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COUNCIL ORDINANCE NO. 20739

**AN ORDINANCE CONCERNING INCREASED PUBLIC HEALTH STANDARDS
COORDINATION; AMENDING SECTIONS 9.0500, 9.2460, 9.2461, AND
9.4165 OF THE EUGENE CODE, 1971; AND PROVIDING AN EFFECTIVE
DATE.**

ADOPTED: June 8, 2026

SIGNED: June 10, 2026

PASSED: 7:1

REJECTED:

OPPOSED: Groves

ABSENT:

**EFFECTIVE: July 11, 2026, or on the date of its acknowledgement as
provided in ORS 197.625, whichever is later.**



ORDINANCE NO. 20739

**AN ORDINANCE CONCERNING INCREASED PUBLIC HEALTH STANDARDS
COORDINATION; AMENDING SECTIONS 9.0500, 9.2460, 9.2461, AND 9.4165
OF THE EUGENE CODE, 1971; AND PROVIDING AN EFFECTIVE DATE.**

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.0500 of the Eugene Code, 1971, is amended to add the following definition in alphabetical order:

Air, Land, and Water Permits. Any permits or licenses issued by the Environmental Protection Agency, the Oregon Department of Environmental Quality, or the Lane Regional Air Protection Agency that are required to comply with local, state, or federal air, land or water regulations.

Section 2. Table 9.2460 in Section 9.2460 of the Eugene Code, 1971, is amended to provide as follows:

9.2460 Employment and Industrial Zone Development Standards.

(2) *Application of Standards.* In addition to applicable provisions contained elsewhere in this land use code, the development standards listed in Table 9.2460 Employment and Industrial Zone Development Standards shall apply to all development in employment and industrial zones. In cases of conflict, the standards specifically applicable in employment and industrial zones shall apply.

Table 9.2460 Employment and Industrial Zone Development Standards				
	E-1	E-2	I-2	I-3
Maximum Building Height (1)	80 feet	80 feet	None	None
Minimum Front Yard Setback (2)(4)				
Frontage on Arterial Street	20 feet	15 feet	0 feet	0 feet
Frontage on all other streets	20 feet	5 feet	0 feet	0 feet
Maximum Front Yard Setback				
Frontage on Arterial Street		25 feet		
Frontage on all other streets		15 feet		

Table 9.2460 Employment and Industrial Zone Development Standards				
	E-1	E-2	I-2	I-3
Minimum Interior Yard Setback				
Abutting any zone except residential or park and open space (2)	0 feet	0 feet	0 feet	0 feet
Abutting residential or park and open space zone (2)	20 feet	20 feet	20 feet	20 feet
Minimum Landscape Standard abutting a residential zone (3)	High Screen	High Screen	High Wall	High Wall
Minimum Landscape Area (3)	20%	10%	Some (3)	Some (3)
On-Site Pedestrian Requirements (5)	Yes	Yes	No	No
Fences (6)				
Outdoor Storage Areas (7)				
Outdoor Merchandise Display (8)				
Garbage Screening (9)				
Utilities (10)				
Drive Through Facilities (11)				
Delivery and Loading Facilities (12)				
Public Health Coordination (13)	No	Yes	Yes	Yes

Section 3. Section 9.2461 of the Eugene Code, 1971, is amended by adding subsection (13) to provide as follows:

9.2461 Special Development Standards for Table 9.2460.

(13) *Public Health Coordination.*

(a) Prior to city approval of any development permit for development on property located in the E-2, I-2, or I-3 zones, the applicant shall submit:

1. Documentation identifying all Air, Land, and Water Permits required for the proposed development. The documentation shall include an attestation by the applicant that the listed Air, Land and Water Permits are the only Air, Land and Water Permits

required for the proposed development; or

2. Documentation attesting that no Air, Land, and Water Permits are required for the proposed development.

(b) Prior to city approval of any development permit, for development on property located in the E-2, I-2, or I-3 zones, the city shall provide notice of the proposed development to the Environmental Protection Agency, Oregon Department of Environmental Quality, and Lane Regional Air Protection Agency. The notice shall include, but is not limited to the following information:

1. The street address or other easily understood geographical reference to the subject property;
2. The Map and Tax Lot(s) for the subject property;
3. The associated development permit number(s) and a description of the proposed work; and
4. The information provided by the applicant referenced in subparagraph 13(a) above.

Section 4. Subsection (1) of Section 9.4165 of the Eugene Code, 1971, is amended to provide as follows:

9.4165 /CL Clear Lake Overlay Zone Special Application and Development Standards.

(1) Application Requirements. In addition to standard required application materials, a development permit proposing a new building, change of use, additional use, or building expansion that exceeds 25 percent of the existing building square footage on the development site shall include demonstration of compliance with EC 9.7007 Neighborhood/Applicant Meetings. Developments that require multiple applications may convene a single neighborhood/ applicant meeting to address all materials.

Section 5. The findings set forth in Exhibit A attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 6. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions

of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 7. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by the Oregon Land Use Board of Appeals or a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof. Further, if this Ordinance is remanded back to the City Council for further action by the Oregon Land Use Board of Appeals or a court of competent jurisdiction, those sections, subsections, sentences, clauses, phrases, or portions that do not require action on remand shall be deemed separate, distinct, and independent provisions and such remand shall not affect their validity or effect.

Section 8. This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

Passed by the City Council this

8th day of June, 2026



City Recorder

Approved by the Mayor this

10 day of June, 2026



Mayor

City of Eugene

Public Health Standards Land Use Code Amendments (CA 25-3)

FINDINGS

Public Health Standards Land Use Code Amendments (CA 25-3):

The Public Health Standards (PHS) Land Use Code Amendments provide that, prior to issuance of any development permits for property zoned E-2 Mixed-Use Employment, I-2 Light-Medium Industrial, or I-3 Heavy Industrial, an applicant must provide documentation to the City identifying all the air, land, and water permits required by the Environmental Protection Agency (EPA), the Oregon Department of Environmental Quality (DEQ), and/or the Lane Regional Air Protection Agency (LRAPA) or provide documentation attesting that no air, land, and water permits are required for the proposed development. The PHS Land Use Code Amendments also require the City to send notice to EPA, DEQ, and LRAPA informing those agencies about the location of the development, the associated development permit number(s) and description of the proposed work, and the documentation regarding the required air, land, and water permits submitted by the applicant.

PHS Land Use Code Amendment Findings

Eugene Code (EC) Section 9.8065 sets out the following approval criteria (in ***bold and italic***) for a land use code amendment.

EC 9.8065(1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

Based on the findings under each of the Statewide Planning Goals 1 through 19 below, the amendments are consistent with the goals and this criterion is satisfied.

Statewide Planning Goals

Goal 1 - Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City's acknowledged procedures for adoption of legislative land use decisions, located in EC 9.7050 and 9.7500 through 9.7560, ensure the opportunity for community members to be involved in all phases of the legislative land use decision process and set out the requirements for such involvement. The PHS Land Use Code Amendments ("the amendments") do not amend or change the City's adopted citizen involvement program. The process for adoption of the PHS Land Use Code Amendments complies with Goal 1 because it is consistent with the City's acknowledged procedures for legislative land use decisions.

In addition to compliance with the City's acknowledged legislative land use decision procedures, the City also conducted significant public involvement related to the project. In January 2025, Planning

and Development staff launched the PHS project to identify possible changes to Eugene's land use regulations to address the concerns of residents living near industrial areas within the City of Eugene. Through this project, staff have worked to:

- Engage residents, businesses, and community organizations on possible changes.
- Identify gaps in local, state, and federal regulation of industrial development.
- Consider enhanced land use regulations for new or expanded industrial developments located near residential zones, parks, schools, and other sensitive areas in order to mitigate community health risks.
- Gather additional recommendations for future changes to City policy, zoning of properties, programs and investments, or other ways to make changes through land use planning.

Community Engagement

Community engagement efforts focused on better understanding community views and perceptions of the issue and whether the land use code is the right tool to help address those concerns. Staff reached out to a broad spectrum of community members, including affected neighborhood groups, businesses, and environmental and community groups. The project team received feedback from a wide range of interested parties.

Between January and May 2025, the project team organized both small- and large-group conversations to provide the opportunity to connect with specific communities. Over this time, the team connected with 250+ individuals across 19 meetings and events, analyzed 209 survey responses, and reached out to 18,500+ individuals through online information sharing platforms. Staff also reached out to regulatory agencies, including the EPA, DEQ and LRAPA.

As discussed below, notices of the proposed Code Amendments were provided in accordance with EC 9.7520 Public Hearing Notice (Planning Commission) and EC 9.7545 Public Hearing Notice (City Council). Notice of the Planning Commission and City Council public hearings was provided to Eugene neighborhood organizations, the Oregon Department of Land Conservation and Development, Lane County, the City of Springfield, and other community groups and interested parties who have requested notice. Notices of the public hearings were also published in the Register Guard according to Eugene Code requirements.

On September 9, 2025, the City provided notice of the proposed PHS Land Use Code Amendments to DLCDC. A public hearing conducted by the Planning Commission was held on October 14, 2025. On September 12, 2025, notice of the Planning Commission public hearing was sent in accordance with Type V notice procedures referenced above.

In response to testimony received, the Planning Commission considered a few different iterations of the PHS Code Amendments. Following deliberations, on January 13, 2026, the Planning Commission voted to recommend that the City Council approve version 4 of the PHS Code Amendments, which requires city staff to notify the EPA, DEQ and LRAPA when an application for a development permit is filed for property zoned E-2, I-2, or I-3, but does not require anything from the applicant.

On February 17, 2026, the City Council held a public hearing on an ordinance effectuating version 4 of the PHS Code Amendments. On March 9, 2026, the Council voted to direct the City Manager schedule another public hearing on an ordinance effectuating version 3 of the PHS Code Amendments. Like

version 4 of the PHS Code Amendments, version 3 requires city staff to notify EPA, DEQ and LRAPA when an application for a development permit is filed for property zoned E-2, I-2, or I-3, but also requires that, prior to issuance of any development permits for the property, an applicant must provide documentation identifying all the air, land, and water permits required by EPA, DEQ, and/or LRAPA, or attest that no air, land, and water permits are required for the proposed development. The City Council held a public hearing on the ordinance effectuating version 3 of the PHS Land Use Code Amendments on April 20, 2026.

These processes afforded ample opportunity for citizen involvement consistent with Goal 1. Therefore, the amendments are consistent with Statewide Planning Goal 1.

Goal 2- Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Eugene's land use code specifies the formal adoption procedures and approval criteria that were used in considering the PHS Land Use Code Amendments. These findings and the record show that there is an adequate factual basis for the Code Amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of citizens.

To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to the Oregon Department of Land Conservation and Development (DLCD), Lane County, and the City of Springfield. There are no exceptions to Statewide Planning Goal 2 required for the PHS Code Amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Land: To preserve and maintain agricultural lands.

The PHS Land Use Code Amendments will only affect properties located within the City of Eugene and therefore do not affect any lands designated by the comprehensive plan for agricultural use. Additionally, the amendments only apply to properties zoned E-2 Mixed-Use Employment, I-2 Light-Medium Industrial, and I-3 Heavy Industrial, therefore to the extent that there are properties within the City currently zoned for agricultural use, the code amendments do not force a discontinuance of agricultural practices. For these reasons, the amendments are consistent with Statewide Planning Goal 3.

Goal 4 - Forest Land: To conserve forest lands.

The PHS Land Use Code Amendments will only affect properties located within the City of Eugene and therefore do not affect any lands designated by the comprehensive plan for forest use. The amendments are therefore consistent with Statewide Planning Goal 4.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: To conserve open space and protect natural and scenic resources.

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

These PHS Land Use Code Amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, the amendments are consistent with Statewide Planning Goal 5.

Goal 6 - Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water, and land resources of the state.

Goal 6 addresses waste and process discharges from development and is aimed at protecting air, water, and land from impacts from those discharges. The PHS Land Use Code Amendments do not affect the City's ability to provide for clean air, water or land resources, and in fact will increase coordination with the agencies regulating the quality of the air, water, and land resources of the state, including the Environmental Protection Agency, Oregon Department of Environmental Quality, and Lane Regional Air Protection Agency. Therefore, the amendments are consistent with Statewide Planning Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards: To protect life and property from natural disasters and hazards.

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, wildfires, and earthquakes and related hazards. The PHS Land Use Code Amendments do not make changes to policies or regulations that protect people and property from natural hazards. Therefore, the amendments are consistent with Statewide Planning Goal 7.

Goal 8 - Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 8 ensures that recreational facilities are provided to Oregon citizens and is primarily concerned with

the provision of recreational facilities in non-urban areas of the state. The PHS Land Use Code Amendments do not affect the City's provisions for, or citizen's access to, recreation areas, facilities, or recreational opportunities. Therefore, the amendments are consistent with Statewide Planning Goal 8.

Goal 9 - Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon 's citizens.

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires that the City provide at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.

The Employment Lands Supply Study 2012-2032 (ELSS) is included as Appendix B in the City's Envision Eugene Comprehensive Plan and demonstrates that Eugene has an adequate supply of commercial and industrial land, in compliance with the requirements of Goal 9 and the corresponding Administrative Rule.

The PHS Land Use Code Amendments, which will apply only within the City, will not rezone or re-designate any properties, and do not impact the supply of industrial or commercial lands. The amendments are designed to improve coordination with the City's public health regulatory partners and will not change or impact any zoning, designation or allowed land uses. Therefore, the amendments are consistent with Statewide Planning Goal 9.

Goal 10 - Housing: To provide for the housing needs of the citizens of the state.

Goal 10 requires the City to provide an adequate supply of buildable land to accommodate the City's estimated housing needs for a 20-year planning period. The *Envision Eugene Residential Land Supply Study (2012-2032)* was adopted by the City of Eugene in 2017 as a refinement of the *Envision Eugene Comprehensive Plan* and complies with the requirements of Goal 10 and Chapter 660, Division 008 of the Oregon Administrative Rules.

The *Envision Eugene Residential Land Supply Study* includes an inventory of buildable lands for residential use. According to the Residential Land Supply Study, there is sufficient buildable residential land within Eugene's Urban Growth Boundary to meet the identified land need. The PHS Land Use Code Amendments do not impact the City's supply of residential buildable land. No land is being re-designated from a residential use to a non-residential use, and the amendments do not otherwise diminish the amount of land available for residential use. Therefore, the amendments are consistent with Statewide Planning Goal 10.

Goal 11 - Public Facilities and Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The Eugene-Springfield Public Facilities and Services Plan (PFSP) is the adopted and acknowledged public facility plan for areas within Eugene's Urban Growth Boundary with respect to water, wastewater, and stormwater services. The Eugene 2035 Transportation System Plan, which was adopted pursuant to Chapter 660, Division 12 of the Oregon Administrative Rules (OARs), fulfills the requirement for

transportation facilities planning in ORS 197.172(2)(e), Statewide Planning Goal 11, and OAR Chapter 660, Division 11.

The PHS Land Use Code Amendments do not affect the planning or development of future public facilities or services. The amendments do not make changes to the City's provision of public facilities and services or to the PFSP or the Eugene 2035 Transportation System Plan. Consistent with the PFSP, the City will continue to plan and develop public facilities to support the land uses designated in the City's acknowledged comprehensive plan. The amendments do not change the allowed uses or densities for any properties within the City; therefore, the amendments will not affect the demand on the City's public facilities and services. The amendments are consistent with Statewide Planning Goal 11.

Goal 12- Transportation: To provide and encourage a safe, convenient and economic transportation system.

Goal 12 is implemented through the Transportation Planning Rule (TPR), OAR Chapter 660, Division 12. Eugene's 2035 Transportation System Plan provides the policy framework through which the TPR is implemented at the local level. The TPR includes the following requirements at OAR 660-012-0060:

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
 - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or,*
 - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The TPR requires that land use changes that would significantly affect a transportation facility provide mitigation measures to address the anticipated impacts. The PHS Land Use Code Amendments will not significantly affect a planned or existing transportation facility, and no changes to existing, adopted land use designations or zoning of properties are proposed. The amendments will not change the functional classification of an existing or planned transportation facility, nor will they change any standards implementing a functional classification system. Further, because the amendments do not alter or affect the land uses allowed, the amendments will not result in levels of travel or access which are inconsistent with the functional classification of an existing or planned transportation facility nor will they degrade the performance standards of an existing or planned transportation facility so that it will not meet the performance standards identified in the City's adopted transportation system plan. Therefore, the PHS Land Use Code Amendments are consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation: To conserve energy.

Goal 13 provides guidance on the management of land and land uses to maximize the conservation of energy. Goal 13 provides implementation direction focused on lot sizes, building heights, density of housing, and availability of light, wind, and air. The PHS Land Use Code Amendments will not amend or otherwise affect any adopted land use regulations that implement this goal. Instead, the Code Amendments will increase coordination with the City's regulatory partners. Therefore, the amendments are consistent with Statewide Planning Goal 13.

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

The PHS Land Use Code Amendments are specific to land already zoned and designated for urban uses. The amendments do not affect the transition from rural to urban land uses, as all the property affected by the amendments is located within the City limits. Therefore, the amendments are consistent with Statewide Planning Goal 14.

Goal 15 - Willamette River Greenway: To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The PHS Code Amendments do not contain any changes to the City's Willamette River Greenway regulations; therefore, Statewide Planning Goal 15 does not apply.

Goal 16 through 19 (Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources):

There are no coastal, ocean, estuarine, or beach and dune resources related to the lands affected by PHS Land Use Code Amendments. Therefore, these goals are not relevant, and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

EC 9.8065(2): [The amendments are] consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans.

The following findings address the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)*, the

City's adopted and acknowledged regional comprehensive plan, the *Envision Eugene Comprehensive Plan (Envision Eugene)*, the Eugene-specific adopted and acknowledged comprehensive plan, the *Eugene 2035 Transportation System Plan (2035 TSP)*, the transportation element of Eugene's comprehensive land use plan, and applicable adopted refinement plans.

Metro Plan Policies

Environmental Resources Element

- C.27 Local governments shall continue to cooperate in developing and implementing programs necessary to meet air quality standards. This effort should include but not be limited to:*
- a. Review of all major public capital expenditure projects for potential air quality impacts.*
 - b. Integration of air quality concerns into the comprehensive land use plan.*
 - c. Active participation in developing and implementing additional controls, as needed.*

The PHS Land Use Code Amendments focus on improving the coordination between the City of Eugene and its public health regulatory partners. By adding the requirement that the applicant submit information regarding required air, land, and water permits as a part of the building permit process, the City is actively participating in developing and implementing additional controls related to air quality standards.

Based on the findings provided above, the amendments are consistent with and supported by the applicable provisions of the *Metro Plan*.

Envision Eugene Policies

The *Envision Eugene Comprehensive Plan* does not contain any policies relevant to the PHS Land Use Code Amendments.

Eugene 2035 Transportation System Plan

The *Eugene 2035 Transportation System Plan* does not contain any policies relevant to the PHS Land Use Code Amendments.

Applicable Refinement Plans

There are no refinement plan policies applicable to the PHS Land Use Code Amendments.

EC 9.8065(3): In the case of establishment of a special area zone, [the amendments are] consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.

The PHS Land Use Code Amendments do not establish a special area zone. Therefore, this criterion does not apply.