

W. 8. C.
SUPPLEMENTAL MATERIAL

MEMORANDUM

Date: December 22, 2005
To: Lane County Board of Commissioners
From: Stephanie Schulz, Planner, Land Management Division
RE: Ordinance No. PA 1227 Junction City UGB Expansion/ Country Coach Inc.

The first seven day open record period to receive additional written testimony or evidence closed yesterday, December 21st at 5:00pm. The attached letters and emails were received in LMD by this deadline.



CITY OF JUNCTION CITY

680 Greenwood
P.O. Box 250
Junction City, OR 97448
Phone: 541-998-2153
Fax: 541-998-3140

PAZC 05-5132
ORD No. PA1227
Date 12-21-05
Exhibit No. 17

REC'D DEC 20 2005

December 19, 2005

Board of County Commissioners
125 E. 8th Ave.
Eugene, OR 97401

RE: Country Coach UGB Expansion

Dear Commissioners,

This letter is in reference to Country Coach's application to expand Junction City's Urban Growth Boundary (UGB) to include 74 acres of land adjacent to their existing facility to allow for expansion of their manufacturing business. This application has already been through our Planning Commission and City Council. The Planning Commission conducted deliberations over the course of two meetings and crafted conditions to address various concerns that had been brought up during the joint public hearing with the Lane County Planning Commission. Our Planning Commission voted unanimously to recommend approval. The City Council then held a public hearing, further refined the conditions of approval, and likewise unanimously approved the UGB expansion.

While there is extensive evidence supporting the need for the UGB expansion, we did not want to lose sight of the potential impacts of that expansion. The conditions of approval require buffering of the industrial uses from adjacent agricultural and nearby residential uses through preservation and enhancement of wetlands to the south, require fast-growing trees along the southerly 200 feet of the eastern property line, delineate a building setback of 80 feet from the eastern property line, and delineate a manufacturing setback of 80 feet from the northern property line. These buffers will help to mitigate the noise, emissions, and visual impacts of an industrial expansion.

Furthermore, we have a condition stating that, "Any new construction or substantial remodel will require site plan review as a type II (limited land use decision) prior to issuance of any building permits for new construction or major additions. . . ." A limited land use decision allows for public comment on the actual design and layout of the new facilities. With this process in place, affected landowners, residents, and the general public will have the opportunity to raise specific concerns regarding a site plan. Furthermore, Country Coach would be

required to show continued compliance with city policies and ordinances in order to gain approval of any new construction or major additions.

One of our Comprehensive Plan policies requires "that every applicant for a building permit in which the building will contain an operation or process resulting in emission of air contaminates, shall file with the appropriate state agency an application for air contaminant discharge permit. Furthermore, it is a policy of the city not to issue the building permit for any building or process which must obtain an air contaminant discharge permit without first obtaining such permit or written approval from the appropriate state agency." LRAPA has taken on the state's authority to issue air contaminant discharge permit. The city will carry out our policy and not allow any expansion of Country Coach facilities without ensuring that Country Coach has obtained the proper permits. Any citizens concerned with air quality can participate in LRAPA's public hearing process.

When Country Coach expanded the UGB in 1999, they were required to financially contribute to improvements at the intersection of 1st Avenue and Highway 99. In conjunction with the county and state, those improvements were constructed this past year. This time, Country Coach has agreed to spread out their shift changes so that not all of their employees will be trying to leave at the same time. The conditions of approval also require Country Coach to encourage carpooling, the use of public transportation, and to provide on-site facilities for pedestrians and bicyclists. Junction City believes this approach makes best use of existing transportation facilities and adequately mitigates for the impacts caused by expansion.

The City Council believes that we have adequately addressed all the concerns raised during the public comment process. Country Coach is the city's major employer and a significant provider of jobs for the county. Retaining this company is of vital importance to the city. It is city policy to encourage existing industry to expand onto adjoining lands. We want to maintain and improve on what we already have in place. We do not want force local companies to relocate outside our community. Right here, right now, is an opportunity for home-grown economic development. We have the infrastructure and public facilities to serve it. Given the extensive analysis of land available for expansion, the proposed expansion area is clearly the best option.

Please join with us in making a decision to benefit Junction City and the local economy. I think that if you evaluate Country Coach's application for compliance with the statewide planning goals and city policies, you will determine like we have, that the findings support approval of the UGB expansion.

Respectfully submitted,


Mayor Larry Crowley

To: Lane County Board of Commissioners
From: Jerry Szerlip
93951 Strome Lane
Junction City, OR. 97448
Re: Ordinance No. PA 1227
Date: 12-20-2005

PAZC 05-5132
ORD PA 1227 REC'D
Date 12-21-05
Exhibit No. 18

About: Soil contamination report.

I am a resident of Junction City, and I farm 12 acres of walnuts. My farmland is located about 900 ft. from the proposed 74 acres expansion for Country Coach.

I am opposed to the proposed expansion because I believe that emissions of hazardous air pollutants from Country Coach are trespassing on my land and may likely be causing economic impacts on my farming operation.

I sell about 15,000 pounds of walnuts to vendors throughout Lane County. In 2003 and 2004 my total revenue from walnuts sales reached \$15,000.

I have experienced strong noxious odors from Country Coach and have suspected that toxic air emissions may be contaminating my soil.

In an effort to acquire empirical data on the status of soil on my property, I engaged North Creek Analytical, Inc. of Beaverton, Oregon to perform a Volatile Organic Compound test #8260B on 9-8-05. [see attached report]. This test was performed on soil samples taken just outside the Country Coach fence. The report shows a significant positive detection result for styrene of 0.681 ppm.

The EPA has determined that 0.1 part of styrene per million parts of water [0.1 ppm] is the maximum amount that may be present in drinking water. The amount of styrene in the soil sample taken from outside the Country Coach property is almost seven times higher than the allowed amount for drinking water. No one has tested the ground water or any wells to determine if they are contaminated with styrene.

Merlyn Hough, Operations Manager of the Lane Regional Air Pollution Authority, stated in a personal communication that the limits for styrene in outdoor suburban air are 0.28 to 0.34 micro grams per cubic meter.

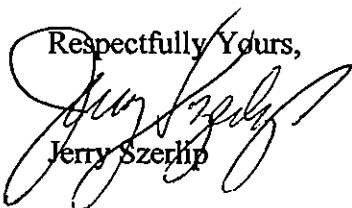
Max Hueftle, a staff person at LRAPA, advised me that the agency has never tested the air around Country Coach for any VOC's. As per Max Hueftle, 0.28 micro grams per cubic meter is equal to 0.0000657 parts per million for styrene. The soil sample test of 0.681 ppm is about 10,000 times higher than the allowable amount of styrene for the air.

The EPA RFC (threshold that could cause medical problems or the need for toxic clean up) limit for styrene is 1.0 mg/cubic meter of air; this is the same as 0.23 ppm. The soil sample test of 0.681 ppm. is three times higher than the EPA toxic clean up limit.

I spoke with Dr. Paul Engelking, Professor of Physical Chemistry, Theoretical Chemistry and Geochemistry at the University of Oregon. He reviewed the VOC test results and questioned me on how and where they were taken. It is his opinion in his letter dated 12-17-2005 [see attached] that an average sustained styrene vapor concentration of 50 mg/cubic meter could explain the measured values of styrene found in the soil. This is fifty times higher than the EPA's Reference Concentration of 1.0 mg/cubic meter.

I urge you to deny the "Land use Change for Country Coach" until such time as additional air, soil and water tests can be conducted. At the present time Country Coach has 765,000 sq. ft. (17 acres) to build their 350,000 sq. ft. building, so its not urgent to pass this land use change at this time. But it is imperative to protect the air, land, water and people of Lane County and Junction City!

Respectfully Yours,



Jerry Szerlip



Seattle 11720 North Creek Pkwy N, Suite 400, Bothell, WA 98011-8244
425.420.9200 fax 425.420.9210
Spokane East 11115 Montgomery, Suite B, Spokane, WA 99206-4776
509.924.9200 fax 509.924.9290
Portland 9405 SW Nimbus Avenue, Beaverton, OR 97008-7132
503.906.9200 fax 503.906.9210
Bend 20332 Empire Avenue, Suite F-1, Bend, OR 97701-5711
541.383.9310 fax 541.382.7588
Anchorage 2000 W International Airport Road, Suite A-10, Anchorage, AK 99502-1119
907.563.9200 fax 907.563.9210

September 08, 2005

Jerry Szerlip
Jerry Szerlip
93951 Strome Lane
Junction City, OR 97448

RE: Country Coach

Enclosed are the results of analyses for samples received by the laboratory on 08/30/05 10:00.
The following list is a summary of the NCA Work Orders contained in this report.
If you have any questions concerning this report, please feel free to contact me.

<u>Work</u>	<u>Project</u>	<u>ProjectNumber</u>
P5H1221	Country Coach	none

Thank You,

Brian Cone, Industrial Services Manager

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

North Creek Analytical, Inc.
Environmental Laboratory Network



NCA
LABS
www.ncalabs.com

Seattle 11720 North Creek Pkwy N, Suite 400, Bothell, WA 98011-8244
phone: (425) 420.9200 fax: (425) 420.9210
Spokane East 11115 Montgomery, Suite B, Spokane, WA 99206-4776
phone: (509) 924.9200 fax: (509) 924.9290
Portland 9405 SW Nimbus Avenue, Beaverton, OR 97008-7132
phone: (503) 906.9200 fax: (503) 906.9210
Bend 20332 Empire Avenue, Suite F-1, Bend, OR 97701-5711
phone: (541) 383.9310 fax: 541.382.7588
Anchorage 2000 W International Airport Road, Suite A-10, Anchorage, AK 99502-1119
phone: (907) 563.9200 fax: (907) 563.9210

Jerry Szerlip 93951 Strome Lane Junction City, OR 97448	Project Name: Country Coach	<u>Report Created:</u> 09/08/05 14:41
	Project Number: none	
	Project Manager: Jerry Szerlip	

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
Dirt	P5H1221-01	Soil	08/29/05 13:20	08/30/05 10:00
Dirt	P5H1221-02	Soil	08/29/05 13:20	08/30/05 10:00

North Creek Analytical - Portland

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Brian L. Cone

Brian Cone, Industrial Services Manager

North Creek Analytical, Inc.
Environmental Laboratory Network



North Creek Analytical, Inc.
www.ncaahs.com

Seattle 11725 North Creek Pkwy N, Suite 400, Bothell, WA 98011-8244
phone: (425) 420.9200 fax: (425) 420.9210
Spokane East 11115 Montgomery, Suite B, Spokane, WA 99206-4776
phone: (509) 924.9200 fax: (509) 924.9290
Portland 9405 SW Nimbus Avenue, Beaverton, OR 97008-7132
phone: (503) 906.9200 fax: (503) 906.9210
Bend 20332 Empire Avenue, Suite F-1, Bend, OR 97701-5711
phone: (541) 383.9310 fax: 541.382.7588
Anchorage 2000 W International Airport Road, Suite A-10, Anchorage, AK 99502-1119
phone: (907) 563.9200 fax: (907) 563.9210

Jerry Szerlip
93951 Strome Lane
Junction City, OR 97448

Project Name: Country Coach
Project Number: none
Project Manager: Jerry Szerlip

Report Created:
09/08/05 14:41

Volatile Organic Compounds per EPA Method 8260B
North Creek Analytical - Portland

Analyte	Method	Result	MDL ^a	MRL	Units	Dil	Batch	Prepared	Analyzed	Notes
PSH1221-01	Soil	Dirt	Sampled: 08/29/05 13:20							
Acetone	EPA 8260B	ND	----	2.50	mg/kg dry	1x	5081310	08/31/05	08/31/05 12:32	
Benzene	"	ND	----	0.100	"	"	"	"	"	
Bromobenzene	"	ND	----	0.100	"	"	"	"	"	
Bromochloromethane	"	ND	----	0.100	"	"	"	"	"	
Bromodichloromethane	"	ND	----	0.100	"	"	"	"	"	
Bromoform	"	ND	----	0.100	"	"	"	"	"	
Bromomethane	"	ND	----	0.500	"	"	"	"	"	
2-Butanone	"	ND	----	1.00	"	"	"	"	"	
n-Butylbenzene	"	ND	----	0.500	"	"	"	"	"	
sec-Butylbenzene	"	ND	----	0.100	"	"	"	"	"	
tert-Butylbenzene	"	ND	----	0.100	"	"	"	"	"	
Carbon disulfide	"	ND	----	1.00	"	"	"	"	"	
Carbon tetrachloride	"	ND	----	0.100	"	"	"	"	"	
Chlorobenzene	"	ND	----	0.100	"	"	"	"	"	
Chloroethane	"	ND	----	0.100	"	"	"	"	"	
Chloroform	"	ND	----	0.100	"	"	"	"	"	
Chloromethane	"	ND	----	0.500	"	"	"	"	"	
2-Chlorotoluene	"	ND	----	0.100	"	"	"	"	"	
4-Chlorotoluene	"	ND	----	0.100	"	"	"	"	"	
1,2-Dibromo-3-chloropropane	"	ND	----	0.500	"	"	"	"	"	
Dibromochloromethane	"	ND	----	0.100	"	"	"	"	"	
1,2-Dibromoethane	"	ND	----	0.100	"	"	"	"	"	
Dibromomethane	"	ND	----	0.100	"	"	"	"	"	
1,2-Dichlorobenzene	"	ND	----	0.100	"	"	"	"	"	
1,3-Dichlorobenzene	"	ND	----	0.100	"	"	"	"	"	
1,4-Dichlorobenzene	"	ND	----	0.100	"	"	"	"	"	
Dichlorodifluoromethane	"	ND	----	0.500	"	"	"	"	"	
1,1-Dichloroethane	"	ND	----	0.100	"	"	"	"	"	
1,2-Dichloroethane	"	ND	----	0.100	"	"	"	"	"	
1,1-Dichloroethene	"	ND	----	0.100	"	"	"	"	"	
cis-1,2-Dichloroethene	"	ND	----	0.100	"	"	"	"	"	
trans-1,2-Dichloroethene	"	ND	----	0.100	"	"	"	"	"	
1,2-Dichloropropane	"	ND	----	0.100	"	"	"	"	"	
1,3-Dichloropropane	"	ND	----	0.100	"	"	"	"	"	
2,2-Dichloropropane	"	ND	----	0.100	"	"	"	"	"	
1,1-Dichloropropene	"	ND	----	0.100	"	"	"	"	"	
cis-1,3-Dichloropropene	"	ND	----	0.100	"	"	"	"	"	
trans-1,3-Dichloropropene	"	ND	----	0.100	"	"	"	"	"	
Ethylbenzene	"	ND	----	0.100	"	"	"	"	"	
Hexachlorobutadiene	"	ND	----	0.400	"	"	"	"	"	
2-Hexanone	"	ND	----	1.00	"	"	"	"	"	
Isopropylbenzene	"	ND	----	0.200	"	"	"	"	"	

North Creek Analytical - Portland

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Brian L. Cone

Brian Cone, Industrial Services Manager

North Creek Analytical, Inc.
Environmental Laboratory Network



www.ncalabs.com

Seattle 11720 North Creek Pkwy Fl, Suite 400, Bothell, WA 98011-8244
 phone: (425) 420.9200 fax: (425) 420.9210
 Spokane East 11115 Montgomery, Suite B, Spokane, WA 99206-4776
 phone: (509) 924.9200 fax: (509) 924.9290
 Portland 9405 SW Nimbus Avenue, Beaverton, OR 97008-7132
 phone: (503) 906.9200 fax: (503) 906.9210
 Bend 20332 Empire Avenue, Suite F-1, Bend, OR 97701-5711
 phone: (541) 383.9310 fax: 541.382.7588
 Anchorage 2000 W International Airport Road, Suite A-10, Anchorage, AK 99502-1119
 phone: (907) 563.9200 fax: (907) 563.9210

Jerry Szerlip
 93951 Strome Lane
 Junction City, OR 97448

Project Name: **Country Coach**
 Project Number: none
 Project Manager: Jerry Szerlip

Report Created:
 09/08/05 14:41

Volatile Organic Compounds per EPA Method 8260B

North Creek Analytical - Portland

Analyte	Method	Result	MDL*	MRL	Units	Dil	Batch	Prepared	Analyzed	Notes
P5H1221-01	Soil	Dirt	Sampled: 08/29/05 13:20							
p-Isopropyltoluene	EPA 8260B	ND	----	0.200	mg/kg dry	1x	5081310	08/31/05	08/31/05 12:32	
4-Methyl-2-pentanone	"	ND	----	0.500	"	"	"	"	"	
Methyl tert-butyl ether	"	ND	----	0.100	"	"	"	"	"	
Methylene chloride	"	ND	----	0.500	"	"	"	"	"	
Naphthalene	"	ND	----	0.200	"	"	"	"	"	
n-Propylbenzene	"	ND	----	0.100	"	"	"	"	"	
Styrene	"	ND	----	0.100	"	"	"	"	"	
1,1,1,2-Tetrachloroethane	"	ND	----	0.100	"	"	"	"	"	
1,1,2,2-Tetrachloroethane	"	ND	----	0.100	"	"	"	"	"	
Tetrachloroethene	"	ND	----	0.100	"	"	"	"	"	
Toluene	"	ND	----	0.100	"	"	"	"	"	
1,2,3-Trichlorobenzene	"	ND	----	0.100	"	"	"	"	"	
1,2,4-Trichlorobenzene	"	ND	----	0.100	"	"	"	"	"	
1,1,1-Trichloroethane	"	ND	----	0.100	"	"	"	"	"	
1,1,2-Trichloroethane	"	ND	----	0.100	"	"	"	"	"	
Trichloroethene	"	ND	----	0.100	"	"	"	"	"	
Trichlorofluoromethane	"	ND	----	0.100	"	"	"	"	"	
1,2,3-Trichloropropane	"	ND	----	0.100	"	"	"	"	"	
1,2,4-Trimethylbenzene	"	ND	----	0.100	"	"	"	"	"	
1,3,5-Trimethylbenzene	"	ND	----	0.100	"	"	"	"	"	
Vinyl chloride	"	ND	----	0.100	"	"	"	"	"	
o-Xylene	"	ND	----	0.100	"	"	"	"	"	
m,p-Xylene	"	ND	----	0.200	"	"	"	"	"	
Surrogate(s): 4-BFB		Recovery: 78.4%		Limits: 42.6 - 130 %	"					"
1,2-DCA-d4		91.1%		57.3 - 144 %	"					"
Dibromofluoromethane		82.9%		45.5 - 130 %	"					"
Toluene-d8		90.8%		42.1 - 144 %	"					"

P5H1221-02	Soil	Dirt	Sampled: 08/29/05 13:20							
Acetone	EPA 8260B	ND	----	2.50	mg/kg dry	1x	5081310	08/31/05	08/31/05 12:59	
Benzene	"	ND	----	0.100	"	"	"	"	"	
Bromobenzene	"	ND	----	0.100	"	"	"	"	"	
Bromochloromethane	"	ND	----	0.100	"	"	"	"	"	
Bromodichloromethane	"	ND	----	0.100	"	"	"	"	"	
Bromoform	"	ND	----	0.100	"	"	"	"	"	
Bromomethane	"	ND	----	0.500	"	"	"	"	"	
2-Butanone	"	ND	----	1.00	"	"	"	"	"	
n-Butylbenzene	"	ND	----	0.500	"	"	"	"	"	
sec-Butylbenzene	"	ND	----	0.100	"	"	"	"	"	
tert-Butylbenzene	"	ND	----	0.100	"	"	"	"	"	
Carbon disulfide	"	ND	----	1.00	"	"	"	"	"	
Carbon tetrachloride	"	ND	----	0.100	"	"	"	"	"	

North Creek Analytical - Portland

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Brian L. Come

Brian Come, Industrial Services Manager

North Creek Analytical, Inc.
 Environmental Laboratory Network



Seattle 11720 North Creek Pkwy N, Suite 400, Bothell, WA 98011-8244
 phone: (425) 420.9200 fax: (425) 420.9210
 Spokane East 11115 Montgomery, Suite B, Spokane, WA 99206-4776
 phone: (509) 924.9200 fax: (509) 924.9290
 Portland 9405 SW Nimbus Avenue, Beaverton, OR 97008-7132
 phone: (503) 906.9200 fax: (503) 906.9210
 Bend 20332 Empire Avenue, Suite F-1, Bend, OR 97701-5711
 phone: (541) 383.9310 fax: 541.382.7588
 Anchorage 2000 W International Airport Road, Suite A-10, Anchorage, AK 99502-1119
 phone: (907) 563.9200 fax: (907) 563.9210

Jerry Szerlip
 93951 Strome Lane
 Junction City, OR 97448

Project Name: **Country Coach**
 Project Number: none
 Project Manager: Jerry Szerlip

Report Created:
 09/08/05 14:41

Volatile Organic Compounds per EPA Method 8260B

North Creek Analytical - Portland

Analyte	Method	Result	MDL*	MRL	Units	Dil	Batch	Prepared	Analyzed	Notes
PSH1221-02	Soil	Dirt	Sampled: 08/29/05 13:20							
Chlorobenzene	EPA 8260B	ND	----	0.100	mg/kg dry	1x	5081310	08/31/05	08/31/05 12:59	
Chloroethane	"	ND	----	0.100	"	"	"	"	"	
Chloroform	"	ND	----	0.100	"	"	"	"	"	
Chloromethane	"	ND	----	0.500	"	"	"	"	"	
2-Chlorotoluene	"	ND	----	0.100	"	"	"	"	"	
4-Chlorotoluene	"	ND	----	0.100	"	"	"	"	"	
1,2-Dibromo-3-chloropropane	"	ND	----	0.500	"	"	"	"	"	
Dibromochloromethane	"	ND	----	0.100	"	"	"	"	"	
1,2-Dibromoethane	"	ND	----	0.100	"	"	"	"	"	
Dibromomethane	"	ND	----	0.100	"	"	"	"	"	
1,2-Dichlorobenzene	"	ND	----	0.100	"	"	"	"	"	
1,3-Dichlorobenzene	"	ND	----	0.100	"	"	"	"	"	
1,4-Dichlorobenzene	"	ND	----	0.100	"	"	"	"	"	
Dichlorodifluoromethane	"	ND	----	0.500	"	"	"	"	"	
1,1-Dichloroethane	"	ND	----	0.100	"	"	"	"	"	
1,2-Dichloroethane	"	ND	----	0.100	"	"	"	"	"	
1,1-Dichloroethene	"	ND	----	0.100	"	"	"	"	"	
cis-1,2-Dichloroethene	"	ND	----	0.100	"	"	"	"	"	
trans-1,2-Dichloroethene	"	ND	----	0.100	"	"	"	"	"	
1,2-Dichloropropane	"	ND	----	0.100	"	"	"	"	"	
1,3-Dichloropropane	"	ND	----	0.100	"	"	"	"	"	
2,2-Dichloropropane	"	ND	----	0.100	"	"	"	"	"	
1,1-Dichloropropene	"	ND	----	0.100	"	"	"	"	"	
cis-1,3-Dichloropropene	"	ND	----	0.100	"	"	"	"	"	
trans-1,3-Dichloropropene	"	ND	----	0.100	"	"	"	"	"	
Ethylbenzene	"	ND	----	0.100	"	"	"	"	"	
Hexachlorobutadiene	"	ND	----	0.400	"	"	"	"	"	
2-Hexanone	"	ND	----	1.00	"	"	"	"	"	
Isopropylbenzene	"	ND	----	0.200	"	"	"	"	"	
p-Isopropyltoluene	"	ND	----	0.200	"	"	"	"	"	
4-Methyl-2-pentanone	"	ND	----	0.500	"	"	"	"	"	
Methyl tert-butyl ether	"	ND	----	0.100	"	"	"	"	"	
Methylene chloride	"	ND	----	0.500	"	"	"	"	"	
Naphthalene	"	ND	----	0.200	"	"	"	"	"	
n-Propylbenzene	"	ND	----	0.100	"	"	"	"	"	
Styrene	"	0.681	----	0.100	"	"	"	"	"	
1,1,1,2-Tetrachloroethane	"	ND	----	0.100	"	"	"	"	"	
1,1,2,2-Tetrachloroethane	"	ND	----	0.100	"	"	"	"	"	
Tetrachloroethene	"	ND	----	0.100	"	"	"	"	"	
Toluene	"	ND	----	0.100	"	"	"	"	"	
1,2,3-Trichlorobenzene	"	ND	----	0.100	"	"	"	"	"	
1,2,4-Trichlorobenzene	"	ND	----	0.100	"	"	"	"	"	

North Creek Analytical - Portland

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Brian L. Cone

Brian Cone, Industrial Services Manager

North Creek Analytical, Inc.
 Environmental Laboratory Network



North Creek Analytical
www.ncalabs.com

Seattle 11720 North Creek Pkwy N, Suite 400, Bothell, WA 98011-8244
phone: (425) 420.9200 fax: (425) 420.9210
Spokane East 11115 Montgomery, Suite B, Spokane, WA 99206-4776
phone: (509) 924.9200 fax: (509) 924.9290
Portland 9405 SW Nimbus Avenue, Beaverton, OR 97008-7132
phone: (503) 906.9200 fax: (503) 906.9210
Bend 20332 Empire Avenue, Suite F-1, Bend, OR 97701-5711
phone: (541) 383.9310 fax: 541.382.7588
Anchorage 2000 W International Airport Road, Suite A-10, Anchorage, AK 99502-1119
phone: (907) 563.9200 fax: (907) 563.9210

Jerry Szerlip

93951 Strome Lane
Junction City, OR 97448

Project Name: **Country Coach**

Project Number: none

Project Manager: Jerry Szerlip

Report Created:

09/08/05 14:41

Volatile Organic Compounds per EPA Method 8260B

North Creek Analytical - Portland

Analyte	Method	Result	MDL*	MRL	Units	Dil	Batch	Prepared	Analyzed	Notes
PSH1221-02	Soil	Dirt	Sampled: 08/29/05 13:20							
1,1,1-Trichloroethane	EPA 8260B	ND	-----	0.100	mg/kg dry	1x	5081310	08/31/05	08/31/05 12:59	
1,1,2-Trichloroethane	"	ND	-----	0.100	"	"	"	"	"	"
Trichloroethene	"	ND	-----	0.100	"	"	"	"	"	"
Trichlorofluoromethane	"	ND	-----	0.100	"	"	"	"	"	"
1,2,3-Trichloropropane	"	ND	-----	0.100	"	"	"	"	"	"
1,2,4-Trimethylbenzene	"	ND	-----	0.100	"	"	"	"	"	"
1,3,5-Trimethylbenzene	"	ND	-----	0.100	"	"	"	"	"	"
Vinyl chloride	"	ND	-----	0.100	"	"	"	"	"	"
o-Xylene	"	ND	-----	0.100	"	"	"	"	"	"
m,p-Xylene	"	ND	-----	0.200	"	"	"	"	"	"
<i>Surrogate(s): 4-BFB</i>		<i>Recovery: 77.4%</i>		<i>Limit: 42.6 - 130 %</i>		"				"
<i>1,2-DX'A-H</i>		<i>88.4%</i>		<i>57.3 - 144 %</i>		"				"
<i>Dibromofluoromethane</i>		<i>81.2%</i>		<i>45.5 - 130 %</i>		"				"
<i>Toluene-d8</i>		<i>86.3%</i>		<i>42.1 - 144 %</i>		"				"

North Creek Analytical - Portland

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Brian L. Cone

Brian Cone, Industrial Services Manager

North Creek Analytical, Inc.
Environmental Laboratory Network



North Creek Analytical
www.ncalabs.com

Seattle 11720 North Creek Pkwy N, Suite 400, Bothell, WA 98011-8244
phone: (425) 420.9200 fax: (425) 420.9210
Spokane East 11115 Montgomery, Suite B, Spokane, WA 99206-4776
phone: (509) 924.9200 fax: (509) 924.9290
Portland 9405 SW Nimbus Avenue, Beaverton, OR 97008-7132
phone: (503) 906.9200 fax: (503) 906.9210
Bend 20332 Empire Avenue, Suite F-1, Bend, OR 97701-5711
phone: (541) 383.9310 fax: 541.382.7588
Anchorage 2000 W International Airport Road, Suite A-10, Anchorage, AK 99502-1119
phone: (907) 563.9200 fax: (907) 563.9210

Jerry Szerlip
93951 Strome Lane
Junction City, OR 97448

Project Name: Country Coach
Project Number: none
Project Manager: Jerry Szerlip

Report Created:
09/08/05 14:41

Percent Dry Weight (Solids) per Standard Methods

North Creek Analytical - Portland

Analyte	Method	Result	MDL*	MRL	Units	Dil	Batch	Prepared	Analyzed	Notes
P5H1221-01	Soil	Dirt	Sampled: 08/29/05 13:20							
% Solids	NCA SOP	61.6	----		1.00 % by Weight	1x	5090165	09/06/05	09/07/05 10:31	
P5H1221-02	Soil	Dirt	Sampled: 08/29/05 13:20							
% Solids	NCA SOP	67.5	----		1.00 % by Weight	1x	5090165	09/06/05	09/07/05 10:31	

North Creek Analytical - Portland

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Brian L. Cone

Brian Cone, Industrial Services Manager

North Creek Analytical, Inc.
Environmental Laboratory Network



www.ncalabs.com

Seattle 11720 North Creek Pkwy N, Suite 400, Bothell, WA 98011-8244
 phone: (425) 420.9200 fax: (425) 420.9210
 Spokane East 11115 Montgomery, Suite B, Spokane, WA 99206-4776
 phone: (509) 924.9200 fax: (509) 924.9290
 Portland 9405 SW Nimbus Avenue, Beaverton, OR 97008-7132
 phone: (503) 906.9200 fax: (503) 906.9210
 Bend 20332 Empire Avenue, Suite F-1, Bend, OR 97701-5711
 phone: (541) 383.9310 fax: 541.382.7588
 Anchorage 2000 W International Airport Road, Suite A-10, Anchorage, AK 99502-1119
 phone: (907) 563.9200 fax: (907) 563.9210

Jerry Szerlip 93951 Strome Lane Junction City, OR 97448	Project Name: Country Coach Project Number: none Project Manager: Jerry Szerlip	Report Created: 09/08/05 14:41
--	--	--

Notes and Definitions

Report Specific Notes:

None

Laboratory Reporting Conventions:

- DET - Analyte DETECTED at or above the Reporting Limit. Qualitative Analyses only.
- ND - Analyte NOT DETECTED at or above the reporting limit (MDL or MRL, as appropriate).
- NR / NA - Not Reported / Not Available
- dry - Sample results reported on a dry weight basis. Reporting Limits are corrected for %Solids when %Solids are <50%.
- wet - Sample results and reporting limits reported on a wet weight basis (as received).
- RPD - Relative Percent Difference. (RPDs calculated using Results, not Percent Recoveries).
- MRL - METHOD REPORTING LIMIT. Reporting Level at, or above, the lowest level standard of the Calibration Table.
- MDL* - METHOD DETECTION LIMIT. Reporting Level at, or above, the statistically derived limit based on 40CFR, Part 136, Appendix B. *MDLs are listed on the report only if the data has been evaluated below the MRL. Results between the MDL and MRL are reported as Estimated results.
- Dil - Dilutions are calculated based on deviations from the standard dilution performed for an analysis, and may not represent the dilution found on the analytical raw data.
- Reporting limits - Reporting limits (MDLs and MRLs) are adjusted based on variations in sample preparation amounts, analytical dilutions and percent solids, where applicable.

Brian L. Conner

PO Box 236
Lowell, OR 97452
December 17, 2005

PAZC 05 5132
ORD No. PA1227
Date 12-21-05
Exhibit No. 19

Jerry Szerlip
93951 Strome Lane
Junction City, OR 97448

Re: Styrene in soil from your property sampled on August 29, 2005.

Dear Mr. Szerlip:

You asked if I had an opinion as to the possible paths of contamination of soil on your property by styrene and, in particular, if the measured concentrations could have come from styrene present in the air. I can answer that question now.

Sources used

In forming my opinion, I relied on several data sources that are usual and customary to my field. As I mentioned I would do, I reviewed the air/water partitioning of styrene. I obtained the EPA recommended Henry's constants for styrene from their web site. I also reviewed the online TRI's of facilities in Junction City, including those of Truss Joist, Monaco, and Country Coach in your immediate vicinity. I obtained NOAA climactic data for the Eugene Airport station in the month of August 2005. I used the EPA and ATSDR websites to obtain the recommended physical and toxicological information, including the NIOSH REL, STEL, NOAEL, EPA's RfC, and published odor threshold. And I reviewed North Creek Analytical's laboratory reports on the soil samples, P5H1221-01 and P5H1221-02.

Indications of the presence of styrene

The North Creek Analytical analyses appear to have correctly identified and quantified styrene at the site. Recovery rates of surrogate tracer compounds were within normal limits. Dry weight determinations indicated that the samples were wet, but within the applicable limits for the method used. The lab did not place an uncertainty range on the individual measurements, but did give the minimum reporting limit (MRL) as 0.100 mg/kg dry weight for styrene. Since, by definition, a MRL has to exceed the detection limit, which itself has to exceed the statistical standard deviation of the method at threshold, we can expect the (3 sigma) uncertainty to be less than 0.1 mg/kg. I would consider any measurement of styrene at 0.6 mg/kg to be a reliable detection of styrene, and judge that it has been numerically quantified within about 15%, conservatively.

One sample, P5H1221-02, measured styrene at 0.681 mg/kg dry weight. That sample was 33% liquid and 67% dry solids. ASTDR's summary for styrene indicates that styrene will partition predominantly into the liquid phase. This would indicate that the corresponding concentration of styrene in the aqueous phase was about 2 times (67%/33%) the reported value referenced to the dry weight. The aqueous concentration of styrene for this sample would have then been 1.41 mg/kg in this sample.

Your direct observation of the presence of a styrene odor indicates styrene concentrations in the air in the vicinity of the sampling site can exceed 1.4 mg/cubic meter, the odor threshold. One of the three TRI reporting facilities closest to you, Country Coach, has total TRI air emissions estimated as 20,000 pounds per year (9000 kg/yr) of styrene. Thus there are sources of styrene in the area of sampling.

That is the data. Now to your question of the possibility of airborne transport of styrene from nearby manufacturing operations to the sampling site.

Airborne transport of styrene

In my opinion, it is possible that the styrene reached your site via air deposition, and was especially possible in the conditions prevailing just prior to sampling.

In dry, clear air conditions one would not expect styrene to precipitate from gas solution in the air unless the air were saturated with styrene vapor.

However, the meteorological record shows that for August 28 and 29, dense fog and precipitation were present at the Eugene airport, only about 5 miles away, and typically having similar weather as Junction City (See the attached climate summary table for August). Furthermore, the average wind blew from the southwest, from nearby manufacturing operations towards the sample site according to the met records, and in agreement with your observations as related to me.

These wet conditions would act as a natural "scrubber" to decrease the styrene vapors in the gas phase and increase the styrene concentration dissolved in the liquid water phase. Styrene vapor present in the air would partition its concentration between the gas phase and the liquid phase of the water droplets. Styrene would then deposit onto the ground along with the liquid water.

Attached is a graph showing the gas concentrations of styrene that would produce the concentration of 1.41 mg/kg in water at equilibrium. In the 5-10 Celsius temperature range, the gas phase styrene concentrations are on the order of 50 mg/cubic meter (46-65 mg/cubic meter).

An average, sustained styrene vapor concentration of 50 mg/cubic meter in the vicinity upwind of the soil sampling could explain the measured values of styrene found in the soil. (Including the numerical uncertainties, the actual value may range between 25 and 100 mg/cubic meter.)

A concentration of 50 mg/cubic meter would be significantly noticeable by odor.

A concentration of 50 mg/cubic meter is also significantly greater than EPA's Reference Concentration (RfC = 1 mg/ cubic meter for styrene in the air).

In addition to the aforementioned pathway considering styrene vapors, styrene transport

in or on particulates is also possible. Besides styrene escaping manufacturing operations by evaporation, one can also consider processes such as styrene being transported in droplets of overspray or in particulates of sanding residue. Neither of these alternative pathways were examined here. It should be noted they would only add to the amount of styrene transported, and hence increase the probability of styrene transport by air.

In my opinion, styrene could have been transported by the air from nearby manufacturing operations to the soil to produce the concentrations observed in the samples you took on August 29. I also believe this is a likely scenario for how the styrene appeared in the soil.

Dr. Paul Engelking

Attachments:

Table--Climatological data for August 2005, Eugene airport station.

Chart--Equilibrium air concentration of styrene.

Dr. Paul Engelking to Mr. Jerry Szerlip, December 17, 2005--page 3

VAPOR CONCENTRATION OF STYRENE

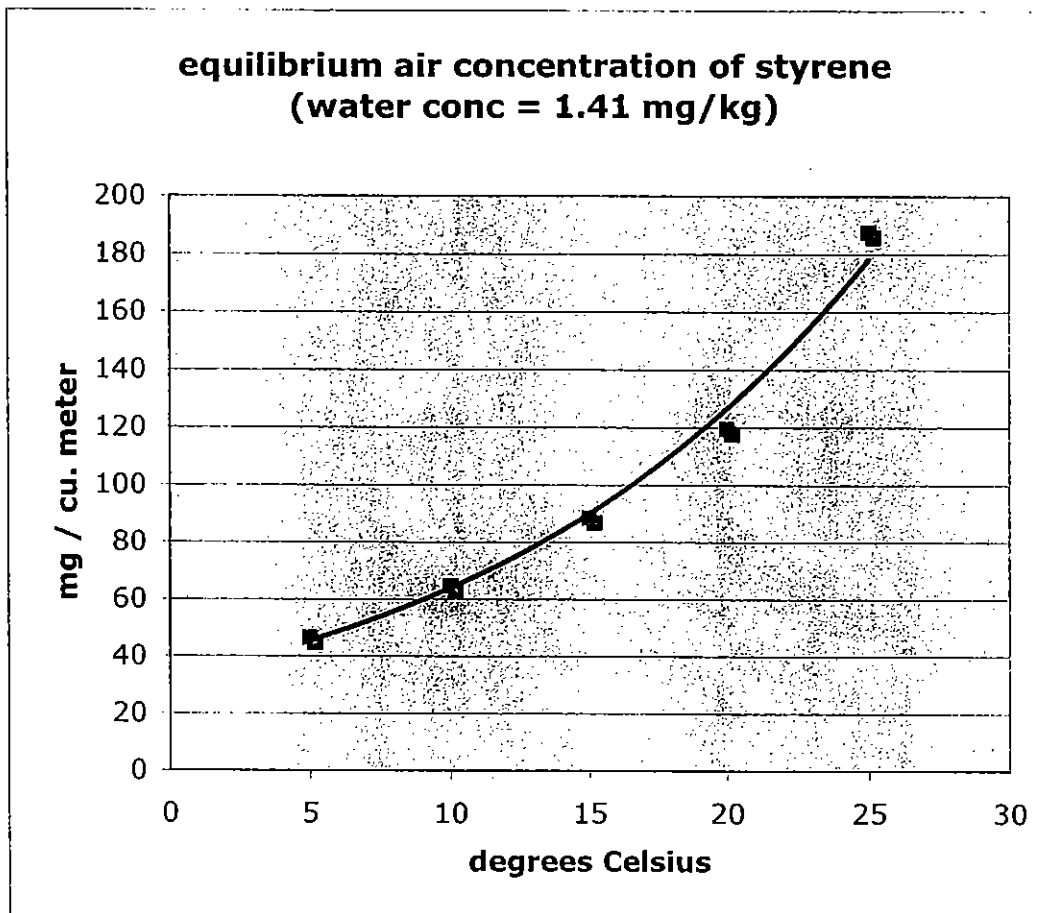
in equilibrium with

STRENE CONC IN WATER PHASE = 1.41 g / cu. meter = 1.41 mg / kg.

Henry's constant: (EPA on-line tools)

temp (deg C) Hcc Styrene Conc in air mg/ cu. Meter

5	0.0329	46
10	0.0458	65
15	0.0628	89
20	0.0847	119
25	0.133	188



PAZCO5-5132
 ORD No. PA1227
 Date 12-21-05
 Exhibit No. 20

To: Lane County Board of Commissioners
 Re: Ordinance No. PA 1227
 Date: 12/21/2005
 Subject: "Basically, what you've got is styrene rain."

Dear Lane County Board of Commissioners:

In West Lane County, over one third of the days in the past month have had air quality values that approach unhealthy levels for residents who are elderly or are young, or suffer from asthma and other lung diseases. We have all heard the warnings from state and local agencies to heed precautions for "air stagnation days." Contributing to the measure of poor air quality are Volatile Organic Compounds (VOC), common hazardous air emissions from manufacturing facilities.

Oregon Toxics Alliance represents over hundreds of concerned Lane County residents seeking to improve air quality and protect human health. On behalf of these members, our organization urges the County Commissioners to deny the County Coach application to expand their manufacturing facility onto 74 acres of lane outside the Junction City. We recommend denying the application because the applicant has not met the state goals addressing air and water quality. Evidence that the proposal is not in the public's best interests are explained herein.

Country Coach is one of Lane County's top eight emitters of VOC's. In 2002, Country Coach had a permit to emit 119 tons of VOC's (Lane County Title V Source Permitted Emissions document provided by LRAPA). At some time between 2002 and 2005, Country Coach was permitted to release 158 tons/year (LRAPA Construction Air Contaminant Discharge Permit No. 201279). In 2005, their permit levels were increased to allow 218 tons of VOC's per year (Discharge Permit No. 201279).

Country Coach has been allowed to increase their hazardous air pollutant emissions more than 80% over four years.

The chemicals they emit during construction, painting and coating of coaches, chassis and other parts include:

CHEMICAL	ATSDR *IDENTIFIED HUMAN HEALTH RISK
1. Styrene	Probable Carcinogen
2. Formaldehyde	Carcinogen
3. N-Butyl Alcohol	Suspected Blood and Liver Toxicant
4. Hexane	Suspected Neurotoxicant Toxicant
5. Methyl Methacrylate	Affects Nervous System
6. Toluene	Suspected Neurotoxicant and Renal Toxicant
7. Xylene	Neurotoxicant; Crosses Placenta - High Exposures May be Fetal-Toxic

*United States Agency for Toxic Substances and Disease Registry

According to the EPA Toxics Release Inventory (a national database of toxic emissions) Country Coach's primary hazardous air pollutant is styrene. Country Coach currently emits 13,135 pounds of styrene, a suspected carcinogen and blood toxicant (EPA toxics data).

It has come to the attention of Oregon Toxics Alliance that a farmer who owns land adjacent to the current County Coach site has submitted soil samples to a reputable chemical testing laboratory. The results came back with significant levels of detectable styrene - .681 ppm. When this calculation is converted to air quality standards (see testimony by Dr. Paul Engleking), the levels are well above the human health standards based on CNS effects in occupationally exposed workers.¹ Styrene standards have been established for air and water concentrations at 1 milligram per cubic meter.

In a conversation with an air toxics specialist at the Oregon DEQ, the level of styrene found in the neighboring soils indicate that air pollution coming from the manufacturing facility is crossing over property boundaries and contaminating nearby soils. He suggested that,

“Basically, what you've got is styrene rain.”

Styrene gets heated in the manufacturing process and emitted to the air as a vapor. It can attach itself to water molecules or particulate matter. Country Coach is permitted to release over 25 tons of particulate matter annually, creating at least one pathway for styrene to travel through the air. As soon as it cools off, styrene falls out to the ground and binds to water droplets in the soil.

Country Coach has also had some problems with their hazardous chemical discharge compliance history. In the LRAPA Construction Air Contaminant Discharge Permit report, Country Coach was cited for violations of compliance:

Date	Compliance Violation
4/14/05	Exceeding the monthly plant site emission limit for VOC and failure to promptly report deviations from permit requirements
3/10/03	Several permit violations including exceeding VOC content for resins
10/11/2000	Failure to obtain an Air Contaminant Discharge Permit (ACDP) prior to operation of an air contaminant source (fine -\$11,641)
10/10/2000	Several permit violations including failure to maintain recordkeeping for leak inspection and maintenance (fine - \$1,200)

As of August 2005 Country Coach has still not conducted any source tests. Nor have they proposed future testing to determine if their modeling of air discharges is accurate and within health and safety standards.

¹ The RfC is an estimate of a continuous inhalation exposure to the human population (including sensitive subgroups) that is likely to be without appreciable risk of deleterious noncancer effects during a lifetime. It is not a direct estimator of risk but rather a reference point to gauge the potential effects. At exposures increasingly greater than the RfC, the potential for adverse health effects increases. (EPA website)

Country Coach should not be allowed to further pollute the residents and land of Junction City by increasing their production levels. Their application is incomplete because Country Coach has not addressed how they will protect the surrounding communities by employing maximally safe pollutant control technology. When they issued the new air discharge permit in 2005, LRAPA allowed the use of pre-existing control technology and did not require the facility to improve their control technology.

The evidence of air pollution emissions exceedences provided by the soil sample is enough to give the County Commissioners pause. The applicant should not be allowed to expand their operations until they devise a toxic use reduction strategy and describe in detail how they will install Maximum Available Control Technology (MACT).

Furthermore, the proposed increase in vehicular traffic due to proposed facility expansion will add tailpipe emissions to the local air mix in addition to those directly emitted from the facility. OTA believes that the protection of air quality standards would include attention to the minimization of total number of vehicular trips to and from the facility through mass transit or car pooling. Country Coach should provide information on how they will encourage employees to use mass transit or shuttles provided by the company.

Country Coach draws attention to their positive contribution to the economy of Lane County but minimizes their large contribution to poor air quality in Lane County. During the recent day-after-day air stagnation advisories, industrial emissions hugged the ground and were not dissipated out of the valley airshed. Each Lane County resident in the Junction City-Eugene-Springfield-Coburg area had to absorb an accumulation of VOC chemicals and particulate matter through their respiratory system. To be a good neighbor, the company should not propose an expansion until they also propose a solution to their hazardous air pollution problem.

It is incumbent upon local government to take into account air quality implications when deciding industrial land development.

Sincerely,

Lisa Arkin, Executive Director

And the Oregon Toxics Alliance Board of Directors



534 SW Third Avenue, Suite 300, Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • www.friends.org

Southern Oregon Office • P.O. Box 2442 • Grants Pass, OR 97528 • phone/fax (541) 474-1155

Willamette Valley Office • 388 State Street, Suite 604 • Salem, OR 97301 • (503) 371-7261 • fax (503) 371-7596

Lane County Office • 1192 Lawrence • Eugene, OR 97401 • (541) 431-7059 • fax (541) 431-7078

Central Oregon Office • P.O. Box 8813 • Bend, OR 97708 • (541) 382-7557 • fax (541) 382-7552

December 21, 2005

Lane County Board of Commissioners
125 E. 8th Avenue
Eugene OR 97401

PAZC 05-5132
ORD NO. PA1227
Date 12-22-05
Exhibit No. 21

SUBJECT: PA 1227

Commissioners:

These comments are submitted on behalf of 1000 Friends of Oregon and LandWatch Lane County. 1000 Friends of Oregon is a nonprofit, charitable organization founded in 1975 by Governor Tom McCall and Henry Richmond as the citizens' voice for land use planning to protect Oregon's quality of life - through conservation of farm and forest lands, design of compact and livable cities, provision of transportation choices, and protection of natural resources. The staff, members, and volunteers of 1000 Friends of Oregon have worked at the state, regional, and local level for 30 years to advance these objectives, through advocacy, education, research, and litigation.

LandWatch Lane County (LWLC) is a local non-profit organization comprised of Lane County residents who value the beauty and quality of Lane County's outstanding natural environment. LWLC works to protect important farm and forest lands and preserve the high quality of life in Lane County for current citizens and for future generations.

The following comments pertain to the Country Coach (CC) application for a comprehensive plan amendment and zone change which would expand the Junction City (JC) urban growth boundary (UGB) by 74.5 acres and redesignate the subject parcel from agriculture to industrial, and rezone the subject parcel from agriculture to light industrial.

GENERAL REMARKS

The applicant asserts that the proposed CC expansion onto high value farmland is required because a non-adjacent site is not suitable for the company's expansion needs. The applicant has stated that the only other possible site available within the UGB is currently zoned for housing and mixed use, and as such is not available for industrial uses. However, there has been no review or other consideration of how a zone change for the Oaklea development area could possibly accommodate County Coach's proposed expansion. UGB expansion based on locational convenience is not the standard by which this proposal should be reviewed. While convenience may be a primary objective for CC, it is not an element of the applicable criteria and should not be considered as a basis upon which to make a recommendation on the proposed UGB expansion proposal.

In 1999, CC requested and received approval for a UGB expansion onto 17.5 acres adjacent to their existing facility, on land zoned EFU. At that time, CC sited basically the same three options currently being proposed: expand onto an adjacent EFU parcel having high value soils, build a non adjacent satellite facility, or close the existing facility and go elsewhere. Approval of that 1999 application has yet to result in a CC facility expansion as expected and provided for in those comprehensive plan and diagram amendments. Even now, as the applicant claims the need to “plan for the future and address its need for property for future growth” (Applicant’s Response to April 26, 2005 Comments of DLCD, page 5), it is unclear what purpose the previously approved 17.5 acre UGB expansion area is serving. At the time, the stated purpose was to help CC address “it’s business expansion needs by enlarging its manufacturing facility. . .” (Exhibit B, Proposed Findings of Fact and Reasoning, Ordinance 1142, June 22, 1999, page 7 of 22). Until such time as full buildout of the 17.5 acres has been implemented, any further UGB expansion onto high value EFU land is unwarranted, and if approved would be little more than facilitation of land banking for unknown outcomes. There has been no substantive documentation justifying a need for a 74.5 acre UGB expansion. Land banking for future unknown needs is not substantive justification for this request.

It has also been stated (Lane Metro Partnership (LMP), 5/13/05) that approval of the application will “eliminate one of the rare anomalies in Oregon land use law where land within a city limits is outside that city’s urban growth boundaries.” This “anomaly” was supported and approved by JC officials, way back in 1969, who knew what they were ‘creating’ by adopting Ordinance No. 557 which created the “anomaly” referred to by LMP.

CONSISTENCY WITH JUNCTION CITY COMPREHENSIVE PLAN

There are several shortcomings with the applicant’s attempt to substantiate consistency with the JC comprehensive plan.

As established in the JC comprehensive plan, , Appendix II, the city intends to buffer agricultural lands from urban uses within the UGB. Approval of this proposal will do little to uphold the intent of that buffering policy. The 80 foot buffers that have been referred to by staff are generally considered place holders for future transportation access and related development, and are not meant to be kept in ‘agricultural uses’ in the future. In addition, the city’s policy with regard to agricultural lands within the city limits is to “prohibit premature conversion. . .” This proposal represents just that: a premature conversion, and as such should be denied. Country Coach has not provided substantive documentation of need for a 74.5 acre UGB expansion.

FLORENCE COMPREHENSIVE PLAN

- VI. Agricultural Land Uses
 - The city has zoned identified agricultural lands for exclusive farm use within its city limits, but outside its urban growth boundary. The plan text also describes its efforts to buffer agricultural land use on lands adjacent to the urban growth boundary.
 - It is the policy of the city to prohibit the premature conversion of lands designated for agricultural use, unless such proposals conform to statewide planning goals, especially Goals #2, #3, and #4. The lands designated Industrial Reserve must remain in agricultural use until such time as proper justification can be offered for their inclusion within the urban growth boundary for industrial land uses.

The applicant asserts that the proposal is consistent with the JC Comprehensive Plan Agricultural Lane Uses Policy.¹ However, their position that there is no need for a buffer zone between their industrial site and agricultural lands is not substantiated by the policies of the JC Comprehensive Plan. Whether or not CC has or doesn't have a negative effect on a particular neighbor has no legal bearing on the applicability of the policy *requiring* (emphasis added) buffer zones.

- Industrial Land Use Growth and Future Needs

As early as the 1980's CC has been asserting the need to grow and expand in JC, while concurrently stating that without expansion approvals from local officials they would be forced to move elsewhere. Not only has CC been able to remain a viable employer at their current site, they have also been allowed an additional 17 acres of high value farmland to expand onto. Yet these 17 acres remain undeveloped even as CC requests an additional 74.5 acres of farmland to expand onto.

It would be in the community's best interest for such industrial growth to be planned for in conjunction with ongoing local review of the city's comprehensive plan, transportation plan and land use ordinance updates. While County Coach has been talking about the value of their employment to both Junction City's and Lane County's economy for years now, there has been no effort to plan for the transportation infrastructure needs necessary for the type of expansion opportunity's CC has continually referred to in their UGB expansion requests.

Compact growth within urban areas (rather than expanded onto resource lands outside the UGB), in conjunction with job growth projections, and identified together with strategies and timelines for phasing in economic growth on the ground may be an option better suited to the needs of neighbors and other JC and Lane County residents. As noted in the "Potential Industries" section of the JC comprehensive plan, there are existing conflicts between industrial and residential land uses in the CC area, and litigation has occurred against industry in this area.

The applicant also mischaracterizes the intent of the Industrial Land Uses policy found in Chapter 3, Land Use Element.² The proposed expansion is onto adjoining land, but it is County resource land. The JC Comprehensive Plan cannot, and does not, attempt to make policy direction regarding land within another jurisdiction's boundaries. The applicant's assertion that expansion is onto adjoining land, and as such complies with the policy intent embodied in the

¹ Agricultural Land Uses

It is a policy of the city to preserve agricultural land uses on lands adjacent to the city's Urban Growth Boundary by requiring:

Buffer zones be provided on lands within the urban growth boundary and between adjoining agricultural land uses within the county.

² Industrial Land Uses

It is a policy of this plan to encourage existing industry to expand onto adjoining lands. Where land use constraints exist due to the proximity to residential areas, siting standards shall be employed to permit the continued peaceful occupancy of adjacent dwellings.

Land Use Element, Industrial Land Uses policy, clearly misinterprets the intent of the applicable policy.

CONSISTENCY WITH STATEWIDE PLANNING GOALS

Goal 2; Land Use Planning.

Pursuant to OAR 660-004-0010(1)(c)(B), when a local government changes an established urban growth boundary, it is required to follow the procedures and requirements set forth in Goal 2 "Land Use Planning, Part II, Exceptions." An established urban growth boundary is one which has been acknowledged by the Commission under ORS 197.251, 197.625 or 197.626. Revised findings and reasons in support of an amendment to an established urban growth boundary shall demonstrate compliance with the seven factors of Goal 14 and demonstrate that the following standards are met:

Goal 2, Part IIB--Exceptions, provides that a local government may adopt an exception to a goal when:

OAR 660-004-0010(1)(c)(B)(i).

- 1. Reasons justify why the state policy embodied in the applicable goals should not apply;*

OAR 660-004-0010(1)(c)(B)(ii).

- 2. Areas which do not require a new exception cannot reasonably accommodate the use;*

The applicant has put in the record a considerable amount of material addressing the inquiry required to establish substantial evidence that areas, which do not require a new exception, cannot reasonably accommodate the use. However, the applicant has not accounted for the availability of underutilized portions of taxlots 202, 102, and 200 (totaling more than 1 million square feet), zoned industrial and owned by County Coach), which *are* inside the existing ugb and which could accommodate 300,000 square feet of new facility. Nor does a lack of existing services to serve new development constitute a road block to suitability of other sites.

OAR 660-004-0010(1)(c)(B)(iii).

- 3. The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result*

from the same proposal being located in areas requiring a goal exception other than the proposed site; and

The applicant notes the existence of significant wetlands on the subject parcel, but the substantive information about location, impacts, mitigation, etc is yet to be addressed. The applicant had not addressed the social and environmental impacts of converting Class I agricultural soils into 74.5 acres of industrial land for a nonresource use.

OAR 660-004-0010(1)(c)(B)(iv).

4. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts

Goal 14: Urbanization.

Goal 14: "To provide for an orderly and efficient transition from rural to urban land use.

Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon considerations of the following factors. The first two factors are the "need" factors and the third through seventh factors the "locational" factors. Once need has been established pursuant to factors 1 or 2, the remaining 5 factors are expected to be balanced in considering the substantive documentation of compliance.

- (1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;

The applicant's lengthy statement concerning factor 1 does not address population growth. Rather, the entire statement is focused on the industrial land supply and demand issues that face both JC and the siting of a prison by the Department of Corrections. As such the applicant's statement is irrelevant to the required demonstration of need.

- (2) Need for housing, employment opportunities, and livability;

Here, the applicant fails to substantiate what economic benefit the proposed expansion will have for the citizens of JC. There are no projections of what kinds of and how many jobs will become available as a result of expansion, and no stated expectations of job training opportunities to ensure that current JC residents (those who bear the brunt of the expansion) will be employable by CC.

Additionally, the applicant's references to HB 2011 from the 2003 legislative session is irrelevant. HB 2011 did not establish specific sites for industrial growth, but rather appropriated funding to help the Governor market selected *EXISTING, and VACANT*, industrially zoned sites. These statements concerning a relationship between HB 2011 and the CC proposal for a ugb expansion onto high value farmland for purposes of expanding their industrial use cannot be considered as substantive documentation of need.

- (3) Orderly and economic provision of public facilities and services;
- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area;
- (5) Environmental, energy, economic and social consequences;
- (6) Retention of agricultural land as defined, with Class I being the highest priority for retention and land with Class VI soils being the lowest priority; and
- (7) Compatibility of the proposed urban uses with nearby agricultural activities."

The applicant has failed to substantiate the need for a 74.5 acre UGB expansion. While noting that some portion of the 74.5 acres will be used for parking, some portion for immediate expansion, and the remainder for future expansion over the next decade or more, the applicant relies on a 'good faith' attitude from Junction City officials and community members with regard to how the 74.5 acres will ultimately be used. There is nothing in the record that establishes a need for such a large parcel. As such, this application should be denied.

Thank you for your consideration of these comments.

//Lauri Segel

W. G. B. 1

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NUMBER) IN THE MATTER OF A REFUND TO)
) FOSTER FOODS OF OREGON, INC.)
) IN THE AMOUNT OF \$168,906.23)

WHEREAS the following property tax accounts have been charged or have paid property taxes in excess of the correct amounts, as indicated, and

WHEREAS a refund of these taxes, with interest, as appropriate, should be made to Foster Foods of Oregon, Inc., now therefore be it,

ORDERED that the Lane County Departments of Assessment and Taxation and Management Services take such action as is necessary and proper to refund to Foster Foods of Oregon, Inc., the taxes and interest indicated from the unsegregated funds.

OREGON TAX COURT – MAGISTRATE DIVISION

2000-2001 TAX YEAR

Account Number 0830107 \$ 16,945.45 Tax Refund
Foster Foods of Oregon, Inc. 10,675.63 Interest Refund \$ 27,621.08
c/o Christopher Robinson, Attorney
Lawyer's Trust Account
1 Mount Jefferson Terrace, Suite 101
Lake Oswego, OR 97035

2001-2002 TAX YEAR

Account Number 0830107 \$ 26,342.37 Tax Refund
Foster Foods of Oregon, Inc. 13,434.61 Interest Refund \$ 39,776.98
c/o Christopher Robinson, Attorney
Lawyer's Trust Account
1 Mount Jefferson Terrace, Suite 101
Lake Oswego, OR 97035

1 IN THE MAGISTRATE DIVISION
2 OF THE OREGON TAX COURT

3 Property Tax

4 FOSTER FOODS OF OREGON, INC.,

Case No. 010548D

5 Plaintiff,

6 v.

STIPULATED GENERAL JUDGMENT

7 LANE COUNTY ASSESSOR,

8 And,

9 DEPARTMENT OF REVENUE,
10 State of Oregon,

11 Defendants.

12 Having come before the court on the stipulation of the parties hereto, and the court being
13 otherwise fully advised in the premises, now, therefore,

14 IT IS HEREBY ORDERED AND ADJUDGED that

- 15 1. The real market value of Lane County account 830107 for tax year 2000-01 shall
16 be \$5,812,680, including \$412, 680 allocated to land, \$2,035,800 allocated to
17 Buildings and Structures, and \$3,364,200 allocated to Machinery and Equipment;
- 18 2. The Lane County Assessor is ordered to change the assessment roll to reflect
19 these changes, to recalculate taxes on the affected account, and to refund any
20 excess tax paid along with statutory interest; and

21 ///

22 ///

23 ///

Page 1 - STIPULATED GENERAL JUDGMENT
DMA:dma\GENN8857.DOC

Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4530 / Fax: (503) 378-6100

02/15/2006

Page 3 of 13

(BCC #1)

IN THE MATTER OF A REFUND TO FOSTER FOODS OF OREGON, INC.
IN THE AMOUNT OF \$168,906.23

3. Each party to bear their own costs.

DATED this 25th day of October, 2005.

Jill A. Tanner
Jill A. Tanner
Magistrate, Oregon Tax Court

IT IS STIPULATED that the foregoing Stipulated General Judgment may be entered:

<u>10-10-05</u>	<u>Christopher K. Robinson</u>	<u>10/19/05</u>	<u>Douglas M. Adair</u>
Dated	Christopher K. Robinson # 77321 Of attorneys for Foster Foods, Inc., Plaintiff	Dated	Douglas M. Adair, #95195 Assistant Attorney General Of Attorneys for Department of Revenue, State of Oregon, Defendant

10/14/05
Dated

[Signature]
(authorized individual)
Lane Co. Assessor,
Defendant

1 IN THE MAGISTRATE DIVISION
2 OF THE OREGON TAX COURT

3 Property Tax

4 FOSTER FOODS OF OREGON, INC.,

Case No. 020339D

5 Plaintiff,

6 v.

STIPULATED GENERAL JUDGMENT

7 LANE COUNTY ASSESSOR,

8 And,

9 DEPARTMENT OF REVENUE,
10 State of Oregon,

11 Defendants.

12 Having come before the court on the stipulation of the parties hereto, and the court being
13 otherwise fully advised in the premises, now, therefore,

14 IT IS HEREBY ORDERED AND ADJUDGED that

- 15 1. The real market value of Lane County account 830107 for tax year 2001-02 shall
16 be \$5,208,800, including \$462,200 allocated to land, \$1,690,200 allocated to
17 Buildings and Structures, and \$3,056,400 allocated to Machinery and Equipment;
- 18 2. The real market value of Lane County account 5095185 for tax year 2001-02 shall
19 be \$653,400.
- 20 3. The real market values of Lane County accounts 829992 and 829968 for tax year
21 2001-02 shall remain unchanged.
- 22
23

Page 1 - STIPULATED GENERAL JUDGMENT
DMA:dma\GENN8861.DOC

Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4530 / Fax: (503) 378-6100

02/15/2006

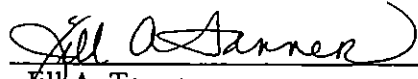
Page 5 of 13

(BCC #1)

IN THE MATTER OF A REFUND TO FOSTER FOODS OF OREGON, INC.
IN THE AMOUNT OF \$168,906.23

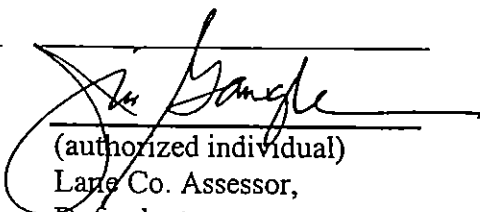
- 1 4. The Lane County Assessor is ordered to change the assessment roll to reflect
2 these changes, to recalculate taxes on the affected account, and to refund any
3 excess tax paid along with statutory interest; and
4 5. Each party to bear their own costs.

5 DATED this 25th day of October, 2005.

6 
7 Jill A. Tanner
8 Magistrate, Oregon Tax Court

9 IT IS STIPULATED that the foregoing Stipulated General Judgment may be entered:

10
11 10-10-05 Christopher K. Robinson 10/10/05 Douglas M. Adair
12 Dated Christopher K. Robinson Dated Douglas M. Adair, #95195
13 # 77321 Assistant Attorney General
14 Of attorneys for Foster Of Attorneys for Department of
15 Foods, Inc., Plaintiff Revenue, State of Oregon,
16 Defendant

15 10/14/05
16 Dated 
17 (authorized individual)
18 Lane Co. Assessor,
19 Defendant

20
21
22
23
Page 2 - STIPULATED GENERAL JUDGMENT
DMA:dma\GENN8861.DOC

Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4530 / Fax: (503) 378-6100

02/15/2006

Page 6 of 13

(BCC #1)

IN THE MATTER OF A REFUND TO FOSTER FOODS OF OREGON, INC.
IN THE AMOUNT OF \$168,906.23

1 IN THE MAGISTRATE DIVISION

2 OF THE OREGON TAX COURT

3 Property Tax

4 FOSTER FOODS OF OREGON,

Case No. 030171D

5 Plaintiff,

6 v.

STIPULATED GENERAL JUDGMENT

7 LANE COUNTY ASSESSOR,

8 And,

9 DEPARTMENT OF REVENUE,
State of Oregon,

10 Defendants.
11

12 Having come before the court on the stipulation of the parties hereto, and the court being
13 otherwise fully advised in the premises, now, therefore,

14 IT IS HEREBY ORDERED AND ADJUDGED that

- 15 1. The real market value of Lane County account 830107 for tax year 2002-03 shall
- 16 be \$5,194,550, including \$429,850 allocated to land, \$1,664,200 allocated to
- 17 Buildings and Structures, and \$3,100,500 allocated to Machinery and Equipment;
- 18 2. The real market value of Lane County account 5095185 for tax year 2002-03 shall
- 19 be \$535,300.
- 20 3. The real market values of Lane County accounts 829992 and 829968 for tax year
- 21 2002-03 shall remain unchanged.

22 ///

23 ///

Page 1 - STIPULATED GENERAL JUDGMENT

DMA:dma\GENN8876.DOC

Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4530 / Fax: (503) 378-6100

02/15/2006

Page 7 of 13

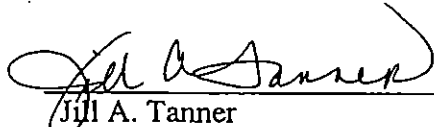
(BCC #1)

IN THE MATTER OF A REFUND TO FOSTER FOODS OF OREGON, INC.
IN THE AMOUNT OF \$168,906.23

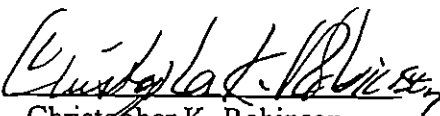
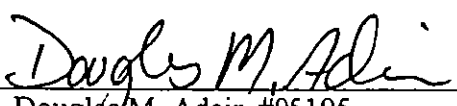
1 4. The Lane County Assessor is ordered to change the assessment roll to reflect
2 these changes, to recalculate taxes on the affected accounts, and to refund any
3 excess tax paid along with statutory interest; and

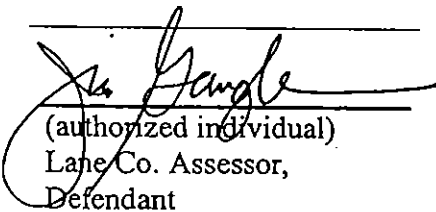
4 5. Each party to bear their own costs.

5 DATED this 25th day of October, 2005.

6
7 
8 Jill A. Tanner
Magistrate, Oregon Tax Court

9 IT IS STIPULATED that the foregoing Stipulated General Judgment may be entered:

10
11 10-10-05  10/19/05 
12 Dated Christopher K. Robinson Dated Douglas M. Adair, #95195
13 # 77321 Assistant Attorney General
14 Of attorneys for Foster Of Attorneys for Department of
Foods, Inc., Plaintiff Revenue, State of Oregon,
Defendant

15 10/14/05
16 Dated 
17 (authorized individual)
18 Lane Co. Assessor,
Defendant

1 IN THE MAGISTRATE DIVISION
2 OF THE OREGON TAX COURT

3 Property Tax

4 FOSTER FOODS OF OREGON, INC.,
5 FOSTER POULTRY FARMS, CORP.,

6 Plaintiff,

7 v.

8 LANE COUNTY ASSESSOR,

9 And,

10 DEPARTMENT OF REVENUE,
11 State of Oregon,

12 Defendants.

Case No. 040197D

STIPULATED GENERAL JUDGMENT

13 Having come before the court on the stipulation of the parties hereto, and the court being
14 otherwise fully advised in the premises, now, therefore,

15 IT IS HEREBY ORDERED AND ADJUDGED that

- 16 1. The real market value of Lane County account 830107 for tax year 2003-04 shall
17 be \$4,690,660, including \$615,060 allocated to land, \$1,674,400 allocated to
18 Buildings and Structures, and \$2,401,200 allocated to Machinery and Equipment;
- 19 2. The real market value of Lane County account 5095185 for tax year 2003-04 shall
20 be \$524,400.
- 21 3. The Lane County Assessor is ordered to change the assessment roll to reflect
22 these changes, to recalculate taxes on the affected accounts, and to refund any
23 excess tax paid along with statutory interest; and

Page 1 - STIPULATED GENERAL JUDGMENT
DMA:dmaGENN8871.DOC

Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4530 / Fax: (503) 378-6100

02/15/2006

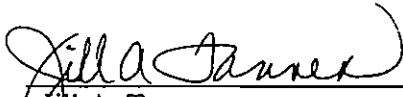
Page 9 of 13

(BCC #1)

IN THE MATTER OF A REFUND TO FOSTER FOODS OF OREGON, INC.
IN THE AMOUNT OF \$168,906.23

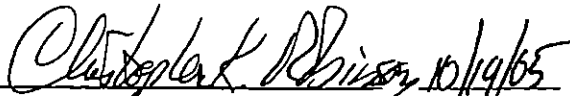
1 4. Each party to bear their own costs.

2 DATED this 25th day of October, 2005.

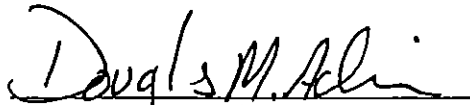
3 
4 Jill A. Tanner
5 Magistrate, Oregon Tax Court

6 IT IS STIPULATED that the foregoing Stipulated General Judgment may be entered:

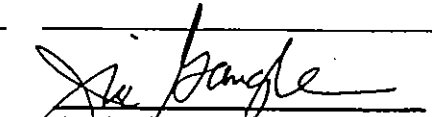
7
8 10-26-05
9 Dated


10 Christopher K. Robinson
77321
Of attorneys for Foster
Foods, Inc., Plaintiff

Dated


11 Douglas M. Adair, #95195
Assistant Attorney General
Of Attorneys for Department of
Revenue, State of Oregon,
Defendant

12 10/14/5
13 Dated


14 (authorized individual)
Lane Co. Assessor,
Defendant

1 IN THE MAGISTRATE DIVISION
2 OF THE OREGON TAX COURT

3 Property Tax

4 FOSTER FOODS OF OREGON, INC.,

Case No. 050222D

5 Plaintiff,

6 v.

STIPULATED GENERAL JUDGMENT

7 LANE COUNTY ASSESSOR,

8 And,

9 DEPARTMENT OF REVENUE,
10 State of Oregon,

11 Defendants.

12 Having come before the court on the stipulation of the parties hereto, and the court being
13 otherwise fully advised in the premises, now, therefore,

14 IT IS HEREBY ORDERED AND ADJUDGED that

- 15 1. The real market value of Lane County account 830107 for tax year 2004-05 shall
16 be \$4,461,610, including \$572,010 allocated to land, \$1,654,400 allocated to
17 Buildings and Structures, and \$2,235,200 allocated to Machinery and Equipment;
- 18 2. The real market value of Lane County account 5095185 for tax year 2004-05 shall
19 be \$510,400.
- 20 3. The real market value of Lane County accounts 829992 and 829968 for tax year
21 2004-05 shall remain unchanged.
- 22
23

Page 1 - STIPULATED GENERAL JUDGMENT

DMA:dma\GENN8880.DOC

Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4530 / Fax: (503) 378-6100

02/15/2006

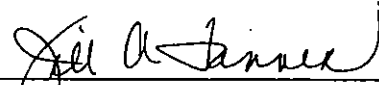
Page 11 of 13

(BCC #1)

IN THE MATTER OF A REFUND TO FOSTER FOODS OF OREGON, INC.
IN THE AMOUNT OF \$168,906.23

- 1 4. The Lane County Assessor is ordered to change the assessment roll to reflect
2 these changes, to recalculate taxes on the affected accounts, and to refund any
3 excess tax paid along with statutory interest; and
4 5. Each party to bear their own costs.

5 DATED this 25TH day of October, 2005.

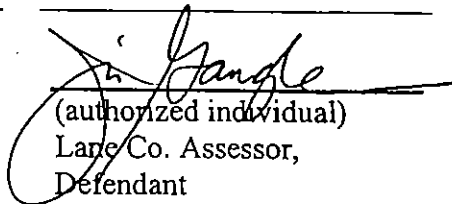
6 

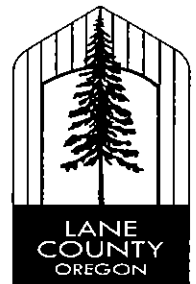
7 Jill A. Tanner
8 Magistrate, Oregon Tax Court

9 IT IS STIPULATED that the foregoing Stipulated General Judgment may be entered:

10
11 10-10-05 Christopher K. Robinson 10/19/05 Douglas M. Adair
12 Dated Christopher K. Robinson Dated Douglas M. Adair, #95195
13 # 77321 Assistant Attorney General
14 Of attorneys for Foster Of Attorneys for Department of
15 Foods, Inc., Plaintiff Revenue, State of Oregon,
16 Defendant


15 10/14/5
16 Dated

17 
18 (authorized individual)
19 Lane Co. Assessor,
20 Defendant



MEMORANDUM

TO: Board of County Commissioners

FROM: Daniela Urbatzka, Property and Tax Manager 
Lane County Department of Assessment & Taxation

SUBJECT: Refund to Foster Foods of Oregon, Inc.
Assessor's Account Number 0830107
2005-2006 Tax Year

DATE: December 16, 2005

Foster Foods of Oregon, Inc. owns property at 33464 E. West Lane in Creswell, Oregon.

The Oregon Tax Court - Magistrate Division in Stipulated Judgment No. 050222D has corrected the real market value of the improvement for the 2004-2005 tax year and pursuant to Oregon Revised Statute 309.115 which directs the Department of Assessment and Taxation "to correct the real market value entered on the assessment and tax rolls for the five assessment years next following the year for which the order is entered..." the Department of Assessment and Taxation has reduced the improvement value, per Oregon Revised Statute 309.115, for the 2005-2006 tax year and that action results in a refund.

In October, 2005, the Department of Assessment and Taxation sent a tax statement for the fiscal year 2005-2006 to the owner of record for the property, Foster Foods of Oregon, Inc. Foster Foods of Oregon, Inc. sent a full payment including discount on November 15, 2005. The payment was processed by the Department of Assessment and Taxation on November 21, 2005.

Due to the above circumstances, the Department of Assessment and Taxation needs to refund per Oregon Revised Statute 311.806(b) the tax amount of \$17,175.30 and statutory interest computed through February 15, 2006, in the amount of \$515.26, for a total refund on the 2005-2006 tax year of \$17,690.56. The refund is being issued to the owner of record, Foster Foods of Oregon, Inc., and will be a part of the total refund of \$168,906.23 issued pursuant to this board order.

02/15/2006

PAGE 13 OF 13
IN THE MATTER OF A REFUND TO FOSTER FOODS OF OREGON, INC.
IN THE AMOUNT OF \$168,906.23

BCC #1