ROUGHLY EDITED TRANSCRIPT
CITY OF EUGENE
PUBLIC HEARING
FEBRUARY 17, 2026
5:30 P.M.

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>> LEECH: I will now open the public hearing for February 17, 2026.

Thank you for joining us in this hybrid meeting format.

Anyone wishing to accession the meeting can do so by watching the livestream available on our website, the broadcast on Comcast channel 21 or by following the instructions listed for this meeting on the public webcast and meeting materials web page.

There are three public hearings on tonight's agenda.

Please note that members of the public who sign up to testify may speak only on the topic that is the subject of the stated hearing.

For those wishing to testify during the public hearing, please fill out a request to speak form available on the city's public webcast and meetings materials web page.

These forms will be used to generate the order of speakers.

We'll accept request to speak forms number 5:35 p.m.

Council rules apply to all attendees in chambers and the lobby and include no flags, signs, loud or disruptive language, noise or conduct that obstructs the business of the Council.

Please keep the room quiet and respectful for all of the speakers.

You are welcome to wave your hands in silent support.

We encourage those who are ill or had close contact with others that are ill to join our meetings remotely rather than in-person.

We encourage attendees to spread out in the meeting space and wear a mask if you're comfortable doing so.

We have some available in the lobby if you need one.

In case of an medical emergency an automatic defibrillator is located on the west side of the room.

In case of an emergency evacuation, emergency exits are through the double doors located at the back of the room and the double doors near the front of the room.

The doors to the patio can also be used as needed.

With that, I call this meeting to order.

The first public hearing on tonight's agenda is an Ordinance amending the Willakenzie Area Plan text.

>> ZELENKA Council President, if I could have a point of order?

A great American died today, Reverend Jesse Jackson who I got the privilege to vote for as President and wondering if the Council could acknowledge that by having a moment of silence before we begin the public hearings.

>> LEECH: Thank you, counselor, I would be happy to acknowledge that.

Thank you.

Thank you, thank you all for that.

Would anyone like to say something?

The first public hearing on tonight's agenda is an Ordinance amending the Willakenzie Area Plan text rezoning the property identified as Assessor's Map 1703-1623, tax lots 04000, 4100 and 04200 from C-1 neighborhood commercial to C-2 community commercial and providing an effective date.

City Manager, would you please introduce the top ick?

>> Thank you, Council President.

This is a public hearing to consider two concurrent land use applications.

The first application a zone change proposes changing the base zone from C-1 neighborhood commercial to C-2 community commercial for three identified properties on the east side of Coburg Road south of Kinney Loop and north of Crescent Avenue.

The second application a refinement plan amendment is necessary to facilitate the requested zone change for the three properties.

The proposal would amend and clarify the text of the policy within the Willakenzie Area Plan to specify the land use designation for the properties to align with the zone change request.

Tonight is the public hearing only and deliberations are scheduled for March 9th.

>> LEECH: Thank you.

The City Council's role is to approve with modification or to deny the application.

The decision-making process for this application is considered quasi-judicial.

So we will quasi-judicial Tor mat for the public hearing.

Do Councilors need to disclose bias, ex parte communications?

Pursuant to EC90765?

Seeing none, have staff received any challenges to Councilor's impartiality to Eugene Code 9.7065?

Testimony presented at this public hearing should be directed toward the applicable approval criteria or other criteria that the speaker believes apply to the decision.

The applicable approval criteria for this proposed amendment and zone change are located in Eugene Code Sections 9.8424.and 9.8725.

The full text of that code section are available in the findings attached to the AIS for this public hearing.

The failure of anyone to raise an issue by statements or evidence sufficient to afford the city Council and opportunities to respond include appeals on the issue.

Once the public hearing is opened, we start with a statement from the applicant followed by speakers called in the following order.

One, the applicant, followed by those in support of the proposal.

Two, those with a neutral position and three, those opposed.

We ask that each speaker begin their testimony by confirming whether they are in support of, neutral to or opposed to this refinement plan amendment.

Code amendment and zone change request.

Because this is a quasi-judicial land use hearing where the applicant bears the burden of showing the proposed refinement plan amendment and zone change comply with the applicable approval criteria in the Eugene code the applicant may speak for up to ten minutes.

Everyone else will be limited to the typical speaking time of 2:30.

If you'd like to receive future notice of proceedings related to these applications, please provide your name and mailing address along with your testimony or provide your name and mailing address to the staff contact identified in the agenda item summary for this public hearing.

I will now open the public hearing.

We are joined by the applicants representatives Kim O'Day.

The applicants representatives have a total of up to ten minutes to speak on behalf of the applicant. I will leave it up to you to divide that time amongst yourselves.

>> Can you hear me okay?

>> LEECH: Yes.

>> Kim O'Day with Metro Planning.

I have gone through the staff report and it is, you know, I can't thank staff enough for helping us through this process.

I'm not going to take up that full ten minutes because I support the staff report and the findings within and I'm really here just to answer any questions that the City Council might have.

As a broad brush, this property is already zoned commercial, I mean designated commercial.

We're not asking to change the designation.

Really we're looking for a zoning district with a little bit broader uses because the narrow uses of the existing zoning district we literally haven't been able to find any development to fit in that category and the new zone would allow some broader uses that are consistent with the broad uses that are already in the area.

Kind of just want to be able to do more of the same of what is surrounding us.

That's kind of the incentive for the request we have today.

So with that, I will just step back and I will answer any questions that Councilors might have.

>> LEECH: Thank you.

Cherish, do we have any interested parties wishing to speak?

>> No, Council President.

>> LEECH: Thank you.

Is there a staff response?

>> No.

>> LEECH: Does the applicant wish to rebut any of the testimony or make a final

statement?

>> No, there is no one opposed so I have no final statement to make.

Thank you.

>> LEECH: Are there any questions that Councilors wish to ask of staff?

I will now close the public hearing and unless there are any objections from Council, I will also close the record for these applications.

As a reminder, deliberations and possible action are scheduled for March 9th, 2026.

The second public hearing on tonight's agenda is an Oregon Municipal Court becoming a court of record, declaring compliance with ORS221.342 [2]

And providing for an immediate effective date.

City Manager, would you please introduce the topic?

>> Yes, thank you.

This is a public hearing on an Ordinance that will make the Eugene Municipal Court a court of record, since the Council did not hold a work session on this item, I've asked the City Attorney to provide a little background on the proposed Ordinance so I'll turn it

over to Kathryn.

>> Thank you.

So I'll just speak for a couple minutes for purposes of giving people a little bit of an overview of what we might have talked about at a work session, since we didn't hold a work session on this item.

So from a high level, the Eugene Municipal Court serves as the entry point for legal matters arising when the Eugene city limits adjudicating a range of city Ordinances, violations, certain misdemeanors and the court also provides access to specialized programs like community court which offers alternative pathways focused on rehabilitation and connecting individuals with community resources.

Eugene Municipal Court is often described as a high-volume court and essential part of our community's community justice system.

Since its inception, Eugene Municipal Court has not been a court of record.

What that means is that the court's proceedings are not preserved on official record that serves as the court's action in other future legal matters.

And because Eugene's Court is not a court of record a defendant convicted has a right to seek a new trial with the lane county Circuit Court, this is considered maybe you've heard the term a de novo trial, an entirely new trial.

It's not based on the record because there is no record when you're not a court of record O.

So over the years the benefits of becoming a court of record have been considered and however for various reasons over the many years where it's been considered in part because of the cost of having in-courtroom court reporters, that was put aside and Eugene Municipal Court didn't ultimately move to become a court of record.

The state's legislature during in 2025 adopted House Bill 2460 which went into effect on January 1st of this year.

That House Bill because of a provision I'll discuss has reinvigorated that discussion about becoming a court of record and that legislation ultimately is driving the need for Eugene Municipal Court to become a court of record as quickly as possible.

So real briefly on what 2460 does is House Bill 2460 was largely around and intended to address appeal processes within justice courts and municipal courts.

And it also includes a provision that's related to courts of non-record, such as the city of Eugene.

So courts of non-record, House Bill 2460 now allows a defendant that has pled not guilty to a misdemeanor charge to immediately transfer that case from municipal court to circuit court and once transferred, the charges are entirely adjudicated in circuit court

with appeals going to the Oregon court of appeals.

The effects of House Bill 2460 have been immediately felt by the City Prosecutor's Office, our defense attorneys that we contract with to provide defense to those that can't afford it and to Municipal Court itself, and in the AIS, I talk about some of those impacts.

One of the significant impacts we have seen is on Eugene's community court and our ability to serve those people within our community.

So while technology has decreased the costs associated with becoming a court of record as mentioned in the AIS, there will be a need for some additional staff and the costs associated with those staff becoming the court of record, but the need to become a court of record and the ability to provide the services that our community is used to providing you'll see those costs come through probably in a supplemental budget.

We have spoken to Springfield and in light of House Bill 2460, they are also becoming a court of record.

They're a little bit in front of us and they anticipate becoming a court of record as of March 15.

The public hearing on becoming a court of record is scheduled for this evening with the Ordinance on your agenda to take action quite quickly, next week is scheduled to take action with the hope of Eugene Municipal Court becoming a court of record as of April 1st.

>> LEECH: Thank you for that explanation.

I now open the public hearing.

Staff, can you please share the list of speakers on the screen and announce the first speakers.

>> Thank you, Council President.

We have no speakers for this topic.

>> LEECH: Okay, thank you, staff.

I now close the public hearing.

Are there any questions or comments from the City Council?

Councilor Groves?

>> GROVES: Thank you, Council President.

Is it an overstatement to say if we don't do this, that our whole restorative justice program will be torpedoed?

>> So the City Prosecutor is here and can speak to it.

Just to make sure we're talking about the same restorative justice, are you talking about community court and those things?

>> GROVES: Yes, I am.

>> Definitely -- we limited -- the City Prosecutor's office implemented some very short-term processes and in an attempt to address the fact that type of charges that we usually see in the community court would if they were transferred to lane county circuit court they don't have the resources and other abilities to process those.

So what we have seen in the short-term is a massive reduction in those folks appearing in our community court, and if this went on long-term, we think it would be largely designated.

>> GROVES: Thank you.

And City Manager, question for you.

Is April 1st realistic for having new staff on board and adequate recording system?

If not, what can we do to expedite that?

>> Councilor, it will likely because there will be backfill and cross-training will likely use

existing staff to upramp this, and we expect we'll have the software and the equipment needed to start on April 1st.

Any earlier would be tricky.

>> GROVES: Well, I think we can live with April 1st but this seems really important that we get this nailed down.

>> Great.

>> GROVES: Thank you.

>> LEECH: If there are no other comments from Council, we will move on to the annex agenda item third public heart on tonight's agenda, Ordinance concerning increased public health standards coordination, amending Sections 9.2460, 9.2461 and 9.4165 of Eugene Code and providing an effective date.

City Manager, would you please introduce this topic?

>> Certainly.

So in response to a motion passed at June, 2025 work session, City Council -- sorry, let me say that again.

In response to a motion passed at a June, 2025 City Council meeting, staff developed

proposed land use code amendments to increase coordination with the City's public health regulatory partners.

The Eugene Planning Commission has had extensive discussions and considered public input on multiple iterations of the proposed code amendments ultimately voting to recommend to the City Council to approve the version of the proposed code amendments included in tonight's public hearing packet.

I do want to note that it was a 4-3 vote and that the Planning Commission also voted to send you a letter, which you received today in the form of a memo that explained different positions regarding the people voting on that package.

As proposed, the Ordinance would require the city to provide notice to the Environmental Protection Agency, Oregon Department of Environmental Quality and Lane regional Air Protection Agency prior to issuing new developments in the e2 mixed use, I-2 and I-3 heavy industrial zones.

Action on this item is scheduled for March 9th.

>> LEECH: Thank you, City Manager.

Testimony presented at this public hearing should be directed toward the applicable approval criteria or other criteria that the speaker beliefs applies to this decision.

The applicable approval criteria for this proposed land use code amendment is located

in Eugene Code Section 9.8065.

The full text is available in the findings attached to the AIS for this public hearing.

I now open the public hearing.

Staff, can you please share the list of speakers on the screen and announce the first speakers.

>> Thank you, Council President.

I will announce two speakers names at a time.

When you are called to speak please state your name and ward or neighborhood if known before beginning your comments.

When you are announced is the next speaker, please move to the seat in the front row designated for the next speaker, when it is your turn, you may come to the podium.

Please leave nigh bags you have with you at your seat.

If you have documents to give Council, place them in the basket near the podium.

You will have 2:30 to speak and the timer will flash red when you have 15 seconds remaining to speak.

Your microphone will be muted at the 2:30 mark.

Please note the use of profanity is prohibited and any instances will result in immediate termination of speaking privileges.

Our first speakers are Joe Lebersbach, followed by Tiffany Edwards.

>> Good evening, Mayor Knudson and City Council.

My name is Joe Lebersbach and I am speaking a young professional chosen Eugene as a place to build my life and build my family.

We are expecting our second child in March.

I would like to formally thank Councilor Evans for his words in last week's work session, highlighted for the silent majority in Eugene, young family, my family.

28 to 44-year-olds make up 42% of the population here in Eugene, 42.

This is a larger percentage than folks who are 45 to 105.

I hope that you all keep that number in your mind as you serve our community and your Council seats moving forward.

Councilor Groves you stated "We really need to grow young families buying homes staying for the next 30 to 40 years.

We really need to figure out how we support that.

We support families with opportunity.

We encourage employers to invest here and pay family wages, welcome entrepreneurs with bold ideas, fund parks, libraries, fire services, housing strategies and social services with a strong growing tax base.

A healthy environment and healthy economic climate do not have to be at odds with each.

Our economy is what will allow my kids to thrive.

Eugene has gone above and beyond to set high standards for our environment but we must be careful to make sure the standards are set in the appropriate place and time.

We understand why staff has gone down this path and after engagement of feedback we feel the version of the Ordinance in front of you today responds to the Planning Commission's by focusing on coordination.

We believe it is not the appropriate type of regulation, if Council feels compelled to act version four avoids creating unnecessary land use barriers that discourage investment

or job creation.

We all want public health protections but we need a city that is economically resilient and welcoming to responsible businesses that provide family wage jobs.

As someone thinking about the future of Eugene for the next generation, I believe version four strikes the right balance between protecting public health and opportunity.

Thank you for the opportunity to speak tonight.

>> Thank you, Joe.

Tiffany Edwards followed by Dana Seibert.

>> Good evening, Councilors.

I'm addressing you as a planning commissioner in my eighth year of service.

Several commissioners asked for clarification on the problem we were trying to solve and felt environmental compliance didn't belong in our land use code.

Illegal behavior can be fixed in our development code.

Given the Council's specific address to come back with a recommendation what you have before you is many months of research, meetings and thoughtful discussion.

What we learned as a we went through the process is the regulatory environment in which businesses that produce some of Eugene's most sought-after products is extremely complex.

A process that planning staff was also unfamiliar with.

We saw multiple iterations of this policy as we learned more and more about how and why versions, various versions, previous versions didn't work.

Ultimately, the majority of us supported the proposed version as it met the objectives without requiring additional staff resources or burden to businesses.

It simply has city staff sending three notification emails triggered by a development permit to ensure coordination between the land use and environmental compliance process.

Simple.

I did want to highlight one specific issue with previous versions just as a point of reference.

Many of the businesses who are permitted to our land use standards permitted by our land use standards to operate in these zones do not require any sort of environmental permits.

The E-2 allows restaurants, ice cream shops, dance and martial arts, libraries, museums, schools, hotels and banks to make a few.

These businesses wouldn't likely need environmental permits.

Under the previous versions would have been required to proactively seek confirmation by the regulatory agencies that they did not need permits.

Not only are agencies unlikely to provide documentation based on assumptions, but there was no mechanism for which the city could require the agencies to do so, leaving the well-intended businesses unable to check the box, unable to move forward.

The version before you was the best way to ensure consistency, having just one entity manage the coordination between the applicant and the three regulating agencies.

Your capable city staff have the contacts, relationships and understanding of the process which no unregulated business should be expected to have.

The testimony of some of the components of previous versions was concerning.

It demands that even the fully compliant drivers of Oregon's economy should cease to exist in Eugene and that's not reasonable and healthy and sustainable for our city.

No step in that direction --

>> Thank you, Tiffany.

Our next speakers Dana Seibert, followed by Robin Bloomgartner.

>> Good evening, counselors.

I'm representing Arnold Eugene an economic development organization focused on regional prosperity.

Thank you for sharing our perspective.

I want to start by saying from an economic elf development, strong communities are built when environmental stewardship, thoughtful planning and economic opportunity move forward together.

These goals are not in conflict.

They reinforce each other from our perspective.

Throughout this process, we've appreciated the willingness of staff commissioners, community members to engage in a thoughtful and evolving conversation.

Earlier versions of the proposal raised real concerns for those of us working to attract and retain businesses in the area particularly around regulatory uncertainty and those

signals that might be interpreted by businesses considering where to grow.

The Planning Commission's recommendation, recommended version reflects meaningful refinement, where focusing, by focusing on coordinating and notification, version 4.0 ensures that agencies responsible for environmental protection, DEQ, LRAPA and others are engaged early without creating overlapping processes that would slow development and introduce confusing roles and expectations.

From a regional competitiveness perspective clarity matters.

Businesses evaluating Eugene are not looking at policy outcomes.

They're looking at predictability, transparency and where other communities demonstrate a balanced approach towards growth.

Version 4 moves in that direction.

I want to acknowledge a broader theme that has surfaced during these conversations, the perspective that industrial activity represents a risk to the community health.

While we're absolutely supporting strong safeguards, it's important to recognize the vast majority of industrial employers operating in Eugene do under rigorous environmental oversight and contribute positive through jobs, innovation and economic resilience to our community.

The policy discussion originated from illegal actions by a single operator, actions that were appropriately addressed through enforcement and carefully --

>> Thank you, Dana.

Our next speakers are Robin Bloomgarten followed by Eric Richardson.

Next speakers are Eric Richardson, followed by Rob Evans.

>> Good evening.

Good to see you all.

My name's Eric Richardson.

I'm here as a community member and also as an organizer with Beyond Toxics here in Eugene.

I just wanted to start off by reading from the Oregon Statute, Oregon Statute 182.535.

It is basically, what is an EJ community.

An EJ community as defined by Oregon Statute are groups including communities of color, low-income population, tribal communities, rural, coastal, remote areas and those with health inequities and limited infrastructure, they're identified as being

disproportionately harmed by environmental hazards and traditionally underrepresented in public processes.

So Beyond Toxics is an organization that is dedicated to helping EJ communities.

So I'd like to thank you all and staff for your continued commitment to advancing public health standards.

We share your vision to protect health and safety for our communities especially those living in industrial zones, schools and parks.

However, as we move forward and you do this great work, we encourage you to look at the recommendations of the city staff and version 3 we believe is the best option to move public health standards forward.

Version 3 requires applicant attestations before building permits are approved and ensures that the city, regulators and communities are informed and have transparent information to prevent harm and promote resilience.

It also sets the stage for a more robust and equitable risk and has art assessment in action 2, ensuring all voices and experiences are thoroughly considered.

So we ask you to support version 3, which clearly defines responsibilities and due diligence.

This land use code will primarily impact large developers, many of whom already have internal compliance systems and consultants in place.

At the same time we encourage the city to pair adoption of version 3 with the targeted technical assistance of supported programs for smaller businesses that may need help navigating permitting requirements.

So thank you for your consideration and I look forward to your action in the future.

Thanks.

>> Thank you, Eric.

Our next speakers are Rob Evans, followed by Ty Pruce Zimmerman.

>> Good evening, I'm the owner of Converted Kitchen and I live in Ward 8.

I'm speaking for businesses in Eugene's industrial sector.

These companies operated here for decades, providing family-wage jobs and supporting the local tax base.

These types of businesses are highly regulated and highly compliant.

They work under oversight from the state and federal environmental agencies every

day.

The original policy discussions on this matter were triggered by a serious incident involving illegal behavior and let me be clear, the business community does not excuse or defend illegal actions.

Those responsible were and are being held accountable as they should be.

We should not redesign land use policy around the actions of one bad actor.

I believe Council made a mistake in sending staff looking for a solution without fully understanding the problem.

The Planning Commission's recommended version provides for coordination with regulators without creating additional regulatory burdens that could discourage investment in our industrial zones.

Earlier versions risk using zoning as an environmental enforcement mechanism and that's not its intended use.

I want to emphasize that version 4, the Planning Commission's recommendation is not a compromise on public health.

It is actually the most effective way to protect it.

True public health outcomes depend on clarity, coordination and enforcement by these agencies with expertise and authority to regulate environmental impact.

Version 4 ensures that regulatory partners are engaged early in the process, strengthening oversight where it matters most.

Earlier versions risk creating the appearance of stronger protections while introducing overlapping or misaligned requirements that could dilute accountability and shift focus away from the agency's best equipped to safeguard environmental health.

In that sense, version 4 represents not a step back but a smarter, more targeted approach that strengthens public health while maintaining fairness, regulatory clarity and economic stability for our community.

Industrial businesses bring outside dollars into Eugene.

Dollars that this city sear seriously needs.

>> Thank you, Rob.

Our next speakers are Ty Pruce Zimmerman followed by Lynn Woodrich.

>> I live in Ward 6.

I ask tonight that we can ground ourselves in the basis of where did this come from and

why are we considering these issues.

A lot of it is driven by the actions of one bad actor, J.H. Baxter.

Of course, the idea that we don't want a repetition of that event is a big piece of where this came from.

We have a literal superfund site in our neighborhood right now because of those actions but the public health crisis in northwest Eugene and Bethel does go beyond that.

Life expectancies in Bethel are 17 years shorter than life expectancies in South Eugene.

This was all over the news for about two days a bunch of years ago when the report came out.

Hasn't been talked about too much since.

The American cancer society state chapter out of Portland reached out a while ago to me and my co-chair in Bethel to talk to us about a study they had performed.

They did a statewide zip code-based study across the state, where are the highest rates of cancer found after controlling for all relevant demographic factors and they did that study and said we have to call those people in Bethel up, because we were at the top of the list.

So there is a true public health crisis in northwest Eugene.

It is more than just the actions of one bad actor potentially.

The causes are less clear.

So I just ask that as you make your considerations on this and other conversation around this topic moving forward that you keep that as your north star, that that crisis exists.

I appreciate the comments earlier about young families.

I'm raising my 5-year-old in that neighborhood with that 17-year lower life expectancy.

So whichever version you feel best gives us a step towards improvement is the one that you should pursue on this issue.

Either way, my main core ask is that the conversation not end here.

Please don't pass whichever version you prefer of this Ordinance and say, we're done.

Please keep doing further work.

Thank you.

>> Thank you, Ty.

Our next speakers are Lynn Woodrich followed by Travis Knudson.

>> I'm a Bethel resident over 30 years.

I live in Ward 8, speaking today on behalf of the active Bethel Community Board.

I'm supporting the adoption of version 3 of the proposed part 1 of the public health standards land use code amendment as recommended by planning staff.

Version 3 fulfills the Council's direction to improve coordination between the city and public health agencies.

I urge you not to approve version 4 as currently written.

It's too vague and does not clearly meet the goal of strengthening communication with regulatory agencies.

However, version 4 could be made workable if it incorporates the intent of version 3 with minor wording improvements.

Version 3 would require applicants seeking building permits in the e2, I-2 and I-3 industrial zones to identify by consulting with agencies whether their project requires air, land or water permits from the EPA, DEQ or LRAPA or to attest that no such permits

are needed, importantly it does not require that applicants obtain those permits before receiving a building permit.

It simply ensures that the information is identified early.

I recommend option version 3 or adopting version 4 with a small but important addition.

Require documentation from the applicant affirming or denying whether air, land or water permits are required.

That single step preserves version 3's intent and ensures agencies are informed early in the process.

This builds on the existing land use compatibility statement which helps determine whether proposed industrial use aligned with our comprehensive plan, but right now, Eugene's Planning Department and environmental regulatory agencies often don't communicate or share information until late in the approval process.

This proposal fixes that gap by creating and early communication pathway.

You may hear concerns that this will deter businesses.

That's simply not the case.

This applies most to development industrial zones and they're typically seven to ten

such applicants per year.

This amendment brings public health into the land use process at the right time, before decisions are finalized.

Please adopt version 3 or version 4 with the recommended addition to preserve its intent.

Thank you.

>> Thank you, Lynn.

Our next speakers are Travis Knudson followed by Chris Edwards.

>> Hello, good evening, Mayor Knudson, I'm Executive Director of the land and regional air protection agency.

El rah has pa has developed the code amendments since September.

We're here tonight because we believe this work certainly matters.

LRAPA first and foremost supports adoption of the Ordinance before the Council, establishing a formal notification pathway between the city and environmental regulatory agencies is a meaningful step forward.

I do want to share our perspectives.

Version 3 which city staff recommend includes the applicant perform a self-attestation requirement.

When this applicant identifies and attests to the environmental permits their project requires, it gives LRAPA the ability to verify the requirements before the facility begins operating without necessary air quality controls.

That's the gap this Ordinance was designed to close.

This is not a significant burden on applicants.

Attestation formalizes what responsible developers should already be doing and to put the scope into perspective since 2020, there has been one new industrial source permit that LRAPA issued for the City of Eugene.

LRAPA does these regularly, these calls with applicants seeking if LRAPA needs to provide an air permit to them on an ongoing and regular basis as part of the work that we do every day.

Version 4 is a step forward, but without self-attestation participation.

It's a narrower tool.

I raise this because the issue that brought us here is very real and present.

Our community experienced what happens when coordination between the land use and environmental permitting falls short and for these reasons, LRAPA recommends the city adopt version 3.

Regardless of the Council's decision, LRAPA will implement the adopted framework fully and in good faith.

We look forward to continuing this partnership into phase two, where the buffers and setbacks and cumulative impacts will be more directly and appropriately addressed.

Thank you for your time and collaboration for cleaner air for the city of Eugene and lane county.

>> Thank you our next and final speaker is Chris Edwards.

>> Thank you, Chair Leech and members of the Council.

My name is Chris Edwards.

I'm here on behalf of myself.

I am a resident of Ward 5, and I've been watching this process and this debate for a little while now from the outside, and nobody wants to be against public health

standards.

Of course.

We want environmental protections, environmental standards and public health standards.

We have a maze of regulations, environmental and health protections in law currently.

The question is whether or not developers, businesses that are putting in new operations, changing equipment, one business moves out of a location, a new business moves N maybe they add a new process, are they going to be following the appropriate protective regulations?

I think version 4 does that.

I think version 3 creates a lot of problems that are really going to create a drag on economic development, and you all received the technical advisory group report just last week, I don't know if it was last week, the week before, talking -- and one of the highlights of that report was how much Eugene is lagging in economic development, jobs growth and jobs prosperity since the downturn.

And I mean, it's profound, and it has big, big implications, not just for the families in Eugene, but also for your budget.

I think getting distracted by some data and some really spurious conclusions from some U.S. Census track data is not the way to go.

I can tell you, having represented West Eugene in the Oregon legislature, I've talked with thousands, I mean I have visited with thousands and thousands of people on the doorstep, and I've heard their stories, and it is clear that there are higher rates of poverty and a lot of other challenges that come from that.

In West Eugene, opposed to South Eugene, the comparative made in the data, and to draw conclusions that that's somehow because there is industry in West Eugene is just a spurious conclusion.

>> Thank you, Chris.

I misspoke earlier.

Our next and final speaker will be Joy Pendowski.

>> Thank you, very much.

Mayor and Counselors my name is Joy Pendowski and I live in Ward 4.

Professionally I work closely with local developers providing me with a deep understanding of the dedication to community that comes with owning, operating and sustaining a business in Eugene.

Recently we all confirmed what many of us have felt firsthand, that our community is struggling to attract new employers, bringing higher wage jobs, build affordable homes for those who need housing and ensure governments have the resources to provide the basic necessities to our citizens.

The answer to solving the challenges isn't to further repel an endangered business but to support and promote it.

Studies have shown one of the most important determinants of health in a community is economic stability.

When there is access to good-paying jobs you see a direct connection to housing stability, improved mental health and long-term well-being for those living in that community.

Policies that unintentionally discourage employers or industrial investment do not just affect businesses.

They affect workers and families.

The Planning Commission's recommendation maintains coordination with environmental regulators while avoiding unnecessary barriers that could slow job creation.

Public health and economic health go hand in hand.

We need policies that recognize both.

As someone thinking about the future of Eugene, for the next generation, I hope we choose solutions rooted in both care and wisdom.

Version 4 efficiently coordinates both land use development and environmental permitting without burdening businesses, keeping Eugene a place where families can live, work and build their futures.

Balance is not compromise.

It's responsible leadership, and I urge your support.

Thank you.

>> Thank you, joy.

Council President, that was our final speaker.

>> LEECH: Thank you, Cherish and thank you to those who spoke.

I close the public hearing.

Council will continue to accept written testimony following the close of the public health

and until action is taken.

You may submit written testimony to the email or mailing address provided on the public notice.

Instructions for submitting written testimony are provided in the public notice for this meeting as well as in this AIS.

If you would like to receive future notices about the proposed land use code amendments please provide your name and mailing address to staff listed on the AIS for this item.

Are there any questions or comments from City Council?

Councilor Kashinsky?

And then Councilor Clark.

>> KASHINSKY: Yes, thank you.

I have a couple of different questions.

First, just to verify where this applies and when this applies.

It applies to, does it apply to just land use permits or does it apply for building permits or

you know, change of use tenant improvements, things like that?

>> My name's Reid Verner, Land Use Supervisor.

The statute or the Ordinance is written up to apply specifically to development permits which is defined in the code and includes building permits, but it also does include trade permits, electrical or plumbing permits, site development permits if they're not proposing a building but proposing site work and once a shell building is constructed, once each individual occupant moves in, they'd get an infill permit and it would cover all of the circumstances.

>> KASHINSKY: It would cover just in the zones, the E and I zones.

It wouldn't cover industrial use, that may occur in other zones?

>> That's correct.

This Ordinance is specifically related just to those three zones.

>> KASHINSKY: So it wouldn't cover industrial uses in C-2 or see 3 and would cover non-industrial commercial type uses in the E and I zones?

>> Yes, it's based on zones.

So we didn't bore down on specific use type.

We looked at it by those three zones.

>> KASHINSKY: And then I just want to make sure I really understand the difference between option 3 and option 4.

I'll try to see if I can explain it in plain language.

It looks like in option 4, if someone applies for one of these permits, city staff will just send an email saying, hey, somebody applied to build a car dealership or whatever on this property.

They tell LRAPA and DEQ and that's the extent of what this does for option 4, is that right?

>> That's correct, yes.

>> KASHINSKY: Option 3, this hypothetical car dealership would say I do not require any permits of any environmental permits.

They would include that with their application when applying for the permit and that attestation would be included when it gets sent to DEQ, that's the primary difference?

>> Yes, that's correct.

So when we discussed doing version 3, the attestation there would be a form that the city would provide to applicants that would list the three environmental regulation agencies, the contact information for their permitting department and then they would then be responsible for contacting those agencies finding out what permits are required, identifying them on the form and then submitting that to the city as a part of their building permit application.

>> KASHINSKY: So someone who was familiar with building these types of or operating these types of buildings in Oregon might already know what they need and be able to check those boxes without necessarily having to go through a lengthy consultation process, someone who is maybe new to it would have to like have some conversation to figure that out, but ideally, they would be having those conversations anyway, since they don't want to invest all of this money in doing the building and find out they can't get the permits.

>> That's my understanding.

>> KASHINSKY: Alright, thank you.

Thank you for answering my questions.

>> LEECH: Councilor Clark?

>> CLARK: Thank you, Chair.

Appreciate everybody's testimony tonight.

I have a request.

I hate to give Denny yet another memo to write before he finally retires, but I'm going to ask for something based on my initial assessment, when we first had this discussion, that what we had in J.H. Baxter was the failure of a regulatory system that we have in place.

We have more regulatory bodies looking at industrial uses in West Eugene than anyone, and than most other cities do, and yet with all of the eyeballs watching, we missed somehow, we failed to appropriately regulate what was occurring at J.H. Baxter.

I suppose that's the best way to say it.

I would love to have a memo from Planning and Development within the two-hour rule, of course is that outlines their opinion of the failure of the regulatory system.

How did it fail?

Why did it fail?

If we could get that before we make a final decision on this, I'd really appreciate it.

Thank you.

>> LEECH: Thank you, Councilor Clark.

Councilor Groves, and then Councilor Zelenka.

>> GROVES: Thank you, Council President and thank you everyone who showed up tonight to testify.

I appreciate hearing from the business community and the concerns over what this does to economic development.

I also appreciate the Beyond Toxics and ABC folks that showed up tonight.

This is very personal for ABC and that entire area, which I know we all understand.

You know, I've spoken with quite a few residents out there and been involved in this process from the beginning, and actually going way back earlier in my career as a firefighter in this community, and living in that area with my first home.

So it feels personal to me as well.

At the same time, it's trying to figure out what is our best course forward, and unfortunately, I haven't had a chance yet to read the Planning Commission's points on this, because we just got that about an hour ago.

So anyway, I will get to that, and Troy and get to the bottom of that.

I'm sure I'll probably have some questions for staff as I'm reading through that, but there is time before we make the decision.

Not a lot of time but some time.

I am encouraged we are going to be moving forward with something, whatever that is.

It's just trying to get it so it makes sense, and that's enforceable.

As far as what went wrong before with J.H. Baxter, I think the list is long of things that went wrong.

I do know that it was reported back a number of years going back to the '80s and nothing really happened.

So that connectivity between the City and our regulatory agencies, I know the relationships are much better today than they've been and actually ever, I believe.

But I look at strengthening those, because we rely on LRAPA and DEQ and EPA, you know, the alphabet agencies of protecting us, and we need to make sure that the rules are clear and the procedures are easy to follow, and I don't like making something more complicated than it needs to be, because that's where you start having problems.

So anyway, I lock forward to digging into this deeper, and I do consider this a very important decision that has or could have consequences either direction.

In trying to find where that reasonable balancing point is, in making this work for all of us.

Thank you.

>> LEECH: Thank you, Councilor Groves.

Councilor Zelenka?

>> ZELENKA: Thank you.

A little puzzled by the testimony this evening.

Thank you, Eliza, for breaking the difference between 3 and 4 down.

So if I got it right, staff may have to help me here, the difference is an attestation that permits are required or not required before the development occurs.

And it doesn't require any additional permits or any other actions other than an attestation.

Is that right?

>> Yes, Reid Verner again.

That's correct, a list of the different permits that are required by those three regulatory agencies and an attestation that those are the only permits that are required.

>> ZELENKA: So hard to imagine a development going forward without knowing if you have to have permits or not and doing your due diligence on that.

I think that would be an incredibly big -- if this were a medical thing, you'd be sued for malpractice if you didn't do that moving forward.

So that kind of due diligence.

So what I'm puddled about is, just the fact that developers of a new facility would have to disclose whether or not they know that there are permits required would hinder economic development, when it's from my perspective a matter of due course, a matter of due diligence that they should be doing that, just saying yes or no, can't see how that hinders economic development.

I think that's a reach, just requiring people to say something that's already true or not true can hinder economic development.

Thanks.

>> LEECH: Thank you, Councilor Zelenka.

Councilor Kashinsky?

>> KASHINSKY: Sorry, I had one more question that I came up with like while everyone else was talking.

So I know that in the C-2 zone, industrial uses are only allowed if they don't require air quality permit.

Are there any requirements, and I haven't read the full industrial or employment zones, are those places in those zones where what is allowed or not allowed is dependent on what permits might be required for it, like there is in the C-2 zone?

>> And not in the broad industrial use categories.

There are similar requirements to the LRAPA permit, air quality permit requirement in the overlay zone, the specific area brought into back in 2017 and that area has an overlay zone that has additional restrictions that don't apply broadly to other employment or industrial standards throughout the city.

>> KASHINSKY: Okay, and so one of the places where this might be useful is maybe right now, just like a piece of paper but it would be useful for staff in making determinations if there are places in addition to Clear Lake or sow 2 where this wouldn't apply, where there's some nuance based on what permits are required.

Is that --

>> I'm not quite following the question.

>> That the process would be important in Clear Lake or C-2, where what's allowed is dependent on what kind of permits you need, but and so that may be like kind of setting up for some work in the future for looking at more nuanced --

>> It would have to be different code to add it to C-2 specifically, with those requirements, what we typically do is call that out doing plan review and say these types of uses if they need an air permit are not permitted in the zone and it would be enforcement based on complaints down the line but as far as currently with the Clear Lake zone and this code standard, the noticing requirement would also apply in Clear Lake, most of Clear Lake not E-1 but the I-2 and I-3 areas would be subject to the new requirements as well.

>> KASHINSKY: Thank you.

>> LEECH: Thank you.

If there are no other comments or questions from Council, I will end this agenda item.

Okay.

I now close the February 17th, 2026 public hearing.

We are adjourned.