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LOCAL

Eugene council takes step to create rules they say will protect the city from polluters



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More than a year and a half after J.H. Baxter shut down, Eugene city councilors unanimously took the first formal step toward establishing new rules proponents say will prevent polluters from operating in Eugene.

"This is of grave concern to the neighbors that surround Baxter," councilor Randy Groves said.

It is important to ensure "we have adequate space to protect against what we're experiencing right now in Bethel," Groves said, "whether it's industry setting down on top of residential areas or residential areas popping up in close proximity to industrial areas."

J.H. Baxter was a wood treatment facility on Roosevelt Boulevard that operated from 1943 to January 2022. Between 1977 and 2021 the plant received thousands of air quality complaints. The Oregon Department of Environmental Quality has found the toxic chemical dioxin in some yards near the plant. The Oregon Health Authority found higher rates of some cancers in west Eugene.

Public health industrial development standards evolved from an earlier suggestion of a public health overlay zone. City councilors and staff say the standards could have the same effect as an overlay zone but would be citywide and easier to implement.

Council last week directed staff to conduct research and outreach to write a draft proposal, which they will present to city council in summer 2024.

"We don't have any preconceived outcomes at this point," Eugene building and permit

services director Lydia Bishop told councilors. "We're really looking for feedback: from neighborhood, from research that we do about other places, and then we would come back to you with a recommended proposal."

Council asked to model standards on Clear Lake Overlay Zone

Supporters of a public health overlay zone have asked the city to model the standards after the Clear Lake Overlay Zone, a set of standards councilors put in place to keep industrial polluters out of the area when Eugene annexed it in 2017.

The following rules apply to industrial developers proposing a new building, change of use, additional use or building expansion of 25%.

Application requirements

Developers must follow a city-outlined procedure for neighborhood outreach and demonstrate to the Lane Regional Air Protection Agency that the facility will meet air quality standards.

Development standards

Industrial tax lots can't contain more than one business per lot, must follow city rules against light pollution and in parts of the zone must manufacture indoors.

Performance standards

Industrial applicants must demonstrate that smoke, dust, fumes, offensive odors and vibration will not be noticeable at the property boundary. Noise can't be above 60 decibels when adjacent to public property such as schools or parks. The Centers for Disease Control says 60 decibels is equivalent to "normal conversation."

Prohibited Uses

The Clear Lake Overlay Zone also bans 16 types of businesses the city designated as higher-risk for pollution, including:

Asphalt mixing and batching

Chemical products manufacturing

Chrome and nickel plating

Cleaning and dyeing plants

Correctional facilities, excluding residential treatment centers

Concrete, gypsum and plaster products manufacturing

Dry cleaners

Garbage dumps including "sanitary landfills," a landfill method where waste is spread thin and covered daily

Mineral resource mining, recovery, stockpiling or processing, including smelting or ore reduction

Paper mills

Petroleum refining and re-refining

Race tracks, including drag strip and go-cart tracks but allowing indoor tracks

Rubber and plastic products manufacturing, including tire manufacturing and re-treading

Wood preservation

Wood biomass-fueled power generation

Sewage treatment facilities, not including pre-treatment

Additionally, for **Clear Lake Overlay Zone properties** designated as campus-industrial, Eugene's lightest industrial zone, three more types of businesses are banned:

Manufactured and mobile home production

Recreational vehicle manufacturing

Wholesale, warehousing, and distribution, unless done as an accessory to an allowed business

Adjustment Review

Businesses can apply for exceptions to the development and permit standards as long as they demonstrate the business will:

Maintain "a healthy environment, vibrant community, and improved quality of life for surrounding neighborhoods"

"Have negligible effects on school and park users, surrounding residents, and the

environment"

"Increase access to open space and improve ecological functions of natural features on-site"

Further economic development

Buffer zones separating industrial and residential land

Buffer zones that separate industrial and residential lands are another proposal often brought up by proponents of stricter standards.

Lin Woodrich, co-chair of Active Bethel Community, told councilors the neighborhood association wants to ensure, "the historical pattern of approving zoning codes and land uses that place industrial polluters and homes adjacent, are eliminated in the future."

Groves, whose ward includes the northern part of Bethel, said he supports buffer zones. "A buffer needs to be there, at some responsible, scientifically determined level, regardless of who the moving party is."

Groves said business leaders have told him they also support a buffer, though some were initially concerned.

"This isn't intended to be business unfriendly," he said.

"When we started talking about the issues, they don't want to be on top of housing either, because it creates problems for them as well," Groves said. "This is just being good stewards of our community."

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