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

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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