

APPLICATION - General

Oregon Business Development Department
 775 Summer St. NE, Suite 200
 Salem, Oregon 97301-1280
 ATTN: Karen Homolac
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 (971) 239-9951

Applicant: Yamhill County

Project Name: Former Carol Glover Gas Station

Applicant Information		
Applicant's Organization Type:		
<input type="checkbox"/> City	<input type="checkbox"/> Special District, organized under ORS _____	<input type="checkbox"/> Tribe
<input checked="" type="checkbox"/> County	<input type="checkbox"/> Port District, organized under ORS _____	<input type="checkbox"/> Other _____

Contact Name: Christian Boenisch Title: County Counsel	Phone: 503-434-7502
	Fax: 503-435-7553
	Email: <u>boenischc@co.yamhill.or.us</u>
Street Address: 434 NE Evans St. McMinnville, OR 97128 City, State & Zip code:	Mailing Address: 535 NE Fifth St. McMinnville, OR 97128 City, State & Zip code:

Applicant's Federal Tax ID No: 93-6002318
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Project Budget			
Budget Line Item	OBDD Funding	Other Funds	Total
Cleanup	\$200,000		\$200,000
Totals	\$200,000		\$200,000

B.O. 22-115

Source of Other Funds	Amount	Status Committed, Application Submitted, Application Invited, or Potential Source
Assessment (DEQ funding)	\$63,000	spent
Total		

Problem/ Opportunity

Yamhill County foreclosed (non-payment of real property taxes) on former Carol Glover gas station. DEQ documented a release of petroleum in early 2000s. DEQ was unable to get Carol Glover through enforcement action to address the contamination and decommission the fuel tanks. The County needs assistance to cleanup the site and put it back into productive use.

Response to Problem/ Opportunity

Yamhill County is seeking funding to address the outstanding cleanup issues at the site to return the site to productive use.

Detailed project description

The ABCA recommended demolition of the building, removal of the hoists in the building, removal of the USTs and associated piping, excavation of contaminated soil, confirmation environmental samples, and backfilling the excavation with gravel.

If interim financing is needed – indicate the source(s)

Project Work Plan		
Activity	Estimated Start Date	Estimated Completion Date
County receives Business Oregon funding		
County enters into cost recovery agreement with DEQ.		
DEQ's contractor prepares work plan		
DEQ's contractor completes field work and submits final report		
DEQ evaluates findings and evaluates site for NFA		
DEQ has 30-day public comment on draft decision		
DEQ issues NFA.		
Estimated First Draw Date (dd/mm/yy):		

General Certification:

I certify that to the best of my knowledge all information contained in this document and any attached supplements, is valid and accurate. I further certify that, to the best of my knowledge:

- 1) The application has been approved by the governing body or is otherwise being submitted using the governing body's lawful process, and
- 2) If signed by an official, other than the highest elected official, documentation is attached that verifies the official's authority to sign on behalf of the applicant. Such documentation can include a resolution, ordinance, order, governing body meeting minutes, or charter.



Signature
(must be highest elected or authorized official)

Lindsay Berschauer - Chair, Board of Commissioners

Printed Name & Title

4/14/2022

Date

This information may be found at: <http://www.leg.state.or.us/index.html>

State Senator Name: Brian Boquist District Number: 12

State Representative Name: Ron Noble District Number: 24

FOR OBDD USE ONLY

Portfol Number:

Accepted by Yamhill County
Board of Commissioners on
4/14/22 by Board Order
22-115

**Application Supplement for
Oregon Brownfield Cleanup Fund**

Property Acquisition/Ownership/Operation

Who currently owns the property? Is the applicant different than the owner?

The current owner is Yamhill County by tax foreclosure. The applicant is the owner.

Will the applicant own the property fee simple title prior to cleanup?

Yes.

Is the applicant: a) a Bona Fide Prospective Purchaser (BFPP); or b) a Contiguous Property Owner (CPO); or 3) an Innocent Landowner (ILO)?

An innocent landowner by tax foreclosure.

Did the applicant purchase the site through the Oregon Department of Environmental Quality's Prospective Purchaser Program? If negotiations are currently underway, describe the status of the negotiations.

No.

If the property is already owned by the applicant, when was the property purchased? Please describe what due diligence activities were undertaken by the applicant at the time of property acquisition.

The property was foreclosed by judgment and then deeded to Yamhill County on February 13, 2018. The county contacted Oregon DEQ about possible funding to address outstanding issues at the site.

Is the proposed site receiving oversight or other consultation by the Oregon Department of Environmental Quality? If yes, please indicate which program(s) apply: Voluntary Cleanup Program, Independent Cleanup Pathway, Site Response, Prospective Purchaser Agreement, Underground Storage Tanks, Orphan Site, Other.

Yamhill County requested funding through DEQ's Site Specific Assessment (SSA) Brownfields Program. Yamhill County has requested that DEQ continue to coordinate the cleanup phase of the project.

Property Characteristics

What is the physical location of project? (If street address is not available, use township, range, section, tax lot, etc. or geographic coordinates.)

The former Carol Glover gas station is located at 185 South Maple St., Yamhill.

Please indicate whether the contamination on the property results from: a) Petroleum or petroleum

products; b) Hazardous substances; c) Controlled substances (drug lab); or d) Mining activities?

The site is contaminated with petroleum.

Is the project property located in a 100-year floodplain, a 500-year floodplain, or an area that could be considered a wetland? If yes, identify the type of floodplain and describe the situation.

The property is not located in the 100-year or 500-year floodplains. The site is paved and there are no wetlands.

Are any threatened or endangered species or habitat located at or in the vicinity of the property?

There was no identified ESA species at the site.

Is the property currently bare land or are there buildings on the property? If yes, answer the following and provide an explanation/description for each: A) What was the prior use(s) of the property? B) Is the project site in an established or proposed historic or conservation district? C) Is the project site/building listed in a local cultural resource inventory? D) Does the project involve a structure that is 50 years old or older?

A) The property has a former gas station building and has a gas station canopy. The gas station building has been used as a store and restaurant.

Are there residential, business or nonprofit tenants in any structure that will be affected by the project? If yes, please identify who they are and what space they occupy.

The former gas station building is unoccupied.

Will the project involve the demolition of a residential or business structure or conversion of a residential structure to another use?

The former gas station building will be demolished to remove hoists and underground fuel storage tanks.

Liability

Is the applicant and/or current owner of the project site currently or ever been under an order from the Oregon Department of Environmental Quality for the project site? If yes, provide a detailed explanation, including dates and actions taken.

Yamhill County is not under an order or enforcement action with DEQ.

Is the applicant and/or current owner of the property potentially liable for the release of contamination at the site (according to ORS Chapter 465)? If no, cite the appropriate liability exception.

Yamhill County foreclosed on the property and is not considered a responsible party if they don't exacerbate the situation.

Is the proposed property either a) listed, or proposed for listing on the National Priority List; or, b) Subject to a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree issued or entered into by parties under CERCLA; or c) subject to the jurisdiction, custody, or control of the U.S. government, except for land held in trust by the U.S. for Indian tribe?

The property is not listed on the NPL, not subject an order or a judgement under CERCLA, and is not held in trust for Indian tribe.

Additional Program Requirements/Project Information

Is the project included in a local or regional plan? If the property is municipally owned, is the project included in an approved municipal budget?

The site is owned by the Yamhill County and is not in any region plan.

Has an Analysis of Brownfields Cleanup Alternatives (ABCA) been completed and submitted for DEQ's review? Please provide date submitted to DEQ.

The ABCA was finalized on Jan 5, 2022. DEQ held a 30-day public period in December 2021 and approved the plan in early Jan. 2022.

Describe the proposed remedial action as detailed in the ABCA.

The remedial action includes demolition of the building, removal of the hoists in the building, removal of the USTs and associated piping, excavation of contaminated soil, confirmation of environmental samples, and backfilling the excavation with gravel.

Describe any proposed institutional or engineering controls (such as deed restrictions, vapor barriers, groundwater monitoring, etc.).

We anticipate the site will receive a no further action (NFA) determination without any deed restrictions.

If the project includes additional sampling, explain when the sampling is expected to occur and how it will contribute or lead to a No Further Action Determination by the Oregon Department of Environmental Quality.

DEQ's contractor will collect confirmation samples from the exaction area for petroleum and associated constituents. If the sample results are below levels of concern then DEQ will issue a NFA.

Describe the proposed redevelopment/reuse of the property.

Yamhill County plans to work with the City of Yamhill on possibly purchasing the site for downtown redevelopment.

Describe the progress made to date towards achieving the proposed redevelopment (such as: status of financing negotiations, permit applications, contracts or negotiations for the transfer in ownership of the site, and preparation of a business plan or articles of incorporation).

Yamhill County has meet with the City of Yamhill several times to discuss the sale of the property to the city.

Explain how the redevelopment is attainable (such as: the proposed use is consistent with the local and use plan; adequate infrastructure exists or will exist at the site for the proposed use) and describe the progress made to date towards achieving the proposed redevelopment (such as: status of financing negotiations, permit applications, contracts or negotiations for the transfer in ownership of the site, and preparation of a business plan or articles of incorporation).

The site is zoned for commercial use and will likely be redeveloped under that zoning.

Describe how the action will comply with state cleanup law.

The decommissioning of the fuel tanks, product lines and hoists will be conducted according to the state's Cleanup and UST regulations.

Describe how the project may be in the public interest.

The site has been a blight on City of Yamhill's downtown for over a decade. Getting back into re-use will help the downtown.

Financial Information

Is applicant seeking grant funding assistance for this project?

Yamhill County is seeking a full grant for this project.

What sources of revenue would be pledged to repay a loan? Please explain why or why not these sources of revenue would not be available for this project?

Not applicable.

Is other debt serviced or secured by those revenues? If yes, is it described in the applicant's audit reports? If no, please describe:

Not applicable.

Has the applicant ever defaulted on a debt? If yes, provide a complete summary of the circumstances related to the default.

Not applicable.

Is there pending litigation that could impair the applicant's ability to repay debt?

Not applicable.

How will owners of property, which specifically benefit from the project, pay for the cost of the project?

Yamhill County will sell the property to repay back taxes and reasonable administrative costs.

If funding for the project includes a private loan, would the lender consider subordination of its security interest in the collateral?

Not applicable.

Additional Budget Information

Did a certified professional (registered geologist, engineer, etc.) prepare the cost estimates? Please provide name, title, company, phone, and date.

DEQ's consultant prepared the cost estimates in the ABCA.

Are other sources of funding available to carry out the activity?

DEQ provided brownfields funding for the initial assessment.

Does the project's budget include expenses that have already been incurred/paid?

Reasonable administrative costs will be recouped through the sale of the property after the cleanup.

Identify the private funding sources explored for the project and explain why they are not considered viable/appropriate for the project.

Not applicable.

Please identify what other sources of funding are being utilized for this project.

None.

Citizen Participation/Involvement

If applicant is a municipal government, is notice for a public hearing made in accordance with local practice? Please describe the process.

There was a public comment period for the draft ABCA. Also, the county has held several board meetings on the project which are open to the public, including but not limited to a meeting held on April 29, 2021.

If applicant is a municipal government, location where citizens can review information about the applicant's community involvement plan.

We don't have a community involvement plan for the project. The public can participate during commission meetings and during public comment periods.

Describe the community involvement, participation, and/or interest in the project.

Some local residents have contacted DEQ and Yamhill County about their interest in the property and Yamhill County has provided them information about the current project. The City of Yamhill is working with County and DEQ to support cleanup of the site.

Project Management

Describe the anticipated project manager's experience in undertaking projects and ensuring their completion within defined timeframes.

DEQ's contractor shall act as project manager. Also, the DEQ staff involved with this project have extensive experience with this type of decommissioning and remediation project,

Attachments				
Municipal	Non – Profit Organization	Private	Attachment Label (please do not change)	Description of Attachment
			A	If applicant is a city or county, attach list of the ten largest property tax payers in the applicant's jurisdiction, their type of business, total taxes, and current assessed value.
			B	An endorsement (statement of zoning compliance) of the project from the local government that has jurisdiction over the site.
			C	If the owner is currently under an enforcement order from the Oregon Department of Environmental Quality, attach documentation that the proposed project will facilitate a transfer in ownership of the site to an entity not under enforcement.
			D	If the applicant or owner caused or contributed to the contamination of the property, attach documentation of a past, present or planned financial contribution from the applicant or owner.
			E	If the applicant is a Bona Fide Prospective Purchaser, attach documentation of a valid option to buy the site.
			F	If applicant is not the current owner, attach proof of site access authorization.
			G	Map(s) showing the location of the project, including tax lots/parcels and road widths, etc.
			H	Any environmental assessment/study/ report/testing which as been completed for the property.
			I	Applicant's current adopted budget.
			J	Applicant's last three audit reports. <i>For businesses these may be the most recent three years' historical financial statements (including balance sheets and income statements); tax returns for existing business and/or individuals (these may be treated as business confidential – please indicate on documents if this is to be the case). For individual applicants, please include a personal financial balance sheet.</i>
			K	Copies of any ordinances that establish debt that is supported by the source of repayment for this loan.
			L	Business Plan if applicable (must include business description, products or services, business production plan, market analysis or marketing plan, organizational/management plan, and financial plan.
			M	Projected financial statements for two (2) years (including balance sheets and income statements) representing the new property usage
			N	Copy of most recent property appraisal.
			O	Applicant's Articles of Incorporation.

Instructions for Application Form:

- **Applicant:** Entity that will be the applicant for Division assistance and will manage the project.
- **Project Name:** Name of the applicant and project (e.g., Somewhere Brownfields Cleanup Project).
- **Applicant's Organization Type:** Check the applicable applicant organizational type, and if a special district or port, identify the applicable ORS organizing authority, or identify other type.
- **Information for Contact Person:** Information for the person we should contact if we have questions about the project.
- **Detailed Project Budget:** List individual project budget line items with requested budgeted amounts by OBDD funding sources and other sources. Change the respective budget column labels to identify the specific requested OBDD funding sources.
- **Source of Other Funds:** List all sources, amounts and status of funds other than those requested from OBDD.
- **Problem/Opportunity:** Briefly describe the problem or opportunity facing the applicant.
- **Response to Problem/Opportunity:** Briefly describe the major alternatives considered by the applicant to address the problem or opportunity facing the applicant.
- **Detailed Project Description:** Clearly describe the proposed project work to be accomplished.
- **Interim Financing (if any):** Identify any interim financing needed by the applicant and list any committed or potential sources of interim financing.
- **Project Work Plan:** List project activity milestones with estimated start and completion dates. Identify estimated date of first cash draw.
- **Signature:** Must be highest elected official or authorized official. (Such documentation may include a resolution, ordinance, order, governing body meeting minutes, or charter).

