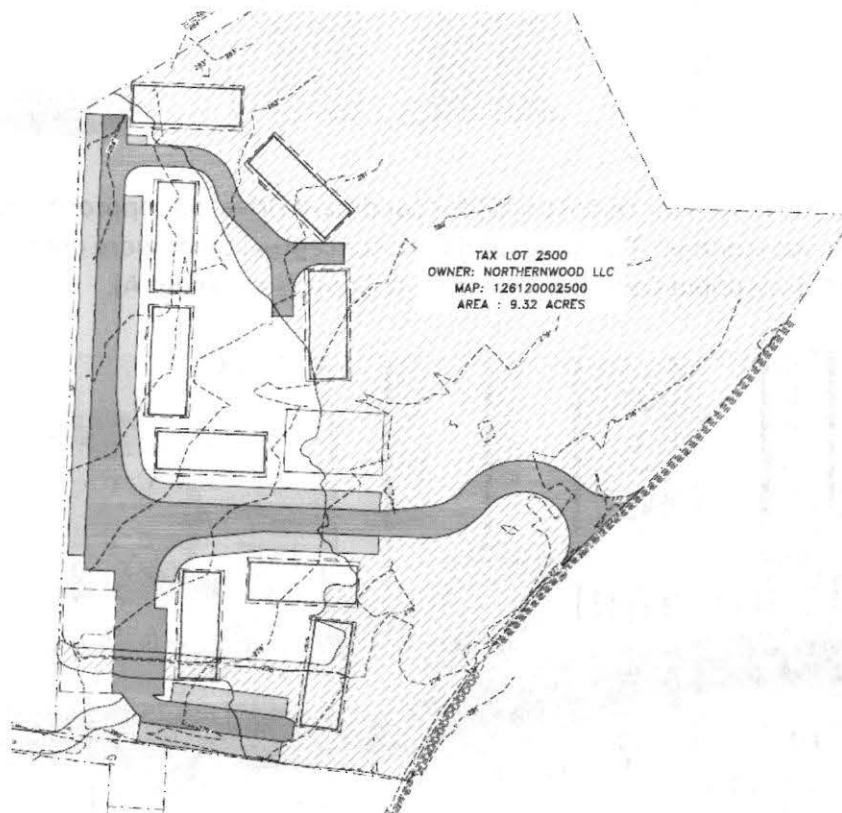
Figure 1 Proposed Landmark Drive Improvements



- Planning Cases went down from twenty-nine (29) in 2019 to seventeen (17) in 2020.

New Development:

- A new restaurant and wine tasting bar on Main Street was approved right next to Citizen's Bank. They still have to go through the alley vacation process that will allow them to share the bank's driveway needed for the cross access entry and parking.
- Shonnard's Landscaping on N 19th Street received site plan approval for a new 1,500 square foot storage building that will be directly attached to their current building.
- A new housing proposal at Chapel and S. 19th Street is a 1 ½ acre parcel that the applicant is proposing to construct 4 separate tri-plexes in townhouse design.
- A commercial partition of a parcel right next to the post office on Applegate for the construction of a 2,500 square foot contractor office and new rental space.
- The City has conducted a pre-application meeting to discuss a preliminary site plan and annexation of 9 ½ aces for a light industrial project for manufacturing, research and technology off of N. 19th Street. The property is just south of the Southern Pacific RR crossing and directly across from the recently approved Lepman RV Park.



Their engineers have been working with City, County and State agencies to keep their project moving along. They have completed their Phase I environmental assessment using the Corvallis EPA Brownfield Grant and a Phase II assessment is also under way. The proposed park will accommodate three primary tenants, Alyrica¹, Active 911² and Nova Dynamics³. The applicant is proposing a phased development with the first phase, projected to be complete in one year, to include one 17,000 sq. ft. warehouse, one 15,000 sq. ft. covered parking area, and three 5,500 sq. ft. "Pod"⁴ buildings. The second phase, projected to be complete by the end of five years, includes the addition of four more Pod buildings.

- Corvallis Clinic and the City held a pre-application meeting where they pitched two new possible sites for a new clinic to replace the old clinic on Applegate Street.



¹ Alyrica is an internet service provider that requires on-site warehousing, motor pool, radio tower and outside storage of material. Alyrica manufactures communication panels and software for in-house use and final assembly and testing of customer radios.

² Active911 is a software manufacturing company that develops applications for first responders.

³ Nova Dynamics is a research and development company specializing in robotics and manufactures most of the components in house.

⁴ The applicant has described the Pod building as a flex-function building providing manufacturing, laboratory and general workspaces, a meeting room, lunchroom and bathroom.

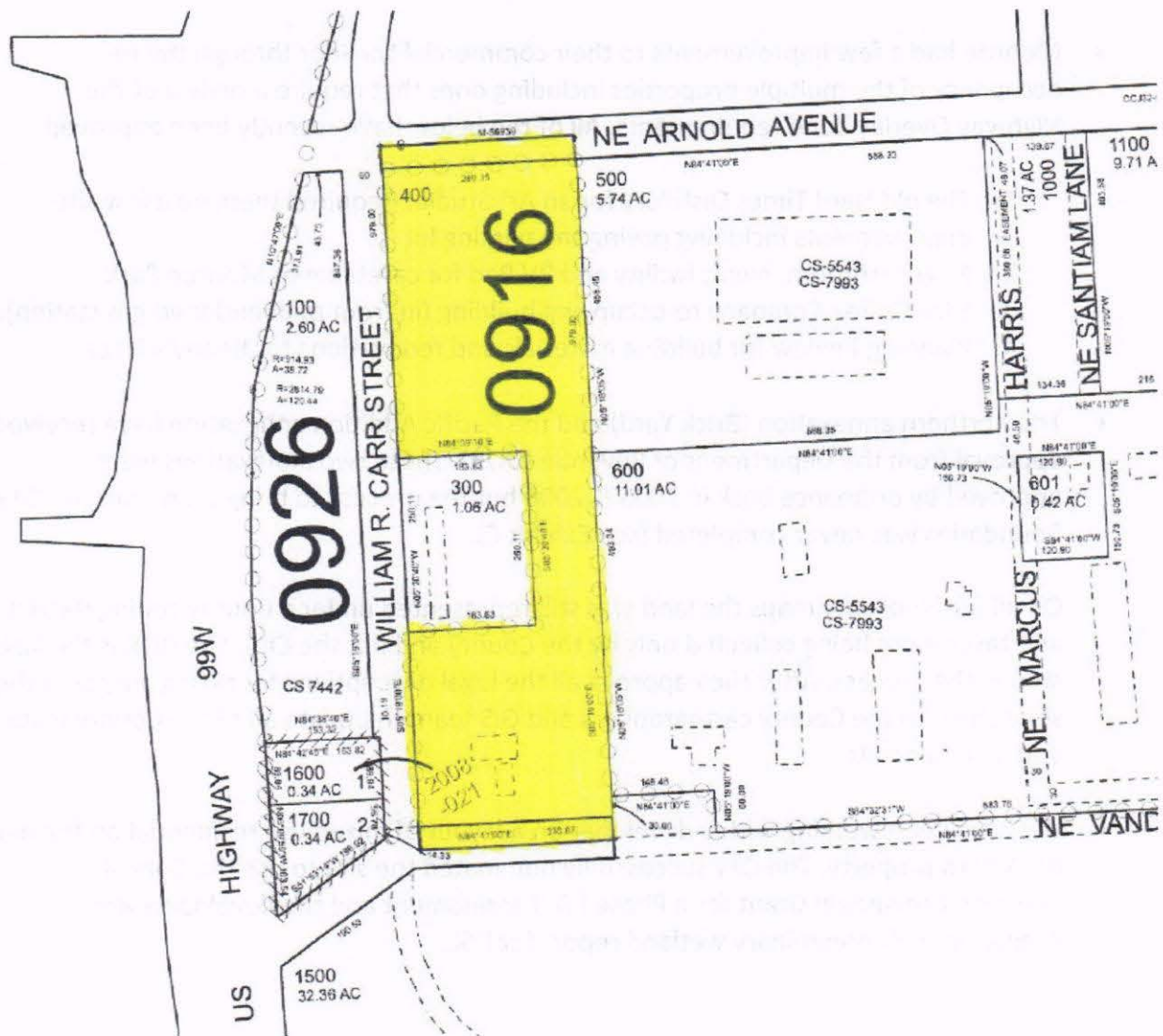
Residential Projects:

- Newton Creek Estates, a 56 lot subdivision, on Chapel Drive finalized their agreement with Chad E. Davis Construction who is the builder of Calloway Creek up in Adair Village to build out their sub. They have already submitted for 15 building permits.
- Mill Pond Crossing Subdivision at 15th Street and Chapel Drive has started Phase II and has already submitted for 36 new building permits. Phase I is complete with 22 new homes sites.
- I have been working with Forest Meadows MHP on some minor modifications mostly pertaining to sidewalk and curb design for Phase III. I was able to get the owners of the park to dedicate an area up towards 19th Street on their site to accommodate a new bus shelter. Currently the bus route does not extend up to the MH Park but soon will.
- Just finished a first draft of new landscaping requirement code for both residential and commercial districts.
- Last fall I took over the Flood Plain Manager responsibilities for residential building permits.

City of Adair Village:

- Cherry Drive Vacation was approved – It was a stub street that dead ended at Adair Park. The City conditioned the approval on providing a permanent 10' wide easement through the vacated street that provides neighborhood access to Adair Park.
- The City owns a five (5) piece of property in the middle of town that was formerly in the County and in 2019 annexed it into the City. The property was a land donation from the government back in 1973 and is straddled with a "parks in perpetuity" covenant. The covenant can be removed through a Federal Land Exchange (FLE) of equal or greater value. The City brought on Civil West Engineering to help with us putting together the Federal Land Exchange (FLE) application packet to submit to the Department of Interior (DOI).

Our first holdup was the DOI's response to our request for application clarification on environmental studies. Pat Hare has agreed to bring in an environmental consultant to help us get the Environmental Screening Form (ESF) form done correctly that is supposed to be submitted with the application. It looks like that ESF will serve as the basis for the scope of work for NEPA, so I want to make sure we can try to avoid regulatory hiccups that could cause an issue down the road.

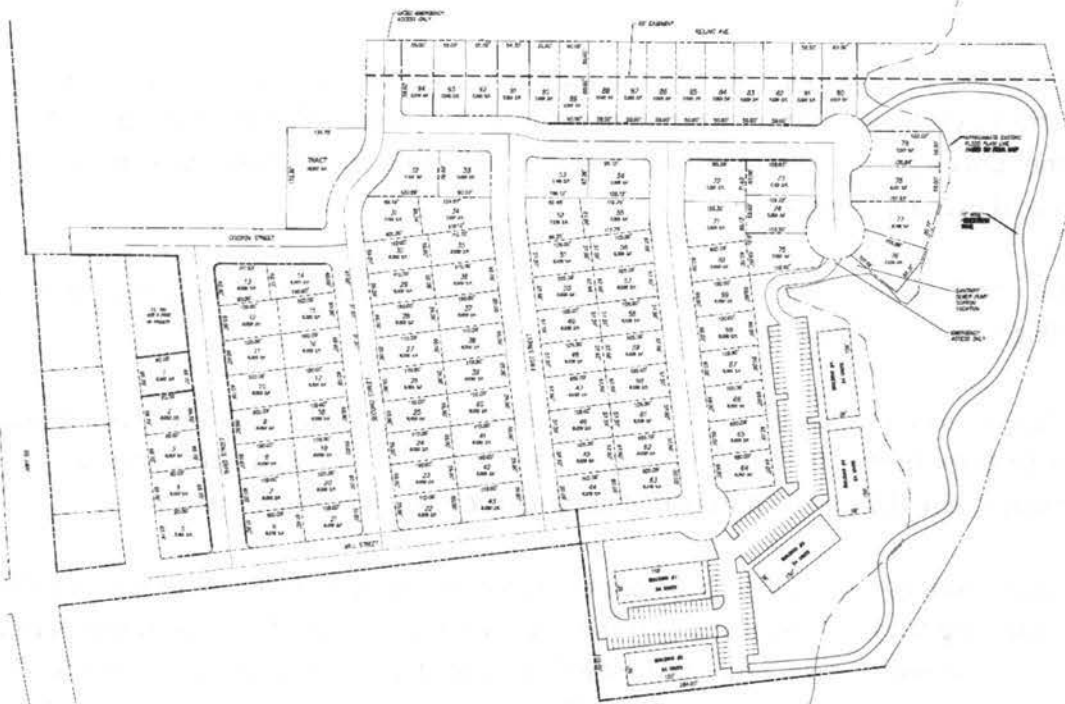


In October of 2019 we sent the DOI the FLE application and an over 50 page packet of material to them. We just received their response on January 8, 2020 that outlined another dozen plus requirements they are still expecting us to submit (see Exhibit B for proposed exchange property).

- In 2020, both Phase II & III of Calloway Creek LLC were approved. At last count over 130 building permits have been issued.
- Processed a small property line adjustment (PLA) between Calloway Creek LLC (Phase III) and ODFW property. The purpose was to transfer .81 acres of State property to Calloway Creek LLC for the purpose of getting frontage along Ryals Road.
- Discussed updated population projections with Portland State University (PSU) for the new 2021 report. If we can show that the city does not have a 20 year supply of vacant land to accommodate the projected growth we can attempt to process another UGB expansion. The expansion would be the 47 acres to the south down to Crane Road.

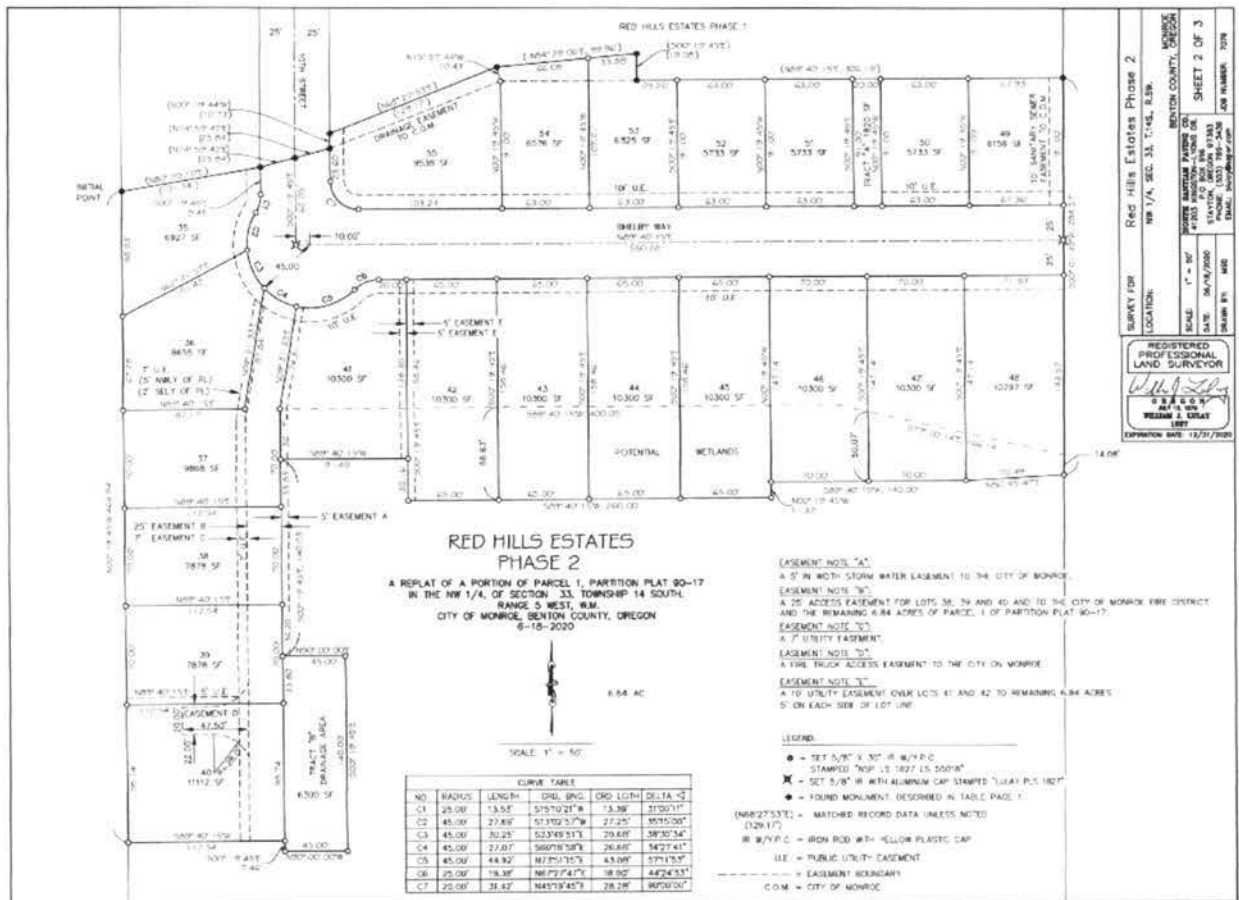
City of Monroe:

- Monroe had a few improvements to their commercial corridor through the re-occupancy of the multiple properties including ones that require a review of the Highway Overlay Zone requirements. All of the below have recently been approved.
 1. The old Hard Times Distillery for an Art Studio. Required them do a few site improvements including paving the parking lot.
 2. New bathroom, picnic facility and RV Pad for caretaker at Monroe Park.
 3. Silos Coffee Company re-occupying building (in front of abandoned gas station).
 4. Planning Review for building materials and renovations for Benny's Pizza
 - The northern annexation (Brick Yard) and the Pacific Addition annexation have received approval from the Department of Revenue (DOR). These two annexations were approved by ordinance back in 2005 & 2008 but the process to bring them into the City Boundaries was never completed (see Exhibit C).
- On all of the county maps the land was still represented under a County zoning district and taxes were being collected only by the County and not the City. The DOR is the last step in the process. After they approve all the legal descriptions for taxing purposes they send them to the County cartographers and GIS team to update all of the County maps and assessor rolls.
- We have been working with a developer on a layout of mixed use residential on the old Brick Yard property. The City successfully nominated the site to use the Corvallis Coalition Brownfield Grant for a Phase I & II assessment and the developers are preparing their preliminary wetland report for DSL.



We have got Monroe's Public Works PW Director and Civil West, the engineers that put together their water and sewer master plans, to look into the water & sewer capacities in the northern part of the City and to address any concerns about service to a future development there.

- Red Hills Subdivision south of Orchard Street has entirely sold out their Phase I of 34 lots. They recently received approval for their Phase II and have their first six building permits issued.

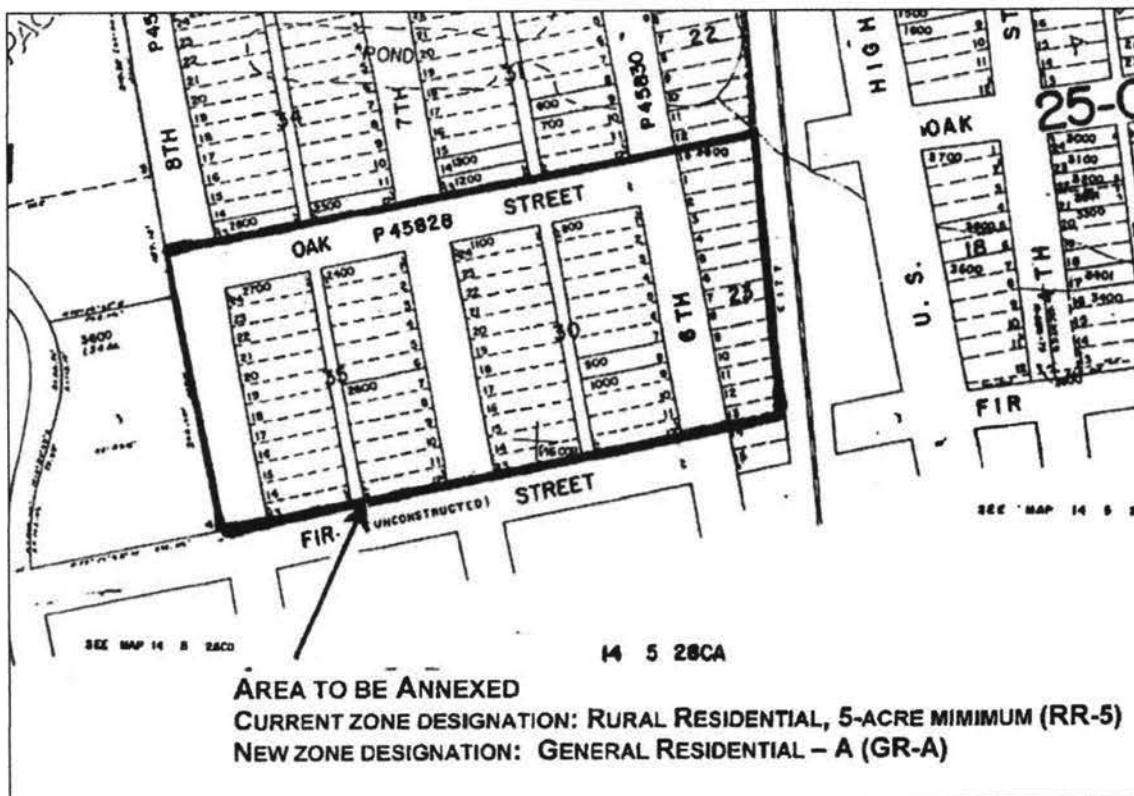
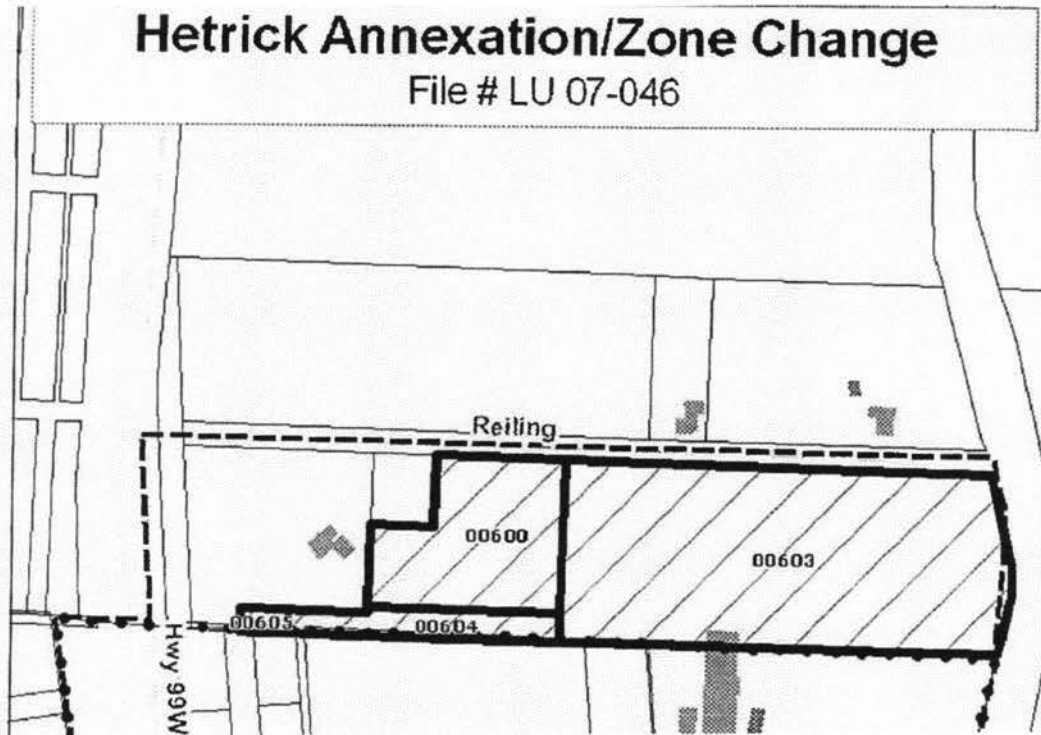


- Continue to speak to many people interested in developing the 8 acre piece of low density residential property directly adjacent to Red Hills. Red Hills stubbed streets out to the property in anticipation of it getting developed but, it is highly compromised with wetlands and poorly draining soils (Clay).
- Pre-Covid, we held the kick off meeting for the "Riverside District Master Plan" funded by TGM and some good suggestions came out of it. However, one of the two items I was really hoping could be accomplished was for the plan to include the old brick yard property. It wasn't included in the original scope and the TGM representatives said they could not add it to the scope at this time. The other item I wanted included is that the final plan have some specific design standards and code language to enforce it for the buildings in the downtown highway corridor overlay district. It appears that is getting done. Having just held their second public outreach presentation and getting a good response, close to 30 comments, they are looking at getting together for their third planning action committee (PAC) meeting. The plan should be completed by summer 2021.

Exhibit C

Hetrick Annexation/Zone Change

File # LU 07-046



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

**In the Matter of Proclaiming
February 2021 as Black
History Month and Black
Futures Month in Benton
County**

)
) **PROCLAMATION P2021-001**
)

This February, we celebrate and honor the history of Black and African-Americans through Black History Month. This year's theme "The Black Family: Representation, Identity, and Diversity" celebrates the contributions that African Americans have made to American history in their struggles for freedom and equality and deepens our understanding of our Nation's history.

The Association of the Study of African American Life and History (ASALH) was founded in 1915 by Dr. Carter G. Woodson. In February 1926 the first "Negro History Week" was celebrated, and set in February to include the birthdays of Abraham Lincoln and Frederick Douglass, two key figures in the history of African Americans. In 1976, the week expanded to Black History Month, also known as African American History Month. ASALH recognizes this year's theme of "The Black Family" with the following: The Black family has been a topic of study in many disciplines—history, literature, the visual arts and film studies, sociology, anthropology, and social policy. Its representation, identity, and diversity have been revered, stereotyped, and vilified from the days of slavery to our own time. The Black family knows no single location, since family reunions and genetic-ancestry searches testify to the spread of family members across states, nations, and continents. The family offers a rich tapestry of images for exploring the African American past and present.

Benton County and Oregon have a history we must not forget. While Oregon was founded with a ban on slavery, our constitution also forbade free Blacks from living in Oregon. The Oregon Territory and state had Black Exclusion laws that made it difficult or impossible for free Black families to settle in Oregon. This created systems of inequity that still have reverberations today. Redlining, homelessness, and environmental racism are just a few examples of the many issues Black Oregonians face due to our history of discrimination and prejudice. While the Black Exclusion Laws have ended, we cannot move forward without acknowledging our past and addressing our present. This past year we saw a worldwide movement advocating for the love, respect, and support of Black Lives. We continue to see Black communities disproportionately harmed by the COVID-19 pandemic nationwide and we must continue to take actions supporting the health and safety of our Black families and communities.

"The Black Family: Representation, Identity, and Diversity" shows up in our own county. We celebrate the Black pioneers such as the Gormans. Hannah and her daughter Eliza were Corvallis community members who bought land from a Corvallis founder, William Dixon. They ran a laundry and sewing business from their home. These Black pioneers were beloved by their community and when Eliza passed in 1869 the Corvallis Gazette reported "she will be missed, and her loss mourned, by nearly every family in Corvallis." The Gormans are one of many Black families we celebrate this Black History month. We celebrate Black families and their diversity and representation, including blended families and chosen families. All of our Black families and communities in Benton County are to be celebrated including community members who are LGBTQ+, disabled, houseless, Veterans, and other intersectional identities that represent the diverse Black diaspora.

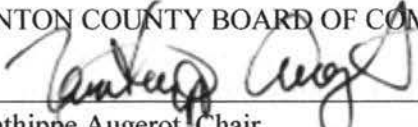
It is through a commitment to serving these diverse families that we also recognize February, for the first time, as Black Futures Month. Black History and Black Futures month work together to honor the achievements, strife, and challenges of Black Americans in the past while looking forward towards equity, diversity, inclusion, and justice. Black Futures Month celebrates art, culture, and science that brings us all toward collective beloved community. The Benton County's 2040 Initiative fits the vision of Black Futures Month by encouraging us all to work towards thriving and vibrant communities.

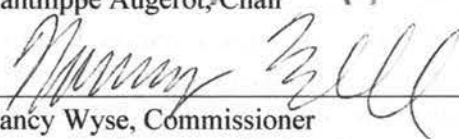
THEREFORE, BE IT HEREBY PROCLAIMED that February 2021 is Black History Month and Black Futures Month in Benton County and all residents are encouraged to join in this observance.

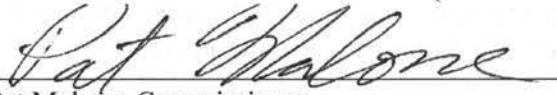
Adopted this 2nd day of February, 2021.

Signed this 2nd day of February, 2021.

BENTON COUNTY BOARD OF COMMISSIONERS



Xanthippe Augerot, Chair

Nancy Wyse, Commissioner

Pat Malone, Commissioner

PH1

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/02/21

[View Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Community Development

Contact Name * Linda Ray

Phone Extension * 0250

Meeting Attendee Name * Ron Dettrich

Agenda Item Details

Item Title * Building Fee Increase for 2021

Item Involves * Check all that apply

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

Board/Committee Involvement *
☐ Yes
☒ No

Advertisement *
☒ Yes
☐ No

**Names/Dates of
Publications**

List each publication name and date
Gazette/January 24th

Issues and Fiscal Impact

Item Issues and Description

**Identified Salient
Issues ***

Pursuant to ORS 455.210 Benton County proposes to adopt a fee increase for all specialty codes administered locally. Building Division program fees are proposed to be increased by an approximately 15% increase across the board. Along with two new fees for commercial and residential temporary occupancy, the building division is proposing an adjustment of the hourly rate for re-inspections, investigations, etc. to be \$50.00 per half hour, one hour minimum. We have also adjusted our structural permit calculator to align with our neighboring jurisdictions and more closely match the inflation rate since 2010.

Background:

The purpose for the fee increase is to ensure stable permit fee revenues related to funding our permitting and building inspection program. The last program fee increase for the building division took effect in July of 2010. The inflation rate as per the Labor Department's consumer price index since that date is 19.4 %. The proposed increase of 15% for electrical, plumbing and mechanical permits and the 2% adjustment in the Structural fee calculator brings the building division fees more in line with our surrounding jurisdictions and maintains some pace with the inflation index. Benton County's objective is to continue to sustain a fully operational and full service building department as per ORS 455.153.

Options *

The Board could approve the proposed fees, direct staff to make changes to the proposed fees, or not approve any fee updates.

Fiscal Impact *

☒ Yes

☐ No

**Fiscal Impact
Description ***

Approximate 15% increase in fees paid for obtaining permits and services in the Building Division.

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.

As per the memorandum of agreement with the Department of Consumer and Business Services, Benton County is required to provide a building inspection program under authority granted by Oregon Revised Statute 455.020.

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 Building Division is mandated through a Memorandum of Understanding with the State of Oregon to provide inspection and plan review schedules for the citizens within its jurisdiction. The Building Division is self funded and does not rely on general fund review. It is essential that fees maintain pace with costs to ensure the Division can continue these services.

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 quality and effectiveness of the Building Division directly affects the livability, home values, safety and the community insurance rating from I.S.O.

Recommendations and Motions

Item Recommendations and Motions

Staff Staff recommends approval of the updated building permit fees
Recommendations*

Meeting Motions* I move to ...
I move to approve Ordinance 2021-0299 adopting revised building permit fees and conduct the 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.

Fees.pdf	406.42KB
DEV_Revised Building Fees ORDINANCE #2021-0299.docx	13.05KB

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

Department Approver GREG VERRET

Department Approval

Comments

Signature

Greg Verret

BOC Initial Approval

Approvals Required ☒ Counsel
☒ Finance
☐ HR

Counsel Approver VANCE CRONEY

Finance Approver MARY OTLEY

**County
Administrator
Approver** JOE KERBY

Comments

Counsel Approval

Comments

Signature

Vance H. Cheney

Finance Approval

Comments

Signature

Mary K Otley

County Administrator Approval

Comments

Signature

Joseph Kerby

BOC Final Approval

Comments

Signature

Teresa Fahley

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

In the Matter of Setting Fees for	)	
Permits, Inspections, and Services	)	ORDINANCE No. 2021-0299
Provided by the Benton County Community	)	
Development Department Building Division	)	

WHEREAS, it is justifiable to charge a reasonable fee to cover the costs for the services provided by the Benton County Community Development Department Building Division where the services provided are more directly related to actions benefiting individuals rather than the direct benefit of the general public; and

WHEREAS, the Board of County Commissioners determines that it is appropriate to revise and establish fees for the review of permit applications and providing services as required by the County Code; and

WHEREAS, historically the Building Division's fee schedule has been intended to recover 100 percent of the actual cost of the building and electrical inspection program; and

WHEREAS, Benton County's objective is to continue to sustain a fully operational and full service building department as per ORS 455.153; and

WHEREAS, ORS Chapter 455 establishes a State Specialty Code and makes it uniform throughout the State, and the Specialty Code provides for the establishing of fees to be charged for service under the code; and

WHEREAS, increasing costs due to inflation, additional requirements, and other factors, since the last time the fees were modified and became effective July 1, 2010, demonstrate the current fee tables no longer reflect the cost of providing services and processing applications.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Benton County Community Development Department Building Division's proposed fee tables are approved and shall become effective on April 1, 2021.

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

PART I: Short Title. Building Division Fees.

PART II: Authority. The Board of County Commissioners of Benton County has authority to set Building Permit fees pursuant to ORS Chapter 455 and the Benton County Charter.

PART III: The fee schedule in the attached Exhibit 1 is hereby approved.

PART VIII: The effective date for this fee schedule will be:

First Reading: February 2, 2021

Second Reading: February 16, 2021

Effective Date: April 1, 2021

BENTON COUNTY BOARD OF COMMISSIONERS

Xanthippe Augerot, Chair

Nancy Wyse, Commissioner

Pat Malone, Commissioner

Approved as to Form:

Vance M. Croney, County Counsel

Erika Milo, Recording Secretary

FEE Table

Benton County Current

TOTAL VALUATION	FEE --
\$1.00 to \$500.00	\$78.00
\$501.00 to \$2000.00	\$78.00 for the first \$500.00, plus \$1.85 for each additional \$100.00, or fraction thereof, to and including \$2000.00
\$2001.00 to \$25,000.00	\$105.75 for the first \$2000.00, plus \$7.70 for each additional \$1000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$282.85 for the first \$25,000.00, plus \$5.75 for each additional \$1000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$426.60 for the first \$50,000.00, plus \$3.80 for each additional \$1000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 and up	\$616.60 for the first \$100,000.00, plus \$3.00 for each additional \$1000.00, or fraction thereof

Plan review fees: 100 % of the permit fee

Fire and life safety plan review fees: 40% of the permit fee

Seismic plan review fee: 1% of the permit fee

Benton County Proposed 2% increase

TOTAL VALUATION	FEE --
\$1.00 to \$500.00	\$79.55
\$501.00 to \$2000.00	\$79.55 for the first \$500.00, plus \$1.90 for each additional \$100.00, or fraction thereof, to and including \$2000.00
\$2001.00 to \$25,000.00	\$108.06 for the first \$2000.00, plus \$7.85 for each additional \$1000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$288.61 for the first \$25,000.00, plus \$5.90 for each additional \$1000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$436.11 for the first \$50,000.00, plus \$3.90 for each additional \$1000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 and up	\$631.11 for the first \$100,000.00, plus \$3.05 for each additional \$1000.00, or fraction thereof

Plan review fees: 100 % of the permit fee

Fire and life safety plan review fees: 40% of the permit fee

Seismic plan review fee: 1% of the permit fee

Electrical Fees			
	Current Fees	Proposed 15% of increase	
Residential, per unit, service included:			
1,000 square feet or less	135.00	155.25	
Each additional 500 square feet or portion thereof	25.00	28.75	
Limited energy log permit purchased w/whole house electrical permit	25.00	28.75	
each additional limited energy inspection (1 hour minimum)	65.00	74.75	
Limited energy permit when not purchased w/whole house electrical permit	65.00	74.75	
each additional limited energy inspection (1 hour minimum)	65.00	74.75	
Each manufactured home or modular dwelling service or feeder	65.00	74.75	
Services or feeders: <i>installation, alteration, relocation</i>			
200 amps or less	80.00	92.00	
201 to 400 amps	95.00	109.25	
401 to 600 amps	158.00	181.70	
601 to 1,000 amps	205.00	235.75	
Over 1,000 amps or volts	475.00	546.25	
Reconnect only	65.00	74.75	
Temporary services or feeders: <i>installation, alteration, relocation</i>			
200 amps or less	65.00	74.75	
201 to 400 amps	86.00	98.90	
401 to 600 amps	125.00	143.75	
Over 600 amps or 1,000 volts, see services or feeders section			
Branch circuits: <i>new, alteration, extension per panel</i>			
a. Fee for branch circuits with purchase of a service or feeder fee:			
Each branch circuit	5.00	5.75	
b. Fee for branch circuits without purchase of a service or feeder fee:			
First branch circuit	65.00	74.75	
Each additional branch circuit	5.00	5.75	
Miscellaneous fees: <i>service or feeder not included</i>			
Each pump or irrigation circle	65.00	74.75	
Each sign or outline lighting	65.00	74.75	
Signal circuit or a limited-energy panel, alteration, or extension	65.00	74.75	
Hourly rate (number of hours x fee) (\$50 per 1/2 hour)	86.00	50.00	1 hr min.
Each additional inspection	65.00	74.75	
Plan review, if required: % of permit fee.	25.00%		
Renewable Energy Systems			
Solar 5 kva or less	119.00	136.85	
Solar 5.01 to 15 kva	140.00	161.00	
Solar 15.01 to 25 kva	231.00	265.65	
Solar generation over 25 kva (for each additional over 25 kva)	6.25	7.19	Max \$804.90
Wind 25.01 kva through 50 kva	204.00	234.60	
Wind 50.01 kva through 100 kva	469.00	539.35	
Wind misc fees	80.00	50.00	1 hr min.

Mechanical Fees

		Proposed	
		15% of	
Residential	Current Fees	increase	
Fuel burning stove, fireplace, insert, lighter	30.00	34.50	
Furnace, air conditioner, heat pump	30.00	34.50	
Clothes dryer, exhaust fan, hood	20.00	23.00	
Other appliance or equipment (hydronic heating)	20.00	23.00	
Gas piping system, new or altered (1 fee for all connections + each appliance)	20.00	23.00	
Alteration to mechanical equipment or system	20.00	23.00	
Miscellaneous fees			
Re-inspection (\$50 per 1/2 hour)	40.00	50.00	1 hr. minimum
Specialty requested inspections	80.00	100.00	
Water heater	80.00	92.00	
Minimum permit fee	80.00	80.00	
Plan review	50%	50%	
Commercial			
<u>Valuation Range Current</u>	Fee Based on Valuation		
\$1.00 - \$500.00	\$78.00		
\$501 - \$2000.00	(\$78.00 for the first \$500.00) + \$1.85 for each additional \$100.00 or fraction thereof		
\$2001.00 - \$25,000.00	(\$105.75 for the first \$2000.00) + (\$7.70 for each additional \$1000.00 or fraction thereof)		
\$25,001.00 - \$50,000.00	(\$282.85 for the first \$25,000.00) + (\$5.75 for each additional \$1000.00 or fraction thereof)		
\$50,001.00 - \$100,000.00	(\$426.60 for the first \$50,000.00) + (\$3.80 for each additional \$1000.00 or fraction thereof)		
\$100,001.00 and up	(\$616.60 for the first \$100,000.00) + (\$3.00 for each additional \$1000.00 or fraction thereof)		
<u>Valuation Range proposed</u>	Fee Based on Valuation		
\$1.00 - \$500.00	\$79.55		
\$501 - \$2000.00	(\$79.55 for the first \$500.00) + \$1.90 for each additional \$100.00 or fraction thereof		
\$2001.00 - \$25,000.00	(\$108.06 for the first \$2000.00) + (\$7.85 for each additional \$1000.00 or fraction thereof)		
\$25,001.00 - \$50,000.00	(\$288.61 for the first \$25,000.00) + (\$5.90 for each additional \$1000.00 or fraction thereof)		
\$50,001.00 - \$100,000.00	(\$436.11 for the first \$50,000.00) + (\$3.90 for each additional \$1000.00 or fraction thereof)		
\$100,001.00 and up	(\$631.11 for the first \$100,000.00) + (\$3.05 for each additional \$1000.00 or fraction thereof)		

Plumbing Fees			
New Residential	Current Fee	Proposed 15% of increase	
1 bathroom/1 kitchen	300.00	345.00	
2 bathrooms/1 kitchen	400.00	460.00	
3 bathrooms/ 1 kitchen	500.00	575.00	
Each additional bathroom (over 3)	75.00	86.25	
Each additional kitchen (over 1)	75.00	86.25	
Remodel/alteration (minimum fee)	80.00	92.00	
Each fixture, appurtenance, & piping	19.00	21.85	
Storm water retention/detention facility	80.00	92.00	
Irrigation systems	80.00	92.00	
Piping or private storm drainage systems exceeding the first 100 feet	30.00	34.50	
Residential fire sprinklers (includes plan review)			
0 to 2,000 square feet	200.00	230.00	
2,001 to 3,600 square feet	250.00	287.50	
3,601 to 7,200 square feet	325.00	373.75	
7,201 square feet and greater	410.00	471.50	
Manufactured dwelling or pre-fab			
Connections to building sewer and water connections	80.00	92.00	
RV and manufactured dwelling parks			
Base fee (including the first 10 or fewer spaces)	359.60	413.54	
Each additional 10 spaces	312.00	358.80	
Commerical, industrial, & dwellings other than 1 or 2 family			
Minimum fee	80.00	100.00	
Each fixture	20.00	23.00	
Sewer (1st 100 ft)	100.00	115.00	
each additional 100 ft	35.00	40.25	
Water Service (1st 100 ft)	100.00	115.00	
each additional 100 ft	35.00	40.25	
Storm and rain drain (1st 100 ft)	100.00	115.00	
each additional 100 ft	35.00	40.25	
Miscellaneous fees			
Specialty fixtures	20.00	23.00	
Reinspection (no. of hours x fee) (\$50 per 1/2 hour)	80.00	50.00	1 hr. min.
Special requested inspections	80.00	100.00	
Fee assessed for technical services, when req'd by another government entity, ORS 190	As agreed		
Medical gas piping			
Permit and plan review fees based on value of the job and applying the valuation to the fee table 1A	Value of Job		
Investigative Fee			
The investigative fee is equal to the permit fee			
Plan Review Fee			
Plan review, if required: % of permit fee.	25%		
Minimum fee	78.00	80.00	

Manufactured Dwelling/Recreational-Park Trailer Fees			
	Current Fees	<i>Proposed</i>	
		<i>15% of increase</i>	
1-Manufactured dwelling			
a) Placement (includes placement, electrical feeder, water/sewer connection)	300.00	345.00	
b) Reinspection (number of hours x fee) (\$50 per 1/2 hour)	80.00	50.00	1 hr. min.
2- Recreational-park trailer			
a) Installation (includes stand and lot preparation; support blocking; anchoring; temporary steps; plumbing, mechanical; and electrical)	225.00	258.75	
b) Reinspection (number of hours x fee) (\$50 per 1/2 hour)	80.00	50.00	1 hr. min.

Deferred Submittal Fees		
Permit and Plan Review fees are based on a percentage of the building permit fee with a set minimum and applying the valuation to the fee table.		
Percentage	65%	
Set minimum fee	150.00	250.00
Phased Permit Fees		
Phased Projects fees are a minimum fee plus 10% of the total project permit fees not to exceed \$1500.		
Minimum Fee	250.00	250.00
+10% of total project permit fees		

Miscellaneous Fees				
Miscellaneous Fee	Current Fee	Proposed Fee	% Chg	
Addressing fee	55.00	Eliminated, A Public Works Fee		
Special review/re-review (\$50 per 1/2 hour)	80.00	50.00	25%	1 hr. min.
Investigation fee (\$50 per 1/2 hr)		50.00		1 hr. min.
Permit extension (structural)	100.00	100.00	0%	
Permit extension (Mechanical, Plumbing, Electrical)	100.00	1/2 the cost of original permit		
Building reinspection fee (\$50 per 1/2 hour)	80.00	50.00	25%	1 hr. min.
Additional plan review per hour (\$50 per 1/2 hour)	80.00	50.00	25%	1 hr. min.
Special building inspection*	80.00	100.00	25%	
Special electrical inspection*	80.00	100.00	25%	
Special mechanical inspection*	80.00	100.00	25%	
Special plumbing inspection*	80.00	100.00	25%	
Special manufactured dwelling inspection*	80.00	100.00	25%	
Annual industrial electrical inspections per fee (\$50 per 1/2 hour)	86.00	50.00	16%	1 hr. min.
*If inspection fails, must apply for regular permit.				
New Fee				
Temporary (60 days) Certificate of Occupancy				
Commercial		250.00		
1 and 2 Family Dwellings		75.00		

PH 2

BOC Agenda Checklist Master

West Hall Florida

Agenda Placement and Contacts

Suggested Agenda Date 02/02/21

[View Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Public Works

Contact Name * Laurel Byer

Phone Extension * 6013

Meeting Attendee Name * Laurel Byer

Agenda Item Details



Item Title * In the Matter of Transferring Jurisdiction of a Segment of South 13th Street to the City of Philomath

Item Involves * Check all that apply

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

Estimated Time * 10 minutes

Board/Committee Involvement *
☐ Yes
☒ No

Advertisement*

☐ Yes

☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The City of Philomath is coordinating with the Oregon Department of Transportation to complete a City Streetscape Project that will improve the Highway 20/34 Couplet as it traverses through Philomath. The segment of South 13th Street between Main and Applegate is currently under County jurisdiction and would require the County to enter into a third party agreement to complete the Streetscape project. The County has an agreement with the City to transfer jurisdiction once the project is complete; however, transferring the jurisdiction of South 13th Street now will simplify the obligations between the three parties by removing the County from the equation completely. The City of Philomath requested that the County pursue the early transfer of jurisdiction, so the County is bringing it to the Board for review and approval.

The purpose of transferring maintenance and permitting jurisdiction of County roads located within city limits is to provide an orderly transition of services from county to city jurisdiction as Philomath continues to develop.

On January 5, 2021, the Board approved the Order No D2021-023 to initiate transfer of the jurisdiction of South 13th Street to the City of Philomath and set a Public Hearing for February 2, 2021.

Options *

Approve or Deny the Order to transfer jurisdiction of South 13th Street to the City of Philomath.

Fiscal Impact *

☒ Yes

☐ No

Fiscal Impact Description *

When South 13th Street is transferred to the City of Philomath, it will save both jurisdictions time with respect to the administrative duties related to public inquiries. In addition, all of Benton County's annual cost in repair, construction, and improvements will become the responsibility of the City of Philomath.

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 new streetscape improvements to South 13th Street, which include pedestrian amenities and public spaces, will help promote a vibrant, safe, and livable Philomath. By creating a sense of place and standard downtown feel, the commercial area will help build social connections while stimulating the economy in Philomath and surrounding Benton County. By transferring jurisdiction of South 13th Street, the County and City are making outreach and maintenance efforts more streamlined and more apparent to the residents of Philomath.

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 new streetscape improvements to South 13th Street, which include pedestrian amenities and public spaces, will help promote a vibrant, safe, and livable Philomath. By creating a sense of place and standard downtown feel, the commercial area will help build social connections while stimulating the economy in Philomath and surrounding Benton County. By transferring jurisdiction of South 13th Street, the County and City are making outreach and maintenance efforts more streamlined and more apparent to the residents of Philomath.

Recommendations and Motions

Item Recommendations and Motions

Staff It is respectfully recommended by staff to approve the Order to transfer the
Recommendations* jurisdiction of South 13th Street between Main and Applegate to the City of Philomath.

Meeting Motions* I move to ...
I move to approve Order #D2021-027 to transfer jurisdiction of South 13th Street between Main and Applegate, County Road No. 26250A, to the City of Philomath.

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.

020221 -Order Transfer S 13th St Philomath.pdf 140.29KB

Comments (optional)

The attached Order is in draft form, awaiting official Order number and Recording number of the Order from January 5, 2021, that initiated transfer of jurisdiction and set the Public Hearing.

If you have any questions, please call ext.6800

**Department
Approver**

GARY STOCKHOFF

Department Approval

Comments

Signature

Gary A Stackhoff

BOC Initial Approval

Approvals Required ☒ Counsel

☐ Finance

☐ HR

Counsel Approver VANCE CRONEY

**County
Administrator
Approver** JOE KERBY

Comments

Counsel Approval

Comments

Signature

Vance H. Cheney

County Administrator Approval

Comments

Signature

Joseph Kerby

BOC Final Approval

Comments

Signature

Teresa Farley

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

**In the Matter of Transferring Jurisdiction)
of South 13th Street, County Road No. 26250A) ORDER NO. 2021-027
to the City of Philomath)**

**THE ABOVE ENTITLED MATTER COMING NOW FOR THE CONSIDERATION OF THE BOARD
AND,**

IT APPEARING TO THE BOARD

THAT; Pursuant to ORS 373.270, the Order initiating the transfer of jurisdiction of South 13th Street, County Road No. 26250A to the City of Philomath has been recorded in 2021-607189 Benton County Deed Records; and

THAT; Pursuant to ORS 373.270 (2a) notice has been posted in three (3) public places; and

THAT; pursuant to ORS 373.270 (4) a public hearing was held on the 2nd day of February at 11:00 am in the Benton County Board Of Commissioners Meeting Room, 205 NW 5th Street, Corvallis Oregon, and

NOW, THEREFORE, THIS BOARD FINDS that it is necessary and in the best interest of the County to surrender jurisdiction of South 13th Street between Main and Applegate, County Road No. 26250A, over to the City of Philomath;

NOW, THEREFORE, IT IS HEREBY ORDERED that the County surrender jurisdiction to the City of Philomath, a County Road located in Section 12, Township 12 South, Range 6 West, Willamette Meridian, Benton County, Oregon, described as follows:

That portion of South 13th Street between Main and Applegate that lies within that property annexed into the City of Philomath (County Road No. 26250A).

NOW, THEREFORE, IT IS HEREBY ORDERED that the City of Philomath has until June 30, 2021, to adopt appropriate municipal legislation accepting said County road, and if this action has not been approved by June 30, 2021, the County shall retain jurisdiction and this Order shall be null and void.

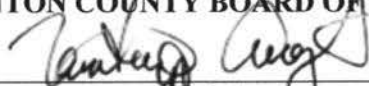
Adopted this 2nd day of February, 2021.

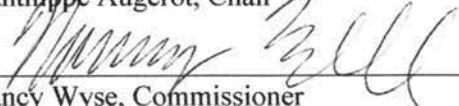
Signed this 2nd day of February, 2021.

Approved as to form:


Vance M. Croney, County Counsel

BENTON COUNTY BOARD OF COMMISSIONERS


Xanthippe Augerot, Chair


Nancy Wyse, Commissioner


Pat Malone, Commissioner

AFTER RECORDING
Return To
Benton County Public Works

BENTON COUNTY, OREGON 2021-607189
DE-OR
Cnt=1 Stn=47 COUNTER1 01/26/2021 09:34:34 AM
\$5.00 \$11.00 \$62.00 \$10.00 \$20.00 NO FEE



00417073202106071890010011

I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales - County Clerk



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

In the Matter of Initiating Proceedings to)
Transfer Jurisdiction of South 13th Street) **ORDER NO. 2021-023**
to the City of Philomath, Oregon) **AND**
South 13th Street, County Road No. 26250A) **NOTICE OF PUBLIC HEARING**

**THE ABOVE ENTITLED MATTER COMING NOW FOR THE CONSIDERATION OF
THE BOARD AND,**

IT APPEARING TO THE BOARD

THAT, the City of Philomath has requested that the County complete a Jurisdictional Road Transfer of a segment of South 13th Street; and

THAT; Pursuant to ORS 373.270, proceedings must be initiated to transfer jurisdiction to the City of Philomath a segment of South 13th Street, County Road #26250A, which lies within that property annexed into the City of Philomath.

NOW, THEREFORE, IT IS HEREBY ORDERED that February 2, 2021, be established for conducting a Public Hearing on the proposed transfer of jurisdiction and that such hearing be held at 11:00 a.m. Interested citizens may attend the meeting via GoToMeeting via <https://global.gotomeeting.com/join/375134829> or Dial 1 (571) 317-3122 use access code 375134829#; and

IT IS FURTHER ORDERED that notice of the hearing be provided by the County Surveyor in accordance with ORS 373.270 (2a).

Adopted this 5th day of January, 2021.

Signed this 5th day of January, 2021.

BENTON COUNTY BOARD OF COMMISSIONERS

Xanthippe Augerot, Chair

Nancy Wyse, Commissioner

Pat Malone, Commissioner

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/02/21

[View Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Public Works

Contact Name * Gary Stockhoff

Phone Extension * 6010

Meeting Attendee Name * Lisa Scherf, City of Corvallis (QE Representative), Brad Dillingham, Transportation Coordinator, Gary Stockhoff, and Hal Brauner, STIF Chair

Agenda Item Details

Item Title * Approving the Benton County Statewide Transportation Improvement Fund (STIF) Advisory Committee's Formula Fund Allocation Recommendations for the FY 2022-23 STIF Plan

Item Involves * Check all that apply

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

Estimated Time * 30 minutes

**Board/Committee
Involvement*** ☒ Yes
☐ No

**Name of
Board/Committee** Special Transportation Improvement Fund
Advisory Committee

Advertisement* ☐ Yes
☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

On July 17, 2018, the Board appointed members to the Statewide Transportation Improvement Fund (STIF) Advisory Committee and adopted Bylaws for the Committee. The Committee and Bylaws were established to carry out the statutory requirements of ORS 184.758 and ORS 184.761, and the rules creating the procedures and requirements for administration of the Statewide Transportation Improvement Fund, as set forth in OAR Chapter 732, Division 040

The STIF Advisory Committee met on October 5th, 2020, November 16th, 2020, December 28th, 2020, and January 11th, 2021. Staff provided training for the Committee on the State's rules and requirements and guided Committee work. The Committee timeline was intended to complete the task of making STIF Plan recommendations to the Board to allow submission of the Plan to the State by the February 15, 2021 deadline.

At its December 28th meeting, the Committee heard presentations by Public Transportation Service Providers (PTSPs) for public transit projects that would use STIF Formula funds allocated to Benton County. The following PTSPs submitted applications: Benton County (Benton Area Transit), City of Corvallis (Corvallis Transit System), City of Adair Village, City of Philomath (Philomath Connection), Oregon Cascades West Council of Governments, and City of Albany (Albany Transit System). The total amount requested by applicants assuming all Discretionary Grants agencies applied for are awarded (meaning that only associated match amounts are needed from Formula Funds) is \$4,305,507. If Discretionary Grants are not awarded the total amount requested is \$4,431,247. Both of these exceed the ODOT-projected STIF Formula allocation for Benton County in the FY 2022-23 biennium, which is \$3,732,193. However, between additional revenue from higher-than-expected STIF collections (\$178,379) and significant unspent funds in the current biennium due to project delays due to COVID-19 (\$3,309,182), it will be possible to fund all projects and retain a healthy reserve of over \$2 million. A brief description of all the projects is found in Attachment A.

The STIF Advisory Committee finalized its project funding recommendations for the Board of Commissioners (BOC) at its January 11th, 2021 meeting. The Committee also organized its proposed project list in ranked order, as required by ODOT. To assist the Committee, staff followed this process to prepare a preliminary prioritization for all projects:

- 1) Prior approved operating projects from the FY 2018-21 STIF Plan were placed at the top, under the assumption that it's a priority to keep those projects ongoing (including the Transit Support Position).
- 2) Points were assigned to each remaining project for each STIF criteria established in ORS (scale of 1-10) and the projects were organized accordingly.
- 3) Staff adjusted the list to consider the relative positioning of each PTSP's projects to consider the preferred ranking of the provider's projects, as expressed in the December 28, meeting.
- 4) Projects associated with Discretionary grants were paired to show the match and full funding options together. The exception is the Highway 99W Corridor Pilot, under the assumption it won't be funded without a Discretionary grant.

The result was discussed and recommended by the Committee, as shown in Attachment B for the Board's consideration.

Options*

1. Approve the recommendations of the STIF Advisory Committee project list as presented. Staff recommends this option.
2. Accept the project list with changes to either the funding amounts or ranked order of any or all projects. Applicants will need to be notified, and Board rationale for the changes would be requested by the STIF Advisory Committee to assist in review of future applications.

Fiscal Impact*

- ☒ Yes
☐ No

**Fiscal Impact
Description***

There is no fiscal impact to the County General Fund. This funding stems from a payroll tax collected across the State and allocated to the Qualified Entities (Benton County) for projects. If Benton County's projects are not funded, they will not be implemented. If projects submitted by others are not funded, it will be up to affected PTSPs to determine how they might implement those projects.

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 projects identified in this agenda item will provide the citizens of Benton County a community that provides resources to enhance the livability, quality access to transportation needs, and ensures equity for everyone.

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 *

Benton County's Vision is to have a transportation program that promotes safety, enhances the economy, and grows transportation options and mobility.

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations * Staff recommends the Board of Commissioners forward the STIF Advisory Committee's STIF Formula Fund project ranking and funding recommendations for fiscal years 2021-22 through 2022-23 to the February 2,, 2021 Board meeting for consideration and approval.

If Board action is taken on February 2nd, staff will submit the Benton County STIF Plan consisting of the approved projects to the Oregon Department of Transportation's Public Transit Division.

Meeting Motions * I move to ...
I hereby accept the Benton County STIF Advisory Committee's funding and ranking recommendations for Formula Fund projects to be included in the Benton County STIF Plan for the 2022-23 Biennium, and sign the Order.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

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

Attachment A - STIF Formula Project Descriptions 2022-2023.pdf	160.87KB
Attachment B - STIF Formula Ranked Summary 2022-2023.pdf	127.29KB
STIF Plan Order for FY2022-23.pdf	81.59KB

Comments (optional) Will email you the Order in Word

If you have any questions, please call ext.6800

**Department
Approver**

GARY STOCKHOFF

Department Approval

Comments

Signature

Gary A Stockhoff

BOC Initial Approval

Approvals Required ☒ Counsel
☒ Finance
☐ HR

Counsel Approver VANCE CRONEY

Finance Approver MARY OTLEY

**County
Administrator
Approver** JOE KERBY

Comments

Counsel Approval

Comments

Signature

Vance H. Cline

Finance Approval

Comments

Signature

Nancy K. Otley

County Administrator Approval

Comments

Signature

Joseph Kerby

BOC Final Approval

Comments

Signature

Teresa Farley

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

**In the Matter of Adopting the Recommendations)
of Benton County's Statewide Transportation)
Improvement Fund Advisory Committee for) ORDER No. D2021-025
Benton County FY 2022-23 Statewide)
Transportation Improvement Fund Plan)**

THAT, Benton County is the designated Qualified Entity for the purposes of receiving and disbursing funds generated by formula through the Statewide Transportation Improvement Fund to public transportation service providers serving Benton County; and

THAT, Benton County is required by the Oregon Department of Transportation to develop a Statewide Transportation Improvement Fund Plan with public transportation projects submitted by public transportation service providers serving Benton County; and

THAT, the bylaws of Benton County's Statewide Transportation Improvement Fund Advisory Committee authorize the Committee to initiate advice and recommendations to the Benton County Board of Commissioners for purposes of developing projects for inclusion in the Benton County Statewide Transportation Improvement Fund Plan; and

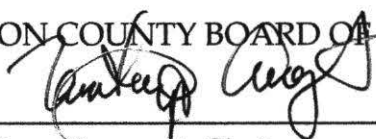
THAT, the Committee has provided the following recommendations attached hereto as Attachment A – FY 2022-23 STIF Formula Project Descriptions and Attachment B – FY2022-23 Benton County STIF Formula Ranked Project Summary to the Board of Commissioners to be adopted and incorporated into Benton County's FY 2022-23 Statewide Transportation Improvement Fund Plan.

NOW, THEREFORE, BE IT HEREBY ORDERED that the recommendations of Benton County's Statewide Transportation Improvement Fund Advisory Committee described as Attachment A - FY 2022-23 STIF Formula Project Descriptions and Attachment B - FY2022-23 Benton County STIF Formula Ranked Project Summary be adopted for incorporation into Benton County's FY2022-23 Statewide Transportation Improvement Fund Plan.

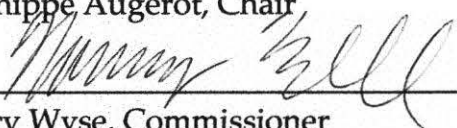
Adopted this 2nd day of February, 2021.

Signed this 2nd day of February, 2021.

BENTON COUNTY BOARD OF COMMISSIONERS



Xanthippe Augerot, Chair

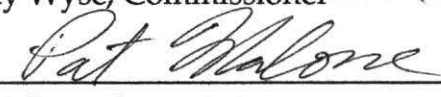


Nancy Wyse, Commissioner

Approved as to form:



Vance M. Croney, County Counsel



Pat Malone, Commissioner

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/02/21

[View Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Health Services

Contact Name * Dannielle Brown

Phone Extension * 6171

Meeting Attendee Name * Dannielle Brown

Agenda Item Details

Item Title * Children and Family Program Development Proposal

Item Involves * Check all that apply

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

Estimated Time * 30 minutes

Board/Committee Involvement *
☐ Yes
☒ No

Advertisement*

☐ Yes

☒ No

Issues and Fiscal Impact

Item Issues and Description

**Identified Salient
Issues ***

Review of request to implement Children and Family Outpatient Mental Health treatment program: Implementing a Children and Family Mental Health Treatment Program will provide mental health treatment services to high needs, high risk children and families. This mental health treatment will assist with ongoing stabilization of children and families need access to care, increasing community resilience. Please see Attachment A - Children and Family Program Development Proposal

This service array will provide additional treatment options for populations that are currently underserved and have difficulty accessing care, except at the very highest levels of treatment. This outpatient program will allow for more equitable access to care for high needs, high risk families in order to support the family unit as a whole and keep children in the community and out of higher levels of care that are consistently out of county.

Options *

Approve proposal
Continue discussion of proposal
Deny proposal

Fiscal Impact *

☒ Yes
☐ No

**Fiscal Impact
Description ***

IHN-CCO has agreed to funding the implementation of the program based on projections provided by BCHD. Additionally, because this program will be provided within the scope of the Health Centers for Benton and Linn Counties, the services will be eligible for full-cost reimbursement wrap funds. Between the revenue provided by IHN-CCO and the wrap payments this program to become self-sustaining within the first full year of service provision. Please see Attachment B - Fiscal Impacts

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 *

Development of a children's mental health program will increase early intervention empowering families to engage in their child's mental health care. Early intervention is particularly important for prevention of profound long-term consequences for children. This program will increase access to high risk, high needs children and their families thereby creating community resilience and equity.

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 *

Recommendations and Motions

Item Recommendations and Motions

Staff Staff recommends approval for the development of the Children and Family
Recommendations * Outpatient Mental Health Treatment Program within the Behavioral Health Division
of the Benton County Health Department.

Motions * I move to ...
I move to approve the Children and Family Outpatient Mental Health Treatment
Program.

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 - Children and Family Program Development Proposal.docx	17.63KB
Attachment B - Children and Family Program Development Proposal.docx	17.38KB

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

Department Approver DANIELLE BROWN

Department Approval

Comments

Signature

Dannielle Brown

BOC Initial Approval

Approvals Required ☒ Counsel
☒ Finance
☐ HR

Counsel Approver VANCE CRONEY

Finance Approver MARY OTLEY

County Administrator Approver JOE KERBY

Comments

Counsel Approval

Comments

Signature

Vance H. Cheney

Finance Approval

Comments

Signature

Mary K. Otley

County Administrator Approval

Comments

Signature

Joseph Kirby

BOC Final Approval

Comments

Signature

Teresa Farley