

**MINUTES**  
**Eugene City Council**  
**Hybrid Work Session**  
**Eugene, Oregon 97401**

**May 23, 2022**  
**5:30 p.m.**

**Councilors Present:** Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Randy Groves

Mayor Vinis opened the May 23, 2022, work session of the Eugene City Council in hybrid virtual and in-person format.

**2. WORK SESSION: Addressing Toxic Polluters**

City Manager Sarah Medary introduced Policy Analyst, Jason Dedrick who gave a presentation on the topic.

Council Discussion:

- Mayor Vinis – expressed appreciation for the presentation and clarification of types of pollution.
- Councilor Syrett – shared that the headline from the Register-Guard newspaper for this day is about global pollution; asked how the appointees to the Lane Regional Air Protection Agency Board are chosen; commented that Council could be more actively engaged in moving policy at that Board; stated Council should utilize the toxics right-to-know act, particularly on air and land pollution, to ensure it is promoting public safety and well-being; stated that there is room for improvement for land and air pollution; asked if the ground vibration aspect is a possible source for industrial activity complaints in her ward; stated appreciation for the added information on octave bands and hertz.
- Councilor Groves – shared that he worked with Councilor Syrett on authoring the work session poll for this topic; said he is hopeful there will be a wrap up of these issues that will move the process forward; stated that it appears the topic is broken down into proactive and reactive categories; shared that there is a state program similar to the toxics right-to-know act which would have data that can be obtained about chemical users; stated that it would be good to align the state and local processes in the future; asked what the Council or the City can do when there is chemical contamination in a city neighborhood; asked if staff should periodically sit down with the Lane Regional Air Protection Agency, Department of Environmental Quality or Environmental Protection Agency to find out where they see holes and how best to plug those holes in the system to have a swift and good response for community members.
- Councilor Yeh – stated that it would be nice if staff helped Council to understand how the different work sessions are connected to others; asked staff if they can find out if the vibration noise pollution issue that is occurring in Ward 7 violates state standards; noted that investing in the equipment needed to see if there is a problem would be a smart way to move forward; asked if staff is able to handle the current complaints; asked for clarification of the land use compatibility statement.

- Councilor Keating – asked if the land use compatibility statement can be used by a municipality to prevent, block or shine light on polluters that are considering moving to the area; noted that there are nine seats on the Lane Regional Air Protection Agency and Eugene occupies four of those seats; stated he would like to explore vehicular pollution, and the possibility of a smog check program; shared that the Lane Regional Air Protection Agency website contains an anonymous complaint form to report but the categories on this report are limited and do not include vehicles, leaf blowers, fireworks or other common air polluting items; shared that the Lane Regional Air Protection Advisory Board did receive a citizen’s advisory report that was an educational piece about gas-powered leaf blowers that he will share with Council when the report is final; stated he hopes that Eugene will take similar actions to Portland’s in transitioning lawn equipment to 100 percent electric; said he is interested in Councilor Syrett’s possible motion regarding vibration noise pollution and would support legal action regarding this noise pollution.
- Councilor Semple – stated she would like for Council to be able to use the land use compatibility statement to help resolve the vibration issue in Ward 7; commented that leaf blowers are obnoxious and cited Eugene Code 6.750(e) regarding use of powered leaf blowers.
- Councilor Clark – asked about the toxic right-to-know reports and asked for clarifying details about what is regulated and/or monitored; commented on JH Baxter and toxic and dangerous materials; asked what type of tracking or monitoring is done regarding toxic or dangerous chemicals being used in the area; asked if there is a scale for toxicity levels that is documented; asked if there is any analysis by the Fire Department on levels of toxicity and where the greatest dangers exist in the event of an emergency situation; stated that the conflict that Council is faced with is the proximity of residential areas to industrial properties; stated that Council knows where volatile materials are in industrial areas and it is Council’s duty to not allow more residences to be built close to these dangers; said that Council has a duty to analyze how much buildable land is in proximity to dangerous use of chemicals and then remove properties from the buildable land list if they are too close to dangerous chemical use.
- Councilor Zelenka – stated he is looking forward to the fossil fuel risk bond and public health overlay zone work sessions scheduled in the future; questioned Council’s ability to regulate and go beyond what the federal and state rules are and what the practical and political repercussions are to doing so; noted that regulation would require expertise and enforcement and would require staffing and legal structure work whereas the Department of Environmental Quality has the expertise and already exists; asked what mechanisms can be implemented to address liability for toxic clean-up; asked how plastics and plastic pollution can be regulated; said that he is interested in the vibration ordinance motion that Councilor Syrett intends to make.
- Councilor Evans – asked if there is a buffer zone between areas where new homes will be built and industrial and/or commercial areas that have the potential to pollute; noted he has concerns about individuals living near some industrial plants in west Eugene; asked if there is a study that shows cancer rates in people who live near heavy polluters; asked if there are any remedies to protect the people who live near industrial developments and heavy polluters; asked if other cities have something like a buffer zone that Eugene can model and whether this can be researched.

- Councilor Syrett – stated the City should have some role in monitoring toxic chemical usage with more robust oversight; stated that the land use compatibility statement could be a great tool but would require updates to amend policies and ordinances; stated that she likes the suggestion to have a follow-up work session after all of the pollution work sessions are presented; stated that she feels urgency to act on the sound vibration that is impacting residents right now; shared there was a study done by a community member that was able to determine the source of the vibration traveling through the air and this person is willing to share more about the study with staff.

**MOTION:** Councilor Syrett, seconded by Councilor Groves, moved to direct City Manager to prepare an ordinance regulating the impact of vibrations as chronic pollution within our existing noise ordinance and bring back for public hearing before Council’s winter break.

Council Discussion

- Councilor Keating – stated he would prefer the motion include language to further direct the City Manager to collect and submit evidence to the district attorney regarding noise vibration impacts on the River Road Community; asked the Council to explore legal action later.
- Councilor Groves – stated his support for this motion and acting now.
- Councilor Clark – asked to clarify if this motion is only speaking to authority and that the scale of impact will be discussed at a later work session.
- Councilor Zelenka – noted that there are many things that would go into this type of ordinance; asked if before winter break will be sufficient time for staff to get the information; stated that the existing noise ordinance is weak in terms of being able to enforce and getting people to comply.

**VOTE: PASSED 8:0**

Council Discussion

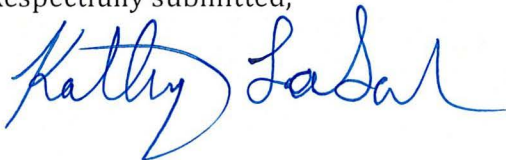
- Councilor Keating – stated his interest in advancing the ordinance for vibration noise pollution before winter break if possible to provide relief to those residents who are currently impacted; noted there is a current pollution issue of raw sewage being dumped at public parks, asked if there are any current codes about the collection or dispersing of raw sewage; encouraged law enforcement partners to enforce any codes prohibiting dumping of sewage.
- Councilor Clark – asked if there is any risk assessment done on a property when a building permit is submitted; stated his concern about allowing homes to be built close to dangerous chemical usage; asked if a home would be permitted to be built near JH Baxter; stated that Eugene should have a buffer zone or some sort of risk assessment for property designated for residential use; asked who would be the regulatory authority for businesses that handle dangerous or volatile chemicals to ensure that the business has enough insurance to cover potential liability issues; asked staff to determine who would be responsible for verifying insurance liability coverage.
- Councilor Zelenka – asked what measures Council can use to prevent a business from walking away without cleaning up the mess after polluting or harming the community and

then filing for bankruptcy; asked what Council's authority is to limit or exclude specific uses on lands; noted his concern regarding buffer zones and the effectiveness it would have on protecting residents; stated that newly zoned commercial/industrial should not be located adjacent to residential properties; asked how far Council can go in requiring pollution control devices on industrial and commercial enterprises.

- Councilor Groves – acknowledged the raw sewage situation in Councilor Keating's ward and noted that his ward has also experienced issues with this and that it is a problem and is not fair for the people who live, work, and play in the area; noted he would support any measures that Council can take to address the issue; noted that the buffer zone is a big piece of the health overlay zone that will be discussed at an upcoming work session; stated he is in favor of looking at all the tools available to determine what is the best path forward; noted he would like to have a recap of this work session series after they are all complete.
- Councilor Evans – noted he is concerned about the class one freight railroads that come through the City and the number of accidents and spillage that occurs near residential homes; asked how the Council can effectively protect residents and regulate the kind of traffic coming through neighborhoods with regard to the railroads; asked what the proximity is of residential and commercial areas to the railroads and their rights-of-way; asked if anything can be done to protect residents from the spillages that the railroads are not required by federal law to report.
- Councilor Syrett – expressed appreciation for being reminded about the upcoming public overlay zone work session; noted that Lisa Arkin with Beyond Toxics shared research she completed on the history of Bethel, which noted that Roosevelt Road was the original buffer zone in the original planning; stated her interest in determining how to strengthen the effort to hold railroads accountable for responsible pollution clean-up on their land.
- Councilor Keating – clarified that the site referenced previously that has issues with raw sewage dumping is at 39<sup>th</sup> and Donald Place.
- Mayor Vinis – stated that it is clear there is a lot of work that Council can do, to include fixing the things that are not right and preventing things from happening in the future; said she has clearly seen specific impacts to parts of the community; noted that she is looking forward to the ongoing conversation around this topic.

The meeting was adjourned at 1:27 p.m.

Respectfully submitted,



Katie LaSala  
City Recorder

*(Recorded by Sara McKinney)*

Link to the webcast of this City Council meeting [here](#).