

T. G. B.

Packet for discussion of Enterprise Zone

1. OECD July 1, 2005 letter
2. 3 scoring examples
3. July 6 T.Wilson e-mail of proposed Board Order language arising out of Economic Development Committee
4. July 11 J.Lidz e-mail of proposed City Council Resolution, with redlined copy of Resolution (packet does not include the "clean" version)
5. Draft Board Order in redline format
6. List of Enterprise Zone issues

OREGON
ECONOMIC & COMMUNITY
DEVELOPMENT DEPARTMENT

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July 1, 2005

Mr. Dennis M. Taylor
City Manager
City of Eugene
777 Pearl Street, Room 105
Eugene, OR 97401-2793

RE: West Eugene Enterprise Zone

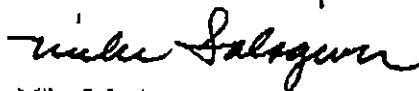
Dear Mr. Taylor:

This will acknowledge receipt of your letter of June 30, 2005 to former Director Marty Brantley regarding the status of the West Eugene Enterprise Zone, which went into effect at 12:01am this morning.

My understanding is that the City is in discussions with the Zone's co-sponsor, Lane County, about the issues that led to the City's resolution. Our Department strongly supports and encourages such discussions, and we will be available to assist in whatever way we can.

We look forward to hearing back from the City and the County by July 15th on the progress of your discussions. In the meantime, please let me know if we can be of further assistance to you.

Warm regards,



Mike Salsgiver
Interim Director

cc: The Honorable Anna Morrison, Chair, Lane County Board of
Commissioners
Mr. Bill Van Vactor, County Administrator, Lane County
MardiLyn Saathoff, Governor's Office
Mr. Bob Warren, OECDD
Mr. Jack Roberts, Lane Metro Partnership

SCORING EXAMPLES

Small Size Company

- \$500,000 Investment
- 8 Jobs
- 3 yr tax liability = \$27,000

Public Benefit Criteria:

	Points
1. Average Wages: > 90% of County Average	0
2. Hire through Referral Agencies: > 35%	15
3. Barriers to Employment: 8%	5
4. Non mandated Training and Benefits: 3% of payroll	5
5. Small Business: yes	10
6. Expansion/Redevelopment/Brownfields: Expansion	1
7. Investment Greater than \$500,000/ acre: No	0
TOTAL	36
Public Benefit Calculation: $25 - (66\text{pts} / 80) \times 25 =$	13.75 %
Public Benefit Contribution (3yr total) =	\$ 3,713

Exemption "Cap" Calculation

Projected 3 year Exemption

- $\$500,000 / 1,000 \times \$18 \times 3\text{yr} =$ \$27,000

Cap Calculation

- $\$27,000 / 8 \text{ jobs} =$ \$3,375

Cap payment

- NA : Exemption per job is less than \$30,000 over 3 years

SCORING EXAMPLES

Mid Size Company

- \$1.5 Million Investment
- 20 Jobs
- 3 yr tax liability = \$81,000

<u>Public Benefit Criteria:</u>	Points
1. Average Wages: > 110% of County Average	25
2. Hire through Referral Agencies: > 35%	15
3. Barriers to Employment: 8%	5
4. Non mandated Training and Benefits: 6% of payroll	10
5. Small Business: yes	10
6. Expansion/Redevelopment/Brownfields: Expansion	1
7. Investment Greater than \$500,000/ acre: No	0
TOTAL	66
Public Benefit Calculation: $25 - (66\text{pts} / 80) \times 25 =$	4.375 %
Public Benefit Contribution (3yr total) =	\$ 3,544

Exemption "Cap" Calculation

Projected 3 year Exemption

- $\$1.5 \text{ Million} / 1,000 \times \$18 \times 3\text{yr} = \$81,000$

Cap Calculation

- $\$81,000 / 20 \text{ jobs} = \$4,050/\text{job}$

Cap payment

- NA : Exemption per job is less than \$30,000 over 3 years

SCORING EXAMPLES

Big Company

- \$1.4 Billion Investment
- 1,000 Jobs

<u>Public Benefit Criteria:</u>	Points
1. Average Wages: > 115% of County Average	40
2. Hire through Referral Agencies: > 35%	15
3. Barriers to Employment: > 10% - < 20%	10
4. Non mandated Training and Benefits: >10% of payroll	15
5. Small Business: No	0
6. Expansion/Redevelopment/Brownfields: Expansion	1
7. Investment Greater than \$500,000/ acre: Yes	1
TOTAL	82
Public Benefit Contribution	\$0

Exemption "Cap" Calculation

Projected 3 year Exemption

- $\$1.4 \text{ Billion} / 1,000 \times \$18 \times 3\text{yr} = \$75,600,000$

Cap Calculation

- $\$75,600,000 / 1,000 \text{ jobs} = \$75,600/\text{job}$
- Max. Exemption: $\$30,000/\text{job}$
- $\$30,000 \times 1,000 \text{ jobs} = \$30,000,000$ (40% of total exemption)

Cap payment

- $\$75,600,000 - \$30,000,000 = \$45,600,000$ (60% of total exemption)

WILSON Teresa J

From: WILSON Teresa J
Sent: Wednesday, July 06, 2005 3:01 PM
To: TAYLOR Dennis M; LIDZ Jerome; SULLIVAN Mike C
Cc: GREEN Bobby; STEWART Faye H; GANGLE Jim; FORSTER Chuck E; VANVACTOR William A
Subject: Proposed language for Enterprise Zone Order

Dennis, Jerry and Mike -- Here is the language that I believe captures what Commissioners Green and Stewart asked for yesterday. It is written as additions to the County's Board Order, replacing the deletion of the job cap. Similar additions could be made to the City's Resolution. The two commissioners at the meeting yesterday have seen this language, and they are comfortable that it reflects their intent. Please let me know if you see problems with the language --- also if I can be of any help in explaining it.

We have a discussion of the Committee's work yesterday on the Board agenda for July 12. I anticipate that we will hear there the Board's comfort level with the proposed language, and will await hearing the Council's comfort level on the 13th.

"3. Notwithstanding the provisions of Sections 1 and 2 above, the three-year exemption benefit shall be limited to a maximum of \$37,500 per job (i.e., \$12,500 per year), and amounts beyond said maximum shall be paid as a public benefit contribution. The jobs counted for the purpose of this job cap shall be the existing jobs at the time of the application plus the new jobs created. A business whose tax exemption benefit is anticipated to exceed the job cap limitation shall make a public benefit contribution of the excess, to be paid and distributed in the same manner as the public benefit contribution described in Sections 1 and 2 above, with a reconciliation of the contribution based on actual existing and new jobs to occur in the final year of the exemption.

4. A waiver of the Section 3 provisions above may be granted by the co-sponsors during the period these Interim Criteria are in place, based upon the applicant's proposed investment in the community, the anticipated job retention and job creation, the local economic conditions and the co-sponsors own budget circumstances impacted by the proposed tax exemption."

WILSON Teresa J

From: Jerome LIDZ [jerome.s.lidz@harrang.com]
Sent: Monday, July 11, 2005 11:23 AM
To: WILSON Teresa J
Cc: TAYLOR Dennis M; BRAUD Denny; CARLSON Jim R; SULLIVAN Mike C; MUIR Susan L
Subject: Enterprise Zone



Amended



Amended

solution for West Esolution for West Et.

Teresa,

Attached are red-lined and clean versions of a Resolution that would replace the Resolution that the Eugene Council adopted on June 27. The substance is the outcome of continuing discussions between City Councilors Kelly and Pryor and Commissioners Green and Stewart. I'm sure there have been other conversations among elected officials as well. I believe the sense of the Eugene participants is that this Resolution will be acceptable to a majority of the Council.

Hope you enjoyed Sunriver. Give me a call after you've had a chance to look at this. I'll be gone after about 2:00 today, but my assistant can track me down in an emergency, and I'll be in tomorrow morning.

Thanks!

Jerome Lidz
Harrang Long Gary Rudnick P.C.
(541) 485-0220
jerome.s.lidz@harrang.com

THIS MESSAGE IS A CONFIDENTIAL COMMUNICATION UNDER THE ATTORNEY-CLIENT OR ATTORNEY WORK PRODUCT PRIVILEGE.

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING INTERIM LOCAL CRITERIA APPLICABLE IN THE PROPOSED WEST EUGENE ENTERPRISE ZONE AND ADOPTING A PUBLIC BENEFIT SCORING SYSTEM, AND REPEALING RESOLUTION 4845.

The City Council of the City of Eugene finds that:

A. On April 20, 2005 the City Council adopted Resolution No. 4832 authorizing the City Manager to make application to the State of Oregon for designation of a West Eugene Enterprise Zone.

B. At the time Resolution 4832 was approved the Council directed the City Manager to bring back to the Council, prior to July 1, 2005, a resolution adopting interim local criteria consistent with the Public Benefit Criteria adopted in 1997. It was the understanding that new job quality standards would be adopted as soon as practical following notification of a successful designation application, with the intent that 25 percent of the tax exemption benefit for qualified enterprise zone investments would be subject to the job quality standards.

C. On June 27, 2005, the Council approved Resolution 4845, adopting Interim Local Public Benefit Criteria and other provisions pertaining to the West Eugene Enterprise Zone in anticipation of the designation of the Zone. Resolution 4845 provided that it would become effective upon adoption by the Council and adoption of a substantially similar resolution by the Lane County Board of Commissioners. On June 28, 2005, the Board of Commissioners adopted a resolution, but it was not substantially similar to Resolution 4845. This resolution replaces Resolution 4845.

D. ~~Notification has not been received from the State of Oregon regarding the selection of zone designations for this year's application round. The selection is expected to occur prior to July 1, with the zone becoming active as of July 1, 2005. On June 28, 2005, by Director's Order No. DO-05-120, the Oregon Economic and Community Development Department approved the application and designated the West Eugene Enterprise Zone, effective July 1, 2005.~~

E. The Interim Local Public Benefit Criteria set forth herein consist of the 1997 Public Benefit Criteria, with the public benefit contribution of 15 percent modified to 25 percent, as directed by the Council. The Council also requested that a cap be placed on the tax exemption, and staff has recommended a cap of \$30,000 per new full-time job created.

F. The Public Benefit Criteria attached as Exhibit A hereto reflect the scoring system adopted by Resolution No. 4548 on December 1, 1997 with the formula for calculating the public benefit contribution adjusted to reflect the Council's desire to condition 25 percent (formerly 15 percent) of the tax exemption on the public benefit criteria.

Retention of existing jobs and support of existing businesses are important elements of the West Eugene Enterprise Zone, and those elements shall be discussed during the development of permanent standards and public benefit criteria.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. Based on the above findings, which are hereby adopted, the City Council hereby establishes the following Interim Local Benefit Criteria for the proposed West Eugene Enterprise Zone:

(a) Qualifying companies shall be required to make a public benefit contribution based on the following criteria:

1. The extent to which the company hires from local training/referral agencies;
2. The extent to which the company hires persons with barriers to employment;
3. The extent to which the average compensation of new jobs is equal to or greater than the average county wage;
4. The extent to which the company dedicates funds for non-mandated training and benefits;
5. Whether the company is utilizing a previously developed site, including expansion of an existing site, or redevelopment of an industrial or brownfield site;
6. The extent to which the assessed value of new investment exceeds \$500,000 per acre;
7. Whether the company is a small and/or local business or small and/or local start-up company.

(b) Except as provided in subsection (c), in no event shall the amount of the contribution exceed 25% of the tax exemption.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, the three-year tax exemption benefit shall be limited to a maximum of \$30,000 per new full-time job created. Tax exemption benefits in excess of that amount shall be paid as a public benefit contribution. A business whose tax exemption benefit is anticipated to exceed the job cap limitation described in this subsection (c) shall make a public benefit contribution based on the anticipated excess, with a reconciliation of the contribution amount to occur in the third year of the exemption, based on records of actual employment.

(b) During the period these Interim Criteria are in effect, the per (a) limit on the three-year tax exemption benefit described in the first sentence of subsection (c) of this section may be waived or modified for a specific applicant if the City Council and the Lane County Board of Commissioners each agree to the waiver or modification. The co-sponsors' decision to waive or not to waive the limit shall be based on consideration of the applicant's proposed capital investment in the West Eugene Enterprise Zone, the anticipated job creation resulting from the applicant's investment, the applicant's commitment to make other beneficial community investments, local economic conditions at the time of the application, including but not limited to the unemployment rate, market needs, and competition for attracting new businesses to the community, the co-sponsors' budget circumstances at the time of the application and the effect of reducing the public benefit contribution on the co-sponsors' ability to provide public services to their citizens, and the co-sponsors' judgment as to the reasonableness of the public benefit contribution in light of the foregoing factors and in comparison to the public benefit contribution paid by other companies in the West Eugene Enterprise Zone.

Section 2. The City Council adopts the Public Benefit Criteria Scoring System contained in Exhibit A attached hereto and incorporated herein, to implement the Interim Local Criteria set forth in Section 1 of this Resolution, for determining exemptions for future investments made by companies participating in the proposed West Eugene Enterprise Zone.

Section 3. During August 2005, the City of Eugene and Lane County will begin a process to develop and adopt permanent standards and public benefit criteria for the West Eugene Enterprise Zone. The process will begin with convening a joint City/County committee composed of two elected officials from each governing body and a total of four community representatives, two of whom shall be appointed by each governing body. The committee will meet from August 2005 through January 2006, as needed to develop a proposal for permanent standards and public benefit criteria, and it will provide opportunities for stakeholder participation and community involvement, including public hearings.

Section 4. Resolution 4345 is repealed.

Section 5. This Resolution shall become effective immediately upon adoption by the Council and adoption of a substantially similar resolution by the Lane County Board of Commissioners.

The foregoing Resolution adopted the __ day of July, 2005.

City Recorder

IN THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

RESOLUTION AND ORDER NO. ~~05-6-29-157-~~) IN THE MATTER OF AMENDING
12-) ORDER NO. 05-6-29-15 REGARDING
) ESTABLISHING INTERIM LOCAL
) CRITERIA APPLICABLE IN THE
) PROPOSED WEST EUGENE
) ENTERPRISE ZONE AND ADOPTING A
) PUBLIC BENEFIT SCORING SYSTEM

~~WHEREAS, on April 20, 2005, the Board of Commissioners of Lane County adopted Order No. 05-4-20-9 authorizing the County Administrator to delegate authority to the Eugene City Manager to make application to the State of Oregon for designation of a West Eugene Enterprise Zone, and~~

~~WHEREAS, at the time Order No. 05-4-20-9 was approved, the Board indicated its intent to adopt, prior to July 1, 2005, interim local criteria consistent with the Public Benefit Criteria adopted in 1997. It was the understanding that new job quality standards would be adopted as soon as practical following notification of a successful designation application, with the intent that 25 percent of the tax exemption benefit for qualified enterprise zone investments would be subject to the job quality standards, and~~

~~WHEREAS, notification has not been received from the State of Oregon regarding the selection of zone designations for this year's application round. The selection is expected to occur prior to July 1, with the zone becoming active as of July 1, 2005, and~~

~~WHEREAS, the Interim Local Public Benefit Criteria set forth herein consists of the 1997 Public Benefit Criteria, with the public benefit contribution of 15 percent modified to 25 percent, as directed by the Eugene City Council. The City Council also requested that a cap be placed on the tax exemption, and staff has recommended a cap of \$30,000 per new full-time job created, but the Board would like to have further collaborative work done on this and the permanent Public Benefit Criteria, and~~

~~WHEREAS, the Public Benefit Criteria attached as Exhibit A hereto reflects the scoring system adopted by Order No. 97-12-1-1 on December 1, 1997 with the formula for calculating the public benefit contribution adjusted to reflect the City Council's desire to condition 25 percent (formerly 15 percent) of the tax exemption on the public benefit criteria on June 29, 2005, the Board of Commissioners of Lane County adopted Order No. 05-6-29-15 establishing interim local criteria applicable in the West Eugene Enterprise Zone and adopting a public benefit scoring system, but not including the cap of \$30,000 per new full-time job created as proposed by the City of Eugene, and~~

~~WHEREAS, the State of Oregon Economic and Community Development Department has approved the application from the co-sponsors and designated the West Eugene Enterprise Zone (Director's Order No. DO-05-130, dated June 28, 2005), effective July 1, 2005, and~~

~~WHEREAS, further negotiations with the City of Eugene have occurred regarding the interim local criteria, and~~

WHEREAS, the Board of Commissioners wishes to amend Order 05-6-29-15 with the addition of Sections 3 and 4 below,

NOW, THEREFORE IT IS HEREBY RESOLVED AND ORDERED that the Lane County Board of Commissioners adopts as its findings the recitals stated above, and it is further

ORDERED that, based on the above findings, the Board hereby establishes the following Interim Local Criteria for the proposed West Eugene Enterprise Zone:

1. Qualifying companies shall be required to make a public benefit contribution based on the following criteria:

a. The extent to which the company hires from local training/referral agencies:

b. The extent to which the company hires persons with barriers to employment:

c. The extent to which the average compensation of new jobs is equal to or greater than the average county wage;

d. The extent to which the company dedicates funds for non-mandated training and benefits;

e. Whether the company is utilizing a previously developed site, including expansion of an existing site, or redevelopment of an industrial or brownfield site;

f. The extent to which the assessed value of new investment exceeds \$500,000 per acre;

g. Whether the company is a small and/or local business or small and/or local start-up company.

2. In no event shall the amount of the contribution exceed 25% of the tax exemption.

3. Notwithstanding the provisions of Sections 1 and 2 above, the three-year exemption benefit shall be limited to a maximum of \$ [REDACTED] per job (i.e., \$ [REDACTED] per year) per [REDACTED] job created. Tax exemption benefits in excess of that amount shall be paid as a public benefit contribution. A business whose tax exemption benefit is anticipated to exceed the job cap limitation described in Section 3 shall make a public benefit contribution based on the anticipated excess, with a reconciliation of the contribution amount to occur in the third year of the exemption, based on records of actual employment.

4. During the period these Interim Criteria are in effect, the per-job limit on the three-year tax exemption benefit described in the first sentence of Section 3 may be waived or modified for a specific applicant if the City Council and the Lane County Board of Commissioners each agree to the waiver or modification. The co-sponsors' decision to waive or not to waive the limit shall be based on consideration of the applicant's proposed capital

investment in the West Eugene Enterprise Zone; the anticipated job creation resulting from the applicant's investment; the applicant's commitment to make other beneficial community investments; local economic conditions at the time of the application, including but not limited to the unemployment rate, market trends, and competition for attracting new businesses to the community; the co-sponsors' budget circumstances at the time of the application and the effect of reducing the public benefit contribution on the co-sponsors' ability to provide public services to their citizens; and the co-sponsors' judgment as to the reasonableness of the public benefit contribution in light of the foregoing factors and in comparison to the public benefit contribution paid by other companies in the West Eugene Enterprise Zone.

ORDERED that the Board of Commissioners adopts the Public Benefit Criteria Scoring System contained in Exhibit A attached hereto and incorporated herein, to implement the Interim Local Criteria set forth above, for determining exemptions for future investments made by companies participating in the proposed West Eugene Enterprise Zone, and it is further

ORDERED that during August 2005, Lane County and the City of Eugene will begin a process to develop and adopt permanent standards and public benefit criteria for the West Eugene Enterprise Zone. The process will begin with convening a joint City/County committee composed of two elected officials from each governing body and a total of four community representatives, two of whom shall be appointed by each governing body. The committee will meet from August, 2005 through January, 2006, as needed, to develop a proposal for permanent standards and public benefit criteria, and it will provide opportunities for stakeholder participation and community involvement, including public hearings.

ORDERED that this Order shall become effective immediately upon adoption by the Board and adoption of a substantially similar resolution by the Eugene City Council.

DATED this ~~29th~~^{12th} day of ~~June~~^{July}, 2005.

Chair, Lane County Board of
Commissioners

PUBLIC BENEFIT CRITERIA (2005)

1.	The extent to which the average wage of new jobs is equal to or greater than the average county wage.		
<p>The average wage for all new jobs is:</p>			
			<u>Points</u>
≥100% and ≤110% of average county wage		25	
> 110% and ≤115% of average county wage		35	
> 115% of average county wage		40	
2.	The extent to which the company hires from local training/referral agencies.		
			<u>Points</u>
≥10% - ≤35% of all new jobs		5	
> 35% - ≤50% of all new jobs		15	
> 50% of all new jobs		25	
3.	The extent to which the company hires persons with barriers to employment.		
			<u>Points</u>
≥5% - ≤10% of all new jobs		5	
> 10% - ≤20% of all new jobs		10	
> 20% of all new jobs		15	
4.	The extent to which the company dedicates funds for non-mandated training and benefits.		
			<u>Points</u>
≥1% - ≤5% of entire company payroll is dedicated to non-mandated training & benefits		5	
> 5% - ≤10% of entire company payroll is dedicated to non-mandated training & benefits		10	
> 10% of entire company payroll is dedicated to non-mandated training & benefits		15	
5.	Whether the company is a small business.		
			<u>Points</u>
≤50 employees at time of precertification		10	

6. Whether the company is utilizing a previously developed site, including expansion at an existing site that the investment will take place at the same or a similar location as the existing facility, or redevelopment of an industrial or brownfield site.		
		<u>Points</u>
Expansion at existing site	1	
Redevelop preexisting industrial site or brownfield site	2	

7. The percent to which the assessed value of new investments exceeds \$500,000 per acre.		
		<u>Points</u>
Investment \geq \$500,000 per acre	1	

CRITERIA NOTES:

*** Examples of qualified local training or referral agencies:**

- Lane Workforce Partnership
- Oregon Employment Department
- Lane Community College
- Adult/Family Services
- Vocational Rehabilitation
- Private Rehabilitation Agencies
- Goodwill Industries
- Catholic Community Services
- St. Vincent de Paul
- Salvation Army

**** Examples of persons with employment barriers:**

- Low/moderate income
- Disabled
- Injured
- Veteran
- Welfare recipient
- Displaced worker
- Teens/youth
- Ex-felon
- Older workers
- Short-term jobs history
- Displaced homemaker
- Drug/alcohol abuse history
- Protected classes (Female head of household, Hispanic, Black, Asian or Pacific Islander, American Indian or Alaskan Native)

*** Qualifying non-government mandated benefits include: health/life/disability insurance, retirement, profit-sharing, paid vacation/holiday, child care, transportation, sick leave, tuition assistance, career development/training.

Based on the number of public benefit criteria points earned in each Enterprise Zone tax exempt year, each company shall make a public benefit contribution which shall be a percentage of the total tax exemption in any given year based on the following:

Points Earned **Public Benefit Contribution %**

80+ 0% contribution

0-79 Apply formula: Contribution due = a percentage equal to

$$25 \text{ minus } [(\text{point total}) / 30] \times 25$$

Example: If point total is 40

$$25 \text{ minus } [(40) / 30] \times 25 = \text{contribution of } 12.5\%$$

Example: If point total is 10

$$25 \text{ minus } [(10) / 30] \times 25 = \text{contribution of } 21.375\%$$

DISTRIBUTION OF PUBLIC BENEFIT CONTRIBUTION

Public benefit contribution will be paid annually, distributed as follows:

- 40% to Lane County;
- 40% to City of Eugene;
- 20% to programs sponsored by educational institutions, including Section 501(c)(3) tax exempt education foundations. The Enterprise Zone Committee will reconvene in any year in which there is at least \$10,000 in this category to distribute. A competitive Request for Proposal process will be conducted by the Enterprise Zone Committee to allocate the available funds.

The Enterprise Zone Committee will consist of two City Councilors appointed by the Eugene City Council, two County Commissioners appointed by the County Board of Commissioners, and two at-large members appointed by the four Councilors/Commissioners.

Administrative costs of the distribution process may be taken from the funds available.

Enterprise Zone Issues

General agreement between the two proposals:

1. A job cap limitation of some amount
2. Ability to waive a job cap, based on consideration of a number of factors, proposed capital investment, anticipated new jobs created, other community investments, local economic conditions (including unemployment rate, market trends, competition for new business), co-sponsors' budget circumstances, co-sponsors' judgment as to reasonableness of these factors and comparison to public benefit contributions paid by other companies in the zone.

Issues under discussion:

3. 8 member committee to develop permanent standards; composed of 2 Councilors, 2 Commissioners & 4 community members (2 appointed by City & 2 by County); to be completed by January 2006. Opportunities for stakeholder participation and community involvement, including public hearings.
4. Amount of job cap
5. Whether retention of existing jobs and support of existing business should be a component of the job cap & waiver, or an element to be considered in the permanent standards