



COMMUNITY DEVELOPMENT DEPARTMENT
4500 SW Research Way
Corvallis, OR 97333
(541) 766-6819

MEETING MINUTES
Benton County Planning Commission
Work Session - February 1, 2022
7:00 PM via GoTo Webinar

The Benton County Planning Commission held a virtual meeting and work session via Go To Webinar with Vice Chair Nicholas Fowler presiding. The meeting was open to the public.

CALL to ORDER

Vice Chair Fowler called the meeting to order and called the roll at 7:00 pm.

COMMISSION MEMBERS:

Present

Nicholas Fowler, Vice Chair

Evelyn Lee

Sean Scorvo

Christina White

STAFF:

Present

Darren Nichols, Community Development
Director

Greg Verret, Deputy Director

Linda Ray, Recorder

Absent: Jennifer Gervais

The term of Ken Kenaston, immediate former Chair of the Planning Commission, expired December 31, 2021. Commissioners expressed gratitude for Ken's service and leadership.

ELECTION OF OFFICERS

Commissioner Fowler asked the Planning Commission for nominations to the vacant chair position. Commissioner Scorvo made a MOTION to nominate Nicholas Fowler for the Chair. Seconded by Commissioner White, the MOTION passed 5-0, with one member abstaining. Commissioner Nicholas Fowler is the new Chair of the Planning Commission.

Commissioner Fowler called for nominations for Vice Chair. Commissioner White MOVED to nominate Commissioner McEvoy as Vice Chair. Commissioner McEvoy expressed concerns about taking on the role for personal reasons and withdrew himself from consideration. Following Commissioner McEvoy's comments, the nomination failed to obtain a SECOND Motion.

Commissioner Scorvo MOVED to nominate Commissioner Gervais as Vice Chair. The Chair confirmed that Commissioner Gervais had expressed prior to the meeting that she would be interested in serving in whatever capacity the Planning Commission felt best. Commissioner White seconded the MOTION. The MOTION passed unanimously 6-0 to select Commissioner Gervais as Vice Chair.

PLANNING COMMISSION WORK SESSION

Topical Issues

Prior to the work session, Community Development Director Darren Nichols met one-on-one with each Planning Commissioner. Nichols presented several themes from those discussions – the issues raised most frequently among Planning Commissioners include:

- Inclusivity: ensuring that the Planning Commission’s public hearing processes are as inclusive as possible
- Training for Planning Commission members, including:
 - Guidance on how to handle competing opinions during a hearing,
 - The role(s) of a Planning Commissioner, and
 - Familiarity with land use and municipal law. (PC straddles the line of community and the law.)
- Planning Commission meetings: Roberts Rules of Order and other meeting protocols
- Topical issues:
 - Water availability
 - Wildfire/Fire Safety
 - Increased pressures on recreational facilities and related issues
 - Transportation Planning
 - Homelessness and Housing Affordability
 - Telecommunications.

Members suggest looking at the County Code and see what needs updated as technology changes. The Commissioners would like more clarity in the code and develop best practices that would help guide deliberations for approvals.

Commissioner Scorvo suggested forming subcommittees to address these topics.

Director Verret shared that the Planning Staff have developed long-range goals and several of these topics are included in that plan. He encouraged the Commissioners to collaborate with staff on those plans or projects.

Director Nichols will follow-up after the work session with an email laying out the topical issues and ask for feedback. He also encouraged them to volunteer as “champions” to work together with county staff and others to address the issues.

Planning Commission Meeting Protocols

Commissioner Fowler opened the discussion about the process for Planning Commission meetings. The default is to use Robert’s Rules of Order. Commissioner Fowler recommended that prior to formal deliberations the Commissioners take a few minutes to give first impressions from the information received and testimonies that have been given – a roundtable opportunity to gain a “sense of the Board.” He would like to get a temperature of how the group is going to vote. He emphasized that the time would not be to introduce additional testimony but gather a reaction and impression from each Commissioner.

Commissioner Fowler also suggested that the maker of a motion can accept friendly amendments and agree to accept or deny the motion before voting. Instead of voting on each amendment.

Commissioners suggested other improvements to the process, including:

- Encouraging applicants to meet with neighbors prior to coming before the Planning Commission in a public hearing.
- Exploring how to reach a broader audience when a public hearing was scheduled.
- NOTE: South Benton County is not covered by the Gazette Times and needs strategy on outreach in that area.
- Suggesting asking community members to contact staff if they would like to be added a mailing list about future meetings.
- Using geo-targeted email services – putting a notice in the paper to invite the public to get on a notification list.

Training Needs/Opportunities/Ideas

Commissioners offered several ideas and observations for training, including:

- Overview: The role(s) of the Planning Commission and Planning Commissioners

- Basic Law – land use and related legal issues – general familiarity with the law
- How to represent the community and quasi-adjudicate County Code – and how to recognize when to fill each of those distinct and potentially competing roles
- How to evaluate issues and proposals both objectively and subjectively

Robert's Rules of Order – Modified

Per feedback from Chair Fowler, the following is suggestions to use as a protocol when the Planning Commission enters into deliberations on a public hearing. These suggestions are guided by a modified Roberts Rules of Order (RR) as described below.

Sense of the Board

The Presider will offer each Planning Commissioner approximately two minutes for reaction to testimony and staff report. Commissioners are encouraged, but not required, to relate their comments to Benton County Code. Other Commissioners may briefly ask clarifying questions of the speaker.

No motions will be entertained until all Commissioners have had their opportunity to speak.

Deliberations

Informal discussion is suspended and the Presider will open the floor and invite a motion.

A Maker offers a motion. The Presider asks for a Second.

The Motion can now be debated and amended.

Friendly Amendment: If acceptable to the Maker and Seconder, does not need a second,
Amends the original Motion and becomes the Motion under debate

Amendment: Not acceptable to Maker and/or Seconder
Requires a second
Is debated
Must be voted upon before the main Motion can be addressed

Withdraw a Motion: Maker/Seconder may at any time withdraw their motion

Point of Order: Claim that something procedural is in error



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No debate, no vote
Presider rules on points of order

Call the Question: Request to stop debate and immediately vote on the Motion
Presider decides to continue debate or proceed to vote
Presider decision can be appealed/overturned with 2/3rds vote

Rollcall Vote: Presider will ask Staff to proceed with vote by roll call.

MEETING MINUTES
Benton County Planning Commission
March 15, 2022

The Benton County Planning Commission chair Nicholas Fowler called the meeting to order at 7:03 p.m. The meeting took place virtually via GoTo Webinar and was open to members of the public.

COMMISSION MEMBERS PRESENT:

Nicholas Fowler, Chair
Jennifer Gervais, Vice Chair
Evelyn Lee
Sean Scorvo
Christina White
Nancy Whitcombe

STAFF PRESENT:

Darren Nichols, Director
Greg Verret, Deputy Director
Linda Ray, Recorder

APPROVAL OF MINUTES for Planning Commission Meetings of November 2 and 16, 2021 and the Meeting of December 2, 2021

Commissioner Gervais suggested two edits to the November 2, 2021 Minutes:

- LU-21-047 Staff Report - Page 3 – Bullet point #4 should read “road construction design *has been proposed*”; and
- LU-21-047 Page 5, in the final bullet “bird” should read “great blue heron.”

Commissioner Gervais made a **MOTION to APPROVE** the November 2, 2021 Minutes with those edits. Commissioner Scorvo Seconded the Motion. The Planning Commission **APPROVED** the Minutes as amended 5-0, with one abstention.¹

Commissioner Gervais made a **MOTION to APPROVE** the November 16, 2021 minutes. Commissioner White Seconded the Motion. The Planning Commission **APPROVED** the Minutes 5-0, with one abstention.

Commissioner Gervais made a **MOTION to APPROVE** the December 2, 2021. Seconded by Commissioner Scorvo. The Planning Commission **APPROVED** the Minutes 5-0, with one abstention.

¹ NOTE: Commissioner Nancy Whitcombe is a newly appointed member of the Planning Commission who was not on the Commission during the November and December Hearings; Commissioner Whitcombe abstained from voting on the Minutes for November 2 and 16, 2021, and the Minutes for December 2, 2021.

Status Update: PREVIOUS PUBLIC HEARING ON LU-21-047; CUP; Valley Landfills LLC

In December 2021, the Planning Commission hosted several public hearings regarding the Conditional Use Permit application by Republic Services to expand the landfill. On December 7, 2021, the Planning Commission denied the application. Republic Services filed an appeal of that decision and has since withdrawn their appeal. The Commissioners had a brief discussion regarding those hearings and the feedback is as follows;

- The Solid Waste Advisory Council sent in a letter of support of the expansion during the hearing. Commissioners expressed concern that they came to the opposite determination about the expansion. Deputy Director Verret explained that SWAC and the Planning Commission were evaluating the proposal from different perspectives. There are no guidelines for SWAC on how to make this sort of recommendation, but their role is to oversee solid waste management. They are not called to evaluate the application from a land use perspective.
- Commissioners expressed discouragement and concern about the lack of input by the state on this application until they approved/denied. It made it more difficult for them to make subjective decisions based on testimony and not data, which could have resulted in more of an “undue burden”. Commissioner Scorvo asked for feedback on the procedure in this process with state agencies. Deputy Director Verret stated that the State’s response to this application was a standard procedure. The State does not get involved until the local jurisdiction has made a permitting decision.
- Commissioner Lee expressed concern about the combination of two approvals; the closing of Coffin Butte Road and expansion of the landfill as they are two large decisions that should involve separate processes.
- Commissioner Whitcombe stated her concern that if the application had been approved, it would have potentially allowed for the removal of the tonnage cap at the landfill (according to the franchise agreement).

Director Nichols stated that county staff is taking the opportunity for the community and board to provide direction and leadership before any subsequent filings may come in the future regarding the landfill expansion. At the last Board of Commissioners meeting, Director Nichols asked for a response and recommendation from the BOC on how to re-engage the community in this conversation and how we handle solid waste and sustainable materials management strategy for the long term. There has been an internal preliminary discussion on how to best work with the decision bodies like SWAC and the Planning Commission along with public/private agencies. He encouraged the Commissioners to reach out to him or Deputy Director Verret with ideas for how to move forward as a community in a constructive way. Director Nichols has reached out to a third party facilitator to help the county engage in more dialogue regarding these issues.

Chair Fowler opened the discussion about a potential de novo hearing in the future, should Republic Services apply for another CUP to expand the landfill. Vice Chair Gervais spoke to the topic of “ex parte contact” and the Commissioners public conversations in the coming months about the landfill. Until an application is submitted for further steps to expand the landfill, the Commissioners were encouraged to discuss this topic freely. If/when a CUP is submitted, then Commissioners were encouraged to limit discussions and declare any ex parte contact at future hearings on this matter.

MODIFY COMMISSION RULES FOR DELIBERATION

By default, the Planning Commission parliamentary procedures are Roberts Rules of Order. The Planning Commission By-Laws permit the commissioners to adopt amended rules of order. Prior to the meeting, Director Nichols met with County Counsel for feedback on this subject and drafted a staff report (Exhibit A) with potential options on procedures to adopt for future meetings.

After discussion, the commissioners chose to informally adopt the rules laid out in Exhibit A for future meetings and will re-visit the procedure in the future. They will not make any changes to the Bylaws at this time.

WORK SESSION: PROPOSED PLANNING PRIORITIES FOR 2022

The Commissioners held a public work session on February 1, 2022 and were asked to give feedback on volunteering for strategic priorities for the department. The list of priorities and topics that the Commissioners chose are attached as Exhibit B. In the coming months, the Commission will schedule joint work session with the Planning Commission and the Board of Commissioners to collaborate on how to best move forward with the long-term priorities for the Community Development Department. These efforts will also be shared as an engagement with members of the community.

The objective of this discussion is to identify strategic priorities, identify volunteers (Planning Commissioners) for each priority and then decide if a formal sub-committee” will be assigned. The Commissioners decided to create a list of priorities (needs of the community), present those to the BOC and wait for feedback before planning a work session together.

Director Nichols will look at dates in late May and early June for the Planning Commission to meet in a joint work session with the Board of Commissioners.

Each commissioner will draft a short write-up on the priorities they chose to volunteer for by April 12th prior to a work session on April 19th. Since multiple commissioners signed up for

each topic, they will work together to draft their statement. Staff will send out a template for the commissioners to use for their draft.

UPCOMING AGENDA ITEMS

Deputy Director Verret stated that there will be a public hearing on a potential zone change application most likely in early May.

Commissioner Lee updated the members that the issue of communication in South Benton County is being addressed by a new initiative made by a committee called “South Benton Advisory Committee for United Way”. This committee is working to bring together entities in South County and will publish a one-page paper with “news of the area”.

The meeting adjourned at 8:37 pm.

MEETING MINUTES
Benton County Planning Commission
April 19, 2022

The Benton County Planning Commission chair Nicholas Fowler called the meeting to order at 7:00 p.m. The meeting took place virtually via GoTo Webinar and was open to members of the public.

The meeting was called to order at 7:02 pm

COMMISSION MEMBERS:

Present

Nicholas Fowler, Chair
Jennifer Gervais, Vice Chair
Evelyn Lee
Sean Scorvo
Nancy Whitcombe

STAFF:

Present

Darren Nichols, Director
Greg Verret, Deputy Director for Policy & Program
Development
Inga Williams, Associate Planner
Linda Ray, Recorder

Absent: Christina White

APPROVAL OF MINUTES for Planning Commission Work Session on March 15th

Two edits to the March 15th, 2022 minutes were suggested:

- Commissioner Whitcombe's name was left off the member attendance
- Commissioner Lee suggested a change in the language to say "South Benton Advisory Committee for United Way" on page four.

The Planning Commission work session minutes were **APPROVED** as amended 5-0.

UPCOMING AGENDA ITEMS

Deputy Director Verret stated that there will be a Planning Commission public hearing coming up on May 3rd to discuss an application requesting a zone change. Verret took some time to review the zone change process with the commissioners as a training opportunity and as preparation for the hearing. Details of File LU-21-081 were not discussed. The power point presentation that Verret shared with the commissioners can be found in **Exhibit A**.

A zone change is technically an amendment to the zoning map. It requires a hearing before the Planning Commission. If the Planning Commission recommends approval, it will go before the Board of County Commissioners for review. If the BOC approves the zone change there will be adoption of an ordinance stating the change has been made. Verret provided several examples of zone changes and the process involved.

PLANNING COMMISSION WORK SESSION

One of the objectives of this work session was for the planning commissioners to decide as a group which topic on the strategic project list they would like to present to the Board of Commissioners for feedback and next steps. **See Exhibit B that includes narratives on each topic below.**

Inclusive communications.

Commissioner Lee acknowledged the struggle that remote residents of Benton County face with receiving important information. There are many initiatives in South Benton County to reach those community members. She suggested that the county staff take on a role to assemble a list of contact information from the initiatives around rural communities and work towards bringing the community together and collaborate in getting information out more effectively.

Data collection management and use

Lee suggested that the county look on this issue as an opportunity to collaborate with a wide variety of partners including local agencies. She also suggested that the commissioners choose two or three areas of interest and have a work session to further the process along. Fowler suggested connecting with OSU and enlisting a grad student to assist with this project and gather the first round of data. Lee mentioned that PSU also has a program that enlists students to work with partners on projects like this.

Telecommunication

Scorvo stated that there is rapid change in telecommunications and no cohesive plans as of yet on how best to anticipate and plan for telecommunication growth in our community. He would like to work with other local agencies to improve this process. The 5G & 6G process will bring increasing issues with density of tower placement. He suggested a comprehensive plan for Benton County regarding telecommunications to anticipate the growth and changes ahead.

Water Quality Availability

Lee is involved in a community groundwater network that is monitoring water in her personal well. From her experience, she suggested looking into a similar system around the county to gather data on our water quality and availability and to help better anticipate planning for the future.

Wildfire and Fire Safety

Fowler presented this strategic project and invited Inga Williams, County Planner, to the work session. Williams oversees the Community Wildfire Protection Plan (CWPP). The next steps Fowler sees is to include additional representation from the planning commission. He proposed creating a subcommittee to focus on items that pertain to land use activities and

define further initiatives that meets more frequently than the CWPP Advisory Committee that meets annually. He will work with the county commissioners and Williams to further discuss the potential for a subcommittee.

Fowler also suggested breaking down the broad plan and give more attention, tracking and monitoring over time to help mitigate wildfire risk. Williams clarified that the yearly meeting of the advisory council is to review the programs and tasks undertaken that year and discuss progress and next steps. Scorvo asked if there was evacuation volumes considered in the county's plan. Williams stated that once the plan is approved by the county commissioners, Fire Defense Board, and Oregon Department of Forestry, then the advisory council will find grant money to do an evacuation study for the county.

Recreation

When highlighting the growing recreational activities in Benton County, Gervais noted that county roads were not designed for increased traffic, public safety or evacuation in those recreational zones. She stated that new language in the county code would help with those issues.

Transportation Plan

Gervais encouraged the commissioners to look at the Transportation Plan and identify weaknesses.

Training

Gervais encouraged the county staff and commissioners to provide training for all new planning commissioners when they begin their term of service. She also encouraged ongoing training throughout the year for the commissioners to better understand their responsibilities. Whitcombe stated that she would like more information on Oregon Land Use laws and to gain more context on why specific zones were created.

Affordable Housing & Homelessness

Whitcombe began her presentation by stating that affordable housing has become a growing issue and concern as supply and demand is difficult to find. She encouraged the commissioners to tackle the "supply" portion initially and referred to non-profit affordable housing contractors as a great resource. Whitcombe stated that those contractors are aware of opportunity zones, tax cuts, etc. and would like to invite some of them to a work session for feedback. She also encouraged staff to find ways to make the permitting process less expensive and easier to achieve and noted that Accessory Dwelling Units (ADUs) are a valuable opportunity to increase the housing supply.

In regards to homelessness, Whitcombe suggested inviting Nick Kurth, Benton County Justice System Improvement Program (JSIP) Project Manager to present to the commission his knowledge of how best to approach the issue of homelessness in the county.

Whitcombe encouraged the commissioners to initially focus their attention in addressing this topic by starting with the concerns related to illegal drug use.

Solid Waste

Whitcombe would like to see efforts made in a historical research project regarding conditional use permits and zoning pertaining to the Coffin Butte Landfill and to confirm that it aligns with the intent and growth of that area. Whitcombe referred to chapter 77 of the county code and suggested the commission take a closer look at the rules on expanding the landfill. She would like feedback from the Solid Waste Advisory council and to encourage the BOC to develop a solid waste management plan similar to Marion County.

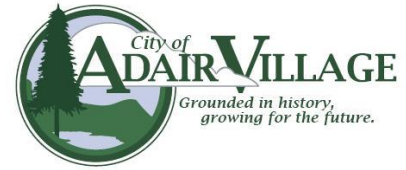
Chair Fowler took a poll to see which projects the commissioners would like to suggest to the Board of Commissioners for more feedback and next steps. After a brief discussion, the commissioners developed two synergies from their project list;

1. Data collection and water issues through Benton County
2. Recreation, fire and transportation.

In conclusion, the commissioners will present both of these synergies to the BOC for feedback.

The Planning Commission and Board of Commissioners will meet on Monday, May 23rd for a work session. Commissioner Gervais & Whitcombe will attend remotely.

Having no further business, the work session was adjourned at 9:01 pm.



PLANNING COMMISSION PUBLIC MEETING MINUTES
Adair Village Urban Growth Boundary (UGB) Amendment (Work Session)

City of Adair Village Planning Commission and
Benton County Planning Commission

July 19, 2022, 6:00 pm

Adair City Hall, 6030 NE William R. Carr Avenue

To attend virtually, register at this internet address:

<https://attendee.gotowebinar.com/register/6521495259299856907>

Public members were welcome to attend and listen however, no public testimony was taken at this meeting; the public is encouraged to provide input at the following meetings:

Agenda Item	Action
1. Roll Call: Adair Planning Commission Members present: Lower, Vogt and Harris were present. Benton County Planning Commission Members present: Fowler, Gervais, Irish, Lee, Scorvo, Whitcomb, White. Deputy Director, Greg Verret and Director of Community Development, Darren Nichols from Benton County were present. Associate City Planner Pat Depa and CA Hare were present.	The meeting was called to order at 6:11 PM.
2. Protocol for Joint Meeting	Chairs agreed that Matt Vogt would lead the meeting. Formal actions considered by either Planning Commission will be overseen by that Commission's respective Chair.
3. Work Session	Power Point presentation about the basic foundations of a UGB expansion by Greg Verret and Pat Depa. Pat Hare shared the background regarding the City's needs and desire to expand the UGB.

	<p>Darren Nichols added some additional background information from the County and how they will be involved.</p> <p>Planning Commissioners followed up with questions and a request for more information to be posted on the UGB website information page.</p> <p>Pat Hare affirmed the plan to have more information shared with the public on the website.</p>
<p>4. Upcoming Agenda Items</p>	<p>Open house at City Hall on August 9th Next Joint work session on August 16th, 6:00 p.m.</p>
<p>5. Adjournment:</p>	<p>Commissioner Vogt adjourned the meeting at 7:15 p.m.</p>

Adair Village Chair's Approval

Date

Benton County Chair's Approval

Date



PLANNING COMMISSION PUBLIC MEETING MINUTES

Adair Village Urban Growth Boundary (UGB) Amendment (Work Session)

City of Adair Village Planning Commission and

Benton County Planning Commission

August 16, 2022, 6:00 pm

Adair City Hall, 6030 NE William R. Carr Avenue

To attend virtually, register at this internet address:

<https://attendee.gotowebinar.com/register/6521495259299856907>

Public members were welcome to attend and listen however, no public testimony was taken at this meeting; the public is encouraged to provide input at the following meetings:

Agenda Item	Action
<p>1. Roll Call: City Planning Commission Members present: Lower, Vogt and Harris were present. Associate City Planner Pat Depa and CA Hare were present. County Planning Commissioner Members present: Christina White, Elizabeth Irish, Evelyn Lee, Jennifer Gervais, Nancy Whitcombe, Nicholas Fowler, Sean Scorvo were present. Deputy Director, Greg Verret and Director of Community Development, Darren Nichols from Benton County were present.</p>	<p>The meeting was called to order at 6:08 pm</p>
<p>2. Work Session</p>	<p>A historical overview of the process involved in the UGB Expansion was presented by Greg Verret. Pat Depa shared an update on the public input received so far. Pat Depa continued on by reviewing topics of consideration including a general outline of the upcoming staff report that will be sent out prior to the September 20th staff report. Items that govern the review are the Oregon Revised Statues, the Oregon Administrative Rules and the Statewide Planning Goals.</p>

<p>3. Questions or comments from Planning Commissioners</p>	<ul style="list-style-type: none"> • Commissioner Fowler – does OAR or OARs describe the role the current property owner has in the process. Pat Hare responded that since it is a Legislative hearing the property owners will not have a role in the process. • Commissioner Scorvo asked how much land is needed to accommodate population growth (how much acreage is the city short). Pat Hare responded stating that they need to look at the land available and decide how much acreage to bring in to the UGB. They plan to ask for 55 acres total to allow for growth and reduce the need to amend the UGB again in the coming years. Thirteen of those acres will be set aside for conservation. • Commissioner Scorvo asked as the land is brought in to UGB, he assumes the property owners’ assessment will go up and he was curious if they are granted a “holiday” so to not take on an undue tax burden. Pat Hare explained that property owners’ land does not automatically come in to the city, but there is an annexation process done by the city.
<p>4. Preparation for the September 20th public hearing</p>	<p>Public Hearing notice will go out weeks prior to the hearing to community members of Adair Village and will posted in The Gazette-Times. The public will have ample time to send in written comments and sign up to give a public testimony at the September hearing.</p>
<p>5. Adjournment:</p>	<p>Commissioner Vogt adjourned the meeting at 7:10 p.m.</p>

Adair Village Chair's Approval

Date

Benton County Chair's Approval

Date



Adair Village Planning Commission and Benton County Planning Commission Public Hearing on Adair Village's UGB Expansion

Santiam Christian School

September 20, 2022 - Minutes

Chair Vogt called the Joint Public Hearing between the Benton County Planning Commission and the Adair Village Planning Commission meeting to order at 6:04 p.m. and called roll: Benton County Commissioners Fowler, Gervais, Irish, Scorvo, Whitcombe, Lee, and were present. Commissioner White was absent.

Adair Village Commissioners Vogt, Harris, Lower were present. Pat Hare, City Administrator; Pat Depa, Associate City Planner; and Greg Verret, Deputy Director for Policy & Program Development, were also present.

After roll call, Chair Vogt prefaced the meeting by stating that no decisions would be made at this hearing. The public record will be kept open at the end of the meeting for additional written public testimony. The Joint Planning Commissioners will reconvene on October 11, 2022 for deliberations and each jurisdiction will make a decision. Each jurisdiction will submit their formal recommendations to the Adair City Council and the Benton County Board of Commissioners.

Chair Vogt opened the Public Hearing at 6:07 pm. Rules for the public hearing were announced and details about code criteria were reviewed. No conflicts of interest were expressed by Commissioners.

A PowerPoint presentation was shared by Pat Depa and Greg Verret. Mr. Hare put the UGB expansion in context of the long-term City goals of downtown development.

Chair Fowler asked if accessory dwelling units were considered in the density assumption. Pat Hare explained that because Adair Village is below 5,000 population, that no ADU dwellings are allowed in Adair.

The summary of the PowerPoint presentation was that the Staff Report, justification, and findings document support amendment (noting that they should decide if full acreage is justified). State DLCD supports the amendment.

There was open discussion regarding the staff report. Mr. Hare answered a question about the Trails Plan. He said the City is working on the Trails plan and a map can be posted online.

Patrick Wingard, OR Dept of Land Conservation and Development, said that the Department supports the proposal. Adair Village's average growth rate is 4%. Mr. Wingard stated that the City has done well at working toward efficiently using the buildable lands within the UGB, such as its incorporation of a

cottage cluster zone. Mr. Wingard recommended to the City and County regarding Goal 5 - that the Weigel property include a condition of approval stating that that before any development occurs, this specific property would undergo wetlands inventory and assessment.

Commissioner Gervais inquired about the necessity for a wetlands inventory and assessment if this assessment would be part of the development. Mr. Wingard explained that it is a requirement with expansion. Pat Hare said that this property has already been included and assessed in the local wetlands inventory of the City.

Commissioner Scorvo asked how the quality of the farmland in question is determined to be of lesser quality than others. Planner Depa explained that three out of the four factors for considering land for addition to a UGB did not apply; the fourth factor is based on soil and level of ability for it to be used for agriculture, which is derived from the published soil survey for the Benton County area.

Public Testimonies:

- John Steeves, 3995 SE Weigel St, Adair Village, expressed his primary concerns regarding safety and traffic. He also questioned the DOWL conclusion of a housing deficit because of the assumption of development of buildable lands within the current UGB being zoned R2 instead of R3.
- Caroline Wright, 29424 Newton Road, said her main concern was that there would be only one way in and out of the Northern property.
- Rebecca Flitcroft, 8345 Hibiscus Dr, was unable to attend and her neighbor Matthew Allard read her testimony to the commissioners. She expressed concerns about the rationale for the expansion, potential harm to endangered species, ongoing issues with water supply, fire protection, and other city services.
- Matthew Allard, 8344 Hibiscus Drive, shared his own concerns about lack of access points with additional development in the Northern expansion property. He shared anecdotal evidence regarding safety issues that will worsen with further development.
- Trisha Allard, 8344 Hibiscus Drive, does not support the expansion primarily because of traffic concerns.
- Faye Abraham, 3122 NE Willamette Ave., referenced an ODOT study some time ago that indicated the traffic issues in Adair Village were problematic and this was done well before the Calloway Creek development. She requested that the commissioners consider a traffic light at Ryals Drive as part of the conditions of approval.
- Joel Geier, 30566 Hwy 99W, stated that he is neutral on the UGB. However, he is concerned regarding earthquake risks, traffic congestion on Hwy 99W, and general sustainability issues with the Weigel property.
- Steve Pilkerton, 5960 NW Primrose. He is neutral at this time but shared similar issues about traffic and safety, including parking at the McDonald Forest gate across the highway from Adair. He is concerned about sprawl and wanted to know if there is a priority of developing with the current UGB over the new proposed areas.

Matt Vogt closed the public hearing at 7:52 p.m.

Discussion/Questions from the Commissioners:

Commissioner Gervais asked staff to make sure that all the meeting minutes and documents from previous meetings be posted so the public can access them in a timely manner. Gervais also stated that the seismic and traffic issues, while not directly part of the planning commissions' decision at this time, are important considerations for the development that is anticipated to follow.

Commissioner Whitcomb expressed concern about wildfire and she wanted to know if there have been any discussions about putting a traffic light on Hwy 99W. She urged the City to develop live/work units in the City.

Commissioner Lee had several questions from the packet:

- Page 4 – is it possible that Adair Village has reached critical mass already and how does the city know that they have grown enough to justify a UGB. Mr. Hare responded that most studies show that a population of 3,000 community members will help sustain local businesses, if the community is more than 5 miles from another city.
- Page 52 – why was the expansion forecast done for 2022-2042 instead of 2020-2040. Staff explained that the forecasting is 20 years from the date of considering the UGB expansion. Portland State University produces the population projections on a three-year cycle, so it was necessary to extrapolate from 2020 to 2022.
- Page 67 – Planned Unit Development Code allows variability in density, referring to the Calloway Creek Development and the Carr Subdivision. How the density used in the buildable land inventory was determined is unclear.
- Page 71 (2a) – Request for more information on the region and price points used to come to this conclusion.
- Page 128 – goal 10 “housing”. She would like to hear more information from the City of Adair Village on the need for more affordable housing in Benton County and how they plan to address the issue. Will expanding the UGB increase affordable housing?

Chair Vogt asked staff to clarify the density ranges used in the buildable lands inventory relative to actual densities seen in Adair Village.

The next joint Planning Commission meeting will take place at Santiam Christian School (map room) again on October 11th at 6:00 pm.

Community members were encouraged to submit additional written testimonies.

Chair Vogt adjourned the meeting at 8:10 p.m.



**Adair Village Planning Commission and Benton County Planning Commission
Public Hearing on Adair Village's Urban Growth Boundary Expansion
Meeting Location: Santiam Christian School
October 11, 2022 - Minutes**

Chair Vogt called the Joint Public Hearing between the Benton County Planning Commission and the Adair Village Planning Commission meeting to order at 6:06 p.m. and called roll: Benton County Commissioners Fowler, Gervais, Irish, Scorvo, Whitcombe, and Lee were present. Commissioner White was absent and excused.

Adair Village Commissioners Vogt, Harris, and Lower were present.

City of Adair Village Staff Present: Pat Hare, City Administrator; Pat Depa, Benton County Associate Planner for Small Cities.

Benton County Community Development Staff Present: Greg Verret, Deputy Director; Linda Ray, Administrative Assistant; and Darren Nichols, Director.

After roll call, Chair Vogt opened the meeting by asking for comments or a motion to approve the July 19, August 18, and September 20, 2022, minutes. Commissioner Lower **MOVED** to accept the minutes and the motion was **SECONDED** by Commissioner Harris; the joint **MOTION PASSED 9-0**.

There were no priority items from either Planning Commission.

Chair Vogt asked for any additional questions for staff regarding a proposal to amend the Adair Village urban growth boundary (UGB).

Benton County Planning Commissioner Lee asked about the number "678" referring to analysis that determined that the existing UGB could support this figure. City Administrator Hare explained that some land inside the UGB stated as buildable in the plan would not be feasible to build on due to infrastructure, etc. Chair Vogt also pointed out a footnote that explained the figures and conclusion.

Chair Vogt recessed the joint meeting and moved into separate deliberations, starting with the Adair Village Planning Commission.

Adair Village Planning Commission Deliberations

The Planning Commissioners commended the time and effort put in by the City of Adair staff and Benton County staff.

Chair Vogt also noted the response from the Department of Land Conservation and Development (DLCD) and their support in this expansion. Noting that the proposed expansion was supported by the

state, Chair Vogt felt more encouraged in approving the proposal. He mentioned the concerns that have been brought up by the citizens of City of Adair and importance in addressing those issues in the future if the UGB expansion is approved by the BOC and City Council. He stated that the issue of the turnaround at the end of Hibiscus Street can only be resolved by bringing the land into the UGB.

Commissioner Harris **MOVED** to adopt the findings of the city's decision consistent with Oregon Administrative rules and Statewide Planning Goal 14 and the staff report and to recommend approval of the proposed UGB expansion to the city council. Commissioner Lower **SECONDED** the motion; the **MOTION PASSED 3-0**.

Benton County Planning Commission Deliberations

Chair Fowler began the deliberations by asking each Planning Commissioner to share their feedback before a vote would be taken.

- Chair Fowler believes that the proposal can accommodate the 20-year growth prediction. He noted the feedback from the community members with concerns about the development and transportation issues and stated that those issues will largely be addressed at future stages of development review, but that it is important to start thinking about solutions now. He encouraged city and county staff to have a broad vision on preservation of resource lands within the current boundary or proposed boundary for non-residential applications. This expansion will consume most of the available expansion land; future expansions will be more difficult. He supports the recommendation of both properties. His determination is that the translation of needed housing units to needed acreage is intended to be flexible, as actual development may differ from assumptions. Chair Fowler stated that more than the absolute minimum is proposed, but that buffer is appropriate, and the flexibility is allowable under state rules. He concluded that the model meets the need for potential accommodate of at least (if not more) of the housing needs in the future.
- Commissioner Gervais has serious concerns about the future development project but noted that those concerns are to be addressed at the time of development. She noted that the Planning Commission's decision is on the land use criteria and therefore, she supports the UGB expansion.
- Commissioner Irish noted the community members' concerns around traffic and safety with the expansion and that those will need addressed in the future. She supports the proposal.
- Commissioner Lee stated that she opposes the proposal for the following reasons:
 - Rezoning Exclusive Farm Use (EFU) land for residential development permanently destroys high value soils for agricultural use and should be undertaken as a last resort. She cited ORS 197.832, which directs the preservation of agricultural land to the greatest extent, and also the Benton County Comprehensive Plan which states that a Goal Exception is required to change land from EFU zoning. She feels a goal exception should be required in this case.
 - Adair Village has not demonstrated the need for the UGB expansion, or the need to expand by 50+ acres. She cited Comprehensive Plan Policy 14.1.6, which requires a city to demonstrate that needs cannot be met on land within the UGB prior to expanding. She felt there was a discrepancy between the City's commitment to higher housing density, yet assuming lower density when calculating the available buildable land.

- Two of the identified needs are for affordable housing and for additional commercial development, but it has not demonstrated that the proposed UGB expansion would address either of these objectives.
- The proposed amendment fails to consider impacts to transportation within the city, surrounding areas, and Highway 99W by invoking “UGB not annexation” although annexation is expected to follow quickly.

Commissioner Lee presented a visual example on the white board that captured the following calculations:

Zone	Net buildable acres in current UGB	AV units/acre policy	UGB capacity	Units/acre realistic for future development	UGB capacity	State density Units/acre	UGB capacity
R1	11.49	4.4	50		50	8	92
R2	1.57	5.4	8		8	8-16 (12)	19
R3	38.85	6.7	260	9	350	16	622
R4	0	16					
Total	52		318		408		733

Commissioner Lee mentioned four specific concerns to resolve prior to a vote:

1. R-4 zoning needs to be reflected on the city’s zoning maps.
 2. An explanation on why Adair Village has not revised its housing density requirements and used those revised figures when calculating the existing UGB capacity or the need to expand the UGB.
 3. More detailed information on the impacts of Adair Village development to transportation within Adair Village, on Highway 99, and between Adair Village and nearby neighborhoods.
 4. Detailed information for Benton County Goal 3 (to preserve and maintain agricultural lands).
- Commissioner Scorvo addressed three concerns that he has worked through about the proposal: the density calculations, transportation planning, and land conservation.
 - He expressed that greater density is desirable but will be a matter for the city of Adair Village to address. The proposed plans in his opinion will enhance livability and the density calculations are adequate to justify the expansion.
 - In regard to transportation, he stated that concerns need to be addressed when plans for development are reviewed.
 - He acknowledged that conserving land is important but addressing the influx of population is important as well. His decision to support the proposal has also been encouraged by the response of support noted by the Department of Land Conservation and Development.
 - Commissioner Whitcombe noted the input from emergency services, that annexation would lead to the ability to establish a proper turnaround at the end of Hibiscus; therefore, including the north parcel in the expansion was important. The south parcel she felt was committed to eventual annexation by the previous UGB expansion decision. She encouraged the City of Adair to increase livability with density of housing and different types of housing if the proposal is approved. She would also like to see less housing on farmland. Commissioner Whitcombe supports the proposed expansion.

There was general discussion regarding density and whether it was appropriate to allow the City flexibility on the issue of housing density or whether greater density within the existing UGB should be required before the UGB is expanded.

Commissioner Scorvo **MOVED** to recommend that the Benton County Board of Commissioners approve the amendment to expand the Adair Village Urban Growth Boundary in accord with the proposal and joint staff submissions by and with the findings and conclusions document

Commissioner Gervais offered an amendment to the motion to include the language “based on the analysis stated in the staff report”. Commissioner Scorvo **AMENDED the MOTION** as suggested.

Benton County Planning Commission vote on the proposal to amend the UGB expansion:

- Commissioner Fowler – Yes
- Commissioner Gervais – Yes
- Commissioner Scorvo – Yes
- Commissioner Whitcombe – Yes
- Commissioner Irish – Yes
- Commissioner Lee – No

The MOTION PASSED 5-1.

Chair Fowler closed the Benton County Planning Commission deliberations.

Matt Vogt closed the public hearing at 7:52 p.m.



COMMUNITY DEVELOPMENT DEPARTMENT
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MEETING MINUTES
Benton County Planning Commission
October 18, 2022

The Benton County Planning Commission Chair Nicholas Fowler called the meeting to order at 7:00 p.m. The meeting was open to the public in-person and virtually via GoTo Webinar.

COMMISSION MEMBERS:

Present

Nicholas Fowler, Chair
Jennifer Gervais, Vice Chair
Evelyn Lee
Sean Scorvo
Christina White
Elizabeth Irish
Nancy Whitcombe

STAFF:

Present

Greg Verret, Deputy Director
Linda Ray, Recorder

PUBLIC HEARING

LU-22-048: Legislative amendments to the Benton County Development Code to address the growing and processing of psilocybin-producing fungus, and treatment centers (service centers) at which psilocybin-containing products are administered to people. The proposal would amend Chapter 51 (Development Code Administration) and Chapter 91 (Specific Use Standards) of the Development Code.

PRESENTATION BY COUNTY STAFF

Greg Verret presented the proposed changes to the county code in regard to the newly passed statewide Ballot Measure 109; psilocybin. The measure goes into effect on January 1, 2023. Verret explained staff's objective for amending the code by the first of the year is to:

- Enable businesses to move forward on licensing process
- Allow opportunities for the public to access services
- Limit off site impacts on land uses

QUESTIONS AND FEEDBACK OF THE PLANNING COMMISSIONERS

- A commissioner expressed caution about being overly permissive or overly restrictive until there is more data about the impacts of the measure.
- A conditional use permit could allow for more fine-tuned proposals and impacts.

- A commissioner stated that they would like to revisit the code change once the measure takes effect and data has been collected with the possibility of amending the code.
- A commissioner asked for language clarification on Staff Report page 11 (the word “structure”) and page 12 (the word “indoor”). Verret stated that neither word is defined in the county code.
- The state licensing program will have a process in place for registry (or signage component) to allow the public to file any complaints or concerns.

PUBLIC TESTIMONY

Chris Mantle, 560 SE Alexander Ave, 97333 is interested in potentially being a facilitator of a treatment center in Benton County. Mr. Mantle expressed his concerns on the allowable operating hours for service centers and how that coincides with the timeline for patients to complete their treatment. Mr. Mantle also encouraged the commissioners to consider allowing the growing of psilocybin in industrial zones. His understanding is that the growing process is done indoors and does not need a lot of space.

Mara Sargent is the Alcohol, Tobacco and Other Drug Prevention and Education Coordinator for Benton County. Ms. Sargent has followed the state measure and encouraged listeners to visit the webpage on the Oregon Health Association website that answers a lot of the questions that were asked tonight.

Jason Bradford, 5250 SW Watenpaugh, Corvallis. Mr. Bradford encouraged the commissioners to make the process to establish a service center easier than it is currently drafted.

Daniel Goletz, 27096 Forest Springs Lane, Corvallis. Mr. Goletz has been a psychologist in Corvallis for over 25 years. He believes that psilocybin-assisted therapy is a significant change in mental health treatment. Mr. Goletz hopes to open a service center in the City of Corvallis and wanted to show support to his colleagues that plan to open a service center in Benton County. He asked the commissioners to give them a fair chance to succeed, to exercise restraint and limit rules to only those that are necessary to protect the public welfare.

Brock Binder, 1435 NW 9th Street #201, Corvallis. Mr. Binder is an owner of a local dispensary and wanted to show support in the measure and implementation of psilocybin assisted therapy. He emphasized the importance for the service centers to provide group settings and the ability for patients to connect with nature as part of the therapy process. Mr. Binder noted the barriers already existing (such as the ban on service centers being allowed in urban industrial areas) and encouraged the commissioners to take those into consideration when making a decision.

Nina Tassin, 238 Mount Union Avenue, Philomath. Ms. Tassin shared a personal testimony on the psilocybin assisted treatment and emphasized the importance of allowing this therapy to

take place in a natural setting. She shared the concern of preserving areas like the EFU and FC zones and expressed hope that the code will allow service centers to provide ways for the treatment to take place in a natural setting.

PLANNING COMMISSION DISCUSSION

- A conservative approach is warranted when considering code language and adjustments.
- Treatment centers should be a matter of conditional use operation.
- Religious institutions do not need the same set back restrictions as schools in regard to manufacturing and production of psilocybin.
- Eliminate the restriction and allow expansion of operational hours for service centers.
- Expand allowable zones for manufacturing and production of psilocybin to include Industrial and Forest Conservation zones
- Support for eliminating setback extension.

MOTION

Commissioner Scorvo **MOVED** to recommend to the Benton County Board of Commissioners that the Board accept the recommendations of proposed language in the staff report for the growing, production, and processing of psilocybin, with amendments to allow growing in the industrial zone and eliminate specific set back requirements referenced in 91.682, 91.684 and 91.686. The motion was **SECONDED** by Commissioner White.

VOTE

Commissioner White – Yes
Commissioner Whitcombe – No
Commissioner Scorvo – Yes
Commissioner Lee – No
Commissioner Irish – Yes
Commissioner Gervais – No
Commissioner Fowler – Yes

The **MOTION PASSED** 4-3.

Commissioner Scorvo **MOVED** to recommend to the Board of Commissioners to amend the proposed language in the staff report for 91.686 (1)(a) to allow Psilocybin service centers in the Exclusive Farm Use and Forest Conservation zones. The motion was **SECONDED** by Commissioner White.

VOTE:

Commissioner White – Yes

Commissioner Whitcombe – No
Commissioner Scorvo – Yes
Commissioner Lee – No
Commissioner Irish – Yes
Commissioner Gervais – No
Commissioner Fowler – No
The **MOTION FAILED** 4-3.

Commissioner Gervais **MOVED** to recommend to the Benton County Board of Commissioners to accept the code language written in the staff report regarding service centers.

The motion was **SECONDED** by Commissioner Whitcombe.

Commissioner Lee **MOVED** to amend the motion to eliminate the language in county code 91.686(2)(a)(C) regarding setback siting standards from religious institutions. The amendment was **ACCEPTED** by Commissioner Gervais and Commissioner Whitcombe.

VOTE:

Commissioner White – Yes
Commissioner Whitcombe – Yes
Commissioner Scorvo – Yes
Commissioner Lee – Yes
Commissioner Irish – Yes
Commissioner Gervais – Yes
Commissioner Fowler – Yes

The **MOTION PASSED** 7-0.

The hearing was closed at 8:30 pm

UPCOMING AGENDA ITEMS

- November 15, 2022 public hearing for LU-22-023
- December 6, 2022 public hearing for LU-22-047 was delayed until January 2023.

The meeting was adjourned at 8:42 pm.



COMMUNITY DEVELOPMENT DEPARTMENT
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MEETING MINUTES
Benton County Planning Commission
November 15, 2022

The Benton County Planning Commission Chair Nicholas Fowler called the meeting to order at 7:00 p.m. The meeting was open to the public in-person and virtually via GoTo Webinar.

COMMISSION MEMBERS:

Present

Nicholas Fowler, Chair
Evelyn Lee
Sean Scorvo
Christina White
Liz Irish

Absent: Jennifer Gervais

STAFF:

Present

Darren Nichols, Director
Greg Verret, Deputy Director for Policy &
Program Development
Inga Williams, Associate Planner
Gordon Kurtz, Associate Engineer
Shea Steingass, Environmental Project
Coordinator
Linda Ray, Recorder

APPROVAL OF MINUTES for Planning Commission Meeting on October 11th Joint Commission meeting with Adair Village.

The Planning Commissioners approved their portion of the minutes.

PUBLIC HEARING; LU-22-023; JORDAN; APPEAL

Planner Williams presented the Staff Report on an application for a Farm Help Dwelling for a Relative submitted by Cynthia Crosby & Connie Jordan. Staff denied the application and the applicant has appealed that decision. Planner Williams stated that the applicant's property did not meet the criteria of commercial farm use due to the scale and intensity of the use. It does not meet the criteria for a farm help dwelling for a relative. Therefore, the application was denied.

QUESTIONS OF THE PLANNING COMMISSIONERS.

Answers to questions raised by the Commissioners to Planner Williams are as follows:

- The applicant can expand on the existing dwelling located on the property.
- The property is already below the minimum standard for parcel size, so there is no possibility of partitioning the property.

- Tax Assessors code of 551 “commercial farm operation” would have put the property at a lower tax rate.

PRESENTATION BY THE APPLICANT’S ATTORNEY

Mike Reeder, Attorney, 375 W 4th Ave, Eugene, Oregon is representing the applicant and owner of the property. He began his statement by pointing out that the Oregon State Legislature has already determined that certain circumstances would allow for the approval of the applicant’s request. Mr. Reeder disagrees with county staff’s decision to deny the application for two main reasons:

1. Mr. Reeder believes that the property in question is considered a Commercial Farming Operation. Mr. Reeder pointed out that state statute and county code do not define the term “commercial farming”. He disagrees with county counsel’s October 24 memo.
2. Mr. Reeder believes that assistance is required and therefore makes this case suitable for approval.

PLANNING COMMISSION DISCUSSION FOLLOWING THE PRESENTATION BY THE APPLICANT’S ATTORNEY

The term “necessary” is not used in consideration by LUBA, only in state statute and county code. The term “required” is relevant according to Mr. Reeder.

Mr. Reeder stated that staff’s suggestion that the property contains enough labor for one full time operator is in error.

Chair Fowler referenced the staff report that stated the property was acquired in 2015 with a cattle operation in place and the requirements for a primary dwelling. He asked Mr. Reeder why there is a request for a second dwelling. Mr. Reeder responded that state statute regarding farm help does not have a rule therefore legislature intended to allow for operator housing.

Safe harbor is not equivalent to this situation. Mr. Reeder stated that the applicant met the standards that it is more than a “hobby farm”.

TESTIMONY BY THE APPLICANT:

Connie Jordan is the owner of the property in question. She gave a brief background of the history and friendship between her and Cynthia Crosby. Ms. Jordan chose to go into the farm business as part of her retirement. Connie does the manual labor around the farm, while Cynthia takes care of the management and office work. Ms. Jordan emphasized the need for additional help around the farm as it has become too much for her to manage alone. Claire and Kevin Fulsher (daughter and son-in-law of Ms. Crosby) have been helping with the labor involved in the farm. Ms. Jordan gave a synopsis of the farm operation, investment she has

made and hope for the future of the property. She intends to make Ms. Crosby the primary beneficiary and Claire would be the secondary beneficiary. In hopes that the farm will be generational.

The Planning Commissioners asked questions and received detailed information about the cattle operation, horse raising, and fruit tree status on the farm, along with specifics regarding the hay production. Chair Fowler asked for clarification on the need for additional help. Ms. Crosby stated that age and the strains of physical labor involved in operating the farm increases the need for additional help. Both Ms. Jordan and Ms. Crosby hope to see the work done by family instead of hiring outside help.

PUBLIC TESTIMONY IN SUPPORT OF THE APPLICANT

Rose & Patrick Mahoney, 31916 Fern Rd, Philomath. They have been neighbors of the property since 1996. They stated that their observation since Ms. Jordan purchased the land has been consistent with farming. Mrs. Mahoney stated that Ms. Jordan is working hard to raise the next generation of farmers which is valuable to their community. They are in support of the applicant's request.

Claire Fulsher, 4936 SW Roseberry St, Corvallis. Ms. Fulsher is the only daughter of Cynthia Crosby. Their goal for the farm is to see it succeed, to incorporate a roadside stand to sell produce and as the cow production grows, she hopes to share beef with the community. Ms. Fulsher helps with the day-to-day operations of the farm. She pointed out that the houses located on the property are next to the county road, so they are not taking up viable land that is needed for the livestock or hay production.

REBUTTAL BY THE APPLICANT'S ATTORNEY, MIKE REEDER

Mr. Reeder noted that the farming operation requires 2.5 full time workers. Which in his opinion justifies the need for farm help. He stated that relative farm help is required in this case due to the owner and operator's physical limitations due to age.

Andree Phelps, 375 W 4th Ave, Ste 204, Eugene Oregon. Ms. Phelps is a colleague of Mr. Reeder and she stated that the staff report's mention of "some" hay is not portrayed correctly. She noted that the hay production and profit intake, along with farm equipment reflect "more than some".

Mr. Reeder closed his rebuttal by referring to the LUBA supporting cases as a proposition to grant approval of the application. He asked to leave the public hearing record open to provide additional information.

Commissioner Scorvo **MOVED** for a continuance allowing for additional testimony. The motion was **SECONDED** by Commissioner White; the **MOTION PASSED 5-0**.

The record will be held open until November 22nd. The Planning Commission will reconvene on Tuesday, December 6th.

PLANNING COMMISSION WORK SESSION

Community Development Deputy Director, Greg Verret presented county code amendments concerning the upcoming changes to the Benton County Code regarding stormwater management and permitting. Benton County's Oregon Department of Environmental Quality (DEQ) National Pollutant Discharge Elimination System (NPDES) permit has two new requirements ("control measures") going into effect on March 1, 2023. There will be changes to the county's Erosion & Sediment Control permit as well. Gordon Kurtz, Benton County Public Works Engineer was also present to contribute to the discussion. A public hearing is scheduled for December 6th on these changes to the county code.

The meeting adjourned at 10:07 pm.

MEETING MINUTES
Benton County Planning Commission
December 6, 2022

Benton County Planning Commission Chair Nicholas Fowler called the meeting to order at 7:10 p.m. The meeting was open to the public in-person and virtually via GoTo Webinar.

COMMISSION MEMBERS:

Present

Nicholas Fowler, Chair
Jennifer Gervais, Vice Chair
Evelyn Lee
Sean Scorvo
Elizabeth Irish

STAFF:

Present

Darren Nichols, Director
Inga Williams, Associate Planner
Linda Ray, Recorder

PLANNING COMMISSION DELIBERATIONS ON LU-22-023; JORDAN; APPEAL

The Chair asked for commissioner reactions to an earlier hearing on the appeal of a staff decision denying an application for a Farm Help Dwelling for a Relative.

Commission members offered the following observations and perspectives:

- The applicant does not meet the test for required help with a commercial farm operation according to BCS 55.120(1)(b).
 - It was difficult to determine that the farming operation is commercial.
 - Reviewing the operational hours spent per year, there is not enough work identified to require full-time help.
 - Under Benton County Code's (BCC) 55.109, BCC 55.115 \$80k income test, if the applicant were seeking to build a primary dwelling or accessory dwelling the application would be denied.
 - Despite the applicant's goals, the portion of the farm dedicated to commercial farming does not justify a second dwelling.
- This property is part of an area of former prime farmland that was split into parcels for five dwellings. Both of those factors reduce the footprint of agricultural use and increased the footprint of dwellings which creates undeniable risks to the parcel's commercial farm operation potential.
- The applicant's farming operation reflects a lifestyle choice rather than a business.
- Placing another dwelling on prime agricultural land is inconsistent with Statewide Planning Goal 3 and Benton County policy to keep agricultural lands in production.
- The State has left it to each county to use local discretion to interpret the term "necessary" and the Planning Commissioners need to help maintain continuity with previous decisions and sustain the type of community desired by county residents.
- Acknowledgement of the applicant's need for help on the farm and noting that it is the County's duty to protect farmland and control Accessory Dwelling Units allowed in designated zones.

- Acknowledging the income threshold challenge for the applicant to qualify as a “commercial” farm operation and strongly suggesting the County revisit the issue around the many small farms around the county and consider clarifying the standards to qualify for this type of application.

MOTION:

Commissioner Scorvo **MOVED to DENY** the applicant’s appeal, thereby upholding the original staff Notice of Decision on LU-22-023. Commissioner Lee seconded the **MOTION**.

Benton County Planning Commission vote on the appeal of the staff decision for LU-22-023:

- Commissioner Fowler – Yes
- Commissioner Gervais – Abstained
- Commissioner Irish – No
- Commissioner Lee – Yes
- Commissioner Scorvo - Yes

The **MOTION** passed 3 to 1 with one abstention.

Items from Planning Commission

Chair Fowler provided an update on the Benton County Talks Trash Workgroup and reminded the Commission of their need to appoint a representative to the Workgroup. Planning Commission members declined to volunteer due to limited capacity.

Items from Staff

Nichols updated the commission about the current vacancies on the Planning Commission. The BOC has received an application for the vacant positions and will be interviewing one candidate on Friday, December 9th. A few other community members have expressed interest in the vacancies as well.

Nichols also gave an update on the Adair Village UGB expansion: the Benton County Board of Commissioners are meeting with Adair Village City Council this evening to consider the proposed UGB amendment previously recommended by the Planning Commission.

Nichols also gave brief updates and information on upcoming events:

- 2023-25 Department budgets are due in January.
- Community Roundtable Discussion will be on Thursday, December 15th.¹
- The next Monthly Morning Grind will be on Thursday, January 6th.
- Benton County will host a 2023 Oregon Planners Network Meeting – a joint production of the Oregon Department of Land Conservation and Development and the Oregon Chapter of the American Planners Association.
- The Community Wildfire Protection Plan draft has been finalized and goes before the BOC for a work session on December 20th.

The next Planning Commission meeting will be on January 3, 2023.

The meeting adjourned at 8:00 p.m.