

MINUTES

Lane County Planning Commission
Lane County Customer Service Center – 3050 N. Delta Highway
Eugene, Oregon

August 21, 2012
5:30 p.m.

PRESENT: John Sullivan, Chair; Ryan Sisson, Vice Chair; George Goldstein, Nancy Nichols, James Peterson, Dennis Sandow, Robert Noble, Planning Commissioners; Kent Howe, Mark Rust, Sarah Wilkinson, Lane County Land Management Division.

ABSENT: Lisa Arkin, Commissioner.

Mr. Sullivan convened the Lane County Planning Commission (LCPC) meeting at 5:43 p.m. Those present introduced themselves and Mr. Sullivan welcomed the audience. He asked if any of the Commissioners anticipated being not able to deliberate tonight.

Mr. Noble requested it be noted that he had not been present at the work session and public on July 17, 2012, but had been privy to the previous proceedings regarding the code changes and the Goshen issue, read the meeting minutes, the materials in the packet provided and felt fully capable of participating in tonight's meeting.

There were no objections to Mr. Noble's participation.

A. DINNER/WORK SESSION 5:30 p.m.

1. Approval of Minutes: July 17, 2012

Mr. Peterson offered the following correction: page 16, paragraph 3, line 1 should read:

Mr. Peterson seconded by Ms. Arkin, moved to continue deliberations...

Mr. Sullivan offered the following correction: page 4, paragraph 9, line 4:

One was correctness and the other was cost.

Ms. Nichols asked if as of this date Commissioner McCown was absent or had he resigned from the LCPC.

Mr. Howe said he had received an email from Mr. McCown stating he was resigning. It was noted that his term would have expired on September 30, 2012.

Mr. Sandow offered the following correction: page 4, paragraph 6:

Mr. Sandow said within the Citizen Involvement Committee (CIC) guidelines there was a point made that they should be able to collect social data.

Mr. Peterson, seconded by Mr. Sisson, moved for approval of the July 17, 2012 minutes as corrected. The motion passed by a majority vote, 6:0, with Mr. Noble abstaining because he was not present at the meeting.

2. **In the Matter of Amending the Lane County Rural Comprehensive Plan (RCP) and Chapter 16 of Lane Code to take a reasons exception to the Statewide Planning Goal 14, Urbanization, to allow urban levels of development on the Existing Rural Industrial (RI) zoned lands and establish two new categories of use and approve a zone change to allow General Industrial and Light Industrial in the Rural Unincorporated Community of Goshen. This proposal also includes findings of consistency with Goal 12 and OAR 660-012-0060, the Transportation Planning Rule (TPR).**

Lane County File Number 509-PA 12-05232

Mr. Rust introduced himself. He said he had been reassigned and was now under the Construction Services Department in Engineering, which was funded under Economic Development. He would continue to work on the Goshen matter.

Mr. Rust said at the last LCPC work session and public hearing he had presented a revised Code from what was originally submitted. Tonight he would talk about a revised set of Findings. He provided two copies of the revised Findings; one a clean version and one with tracked changes. Staff asked for another continued public hearing.

Mr. Rust presented a PowerPoint entitled “The Goshen Region Employment and Transition (GREAT) Plan. He presented a timeline:

- 10/2009 - The idea of the development of Goshen started with the Board of County Commissioners (BCC) as they were looking for ways to create jobs and increase revenue in the County
- 2/2011 – The BCC directed Lane County Land Management Division to explore ideas for creating more jobs, specifically in Goshen. It was adopted as part of the County’s Long Range Work Plan
- 4/2012 – Land Management Division formally initiated the Post Acknowledgement Plan Amendment (PAPA) which had been a multi-year process

Mr. Noble asked, regarding the April 2012 date, if that was a notice to the State Department of Land Conservation and Development (DLCD) and had DLCD responded. Mr. Rust said DLCD had responded but it was not likely they would submit further comment. They had had ongoing and continuous meetings with DLCD and thought DLCD might have further comment at the BCC meetings.

Mr. Howe said the proposal had been adjusted per DLCD’s comments.

Mr. Rust said the significant change was removing any potential for commercial uses that were in the original draft of the proposed Code.

Mr. Rust said they held a series of open houses in April 2011, June 2011 and November 2011. They did not want to develop a plan and then take it to the community, so took it to the community first through the open houses. By the end of the open houses a draft proposal was formulated. Then the public hearing process was initiated with the initial public hearing held in June 2012, continued to July 2012, and then continued to tonight's meeting, with staff's recommendation that public hearing again be continued. He said the hope was to conclude the matter by the end of 2012.

Addressing concerns expressed at the July 2012 public hearing, Mr. Rust said some of the concerns were regarding rail, water and taxes.

Regarding rail, acting upon a specific request from Ms. Arkin, Mr. Rust had garnered additional information. The PowerPoint presentation showed a map of the United States' rail lines. The Goshen area had a rail line that went through the community, which was a short line rail, not a spur. The rail line was Central Oregon and Pacific Railroad and it went into California and keyed into the Pacific Railroad. The stretch from Ashland, Oregon south into California was considered an "at risk" corridor because of the condition of the rail that went through the mountainous area.

In response to Mr. Peterson's question, Mr. Rust said it was a fair assumption to assume that commerce on the rail line went north. A fair amount of commerce also headed west to the coast as well via Coos Bay.

Mr. Noble asked if as part of this process the Central or Pacific Rail Lines had been contacted to understand the longevity of that line and what the future held for it. Mr. Rust responded no and said the rail companies were hard to summon.

Mr. Howe said in a meeting yesterday the Oregon Department of Transportation (ODOT) Rail was excited and interested in the project and would get engaged.

Mr. Noble said he asked the question because if rail related language was in the Code it would be nice to know there was longevity there.

Mr. Rust said ODOT's comment was that it was excited about the project and would also look at the potential to not only enhance the present facility in Goshen but would also look at creating another spur line that could serve the industrial area on the east side of Goshen.

Ms. Nichols asked what ODOT Rail was and Mr. Rust said it was a division of ODOT that dealt specifically with rail as another transportation system.

Mr. Sisson asked if having ODOT, a state agency, involved in the project, would mean federal dollars could be available.

Mr. Rust said they were not yet at the point in the project with ODOT Rail to identify future potential federal dollars. They have had conversations with ODOT regarding corridor planning for this section of I-5.

Mr. Howe said the State was looking at Goshen as being the poster child for a Regionally Significant Industrial hub and that elevated it for nomination for federal dollars.

Mr. Sandow asked if there was a way to know what was being moved on the rail line.

Mr. Rust said he would look into it.

Mr. Peterson said he thought it was 90 percent timber products.

Regarding Goshen being a Regionally Significant Industrial Area, Mr. Rust said the legislation that moved that forward was SB 766. The BCC nominated to the state to designate Goshen as one of those areas. The legislation required a minimum of five sites statewide to be designated within three years and up to 15 sites statewide. Goshen was the first to be nominated and the Roseburg interchange was second. There was a large rail yard and switching facility near the Roseburg interchange and the area was zoned industrial as well. He said it tied into the whole idea of rail commerce.

Mr. Sisson said he had concern when it came to tying in ODOT corridor plans related to highway functions and getting the ODOT Rail. There were existing efforts; Goshen, Springfield's plans for Goshen and things happening in the Lane Community College (LCC) region. He said they had wastewater that could feed all three regions and that discussion needed to happen. In terms of timing, he said this effort should keep moving forward. He asked how all this tied into the timeline in SB 766. He wondered if this presented an opportunity to synchronize Goshen with other efforts in the immediate neighborhood.

Mr. Rust said there was a lot going on and Goshen had momentum. There was the University of Oregon (U of O) development, a project along the Franklin Boulevard corridor, which tied into the Glenwood area project that Springfield was working on, which the BCC was preparing to co-adopt as well. The other component coming south was LTD looking at another EmX line that would go through Glenwood and feed into LCC. LCC had a Master Plan developed and continued to work with local jurisdictions on that plan. There were a lot of pieces and they were trying to coordinate efforts. Another part of the big picture was the Lane Livability Consortium project.

There was also concern regarding water expressed at the July 17, 2012 public hearing. Mr. Rust referred to a letter from EWEB dated June 11, 2012 that stated since 1974 EWEB had not restricted water delivery to the Willamette Water District (WWC) under the Surplus Water contract.

Following questions regarding water, Mr. Rust explained that with any development it must be demonstrated how water could be provided for the proposed use. There would be detailed analysis at the time development was proposed. Goshen was in the WWC district and infrastructure and WWC would ultimately be responsible. WWC had submitted a letter to the record that indicated they believed they were willing and able to serve any increased water needs in Goshen. WWC's letter said they were supportive of the Goshen project, they wanted to do it and believed they had the capability to do it.

Mr. Sullivan cautioned that Goshen should not become a reason for WWC or any water agency to speculate on getting water in advance of when it was needed, as that put the County in an uncomfortable position.

Mr. Sandow said because they were looking at a Goal 14 reasons exception and that exception dealt with the capacity of water, he did not see how they could defer decisions until the time of development. It seemed to him it should be addressed now or they could not make an informed decision. He realized at the time of development water would have to be addressed, but it seemed to him the PC needed to have a handle on it before a decision could be made. He referred to page one of the Goal 14 – Findings Document, which read “...small scale, low impact uses’, ‘new uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule..”

Mr. Rust said the provision Mr. Sandow read was a use that was currently allowed on Rural Industrial land; uses that did not exceed the capacity of water and sewer. He said new uses that relied on a new system could not be developed under the RI designation because it would be exceeding the system that was in place on a past date. That was why they were asking for an exception to that specific use provision. Later in the Findings there were more criteria that they had to make findings that there was adequate infrastructure. In his mind it was a question of what level of detail were they required to make in those findings. It was a tiered approach, with what was required to be shown for a Goal 14 exception versus a higher threshold for development. The County did think water could be provided. It was another level of detail and analysis when development came in if the Goal 14 reasons exception was approved.

At the July 17, 2012 public hearing the question was asked if there was a way to “lock in” the property tax rates of a property that was being rezoned. A written answer was provided by the Lane County Assessor’s Office. Mr. Rust said it was a complicated issue, but the short answer was no. A document from the Assessor’s Office was included in the meeting packet entitled “Frequently Asked Questions, Taxes and Re-Designation.” There were certain situations that could trigger a tax increase.

Mr. Rust pointed out a paragraph in the tax document provided that read, “In short, the use of the property must occur consistent with the new zoning designation in order for the maximum assessed value to increase beyond the constitutional cap...”. He said the language “using the property consistent with the new zoning designation” had been used in other places in the tax document, and that was the trigger. In his mind just changing the zoning, and nothing different was done on a property, would not automatically trigger the assessed value to increase. However, given the value of surrounding industrial properties increasing based on redevelopment could increase assessed value of existing properties.

The County Assessor had offered to attend the next LCPC work session and public hearing to answer questions.

Mr. Sullivan said his interpretation was that taxes would go up at some point. He thought the County Assessor should be invited to the next work session and public hearing so the PC could understand what would trigger a tax increase, and ask her to testify in a manner that laymen could understand. The Commission agreed and Mr. Rust said he would invite her to the next LCPC meeting to provide formal testimony.

Mr. Sullivan said it would be helpful if the Assessor could provide a case study of a couple properties; for example R&D Propane in Goshen. R&D was a viable business and only had tanks and a reputation to sell. He would like to know what would cause the taxes to increase.

Referring to the Findings document, Mr. Rust said there were a couple main areas he wanted to highlight. First was the Citizen Involvement. He said the County had taken Citizen Involvement very seriously as Goal 1 of the Statewide Planning Program. They had made a concerted effort to involve citizens, not only in Goshen but surrounding property owners and tenants as well. They had gone above and beyond state law requirements for notices. The Citizen Involvement components were found on pages 14 and 79 of the Findings Document.

Mr. Rust referred to page two of the Findings Document and wanted to talk about how public need was identified. This process was different from a typical urban planning process. For example, in a UGB expansion the city was required to show a need for a certain amount of residential land, but that did not hold true for this process. The County was not required to demonstrate the type of need or demand that was required in a UGB expansion. In this process the County had to demonstrate there was an identified public need. They felt the County had identified the need to create jobs. It was an economic need to provide jobs to citizens as well as increase revenue in the County in terms of the budget and providing services. One way the need had been met, but not yet incorporated into the Findings, was the study presented to the BCC last week in relation to the public safety measure they were considering putting on the ballot. After a poll and study regarding support for the public safety measure, what came out of the process was that economic development could help pay for public safety, and increasing economic development could offset the need for public safety by creating a community with a better economy.

Mr. Noble asked Mr. Rust if he was saying the Goal 14 exception did not have to be based on the same criteria as other land use needs that were associated with urban plans, but needed to identify unique characteristics in Goshen. Mr. Rust responded yes.

Mr. Sandow asked regarding public need when they talked about industry clusters, had there been an industry cluster identified in Lane County.

Mr. Rust responded Lane County had not done that work, but he referenced the Cities of Eugene and Springfield's Economic Opportunities Analysis and believed the work in those studies to be regional in nature to the point that the County could rely on it. The County was looking at doing its own work in terms of an economic analysis but was not sure that work could be completed prior to submission of the current package.

On page six of the Findings Document under Project Benefits, Mr. Sandow said in terms of productivity claims, he would like to see another point of view. What he saw was a productivity claim that through the reduction of regulation business could be more productive. He said Oregon's GDP was number eight in the nation, which made it a productive state. discussing maximizing human capital, what augmented human capital was education and training. He said health was also important because the County was experiencing greater ill health than it had in the past. Calling for the area's institutions to collaborate would have a greater impact on increasing productivity than the statement on regulation, which he felt was too passive. He said the institutions could theoretically train workers in the new zone. They could gear up ahead of time to support the technical development. He said when they talked about productivity he wanted them to be practical about it.

Mr. Sullivan said that was an interesting point because without the education there were no qualified workers, and without the jobs workers could not be retained. That was the current rub in Oregon as the State could not retain talented workers because there were no jobs and people relocated to Washington or California.

Mr. Sisson asked Mr. Sandow if he would suggest that there should be some areas within the Goshen zoning that might be open for public facilities so institutions could provide training on site.

Mr. Sandow said when collaboration was discussed on page seven of the Findings Document under “A Larger Strategy”, he would suggest that collaboration be organization of social capital so they were prepared to support this all the way. He said collaboration needed to be defined to give it meaning. Collaboration was a network of institutions that both speak to and listen to one another. For this project to be successful he would look carefully at this because mostly they were looking at governmental organizations, but to meet the needs in terms of productivity, they needed to bring in the educational and not for profit organizations. He would like to see data around crime rates and educational pathways to support Goshen. He thought this a tremendous opportunity but without the human capital to help train and educate, and the participation of the institutions that drive health, education and training, he did not think they could get to the targeted 150 percent median wage.

Mr. Peterson pointed out that many companies train their own people to the specifications they want them to be trained.

Mr. Sullivan said he thought Mr. Sandow was talking to a higher level and getting the area ready for workers.

In the interest of time and the upcoming public hearing, Mr. Sullivan said they would put further questions in writing so Mr. Rust would have time to provide them with the information they needed to know prior to the public hearing.

Another area Mr. Rust wanted to highlight was on pages 26-32 of the Findings Document which discussed public interest. He said there was a fair amount of discussion on defining public interest and how they intended to meet public interest through the proposal.

Mr. Rust said he considered the major component of the proposal began on page 49 of the Findings Document and was the Goal 14 Exception reasons. What were those reasons and what was it about Goshen that they could meet the test under Goal 14 to take the exception. There was a long list of reasons. Many of the reasons were the strategic location, the present infrastructure, etc. The Findings Document contained additional narrative in terms of why it justified both the large site rail served industrial sites on the west side of Highway 99 and how it helped justify the supportive, smaller scale uses recommended for the light industrial uses on the east side of Highway 99 to be in conjunction with the large sites rail served uses. Mr. Rust gave an example of another community in Oregon that used two sets of reasons and justifications to support a project; a super speedway that would also support restaurants, grocery stores and hotels.

Mr. Rust’s last topic was the Transportation Planning Rule (TPR) findings on page 87 of the Findings Document. The meeting with the State yesterday was specifically in regard to the Transportation Rules. There were new provisions adopted as part of the TPR that had not been used and they were proposing to utilize the new Section Nine rule to move forward in Goshen. Between ODOT, DLCD and the County, they identified a win/win situation and came to agreement on how to use the new section of the rules. The Findings Document would be supplemented with additional information.

Mr. Noble said he understood that ODOT had been looking at a three-lane corridor for I-5 through Goshen and past LCC. The interchange for Goshen would be critically important as the access to I-5. Now would be the time for ODOT to improve the interchange.

Mr. Rust said they had already begun conversations specific to that with ODOT.

Mr. Sullivan closed the work session at 6:53 p.m. The Commission took a brief recess.

B. PUBLIC HEARING AND DELIBERATIONS 7:00 P.M.

PRESENT: John Sullivan, Chair; Ryan Sisson, Vice Chair; George Goldstein, Nancy Nichols, James Peterson, Dennis Sandow, Robert Noble, Lane County Planning Commissioners; Kent Howe, Mark Rust, Sarah Wilkinson, Lane County Land Management Division.

ABSENT: Lisa Arkin, Commissioner.

Mr. Sullivan reconvened the Lane County Planning Commission (LCPC) at 7:00 p.m. Those present introduced themselves.

Mr. Sullivan explained for the audience present that Planning Commissioners were volunteers appointed by the Board of County Commissioners (BCC). The Commission's role was to gather testimony during the hearing, ask questions and then make recommendations to the BCC. Recommendations to the BCC were subject to establishing findings of fact that showed compliance with the applicable statewide goals, policies, Oregon Administrative Rules, Lane Code, Comprehensive Plan Policies, and Lane Code criteria. Therefore, testimony should be directed to approval criteria. Failure to raise an issue technically interfered with the ability to appeal, which was important if someone planned to testify further before the BCC.

Mr. Sullivan asked if there was anyone in the audience with business other than what was on the agenda. There was none.

1. DELIBERATIONS -In the Matter of Amending Chapters 13, 14 and 16 of Lane Code to add and revise definitions and provisions to be consistent with Oregon Revised Statutes and Oregon Administrative Rules and to make certain correction and clarification revisions (LC 13.020, 14.050, 16.090, 16.211, 16.212, 16.215, 16.218, 16.219, 16.225, 16.226, 16.237, 16.242, 16.245, 16.246, 16.257, 16.290, 16.291, 16.292).

Lane County File Number 509-PA11-15620

Mr. Sullivan read the first matter into the record. This agenda item consisted of legislative updates and housekeeping revisions to Chapters 13, 14 and 16 of the Lane Code. The proposed amendments were necessary to make Chapters currently in the Lane Code consistent with State law and they were in response to revisions to Oregon Revised Statutes enacted by the Oregon Legislative Assembly and to revisions to the Oregon Administrative Rules adopted by the DLCD. On July 17, 2012 a work session was conducted and a public hearing held on the matter. At that meeting the Planning Commission closed the public hearing but kept the record open for seven days, through July 24, 2012. The process was that staff made a report and the Planning Commission could ask questions during that time. The Planning Commission would then deliberate. There would be no further public testimony.

Mr. Sullivan asked if there were any Planning Commissioners who wished to abstain from the proceedings due to a conflict of interest. There were no affirmative responses. No one from the audience wished to challenge the impartiality of the Commissioners present.

Ms. Wilkinson introduced herself and said she was a planner with the Lane County Land Management Division responsible for the proposal before them.

Ms. Wilkinson said that since the public hearing on July 17, 2012, but prior to closure of the public record, ten written comments had been received, which were included in the agenda packet. After a review of comments, staff made revisions to the amendments. The nature and text of those changes were included in the supplemental information for this meeting.

Ms. Nichols asked about the language that said someone could not complain about forest operations. She wanted to know what was acceptable as a complaint.

Ms. Wilkinson explained that the language Ms. Nichols was referring to was dictated by the State in statute. The direction provided by the state cautioned those having non-resource uses developed on their land when their lands were designated and zoned for resource use and surrounded by lands for that use, there were certain protected activities that could occur on those lands. If a complaint was filed about the side effect of those uses that were protected, then the complainant could be held responsible for inconveniencing the resource use on the adjacent property. It was outside of the Lane County process. The Planning Department would not get involved.

As a point of clarification, Mr. Sullivan said this was dictated at the state level.

Mr. Peterson said it was the State Forest Practices Act and had nothing to do with the Planning Commission as it had gone through the legislature. Ms. Wilkinson agreed and said it also included the Farming Practices Act.

Mr. Noble said it was language verbatim from statute.

Mr. Sullivan suggested that at some point the language be read into the record and Ms. Wilkinson said she would do that.

A discussion followed regarding testimony from Mr. Rexus at the July 17, 2012 public hearing. Mr. Rexus had asked if he was correct in his understanding that the amendments to the Code would allow him to use 100 percent of the facilities that existed on property he had purchased, which previously was the site of the Weyerhaeuser Sawmill in Springfield. Ms. Wilkinson had told him at that meeting that he was correct in his understanding, pending approval of the Code changes by the BCC and acknowledgment by the State.

Mr. Sullivan said at this point the LCPC could entertain a motion and pass it, or pass a motion with caveats. He suggested discussing caveats before a motion was made. He asked if any Commissioner had comment on the remaining issues that had received public comment. There were none.

Mr. Noble, seconded by Mr. Peterson, moved forward to the Board of County Commissioners a recommendation to adopt the proposed amendments to Lane Code as presented in the Revised Report of Source Documents and Rationale to Support Department File 509-PA11-05620 Legislative and Housekeeping Amendments to Lane Code (Date Modified: August 14, 2012) The motion passed unanimously, 7:0.

2 CONTINUED PUBLIC HEARING - In the Matter of Amending the Lane County Rural Comprehensive Plan (RCP) and Chapter 16 of Lane Code to take a reasons exception to the Statewide Planning Goal 14, Urbanization, to allow urban levels of development on the Existing Rural Industrial (RI) zoned lands and establish two new categories of use and approve a zone change to allow General Industrial and Light Industrial in the Rural Unincorporated Community of Goshen. This proposal also includes findings of consistency with Goal 12 and OAR 660-012-0060, the Transportation Planning Rule (TPR).

Lane County File Number 509-PA 12-05232

Mr. Sullivan opened public hearing on Lane County File Number 509-PA 12-05232 at 7:25 p.m. He read the matter into the record

In summary, Mr. Sullivan said the LCPC held work sessions and initial public hearing on the proposed goal exceptions and amendments on June 5, 2011. Public hearing was continued to July 17, 2012 with the record open. That allowed the public and staff to respond to concerns and to work on revisions for the proposal. The record was again left open on July 17, 2012, as was the public hearing. Staff recommended during the work session that at the conclusion of tonight's testimony the record and public hearing again be left open. The LCPC, however, could take any action it decided.

Mr. Rust said he was going to work from the Findings Document that had the tracked changes for tonight's public hearing. The primary component for the public hearing, from staff's perspective, was to introduce and discuss the revised findings. At the last public hearing revised Code language was discussed. Both of the documents would come back in continued public hearings in a final format.

Mr. Rust gave a repeat of the issues covered during the work session and again presented the PowerPoint entitled "The Goshen Region Employment and Transition (GREAT) Plan."

Mr. Rust gave a brief history. The BCC discussed the idea of looking at how jobs could be provided in the County in October 2009. The BCC formerly directed the Land Management Division to explore the idea further in February 2011. Land Management initiated the formal process of this application in April 2012. Prior to initializing the application the County held a series of public open houses in the community of Goshen. Notices of meeting were sent to properties in the community as well as some distance surrounding the community. They started the series of open houses with a broad concept and refined it until they had a draft proposal they could move forward and work with. The formal public hearings began before the LCPC in June 2011. There would be a new series of public hearings before the BCC if the LCPC recommended moving forward with the project.

One of the issues at the July 17, 2012 public hearing was in regard to rail. Mr. Rust presented a map of the rail system of the United States and into the Southern Willamette Valley. The rail line that went through Goshen was Central Oregon and Pacific Railroad. That was a line that extended south. The rail south of Ashland was an "at risk" corridor and not operating. He would find out if there was long term viability of that rail.

Regarding water issues, on the record WWC had assured it was willing and able to provide the needed water to the Goshen area and supported efforts to expand Goshen. EWEB stated it had

not restricted water delivery to the WWC under the Surplus Water contract since 1974 when the contract between EWEB and WWC was first in place.

Another question from the last public hearing was a question regarding taxes and whether or not the proposed rezoning would raise taxes or if there was a way to “lock in” property taxes for someone that did not want to utilize the new zoning provisions. The short answer was no, there was not a legal way to lock in taxes, but there was an in depth detail of how taxes were calculated and raised provided by the Lane County Tax Assessor. The use of the property must occur consistent with the new zoning designation in order for the maximum assessed value increase so there was the question if someone did not utilize the new zoning provisions, they would not be assessed a new value based on just the zoning itself. That was not to say that the value of the property would not increase from surrounding properties values increasing. It was a complex issue. In the work session it was agreed to invite the County Tax Assessor to attend the next work session and public hearing to give formal testimony on tax issues in laymen’s language.

Mr. Rust next highlighted some of the major changes in the Findings Document.

One was the Citizen Involvement. He felt it was an important piece and they had given more than adequate notice of the project by going above and beyond the legal notice requirements by mailing notices to property owners and tenants. The findings for citizen involvement were addressed on pages 14 and 79 of the Findings Document.

Mr. Rust said one of the reasons for the Goal 14 reasons exception in Goshen was because it was a unique area. It had large sites and large rail served properties that could not be replicated statewide. Goshen was unique in terms of being over 50 acres, having rail access and close to three major highways; Highways 58 and 99, and I-5.

Page two and 22 of the Findings Document demonstrated the public need for the project. The public need was that it would create jobs, protect the unique land and help the County revenue stream in terms of providing services, including public safety.

Regarding public interest, certain criteria was required to demonstrate the proposal was not contrary to public interest. The County conducted an analysis of defining the public’s interest. Much of that was based on current policies in the Rural Comprehensive Plan as well as other documents that had been adopted by the County and regional and statewide documents that supported job creation and economic development.

On the bottom of page 37 of the Findings Document under Administrative Rules, Section (2) it stated “a statement of reasons that explains why the proposed use not allowed by the applicable goal, or a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use should be provided for.” Mr. Rust said the rule criteria language was asking why they were proposing a Goal 14 reasons exception to allow something that could not be allowed by some other rule or provision. The County was allowed by statute and rule to do what was being proposed.

Mr. Rust said the heart of the Findings began on page 47 of the Findings Document, which listed the reasons for the Goal 14 reasons exception. Some of those reasons were the strategic location of Goshen and the infrastructure in place. There was a list of specific reasons why it was believed Goshen should be allowed to have the exception as well as a narrative that explained and furthered building the case that Goshen was unique statewide. Goshen was probably the only area in the state that could justify using the reasons exception to allow urban development.

Mr. Rust said industrial lands in Goshen had been nominated to become a Regionally Significant Industrial Area. That was a designation approved by the State. He would be attending an initial meeting on that nomination in Salem on September 10, 2012. They intended to use that designation as one of the reasons why Goshen met the Goal 14 reasons exception criteria, in addition to other reasons such as highways, rail, and industrial lands.

Mr. Rust said ODOT Rail expressed excitement at the opportunities Goshen could present in terms of expanding the rail served sites by taking a rail spur and crossing over Highway 99 to the east side.

Mr. Rust spoke with regard to the TRP Findings. Those findings began on page 87 of the Findings Document. They had a meeting with the State yesterday regarding the TRP findings and they planned to use the new Section (9) which had not previously been utilized. They came to an agreement with the State yesterday on things the County could do to bolster the findings to help the State feel that the County was working toward supportable arguments under this section. This section would be changed before the final proposal was brought before the LCPC.

Ms. Nichols asked if the Goshen area was served by the Lane Transit District (LTD).

Mr. Rust said it was served by LTD.

Mr. Rust said he had received email comments that notice had not been provided regarding the public hearings. He said they purposely continued public hearings on the record to a date and time certain to avoid the cost of re-noticing each time. They maintained a website and he maintained an email list to which he sent notifications of continued public hearings.

A member of the audience asked if there was an exception where mail notices could be sent to elderly persons in her neighborhood that did not have access to the internet.

Mr. Rust said typically no. Once they mailed notices to some people and not others it was an issue of fairness. He said the BCC would hold another series of public hearings and notices would be mailed. He said he had also posted signs in the Goshen area.

Mr. Sullivan reopened continuation of the public hearing on Lane County File Number 509-PA 12-05232 at 8:00 p.m.

Betty Jean Keele, 33485 Hampton Road, Goshen, said she wanted to protect air, water, sewage, transportation and public safety. She expressed concern regarding the discussions the PC had about complaints against activities on neighboring properties. She had lived in the valley for 35 years and had not had to deal with pollution. She also worried that if the zoning was not strong enough developers might interpret looser rules than what the PC intended. She was concerned about the discussion of whether a developer would have to use a provider for water and sewer or if sewage could be disposed of on the land itself. She said 35 years ago land was not checked for proper sewage disposal. Regarding transportation needs, she said this should be included before development. The I-5 interchange and Highway 99 were not adequate and should be addressed prior to allowing development. She said if they were going to plan to pave, why not North Highway Hills, which was an alternate entrance to the Hampton Road area that went through Dillard Road rather than across the railroad tracks.

Mr. Peterson asked staff if it would be in the purview of developers to develop sewer and water for their development and must it be engineered into their plans. He asked if the County had oversight on the standards developers would use.

Mr. Rust said the short answer was yes. The County had standards and specifications for sewer. Transportation was not all County because of the state facilities. There were standards and specifications for water as well.

Mr. Sisson wanted to clarify to Ms. Keele regarding complaints that that discussion was centered around resource land related to farming and forest practices, and here they were talking industrial, so he did not think complaints in the future should be an impediment.

Janice Marshall, 33614 Hampton Road, Goshen, which was within the boundary of Goshen but zoned rural residential. She wanted to second Ms. Keele's comments regarding air and water. She presumed LRAPA would enforce things and check if they thought there was pollution. There was a problem in the winter of the smog backing into their valley.

Steven K. Stewart, 85658 Dillard Access Road, Goshen, on the east side of I-5. Mr. Stewart had submitted a letter to Mark Rust dated June 18, 2012, from which he read excerpts. His parents built the home on the property, 41 acres, in 1956. His parents passed in early 2000. He bought the property and now occupied the home. The parcel he was referring to was on the east side of I-5. In general he supported the proposed application for Goal 14. He was the owner of the only two industrial zoned parcels on the east side of I-5 contained in the project. They totaled approximately 9.5 acres. The zoning of rural industrial is not in keeping with the character of the surrounding land uses, which is rural residential. To be brief and pointed, initially his property was wrongly zoned by Lane County. Future uses under the rural industrial zoning would pose a potential hardship on his neighbors to the south. His request was for Lane County to consider as a part of the process, rezoning his two parcels of land to rural residential to reflect the current surrounding land uses. Plain and simple, it would not be in the best interest to have these parcels of land included in Plan 12-5232. He thanked the PC for the opportunity to comment.

Mr. Rust said he had previously talked with Mr. Stewart and he did not want to have his property up-zoned. That was why they had not included his property in the proposal. They had looked into the mistake of Mr. Stewart's land being zoned industrial initially and it became unclear when or why it happened.

Mr. Stewart said there were four distinct parcels at one time. As people wanted to move away his parents bought each one of those parcels facing Dillard Access Road on the right. What now existed was an 8.5 acre parcel and a .92 acre parcel in the center on the right hand side. That was what composed the 9.5 acres.

Mr. Rust said he had had a telephone conversation with Mr. Stewart in the past about how the mistake may have happened and he thought there was a neighboring property that had a trucking operation. Staff understood Mr. Stewart's problem and it would make the current proposal more complex to change the rural industrial to rural residential. Unless a new application were initiated it was not possible to fix the mistake made on Mr. Stewart's land in the current proposal.

Mr. Stewart said the parcels that were to the south of his land zoned rural industrial were zoned rural residential and he was trying to protect his neighbors. When he decided to sell he did not want someone to come in and put something that was industrial on the land that would adversely affect his neighbors.

Mr. Rust said staff understood Mr. Stewart's position and it was more than reasonable, it was just the mechanism to get there.

Mr. Noble asked if a zoning change could be made later as a separate action.

Mr. Rust responded yes, but it was costly and timely. Application fees alone for Mr. Stewart to make the application could be at least \$12,000 if not \$20,000. If Land Management was directed by the BCC, as part of the long range planning work program to fix the problem, they could combine it with some other process. They were not directed to include it as part of the current process.

Mr. Noble said they needed to determine if the zoning on Mr. Stewart's property was a mistake. Since the property was going to remain rural industrial, the burden would be on the applicant to rezone the property. He asked if the LCPC thought it was an issue, could they make a recommendation to the County. Mr. Rust said yes.

Mr. Sullivan asked staff if there was currently no intention to do anything with the rural residential or the agricultural land to the east. They could make the suggestion in what they recommended to the BCC that they become sensitive to this matter at the beginning and have staff research the recourses that elected officials could take and make sure that Mr. Stewart was prepared to testify. He said as they make a motion going forward they should make sure Mr. Stewart's situation was addressed.

Cindy Land, 2705 East 43rd Avenue, Eugene, said she was new to this process. Her first comment was that the red line on the map Mr. Rust had shown was 43rd Avenue, where she lived, and was a ten foot wide dirt road. Secondly, in regard to the public notice, she believed the DLCDC, in its intent on the public notice discussion in the Goals, was to make sure the people that were going to be involved in the affects of what was being discussed were made aware of what was going on. She said Mr. Stewart had made a reasonable request on an important issue. Those were the issues they lived with as regular people. It would be well served to make every effort to to notify as many people as possible. She was sorry notices cost money but that was the job of what the process was supposed to be; to let everyone in the community know so they could be involved in discussions early. She asked what the difference was between rural and industrial properties. If the designation was going to be changed they needed to have an open and honest discussion about what that meant in terms of air, water and sewer. She felt these discussions needed to take place prior to the matter going before the BCC because once it was at that level it was very difficult for an average citizen to get in the middle of all the rules.

Mr. Sullivan asked Mr. Rust how many notices had gone out in the Goshen area.

Mr. Rust responded that he thought the number was just under 300. There had been approximately 30 people at the open houses.

Mr. Sullivan agreed with Ms. Land that unless someone read the paper every day they would not know about the Goshen matter.

Mr. Rust pointed out to Ms. Land that the Goshen proposal was not affecting her property, it was a regional context map.

Ms. Land said she understood that, but she lived in the region and wanted to be included in conversations.

Mr. Sisson said in terms of concerns about public outreach, Ms. Land could take her concerns to the BCC now, and the sooner the better, so they could start thinking about it in terms of the budget. He thought it was a logistical decision on the BCC's part to elect to expand its budget for public outreach.

A discussion ensued between Ms. Land, Mr. Rust, Mr. Sullivan and the Commission on the responsibility of outreach to the public. Ms. Land said they had staff paid for at taxpayer expense and she was saying it was a responsibility to the public and the Goal of the LCPC to make sure that people affected would be notified.

Mr. Sullivan said people were probably notified and the notices were tossed away. The issue was how to outreach, which was an ongoing issue. The action that would be taken would be at the BCC level. As a point of clarification, he said taxpayers did not pay, it was paid at the fee level. That was a misunderstanding that often happened.

Ms. Marshall said it was not a burden but a responsibility for citizens to receive notifications.

Mr. Sandow said he thought staff had done a great job reaching out to citizens. He said the LCPC was the committee for citizen involvement, as it played two roles. They should use all ranges of media; television, radio, newspaper, meetings, involve the universities and colleges, and educational institutions. He referred to the LCPC's Bible which stated Goal One was citizen involvement for a reason and the purpose was to develop a citizen involvement program that ensured the opportunities for citizens to be involved in all phases of the process. He said the LCPC was the committee for citizen involvement, but that was not always clear to them as they saw themselves as a planning commission. He agreed with Ms. Land that when they change the nature of anyone's community they should start with Goal 1, and they should not rely on staff. They should meet and talk about how to identify citizen involvement.

Candy Brennan, 33610 Hampton Road, Goshen. Ms. Brennan asked about water and sewage and said she needed to be satisfied that was going to be covered completely and there would be no spills. Could they find out the plan for that? Knowing that individual companies would be doing it was not good enough, she wanted to know what the standards were.

Mr. Sullivan suggested interested persons form a coalition to follow what was going on in the community. Property owners have a right and responsibility to manage their property and a coalition is an effective method.

Ms. Marshall asked if it was written somewhere what the role was of the Planning Commission.

Mr. Sullivan said it was in Lane Code.

Ms. Marshall said she appreciated what the LCPC did.

Traench Garoutte, 33400 Hampton Road, Goshen. Ms. Garoutte asked what the difference was between rural industrial and urban industrial.

Mr. Sullivan said staff would get that in packet form and address that with an adequate answer.

Mr. Rust said there was a document on the County's website which was a comparison of the existing zoning and the proposed zoning. Mr. Rust gave Ms. Garoutte his business card and said he would email her the County's website.

Mr. Sullivan asked what the Commission wanted to do as staff had requested the record and public hearing remain open, and asked staff for an available date.

Mr. Rust suggested the date of November 13, 2012 to reconvene the public hearing and work session.

Mr. Noble, seconded by Mr. Sandow, moved to continue deliberations, leave the record open and continue public hearing on November 13, 2012 at 5:30 p.m. for a work session and 7:00 p.m. for public hearing. The motion passed unanimously, 7:0

Mr. Sullivan reminded Commissioners that there would be two new members present at that meeting.

Mr. Sullivan closed public hearing and adjourned the meeting at 8:47 p.m.

(Recorded by Ginger Morton)