



## Eugene City Council

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[www.eugene-or.gov](http://www.eugene-or.gov)

# EUGENE CITY COUNCIL AGENDA

February 17, 2026

### 5:30 p.m. CITY COUNCIL PUBLIC HEARING

City Council meetings will continue to be held in hybrid format using in person and virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

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**Meeting of February 17, 2026;  
Her Honor Mayor Kaarin Knudson Presiding**

#### **Councilors**

Lyndsie Leech, President  
Greg Evans  
Matt Keating  
Alan Zelenka

Eliza Kashinsky, Vice President  
Mike Clark  
Randy Groves  
Jennifer Yeh

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### 5:30 p.m. CITY COUNCIL PUBLIC HEARING

- 1. PUBLIC HEARING: An Ordinance Amending the Willakenzie Area Plan Text; Rezoning the Property Identified as Assessor's Map 17-03-16-23, Tax Lots 04000, 04100, and 04200 from C-1 Neighborhood Commercial to C-2 Community Commercial, and Providing an Effective Date.**
- 2. PUBLIC HEARING: An Ordinance Concerning Municipal Court Becoming a Court of Record; Adding Section 2.771 to the Eugene Code, 1971; Declaring Compliance with ORS 221.342(2); and Providing for an Immediate Effective Date.**
- 3. PUBLIC HEARING: An Ordinance Concerning Increased Public Health Standards Coordination; Amending Sections 9.2460, 9.2461, and 9.4165 of the Eugene Code, 1971; and Providing an Effective Date**

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,  
or visit us online at [www.eugene-or.gov](http://www.eugene-or.gov).

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Amending the Willakenzie Area Plan Text; Rezoning the Property Identified as Assessor's Map 17-03-16-23, Tax Lots 04000, 04100, and 04200 from C-1 Neighborhood Commercial to C-2 Community Commercial, and Providing an Effective Date

Meeting Date: February 17, 2026  
Department: Planning & Development  
www.eugene-or.gov

Agenda Item Number: 1  
Staff Contact: Nicholas Gioello  
Phone: 541-682-5453

### ISSUE STATEMENT

The City Council will hold a public hearing on the requested Refinement Plan Amendment and Zone Change.

### BACKGROUND

The applicant requests a zone change for the subject property from C-1 Neighborhood Commercial to C-2 Community Commercial. To facilitate this request, the applicant has also requested an amendment to the Willakenzie Area Plan, the applicable refinement plan, that updates and clarifies an existing policy to allow for the requested rezoning. The applicant has requested the zone change in order to expand the number of allowed commercial uses on the site, as the applicant reports that the limited uses allowed by the C-1 zone have not facilitated development of the site.

The Eugene Planning Commission held a public hearing and deliberations on December 16, 2025, which resulted in the Planning Commission recommending the City Council approve the zone change and refinement plan amendment.

The subject property consists of three tax lots (Tax Lots 04000, 04100 and 04200 of Map No. 17-03-16-23) and is located on the east side of Coburg Road, south of Kinney Loop and north of Crescent Avenue. A vicinity map showing the location of the subject property is provided in Attachment A to this AIS, and each application is summarized below:

Refinement Plan Amendment (City File: RA 24-03): The applicable refinement plan is the Willakenzie Area Plan, which contains a policy and map that could indicate this property should be zoned GO General Office, as opposed to the applicant's desired base zone of C-2 Community Commercial. To ensure consistency with the refinement plan, the applicant is proposing a text amendment clarifying Policy 6 of the Coburg/Crescent Subarea to clearly identify that the subject property is appropriate for C-2 zoning. The text of the proposed Refinement Plan Amendment is shown in the Draft Ordinance (Attachment B to this AIS).

Zone Change (City File: Z 24-09): The subject property is currently zoned C-1 Neighborhood Commercial. The applicant is requesting a change to the C-2 Community Commercial zone. The property is designated as "Commercial" in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan), which is consistent with the requested C-2 zone. As discussed above, consistency with the adopted refinement plan is based on whether the concurrent

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refinement plan amendment is also approved. The subject property also has the /ND Nodal Development Overlay Zone, which is proposed to remain. The /ND Overlay Zone prohibits some of the more intensive and auto-oriented uses allowed in C-2, per EC 9.4280, such as: car washes, vehicle sales, gas stations, heavy equipment rental, drive-throughs, and more. These prohibited uses, as well as a comparison of allowed uses was provided in Attachment D to the Planning Commission's Agenda Item Summary on [December 16, 2025](#). A map of the proposed zone change is provided in Exhibit C of the proposed ordinance (Attachment B to this AIS).

More details about this request can be found in the full record of application materials to date, which will be provided separately to Councilors.

#### Procedural Summary

As the proposed refinement plan amendment and zone change affect three specific tax lots, this is considered a site-specific refinement plan amendment and zone change. As a result, the public hearing on the proposed Refinement Plan Amendment and Zone Change will be conducted using the Type IV (quasi-judicial) procedures as set forth in EC 9.7050 and 9.7400 through 9.7455. The Type IV process includes public notice and public hearings before the Planning Commission and the City Council. This request is being considered in accordance with the approval criteria at Eugene Code Sections EC 9.8424, and EC 9.8865. As a reminder, failure to raise an issue with sufficient specificity to allow the Planning Commission, City Council, and parties to respond may preclude future appeals on that issue.

The initial public hearing was conducted by the Planning Commission on [December 16, 2025](#).

Prior to the Planning Commission's public hearing, two pieces of written testimony were received, both in opposition to the requested amendment and Zone Change. Staff provided a response the written testimony that was included in the Planning Commission's [December 16, 2025](#) Agenda Item Summary. There was no public testimony given during the hearing. The Planning Commission held deliberations and voted on a motion to recommend that the City Council approve the requested Refinement Plan Amendment and Zone Change. The motion passed with six commissioners in favor and one commissioner opposed (Commissioner Issacson).

The Planning Commission recommended approval of the text changes proposed by the applicant to Policy 6 of the Coburg/Crescent Subarea. However, upon further review, Planning staff and the City Attorney's Office recommend revisions to the text amendment that provide clear identification of the properties subject to Policy 6a and 6b. The revisions refine the exact location of the applicable policy and remain consistent with the recommendation of the Planning Commission. The revisions recommended by staff are included within the Proposed Ordinance and included as Attachment B to this AIS.

The City Council's public hearing on this request will be followed by deliberations and action, which is scheduled for the March 9, 2026, City Council meeting.

On February 6, 2026, notice of the City Council's Public Hearing was mailed to the applicant, the owner of the subject property, and all interested parties, in accordance with EC 9.7440. All public testimony submitted to date is included in the application record for reference. Any additional written testimony received prior to the close of the record for this application package will be forwarded to the City Council for consideration.

More details about this request can be found in the full record of application materials to date,

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which will be provided separately to Councilors. Otherwise, application materials can be made available to the public in hardcopy or electronic format upon request. As a courtesy, the materials can also be accessed online here:

<https://pdd.eugene-or.gov/LandUse/ApplicationDetails?file=RA-24-0003>

## **RELATED CITY POLICIES**

Findings demonstrating compliance with the approval criteria, including any applicable policies, for this Refinement Plan Amendment and Zone Change are provided as Exhibit B to the proposed Ordinance (Attachment B).

## **PREVIOUS COUNCIL DIRECTION**

None.

## **COUNCIL OPTIONS**

This is a public hearing only. No action is required at this time.

## **CITY MANAGER'S RECOMMENDATION**

This item is scheduled for a public hearing only. Deliberations and potential action are scheduled for March 9, 2026.

## **SUGGESTED MOTION**

None.

## **ATTACHMENTS**

- A. Vicinity and Zoning Maps
- B. Ordinance and Exhibits

## **FOR MORE INFORMATION**

Staff Contact: Nicholas Gioello, Associate Planner  
Telephone: 541-682-5453  
Staff E-Mail: [NGioello@eugene-or.gov](mailto:NGioello@eugene-or.gov)



# Vicinity Map

## Refinement Plan Amendment and Zone Change

### RA 24-03 and Z 24-09 Kinney Loop and Coburg Road



- Subject Property
- Taxlots
- Eugene UGB



Caution: This map is based on imprecise source data, subject to change, and for general reference only.

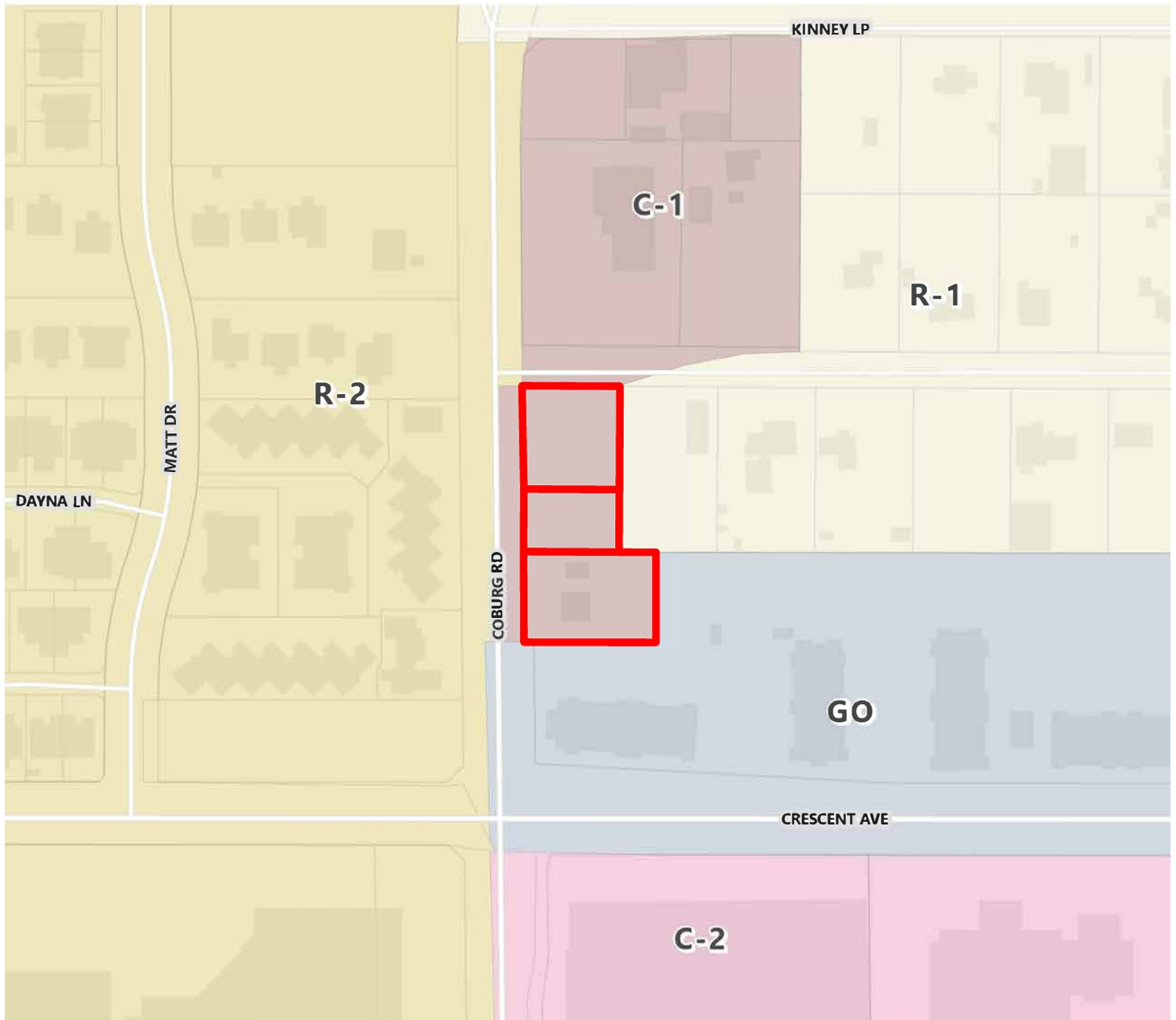
Created on 11/24/2025  
by City of Eugene Planning Division





# Zoning Map

Refinement Plan Amendment and Zone Change  
RA 24-03 and Z 24-09 Kinney Loop and Coburg Road



- Subject Property
- Taxlots
- Zoning**
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- GO General Office
- R-1 Low-Density Residential
- R-2 Medium-Density Residential



Caution: This map is based on imprecise source data, subject to change, and for general reference only.

Created on 11/24/2025  
by City of Eugene Planning Division

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE WILLAKENZIE AREA PLAN TEXT; REZONING THE PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-16-23, TAX LOTS 04000, 04100, AND 04200 FROM C-1 NEIGHBORHOOD COMMERCIAL TO C-2 COMMUNITY COMMERCIAL; AND PROVIDING AN EFFECTIVE DATE.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Policy 6 of the Coburg/Crescent Subarea Section of the Willakenzie Area Plan is amended to provide as follows:

~~6. The City shall recognize that the area adjacent to the north side of Crescent Avenue, designated as Commercial on the Willakenzie Coburg-Crescent Subarea Land Use Diagram shall be zoned General Office.~~

6a. The City shall recognize that the properties adjacent to the north side of Crescent Avenue that lie within the Crescent Village Boundary as shown on Inset Map D and that are designated as Commercial on the Coburg-Crescent Subarea Land Use Diagram, shall be zoned General Office.

6b. The City shall recognize that the properties that are located adjacent to the east side of Coburg Road, south of Kinney Loop, north of Crescent Avenue, outside the Crescent Village Boundary as shown on Inset Map D, and that are designated as Commercial on the Coburg-Crescent Subarea Land Use Diagram, shall be zoned Community Commercial.

**Section 2.** The property identified as Assessor's Map 17-03-16-23, Tax Lots 04000, 04100, and 04200 and shown on the zoning map attached as Exhibit A to this Ordinance is rezoned from C-1 Neighborhood Commercial to C-2 Community Commercial.

**Section 3.** The findings set forth in Exhibit B attached to this Ordinance are adopted as findings in support of this Ordinance.

**Section 4.** 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 5.** 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 6.** 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**

\_\_\_\_ day of \_\_\_\_\_, 2026

\_\_\_\_\_  
**City Recorder**

**Approved by the Mayor this**

\_\_\_\_ day of \_\_\_\_\_, 2026

\_\_\_\_\_  
**Mayor**



## Zone Change

Kinney loop and Coburg Road (City File RA 24-03 / Z 24-09)

Exhibit A



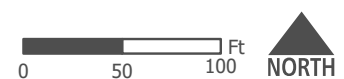
 Zone Change Subject Property to be rezoned to C-2 Community Commercial with the /ND Nodal Development Overlay Zone

Subject Property:  
Assessor's Map 17-03-16-23  
Tax Lots 04000, 04100, 04200



Caution: This map is based on imprecise source data, subject to change, and for general reference only.

Created on 12/5/2025  
by City of Eugene Planning Division



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## FINDINGS

### Refinement Plan Amendment / Zone Change

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#### **APPLICATION OVERVIEW**

**Name (File Numbers):** Kinney Loop and Coburg Road (RA 24-03 / Z 24-09)

**Map No. / Tax Lots:** 17-03-16-23 / 04000, 04100, 04200

The applicant is seeking a Refinement Plan Amendment to the Willakenzie Area Plan (WAP), and a concurrent Zone Change. The subject properties are located on the east side of Coburg Road south of Kinney Loop, and north of Crescent Avenue and consist of three tax lots. The total area of the subject properties is approximately .79 acres.

The applicant has requested a Zone Change and site-specific Refinement Plan Amendment. The request is to change the base zone of the subject property from C-1 Neighborhood Commercial to C-2 Community Commercial. The subject property also has the /ND Nodal Development Overlay Zone, which will remain.

For all zone changes, the zoning must be consistent with the Metropolitan Area General Plan (Metro Plan) and any applicable refinement plans. The WAP's land use diagram assigns the property the general designation of Commercial. Inset Map D of the Coburg/Crescent Subarea and WAP Policy 6 applicable to that subarea further refine the designation of the subject property as General Office, a subset of the Commercial designation. Policy 6 of the Coburg/Crescent Subarea, states:

*The City shall recognize that the area adjacent to the north side of Crescent Avenue, designated as Commercial on the Willakenzie Coburg-Crescent Subarea Land Use Diagram shall be zoned General Office.*

The applicant proposes to amend Policy 6 of the Coburg/Crescent Subarea portion of the WAP to support the applicant's Zone Change application. As currently drafted, Policy 6 appears to indicate that the subject properties must be zoned General Office, which is inconsistent with the applicant's preferred C-2 Community Commercial zoning.

The Planning Commission, during their December 16, 2025 public hearing, recommended approval of text changes to Policy 6 of the Coburg/Crescent Subarea. However, subsequent to this recommendation, Planning staff and the City Attorney's Office are recommending the following additional revisions to the text amendment to be as specific as possible about which properties Policy 6 applies to, as follows:

*Policy 6a. The City shall recognize that the properties adjacent to the north side of Crescent Avenue that lie within the Crescent Village Boundary as shown on Inset Map D and that are designated as Commercial on the Coburg-Crescent Subarea Land Use Diagram, shall be zoned General Office.*

*Policy 6b. The City shall recognize that the properties that are located adjacent to the east side of Coburg Road, south of Kinney Loop, north of Crescent Avenue, outside the Crescent Village Boundary as shown on Inset Map D, and that are designated as Commercial on the Coburg-Crescent Subarea Land Use Diagram, shall be zoned Community Commercial.*

The above revisions to the recommended text amendment to Policy 6 will clarify any potential ambiguity when determining which properties Policy 6a and 6b apply to and is consistent with the text amendment language recommended by the Planning Commission. The amendment to Policy 6 would clearly identify the subject properties as appropriate for Community Commercial zoning, which would demonstrate consistency with EC 9.8865(2) and support the Zone Change to the C-2 Community Commercial zone.

### **FINDINGS**

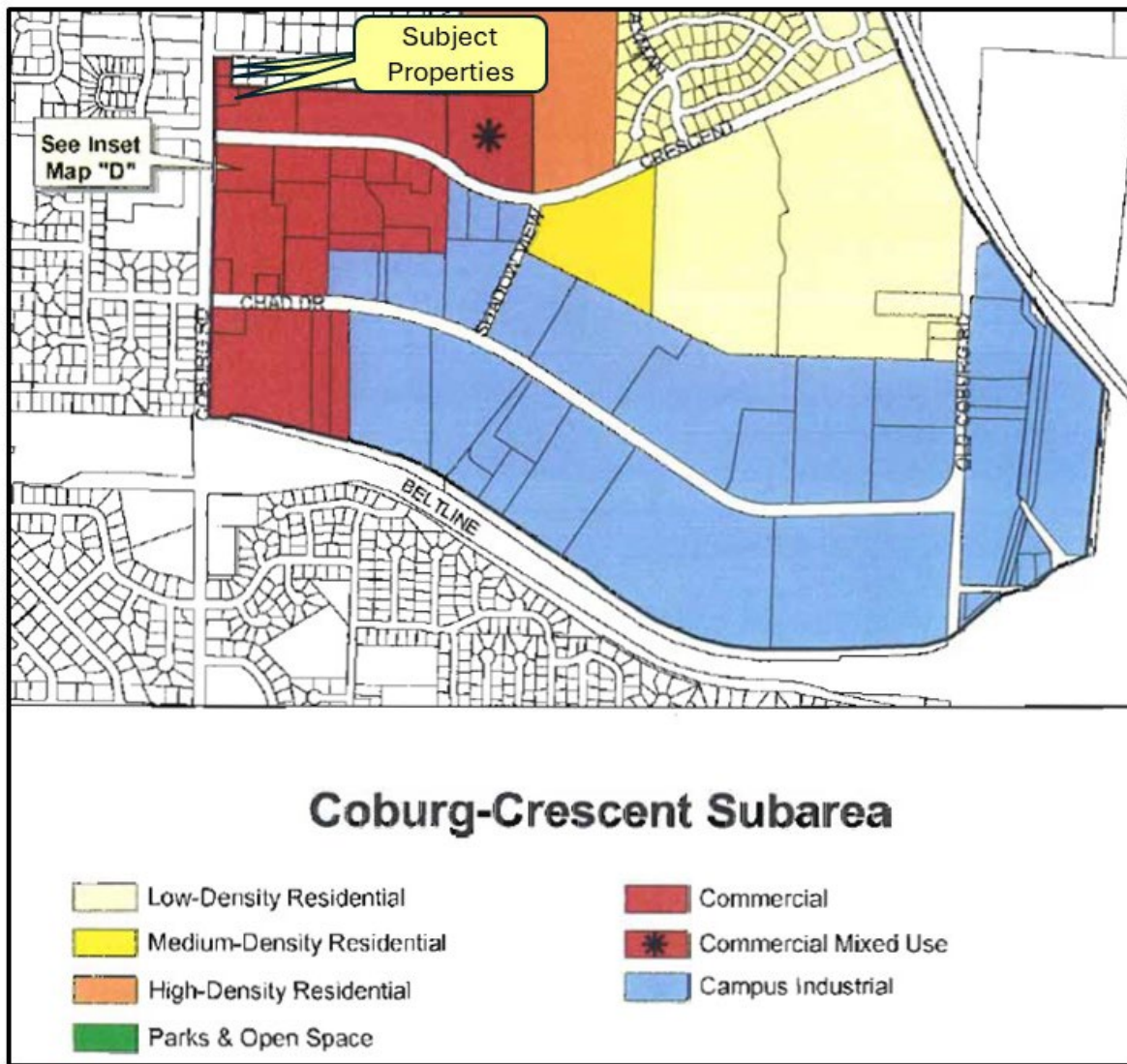
In accordance with EC 9.7305, a Zone Change processed concurrently with a Refinement Plan Amendment will be processed in accordance with the Refinement Plan Amendment procedures. The following preliminary findings address the proposal and the applicable approval criteria at EC 9.8424 and EC 9.8865. Those criteria are provided below (in **bolded text**), including findings addressing compliance with each.

### **REFINEMENT PLAN AMENDMENT**

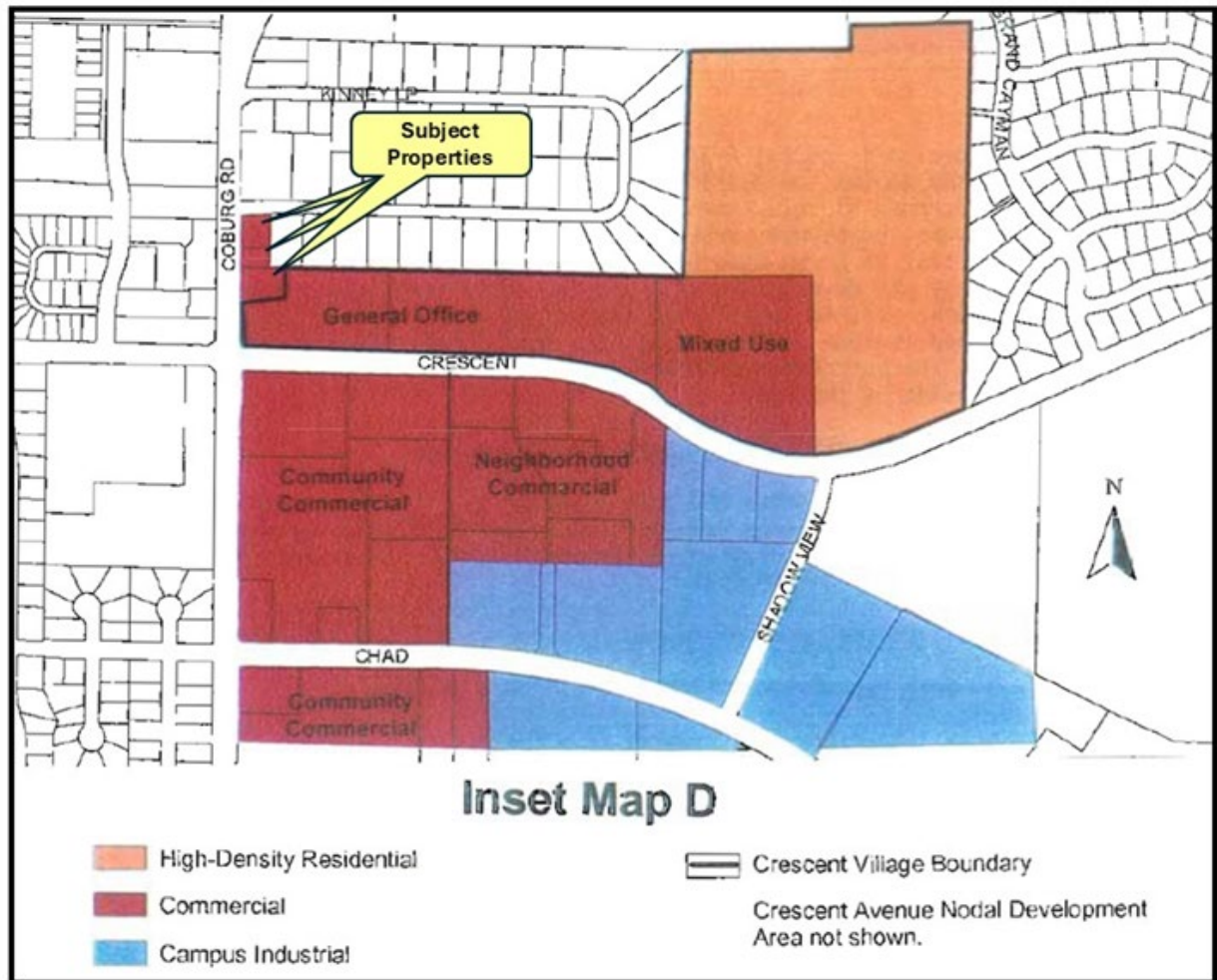
#### **Application Details**

The proposal includes a text amendment to the Willakenzie Area Plan (WAP), which is the applicable refinement plan for the subject properties. The subject properties are located in the Crescent-Coburg Subarea in the North Region of the WAP. The WAP's land use diagram designates the subject properties as Commercial.

The Coburg/Crescent Subarea Map (WAP page 63) depicts the commercial area in red as shown below:



The Coburg-Crescent Subarea Inset Map D (WAP page 65) further identifies the subject site as General Office, a subset of the Commercial designation, as shown below:



As noted above, Policy 6 of the Coburg/Crescent Subarea portion of the WAP will be amended as follows:

*Policy 6a. The City shall recognize that the properties adjacent to the north side of Crescent Avenue that lie within the Crescent Village Boundary as shown on Inset Map D and that are designated as Commercial on the Coburg-Crescent Subarea Land Use Diagram, shall be zoned General Office.*

*Policy 6b. The City shall recognize that the properties that are located adjacent to the east side of Coburg Road, south of Kinney Loop, north of Crescent Avenue, outside the Crescent Village Boundary as shown on Inset Map D, and that are designated as Commercial on the Coburg-Crescent Subarea Land Use Diagram, shall be zoned Community Commercial.*

### **Evaluation – Refinement Plan Amendment**

The following findings address the applicable approval criteria for the Refinement Plan text amendment:

#### **EC 9.8424(1) The refinement plan amendment is consistent with all of the following:**

##### **(a) Statewide planning goals.**

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

The City's provisions for community involvement ensure the opportunity for community members to be involved in all phases of the planning process and set out requirements for such involvement. The proposal does not include any changes to the City's citizen involvement program.

The City's land use code implements Statewide Planning Goal 1 through its noticing requirements, which include:

- A pre-application neighborhood/applicant meeting (held on 5/15/25)
- Notice to the Oregon Department of Land Conservation and Development (provided on 11/7/25)
- Public notice for the Planning Commission public hearing to consider the applications, which includes mailing notice to interested parties and adjacent property owners (mailed 11/14/25); and posting of the notice on-site (posted 12/1/2025).

All noticing was conducted in accordance with Eugene Code requirements. The Planning Commission held a public hearing on the Refinement Plan Amendment and Zone Change on December 16, 2025. Following action by the Planning Commission, the Eugene City Council held a public hearing on February 17, 2026, to consider the plan amendment and Zone Change, which was also noticed to the public on February 6, 2026 in accordance with the requirements of the Eugene Code . All written testimony related to this application was made available to the Planning Commission and City Council for their review and consideration.

Based on these findings, the Refinement Plan Amendment is 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 decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

Consistent with Statewide Planning Goal 2, the Refinement Plan Amendment is being processed according to the procedures and approval criteria in Eugene's land use code. The amendment to the Willakenzie Area Plan text is for a specific site within the Eugene city limits and is processed under EC 9.7405 Type IV Application Requirements and Criteria Reference and EC

9.8421 through 9.8424. The record shows that there is an adequate factual base for the amendments to the Willakenzie Area Plan.

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 its 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 proposal and the opportunity to comment on the Refinement Plan Amendment to Lane County, the City of Springfield and the State of Oregon's Department of Transportation and Department of Land Conservation and Development.

There are no exceptions to Statewide Planning Goal 2 required for this amendment. Therefore, the amendment is consistent with Statewide Planning Goal 2.

**Goal 3: Agricultural Lands - To preserve agricultural lands.**

The amendment only affects property located within the City of Eugene and does not affect any land designated by the comprehensive plan for agricultural use. Based on this finding, Statewide Planning Goal 3 does not apply.

**Goal 4: Forest Lands - To preserve forest lands.**

The amendment only affects property located within the City of Eugene and does not affect any land designated by the comprehensive plan for forest use. Based on this finding, Statewide Planning Goal 4 does not apply.

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

This amendment does not create or amend the City's list of Goal 5 resources, does not amend a code or plan provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, does not allow new uses that could be conflicting with a significant Goal 5 resource site, and does not amend the acknowledged urban growth boundary. Therefore, the amendment is 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.**

Statewide Planning Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendment to the Willakenzie Area Plan does not impact the City's ability to provide for clean air, water or land resources, nor does it impact existing land, air, or water quality regulations. Based on these findings, the Refinement Plan Amendment is consistent with Statewide Planning Goal 6.

**Goal 7: Areas Subject to Natural Hazards - To protect people and property from natural hazards.**

Statewide Planning Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis, and wildfires. The subject properties are not located within known areas of natural disasters or hazards. The Refinement Plan Amendment does not affect the City's regulation of development in areas subject to natural disasters and hazards. Based on these findings, the amendment is 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.**

Statewide Planning Goal 8 ensures that recreational facilities are provided to Oregon residents and is primarily concerned with the provision of recreational facilities in non-urban areas of the state. The amendment does not affect the City's provisions for resident's access to recreation areas, facilities, or recreational opportunities. Therefore, the amendment is 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.**

Statewide Planning Goal 9 requires cities to evaluate the supply and demand of commercial and industrial land relative to community economic objectives. This Refinement Plan Amendment only applies to three specific properties designated as commercial. 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 Refinement Plan amendment does not add or subtract any commercial land from the adopted commercial or industrial inventories included in the ELSS. The commercial lands inventory in the ELSS is based solely on whether a property is designated as "commercial" in the Eugene-Springfield Metropolitan Area Plan (Metro Plan), the regional comprehensive plan. The ELSS does not further classify commercial properties by their sub-designation in a refinement plan.

The subject properties are designated Commercial in the Metro Plan and the amendment will not change that Metro Plan designation. A designation of the subject properties in the Willakenzie Area Plan as Community Commercial does not affect the City's commercial lands inventory because it will not change the City's overall supply of commercially designated land.

In other words, the subject properties will retain their commercial designation; they are simply moving from one commercial sub designation to another.

Based on these findings, the proposal is consistent with Statewide Planning Goal 9.

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

Statewide Planning 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 (2012-20232) 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 to meet the identified land need. The subject properties are not being redesignated from residential use to a non-residential use and the amendment does not otherwise diminish the amount of land available for residential use; therefore, the amendment will not impact the availability of residential lands for housing. Based on these findings, the amendment is 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 amendment does not affect the City's provision of public facilities and services. The Eugene-Springfield Public Facilities and Services Plan 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 (2035 TSP), 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. Water, wastewater, stormwater and transportation facilities either already exist or are readily available in proximity to the subject site. Nothing in the amendment affects the City's adopted and acknowledged public facilities plans or the City's ability to provide public facilities and services. The amendment is 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. Statewide Planning Goal 12 requires a determination of whether the Refinement Plan Amendment will significantly impact an existing or planned transportation facility. Because the

Refinement Plan Amendment is an amendment to a functional plan, a full TPR analysis is required. As demonstrated in the following findings, as well as the applicant's Transportation Planning Rule Analysis, the Refinement Plan Amendment will not result in a significant effect on existing or planned facilities, and the remedies listed in subsection (2) of this rule are not required.

It is also noted that in the following Zone Change Evaluation section of these Findings, the Zone Change of the subject properties from C-1 to C-2 is consistent with the Metro Plan, which designates the area as commercial without distinction whether it is zoned C-1 or C-2, therefore, the zoning of the subject property is consistent with the 2035 TSP, which qualifies for an exemption from OAR 660-012-0060(2) under subsection (9).

The TPR contains 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 Refinement Plan Amendment is subject to analysis for compliance with the TPR. Due to the nature of the Refinement Plan and Zone Change applications being processed concurrently, the cumulative result was analyzed as part of this TPR evaluation.

The applicant has provided a traffic analysis consistent with the scoping memo and industry standards. The applicant's traffic study analysis shows that the traffic mix is anticipated to be a majority of passenger vehicles with infrequent larger truck deliveries. The mix and levels of traffic are consistent with what is typically found within the type of streets in the study area. The amendment will not affect any of the other factors as they are fixed and will not change as a result of this amendment. The levels of traffic that could be added by the Zone Change is not expected to require a change in the functional classification of any street within the study area. The applicant has not proposed any changes to functional classification of any roadway within the study area.

The Refinement Plan Amendment does not change the standards implementing the current functional classification system adopted in the City of Eugene 2035 TSP.

The current TSP and street classification map were developed and adopted assuming city-wide transportation impacts based upon the policy, designations, planning horizons and growth assumptions identified in the Metro Plan at the time of its adoption. The applicant's engineer has provided an analysis based upon the projected impacts of the Zone Change. The study provided trip generation estimates for reasonable worst-case scenarios based on the change to C-2 zoning and potential uses on the site.

The intersection of Coburg Road/Beltline Eastbound ramps does not meet the mobility standards in the year 2035 background conditions. The addition of development traffic will not worsen the volume to capacity. As the development trips do not worsen the volume to capacity over the background condition, mitigation is not triggered. The amendment does not include an enforceable, ongoing requirement that would demonstrably limit traffic generation.

"Significant effect" is defined by the criteria identified in subsection (a) through (c). The Refinement Plan Amendment results in none of the effects identified in subsections (a) through (c). Therefore, Public Works staff concur with the applicant's finding of no significant effect.

Therefore, based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

### **Goal 13: Energy Conservation - To conserve energy.**

Statewide Planning 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, compatibility and availability of light, wind, and air. The Refinement Plan Amendment will not amend or otherwise affect any adopted land use regulations that implement this Goal. Therefore, the amendment is consistent with Statewide

Planning Goal 13.

**Goal 14: Urbanization - To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.**

The Refinement Plan Amendment does not affect the City's adopted plan provisions or regulations regarding the transition of land from rural to urban uses. Additionally, the amendment is specific to land already zoned and designated for urban uses. The amendment does not affect the transition from rural to urban land uses, as all the property affected by the amendments is located within the city limits. Based on this finding, the amendment is 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 Refinement Plan Amendment does not contain any changes to the Willamette River Greenway regulations, nor are the subject properties located within the City's adopted Willamette Greenway boundary. Based on this finding, Statewide Planning Goal 15 does not apply.

**Goals 16 – 19: Estuarine Resources; Coastal Shorelands; Beaches and Dunes; and Ocean Resources**

There are no estuarine, beach and dune, coastal, or ocean resources related to the property affected by this amendment. Based on this finding, Statewide Planning Goals 16 through 19 do not apply.

Based on the above findings addressing consistency with the Statewide Planning Goals, the proposal is consistent with the Statewide Planning Goals.

**(b) Applicable provisions of the comprehensive plan.**

**Metro Plan**

The Refinement Plan Amendment, which is necessary to allow the concurrent rezone of the subject properties from C-1 Neighborhood Commercial to C-2 Community Commercial, is consistent with the Metro Plan, which designates the subject properties as commercial. The change to the refinement plan policy text is consistent with the commercial designation of the subject properties in both the Metro Plan and the WAP. As the applicant has not requested an amendment to the Metro Plan designation, and the rezone to C-2 remains consistent with the Metro Plan commercial designation of the subject properties, the proposal is consistent with the provisions of the Metro Plan. There are no policies in the Metro Plan that appear to be directly relevant to this amendment or that serve as mandatory approval criteria for the amendment.

Envision Eugene Comprehensive Plan

There are no policies in the Envision Eugene comprehensive plan that appear to be directly applicable to this amendment, nor would any policies serve as mandatory approval criteria for the amendment.

**(c) Remaining portions of the refinement plan.**

The Refinement Plan Amendment applies only to the subject properties and does not affect or amend any other provisions of the refinement plan. None of the other policies listed in the Willakenzie Area Plan appear to serve as mandatory approval criteria for this amendment or to require further analysis beyond that provided above. Based on these findings, the amendment is consistent with the remaining portions of the Willakenzie Area Plan.

**EC 9.8424(2) The refinement plan amendment addresses one or more of the following:**

- (a) An error in the publication of the refinement plan.**
- (b) New inventory material which relates to a statewide planning goal.**
- (c) New or amended community policies.**
- (d) New or amended provisions in a federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan.**
- (e) A change of circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.**

This Refinement Plan Amendment addresses a change of circumstances that was not anticipated at the time the Willakenzie Area Plan was adopted; namely, the diverse economic hub that developed in the Coburg/Crescent Subarea. Large retailers such as Costco, WinCo, Office Depot and PetSmart, and smaller commercial businesses and healthcare providers offer goods and services to all of Eugene's residents. The Willakenzie Area Plan designated almost half of the properties abutting the north side of Crescent Avenue as commercial; however, since the time the refinement plan was approved, all properties abutting the north side of Crescent Avenue from Coburg Road to Suzanne Way have been developed with multi-unit housing. The Refinement Plan Amendment to support the Zone Change from C-1 Neighborhood Commercial to C-2 Community Commercial follows the existing trend and precedent set by other commercial establishments in this area. The Willakenzie Area Plan does not reflect the neighborhood's current needs and commercial capacity. The Refinement Plan Amendment will allow the relatively small subject properties to attract potential development and commercial uses that already exist on the south side of Crescent Avenue and will contribute to the area's needed commercial capacity.

Based on the above findings, this criterion is met.

## **ZONE CHANGE EVALUATION**

### **Application Details**

As discussed in the above summary of the concurrent Refinement Plan Amendment, the applicant's request includes a concurrent application to change the zoning of the subject properties from C-1 Neighborhood Commercial to C-2 Community Commercial. The Zone Change corresponds to the changes in the properties' Refinement Plan designation, from General Office to Community Commercial. The change in Refinement Plan designation and zoning would align with the existing commercial uses in the vicinity. The properties also include the /ND Overlay Zone, which will remain.

The following findings address the applicable approval criteria for the concurrent Zone Change request.

**EC 9.8865(1) The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.**

The base zoning of the subject properties will change from C-1 Neighborhood Commercial to C-2 Community Commercial. The properties are designated as Commercial on the Metro Plan's land use diagram. Because the C-2 zone implements the commercial use designation, as specified at EC 9.2110, the Zone Change is consistent with the subject properties' Metro Plan designation. The Metro Plan also identifies this area as a Nodal Development Area. As the /ND Overlay Zone will remain, the Zone Change will be consistent with the Metro Plan.

Based on the available evidence, and findings above, the applicant's request is consistent with the Metro Plan, and this criterion is met.

**EC 9.8865(2) The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.**

The subject properties are located within the boundaries of the Crescent-Coburg Subarea in the North Region of the Willakenzie Area Plan (WAP), the adopted Refinement Plan applicable to the subject properties. The WAP currently designates the subject properties as General Office, a Commercial sub-designation, as shown in Inset Map D of the Coburg/Crescent Subarea Map. The concurrent Refinement Plan Amendment is a text amendment to Policy 6 of Coburg/Crescent Subarea, to provide as follows:

*Policy 6a. The City shall recognize that the properties adjacent to the north side of Crescent Avenue that lie within the Crescent Village Boundary as shown on Inset Map D and that are designated as Commercial on the Coburg-Crescent Subarea Land Use Diagram, shall be zoned General Office.*

*Policy 6b. The City shall recognize that the properties that are located adjacent to the*

*east side of Coburg Road, south of Kinney Loop, north of Crescent Avenue, outside the Crescent Village Boundary as shown on Inset Map D, and that are designated as Commercial on the Coburg-Crescent Subarea Land Use Diagram, shall be zoned Community Commercial.*

The Refinement Plan Amendment will ensure that the Zone Change to C-2 is consistent with the Willakenzie Area Plan.

The Council finds that the following policy and action statements in the Willakenzie Area Plan provide relevant context for this application:

- General Policies and Proposed Action for the Willakenzie Area, Land Use Policies and Proposed Actions (Policy 2, page 15): The City shall ensure that future commercial development and redevelopment in the Willakenzie planning area is sensitive to and compatible with existing and planned development in the surrounding area.
- Proposed Action 2.2 (page 15): Apply the /SR Site Review suffix to all parcels zoned or designated for C-1 Neighborhood Commercial or C-2 Community Commercial development in the Willakenzie planning area, using the Willakenzie Commercial Siting and Development Guidelines as the review criteria. These guidelines will be used to evaluate commercial development and redevelopment proposals until such time as the City adopts citywide commercial development standards or guidelines.

Policy 2 generally concerns the compatibility of commercial uses with adjacent development. In this case, the subject properties are adjacent to other existing commercial development to the north and south, and to residentially developed property to the east. Properties to the west are residentially developed but are separated from the subject properties by Coburg Road right-of-way. Regarding being sensitive to and compatible with existing and planned development in the surrounding area, the C-2 zone generally allows for greater building heights; however, per EC 9.2170(3)(b), future commercial development on the subject properties is limited to a height of 30 feet within 50 feet of the abutting R-1 residential properties to the east.

Additionally, per EC 9.4280, the /ND Nodal Development Overlay, which will remain on the subject properties, prohibits the following intensive uses allowed in the C-2 zone:

- Car washes
- Parts stores
- Recreational vehicle and heavy truck, sales/rental/service
- Motor vehicle and motorcycle sales/rental/service
- Service stations, including quick servicing
- Tires, sales/service
- Transit park and ride, major or minor, except under a shared parking arrangement with another permitted use

- Parking areas, where the entire lot is exclusively used for parking and does not provide shared parking for more than one development site
- Agricultural machinery rental/sales/service
- Boats and watercraft sales and service
- Equipment, heavy, rental/sales/service
- Manufactured dwelling sales/service/repair
- Drive-through facility

These code requirements and restrictions will promote sensitivity to the immediate area and allow compatible development with the existing residential and commercial developments adjacent to the subject properties.

Proposed Action 2.2 is a suggested action as one possible way for the City to implement the related policy but is not adopted as mandatory policy itself. This suggested action indicates that the /SR overlay should apply until such time as the City adopts commercial development standards. Since the original adoption of the Willakenzie Area Plan in 1992, the City has adopted commercial development standards (through the 2002 Land Use Code Update) which implemented the general intent of the policy and suggested action.

No other policies listed in the Willakenzie Area Plan appear to serve as mandatory approval criteria for this Zone Change or require further analysis beyond that provided above for the Zone Change.

Based on these findings, and with approval of the Refinement Plan Amendment, this criterion is met.

**EC 9.8865(3) The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.**

Key urban facilities and services are defined in the Metro Plan as: wastewater service, stormwater service, transportation, water service, fire and emergency medical services, police protection, City-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (see Metro Plan, page V-3). The following summary addresses the availability of these key urban services and facilities as required under this criterion.

Wastewater: An 8-inch public wastewater line is currently located adjacent to the west of the subject properties within Coburg Road right-of-way. Wastewater standards will be reviewed at the time of future development for any extension of service to the subject properties.

Stormwater: There is currently a storm drainage facility available via an 8-inch line adjacent to the west of the subject properties which connects to a 60-inch public storm system that is

located within Coburg Road. In the event of future development, applicants may be required to address all applicable stormwater management standards including flood control, water quality, oil control, easements, operation and maintenance. Any designs will be reviewed at time of building permit.

Streets: The subject properties all have frontage on Coburg Road and the northernmost property (Tax Lot 04000) also has frontage on Kinney Loop. Coburg Road is a public street and is classified as a major arterial. Kinney Loop is a public street and is classified as a local access road. Compliance with applicable street standards will be addressed at the time of future development.

Solid Waste: Collection service is provided by private entities. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Water and Electric: Water and electrical services, operated by Eugene Water and Electric Board (EWEB) are available for extension to the property. Any future development will require coordination with EWEB staff to ensure that water and electric services comply with City standards and EWEB requirements.

Public Safety: Police protection for the subject property is consistent with service provision throughout the City. Fire protection will be provided by the Eugene-Springfield Fire. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield.

Transportation: The subject property is accessible to pedestrians, bicycles, and vehicles via the surrounding street network. A Lane Transit District public transit stop is located approximately 100 feet north of the site (route #96) on Coburg Road. Additionally, transit stops are available approximately 400 and 600 feet away from the subject properties on Crescent Avenue (routes #66 and 67). Sidewalks and bikes lanes are present on both sides of Coburg Road.

Parks and Recreation: Parks and recreation programs are provided on a City-wide basis. The location of the subject properties within city limits is sufficient evidence to demonstrate the minimum level of this key urban service is met.

Planning and Development Services: Planning and building permit services are provided for all properties located within the City's urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject properties.

Communication: A variety of telecommunication providers offer communications services throughout the Eugene/Springfield area; therefore, these services are available, and this key urban service requirement is met.

Public Schools: The subject property is located within Eugene School District 4J. As access to schools is evaluated on a district wide basis, the property's location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.

Based on these findings, this criterion is satisfied.

**EC 9.8865(4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:**

- (a) EC 9.2150 Commercial Zone Siting Requirements.
- (b) EC 9.2430 Employment and Industrial Zone Siting Requirements.
- (c) EC 9.2510 Natural Resource Zone Siting Requirements.
- (d) EC 9.2610 Park, Recreation, and Open Space Siting Requirements.
- (e) EC 9.2681 Public Land Zone Siting Requirements.
- (f) EC 9.3055 S-C Chambers Special Area Zone Siting Requirements.
- (g) EC 9.3105 S-CN Chase Node Special Area Zone Siting Requirements.
- (h) EC 9.3140 S-DR Downtown Riverfront Special Area Zone Siting Requirements.
- (i) EC 9.3205 S-DW Downtown Westside Special Area Zone Siting Requirements.
- (j) EC 9.3305 S-E Elmira Road Special Area Zone Siting Requirements.
- (k) EC 9.3605 S-JW Jefferson Westside Special Area Zone Siting Requirements.
- (l) EC 9.3705 S-RP Riverfront Park Special Area Zone Siting Requirements.
- (m) EC 9.3805 S-RN Royal Node Special Area Zone Siting Requirements.
- (n) EC 9.3905 S-W Whiteaker Special Area Zone Siting Requirements.
- (o) EC 9.3955 S-WS Walnut Station Special Area Zone Siting Requirements.
- (p) EC 9.4160 /CL Clear Lake Overlay Zone Siting Requirements.
- (q) EC 9.4205 /EC East Campus Overlay Zone Siting Requirements.
- (r) EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.
- (s) EC 9.4776 /WQ Water Quality Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4786.).
- (t) EC 9.4915 /WR Water Resources Conservation Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4960.).
- (u) EC 9.4815 /WB Wetland Buffer Overlay Zone Siting Requirements.
- (v) An uncoded ordinance establishing a site specific S-H Historic Special Area Zone, a copy of which is maintained at the city's planning and development department.

There are no specific siting standards for the C-2 zone, therefore this requirement is not applicable.

**EC 9.8865(5) In cases where the NR zone is applied based on EC 9.2510(1)(b), the property owner shall enter into a contractual arrangement with the city to ensure the area is maintained as a natural resource area for a minimum of 50 years.**

This criterion does not apply because the Zone Change does not include the NR zone.

## **OAR 660-012-0060 - Transportation Planning Rule**

While not an approval criterion included in Eugene Code, Zone Change applications are subject to Goal 12 Transportation of the Statewide Planning Goals, adopted by the Land Conservation and Development Commission. As such, Oregon Administrative Rule (OAR) 660-012-0060(1) must be specifically addressed as part of the Zone Change.

**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.**

As discussed in the Refinement Plan Amendment findings above, the application was evaluated for potential transportation system impacts, and it was determined that the Refinement Plan Amendment would not have a significant effect on the transportation system. In this case, the Zone Change from C-1 to C-2 also qualifies for an exemption from OAR 660-012-0060(2) under subsection (9), which is addressed below.

**OAR 660-012-0060(9): Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.**

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the plan map;**
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and**
- (c) The area subject to the amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660- 024-220(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.**

Goal 12 requires a determination of whether the Refinement Plan Amendment will significantly impact an existing or planned transportation facility.

The City of Eugene's adopted 2035 TSP serves as the City's acknowledged local transportation system plan. Chapter 3: Needs Assessment and Evaluation of the 2035 TSP, provides:

The needs assessment and resulting projects (set forth in Chapter 4) that establish a transportation system adequate to meet the identified local transportation needs are based upon the land use designations established by the Metro Plan. Because the 2035 TSP is based on the Metro Plan land use designations, any zone allowed within the land use designation is consistent with both the Metro Plan and this 2035 TSP.

The rezone of the subject property to C-2 Community Commercial is consistent with the Metro Plan, which designates the area as commercial without distinction whether it is zoned C-1 or C-2, therefore, the zoning of the subject property is consistent with the 2035 TSP.

The subject property was not exempted from OAR Chapter 660, Section 12 at the time of an urban growth boundary amendment.

As the applicant has not requested an amendment of the Metro Plan designation, and the C-2 zoning remains consistent with the Metro Plan designation, the Zone Change complies with OAR 660-012-0060(9) and satisfies OAR 660-012-0060(1). Based on these findings, the Zone Change complies with the Transportation Planning Rule.

### **CONCLUSION**

Based on the available information and evidence, and the preceding findings of compliance, the Refinement Plan Amendment and Zone Change comply with the applicable approval criteria.

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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Public Hearing: An Ordinance Concerning Municipal Court Becoming a Court of Record; Adding Section 2.771 to the Eugene Code, 1971; Declaring Compliance with ORS 221.342(2); and Providing for an Immediate Effective Date.

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Meeting Date: February 17, 2026  
Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2  
Staff Contact: Kathryn Brotherton  
Phone: 541-682-8447

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### ISSUE STATEMENT

The purpose of this public hearing is to consider amending the Eugene Code to make the Eugene Municipal Court a court of record. The proposed ordinance adds a new section 2.771 to the Eugene Code and includes uncodified provisions necessary for the Oregon Supreme Court to acknowledge Eugene Municipal Court as a court of record. In order to address the state legislation that went into effect on January 1, 2026, and that is currently impacting municipal court's functions, the ordinance provides for an immediate effective date. Action on the ordinance is scheduled for February 23, 2026.

### BACKGROUND

Eugene Municipal Court is not a court of record, meaning that the court's proceedings are not preserved in an official record (a verbatim transcript) that would serve as authoritative evidence of the court's actions and decisions and that could be referenced in future legal matters. Without an official record of the proceedings, instead of appealing a conviction to the Oregon Court of Appeals (because such appeals are based on the trial court's record), a defendant convicted in Eugene Municipal Court has the right to seek an entirely new ("de novo") trial in Lane County Circuit Court.

During the 2025 legislative session the State legislature passed HB 2460 (Attachment B to this AIS), which went into effect on January 1, 2026. HB 2460 was largely intended to address appeal processes, but it also included a provision related to courts of non-record. For courts of non-record, such as Eugene Municipal Court, HB 2460 now allows a defendant that has pleaded not guilty to a misdemeanor charge to immediately transfer the case from municipal court to circuit court; once transferred the charges are entirely adjudicated in circuit court, with appeals going to the Oregon Court of Appeals. Prior to the passage of HB 2460, violations of City Code provisions punishable by jail up to a year (misdemeanors) were prosecuted in Eugene Municipal Court by the Eugene City Prosecutor's office, with court-appointed defense counsel provided by the City through a contract with a local defense firm.

HB 2460 is having immediate impact on Eugene Municipal Court and the manner in which Eugene City Code misdemeanors are adjudicated. These impacts are caused, in part, by Lane County's Circuit Court's lack of resources and capacity to receive the larger number of cases that HB 2460 now makes eligible to be transferred to circuit court. Eugene's Community Court has been heavily impacted by HB 2460, with a significant reduction in the number of cases being diverted to this long-standing, successful judicial off-ramp. This is because, to address Lane County Circuit Court's

February 17, 2026 Public Hearing – Item 2

aforementioned lack of resources and capacity, the types of offenses that are typically referred to Community Court are not being filed, are being dismissed/reduced to a violation, or are being resolved through settlement. This is a short-term approach intended to immediately address the impacts of HB 2460 with the understanding that the City Council would be considering an ordinance to make Eugene Municipal Court a court of record. Once a court of record, the number of cases in Community Court is expected to return pre-HB 2460 numbers. Additionally, becoming a court of record will prevent anticipated long-term impacts of HB 2460, which include Community Court essentially ceasing to exist, a significant increase in the City Prosecutor's Office court appearance demands (limiting their ability to efficiently resolve cases), longer wait times for victims to get their cases resolved, and a significant reduction in the prosecution of quality of life crimes (criminal trespass, retail theft, disorderly conduct, etc.).

Transitioning to a court of record will require additional staff, materials, and supplies that are not currently budgeted. If this code amendment is approved, funding requests will be included in an upcoming supplemental budget. The anticipated costs range from \$350,000 - \$500,000 and may be funded in part by the Community Safety Payroll Tax.

### **COUNCIL OPTIONS**

No action is required at this time. Options will be provided at the time of City Council action, which is scheduled for February 23, 2026.

### **CITY MANAGER'S RECOMMENDATION**

This item is scheduled for a public hearing only.

### **ATTACHMENTS**

- A. Proposed Ordinance Concerning Municipal Court Becoming a Court of Record; Adding Section 2.771 to the Eugene Code, 1971; Declaring Compliance with ORS 221.342(2); and Providing for an Immediate Effective Date.
- B. Oregon HB 2460

### **FOR MORE INFORMATION**

Staff Contact: Kathryn Brotherton, City Attorney  
Telephone: 541-682-8447  
Staff E-Mail: [KBrotherton@eugene-or.gov](mailto:KBrotherton@eugene-or.gov)

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE CONCERNING MUNICIPAL COURT BECOMING A COURT OF RECORD; ADDING SECTION 2.771 TO THE EUGENE CODE, 1971; DECLARING COMPLIANCE WITH ORS 221.342(2); AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Section 2.771 is added to the Eugene Code, 1971, to provide as follows:

**2.771      Municipal Court – Court of Record.**

***The Eugene Municipal Court is a court of record.***

**Section 2.** In accordance with the requirements of ORS 221.342(2), the Eugene City Council declares as follows:

- (a) The Eugene Municipal Court satisfies the requirements for becoming a court of record set forth in ORS 221.342.
- (b) The address and telephone number of the clerk of the Eugene Municipal Court are as follows:

1102 Lincoln St.  
Eugene, OR 97401  
Phone: 541-682-5400
- (c) The Eugene Municipal Court will commence operations as a court of record on April 1, 2026.

**Section 3.** This Ordinance shall serve as the Eugene City Council's declaration that is required by ORS 22.342(2) for the Eugene Municipal Court to become a court of record. The City Manager is directed to file this declaration/ordinance with the Oregon Supreme Court and request entry of an order by the Supreme Court acknowledging the filing of this declaration.

**Section 4.** The City Recorder, at the request of, or with the consent 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 5.** As a result of Oregon House Bill 2460, adopted by the Oregon Legislature during the 2025 Legislative Session and effective on January 1, 2026, it is necessary to immediately amend the City Code to make the Eugene Municipal Court a court of record. Therefore, pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto.

**Passed by the City Council this**

**\_\_\_\_ day of \_\_\_\_\_, 2026**

\_\_\_\_\_  
**City Recorder**

**Approved by the Mayor this**

**\_\_\_\_ day of \_\_\_\_\_, 2026**

\_\_\_\_\_  
**Mayor**

83rd OREGON LEGISLATIVE ASSEMBLY--2025 Regular Session

## Enrolled House Bill 2460

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon Law Commission)

CHAPTER .....

### AN ACT

Relating to local courts; creating new provisions; amending ORS 19.240, 21.135, 21.160, 51.028, 51.050, 55.110, 138.005, 138.057, 138.081, 138.090, 153.105, 156.080, 156.705, 221.343 and 221.352; repealing ORS 21.285, 51.070, 51.080, 51.090, 51.110, 51.120, 51.130, 53.005, 53.010, 53.020, 53.030, 53.040, 53.050, 53.060, 53.070, 53.080, 53.090, 53.100, 53.110, 53.120, 53.125, 53.130, 55.120, 157.005, 157.010, 157.020, 157.030, 157.040, 157.050, 157.060, 157.065, 157.070, 221.359, 221.360, 221.370, 221.380 and 221.390; and prescribing an effective date.

**Be It Enacted by the People of the State of Oregon:**

### JUSTICE COURTS GENERALLY

**SECTION 1.** ORS 51.050, as amended by section 57, chapter 70, Oregon Laws 2024, is amended to read:

51.050. (1) Except as otherwise provided in this section, in addition to the criminal jurisdiction of justice courts already conferred upon and exercised by them, justice courts have jurisdiction of all offenses committed or triable in their respective counties. The jurisdiction conveyed by this section is concurrent with any jurisdiction that may be exercised by a circuit court or municipal court.

*[(2) In any justice court that has not become a court of record under ORS 51.025, a defendant charged with a misdemeanor shall be notified immediately after entering a plea of not guilty of the right of the defendant to have the matter transferred to the circuit court for the county where the justice court is located. The election shall be made within 10 days after the plea of not guilty is entered, and the justice shall immediately transfer the case to the appropriate court.]*

*[(3)]* (2) A justice court does not have jurisdiction over the trial of any felony or a designated drug-related misdemeanor as defined in ORS 423.478. Except as provided in ORS 51.037, a justice court does not have jurisdiction over offenses created by the charter or ordinance of any city.

**SECTION 1a.** ORS 156.705 is amended to read:

156.705. *[Justices of the peace]* **Justice courts** shall have concurrent jurisdiction over all offenses **other than felonies** committed under ORS 167.315 to 167.333 and 167.340.

**SECTION 2. Civil jurisdiction.** (1) **A justice court has jurisdiction, but not exclusive jurisdiction, of the following civil actions:**

(a) **For the recovery of money or damages only, when the amount claimed does not exceed \$10,000.**

(b) For the recovery of specific personal property, when the value of the property claimed and the damages for the detention do not exceed \$10,000.

(c) For the recovery of any penalty or forfeiture, whether given by statute or arising out of contract, not exceeding \$10,000.

(d) For the recovery of possession of real property, as provided in ORS 105.110.

(e) To give judgment without action, upon the confession of the defendant for any of the causes specified in this section, except for a penalty or forfeiture imposed by statute.

(2) For purposes of this section, the amount claimed, value of property, damages or any amount in controversy does not include any amount claimed as costs and disbursements or attorney fees as defined by ORCP 68 A.

(3) A justice court does not have jurisdiction of:

(a) An action in which the title to real property is in question.

(b) An action for false imprisonment, libel, slander or malicious prosecution.

(c) An action brought by an adult in custody as defined in ORS 30.642.

(4) The jurisdiction conferred by this section is concurrent with any jurisdiction that may be exercised by a circuit court or municipal court.

**SECTION 3. Case record.** (1) The case record of a justice court consists of the docket as described in subsection (2) of this section and the case file as described in subsection (3) of this section.

(2) The docket of a justice court is a record in which the clerk of the justice court shall enter, by its title, every action, suit or proceeding commenced in the court according to the date of its commencement, with the names of the parties thereto. Thereafter, the clerk shall note in the docket the following:

(a) The date of the filing of any pleading or other document.

(b) The date of making, filing and entry of any order, judgment, ruling or other direction of the court in or concerning such action, suit or proceeding.

(c) An order allowing a provisional remedy, and the date of issuing and returning the summons or other process.

(d) The date on which the parties, or either party, appears, or the date on which a party fails to appear as required.

(e) Every postponement of a trial or other proceeding, upon whose application the postponement was made, and the date and time to which the trial or other proceeding was postponed.

(f) The demand for a jury, if any, and by whom made, the order for a jury, and the time appointed for trial.

(g) The return of an order for a jury, the names of the persons impaneled and sworn as a jury, and the names of all witnesses sworn, and at whose request.

(h) The verdict of the jury and when given, and if the jury disagree and is discharged without giving a verdict, a statement of such disagreement and discharge.

(i) The judgment of the court and when signed.

(j) The date of filing the notice of appeal.

(k) Any undertaking and justification of a surety.

(L) Satisfaction of the judgment or any part thereof.

(m) A memorandum of all orders relating to security release.

(n) Any other information that may be material or that is required by statute, court order or rule.

(3)(a) The case file consists of every document filed with or by the justice court clerk in any action, suit or proceeding in the court, or before the judge.

(b) The case file also includes any audio recording or stenographic or other reporting of any justice court proceeding made pursuant to ORS 51.105, if all parties agree that the recording or other reporting is the official record of the proceeding and the recording or other reporting has been filed with the court.

(4) A justice court may maintain its docket or case files, or both, in electronic form.

**SECTION 4. Keeping of case records.** (1) The justice of the peace shall safely and securely keep all case records of the justice court described in section 3 of this 2025 Act. The case records are public records for the purposes of ORS 192.311 to 192.478.

(2) When any justice court is abolished, the justice of the peace shall turn over the case records of that court to the clerk of the circuit court for the county in which the justice court was located.

**SECTION 5. Transfer to circuit court.** (1) In any justice court that has not become a court of record under ORS 51.025, a defendant charged with a misdemeanor shall be notified immediately after entering a plea of not guilty of the right of the defendant to have the case transferred to the circuit court for the county in which the justice court is located. The election must be made within 10 days after the plea of not guilty is entered, and upon the election the justice court shall immediately transfer the case to the circuit court.

(2)(a) In any justice court that has not become a court of record under ORS 51.025, in a case in which the defendant is charged with a violation or misdemeanor, after a ruling adverse to the defendant on any pretrial motion, the defendant, with the consent of the justice court and the prosecutor, may have the case transferred to the circuit court for the county in which the justice court is located, with the same effect as a transfer described in subsection (1) of this section. The request to transfer must be made within 10 days after entry of the order ruling on the motion and prior to any verdict or plea of guilty or no contest. Upon the request and with the consent of the justice court and the prosecutor, the justice court shall immediately transfer the case to the circuit court.

(b) In a case that is transferred under this subsection in which the defendant is charged with only a violation, the filing fee described in ORS 21.135 and the process described in section 10a (1)(b) and (c) of this 2025 Act apply.

(3) Upon transfer of the case to circuit court, the prosecutor and the defendant have the same right to appeal the circuit court's orders or judgments of the case as if the case had been originally commenced in circuit court.

**SECTION 6.** ORS 156.080 is amended to read:

156.080. (1) The defendant may plead the same pleas as upon an indictment. The plea shall be oral and entered in the docket. If the defendant refuses to plead, the justice shall enter the fact, together with the plea of not guilty, on behalf of the defendant.

(2) Notwithstanding ORS 156.010 and 135.335, in a justice court that has not become a court of record, a defendant may not enter a conditional plea of guilty or no contest, but may seek to transfer the case to the circuit court as provided in section 5 (2) of this 2025 Act.

**SECTION 6a. Adverse party contact information.** (1)(a) When entering a judgment in an action for a violation or a misdemeanor, a justice court shall, by including a notification in the judgment document or by another effective manner, notify the defendant that the defendant may request the name and contact information of the government official or entity upon which service of a notice of appeal is required under section 10 of this 2025 Act, with instruction on how to make such a request.

(b) Upon the defendant making a request described in this subsection, the justice court shall provide the defendant with the name and contact information of the government official or entity upon which service of the notice of appeal is required.

(2)(a) When entering a judgment in a civil action, a justice court shall, by including a notification in the judgment document or by another effective manner, notify the parties that a party may request the name and contact information of the adverse party upon whom service of a notice of appeal is required under section 10 of this 2025 Act, with instruction on how to make such a request.

(b) Upon a party making a request described in this subsection, the justice court shall provide the party with the name and contact information of the adverse party upon whom

service of the notice of appeal is required that is in the possession of the court at the time the request is made.

## APPEALS FROM JUSTICE COURTS (Generally)

**SECTION 6b. Definition.** As used in sections 8 to 30 of this 2025 Act, “matter” means:

- (1) On appeal from a judgment of conviction and sentence, the entire case; or
- (2) On appeal from a pretrial order or order entered after trial, or an amended or corrected judgment, the order or judgment from which the appeal is taken and any issue, factual or legal, necessary to decide the appeal.

**SECTION 7. Court to which appeal is taken.** (1) If a justice court has become a court of record under ORS 51.025:

(a) An appeal in a proceeding involving a violation shall be taken to the Court of Appeals as provided in ORS 138.057.

(b) An appeal in a proceeding involving a misdemeanor shall be taken to the Court of Appeals as provided in ORS 138.010 to 138.310 for appeals from a circuit court.

(c) An appeal in a civil action shall be taken to the Court of Appeals as provided in ORS chapter 19 for appeals from a circuit court.

(2) If a justice court has not become a court of record under ORS 51.025, an appeal from a proceeding involving a violation or misdemeanor or a civil action shall be taken to the circuit court of the county in which the justice court is located and in the manner provided in ORS 55.110 and sections 8 to 30 and 30c of this 2025 Act.

**SECTION 8. Time within which appeal must be taken.** (1) Except as provided in subsection (2) of this section, a notice of appeal must be filed and served within 30 days of the date of entry in the justice court docket of the judgment or order being appealed.

(2) If, in a case involving a misdemeanor or a violation, a motion for a new trial or motion in arrest of judgment is timely served and filed, a notice of appeal must be served and filed within 30 days from the earlier of the following dates:

- (a) The date of entry of the order disposing of the motion; or
- (b) The date on which the motion is deemed denied.

**SECTION 9. Contents of notice of appeal.** (1) The notice of appeal must contain:

(a) The title of the cause in the justice court. The party appealing is known as the appellant and the adverse party as the respondent, but the title of the action is otherwise unchanged.

(b) The name of each party and the party’s attorney, if the party is represented by an attorney.

(c) A notice to each party that appeared in the action or proceeding, or to the party’s attorney if the party is represented, that an appeal is taken and designating the adverse parties to the appeal.

(d) Identification of the justice court’s order or judgment from which the appeal is taken.

(e) If an appellant is not represented by an attorney, a postal address for the appellant and either an electronic mail address for the appellant, or a statement that the appellant does not have an electronic mail address or does not wish to receive correspondence via electronic mail.

(f) If the appellant is represented by an attorney, the postal address and electronic mail address for the attorney.

(g) The postal address and electronic mail address, if known to the appellant, for all other parties designated as parties to the appeal.

(h) The signature of the appellant or, if the appellant is represented by an attorney, the appellant’s attorney.

(i) If the appellant is appealing from a judgment of conviction based on a plea of guilty or no contest, a claim that the trial court failed to comply with requirements of law in imposing or failing to impose a sentence.

(2) The State Court Administrator shall create a model notice of appeal form that, when completed by the appellant, contains the information described in subsection (1) of this section.

**SECTION 10. Filing and serving notice of appeal.** (1) The appellant shall:

(a) File written notice of appeal with the justice court from which the appeal is taken with proof of service of a copy on the adverse party, or an acknowledgment of service signed by the adverse party; and

(b) Serve a copy of the notice of appeal on the adverse party or, if the adverse party is represented by an attorney, the party's attorney.

(2) In a case charging a misdemeanor or a violation, if the defendant is the appellant:

(a) The defendant shall serve the county attorney if the case has been brought in the county's name and the defendant did not serve the county attorney under subsection (1) of this section.

(b) The defendant shall serve the district attorney if the case has been brought in the state's name and the defendant did not serve the district attorney under subsection (1) of this section.

**SECTION 10a. Filing fee.** (1)(a) On appeal from a justice court to the circuit court in a civil action, or in an action involving only the commission of a violation, the parties are subject to the circuit court fees described in ORS 21.135 or 21.160 when filing a notice of appeal or other first appearance in the appellate proceeding.

(b) The appellant shall either tender payment of the circuit court filing fee to the justice court, or file an application to waive or defer the filing fee with the justice court. The appellant may use the application described in ORS 21.685.

(c) The justice court shall transmit the filing fee or application to waive or defer the filing fee to the circuit court of the county in which the justice court is located at the time that the justice court submits the case record as required by section 12 of this 2025 Act. The circuit court shall rule upon the application, and may waive or defer payment of the filing fee required by ORS 21.135 or 21.160 for the reason and in the manner provided in ORS 21.680 to 21.698.

(2) When the state or any political subdivision of the state, or an officer, employee or agent thereof, appearing in a representative or other official capacity, is a party on appeal from a justice court, payment of the filing fee required by ORS 21.135 or 21.160 is subject to ORS 20.140.

**SECTION 11. Jurisdiction of the matter and to decide the appeal.** (1) The circuit court has jurisdiction to exercise judicial authority in the matter upon the filing of the notice of appeal.

(2) Timely filing of the notice of appeal and timely service on the adverse party is jurisdictional, and except as otherwise provided in this section, neither the justice court nor the circuit court may waive or extend the time limits for filing or serving the notice of appeal described in section 8 of this 2025 Act.

(3) Upon the timely filing of the notice of appeal, service on the adverse party and transfer of the case record to the circuit court, the appeal is deemed perfected.

(4) Notwithstanding subsections (2) and (3) of this section:

(a) It is not a jurisdictional defect if the appellant files the original notice of appeal with the circuit court, so long as the appellant timely served a copy of the notice of appeal on the justice court.

(b) Timely service on an adverse party is not jurisdictional if proper service did not occur due to the appellant's reliance upon an address provided by the justice court under section 6a of this 2025 Act, and the circuit court may extend the time for proper service.

(c) In a case charging a violation or a misdemeanor, timely service on the county attorney or the district attorney is not jurisdictional and the circuit court may extend the time for that service.

**SECTION 12. Submission of the record.** (1) The justice court shall submit the case record described in section 3 of this 2025 Act to the circuit court immediately and no later than 30 days after the date the notice of appeal was filed, or no later than 10 days if the defendant is in custody.

(2) The circuit court by order may extend the time for the justice court to submit the case record.

(3) If the justice court and the circuit court agree, the justice court may submit its case record, or make the case record available, to the circuit court in electronic form. If the circuit court does not agree to accept the justice court record in electronic form, the justice court shall submit a paper copy of the case record to the circuit court.

**SECTION 13. Proceedings in the circuit court and standard of review generally.** (1)(a) The circuit court may dismiss an appeal that is not properly taken or perfected, including the failure to include a claim in the notice of appeal if required by section 9 (1)(i) of this 2025 Act, except that the circuit court may not dismiss an appeal because the justice court has failed to submit the justice court case record to the circuit court.

(b) The circuit court shall not assess the merits of a claim made pursuant to section 9 (1)(i) of this 2025 Act. If, in violation of this paragraph, the circuit court dismisses an appeal based on an assessment of such a claim, and notwithstanding ORS 138.035, the appellant may appeal the dismissal.

(2) After the appeal is perfected, the matter shall be deemed pending for trial or hearing as if the case had been originally commenced in the circuit court. The circuit court shall proceed to hear and decide the matter anew, disregarding any irregularity or imperfection in matters of form that may have occurred in the justice court.

(3) The circuit court may, in furtherance of justice and upon such terms as may be just, allow a party to amend the party's pleadings in the action, provided that the amendment does not substantially change the issue tried in the justice court or introduce any new cause of action or defense.

**SECTION 14. Rendering judgment; remand; notice to justice court.** (1) The circuit court shall render a judgment, as defined in ORS 18.005, conclusively disposing of the appeal.

(2) Except as otherwise provided in sections 8 to 30 of this 2025 Act:

(a) If the circuit court determines that any of the terms of the justice court judgment should be reversed or modified, the circuit court shall render a judgment as if the case had been originally commenced in the circuit court, containing all the terms of the judgment and to be enforced as a judgment of the circuit court; or

(b) If the circuit court determines that none of the terms of the justice court decision should be reversed or modified, the circuit court shall render a judgment affirming the decision and remanding the case to the justice court for enforcement of the judgment.

(3) Notwithstanding subsection (2) of this section, in its discretion and for good cause, the circuit court may render such judgment as may be proper, which may include remanding the case to the justice court for further proceedings in accordance with the decision of the circuit court.

(4) The trial court administrator of the circuit court shall provide a copy of the circuit court's judgment to the justice court:

(a) Within 40 days after the date of entry of the circuit court judgment, if no party appeals from the judgment; or

(b) Within 10 days after receipt of the appellate judgment issued by the State Court Administrator resolving the appeal, if a party appeals the circuit court judgment to the Court of Appeals.

**SECTION 15. Availability of writ of review.** The right of a party in a justice court to appeal under sections 8 to 30 of this 2025 Act may not be construed to prevent any party from seeking review in the circuit court under ORS 34.010 to 34.100 for errors in law appearing on the face of the judgment entered by the justice court or the proceedings connected therewith or, in a proceeding charging a violation or misdemeanor, an interlocutory order involving the constitutionality of a statute.

(Violation and Misdemeanor Cases)

**SECTION 16. Appeal and cross-appeal by the defendant.** (1) In a proceeding involving a violation or misdemeanor, a defendant may appeal from:

(a) A judgment convicting the defendant of one or more charges and imposing sentence, regardless of the type of sentence imposed.

(b) A judgment ordering payment of restitution but not specifying the amount of restitution, or a supplemental judgment awarding restitution.

(c) A judgment or order imposing or executing a sentence upon revocation of probation or sentence suspension.

(d) A judgment or order that is an amended or corrected version of a judgment or order described in paragraphs (a) to (c) of this subsection.

(2) In a proceeding involving a violation, the defendant may appeal an order denying a motion for relief from default under ORS 153.105.

(3) A defendant may cross-appeal when the prosecution appeals an order prior to trial suppressing evidence as provided in section 17 (1)(c) of this 2025 Act. The failure to file a cross-appeal under this subsection does not waive a defendant's right to appeal a particular ruling of the justice court on appeal from the judgment of conviction and sentence.

**SECTION 17. Appeal by the state or county.** (1) In a proceeding involving a violation or misdemeanor, the prosecution may appeal from:

(a) An order made prior to trial dismissing or setting aside one or more counts in the accusatory instrument.

(b) An order allowing a demurrer.

(c) An order made prior to trial suppressing evidence.

(d) An order made prior to trial for the return or restoration of things seized.

(e) An order arresting the judgment.

(f) An order made after a guilty finding dismissing or setting aside one or more counts in the accusatory instrument.

(g) An order granting a new trial.

(2) In a proceeding involving a violation, the prosecution may appeal an order granting a defendant's motion for relief from default under ORS 153.105.

(3) Notwithstanding subsection (1) of this section, the state or the county may not appeal the dismissal of a violation by reason of a police officer's failure to appear at the trial on the matter if the police officer was timely provided with notice of the trial date.

**SECTION 18. Proceedings in the circuit court in general in cases charging offenses.** (1) On appeal of a matter in a case charging a violation or misdemeanor, the circuit court shall try the matter pursuant to the statutes that prescribe the procedure for trial of violations or misdemeanors, respectively, in the circuit court, except that the prosecution may be handled by an attorney provided by the county or other political subdivision of the state that enacted the ordinance or adopted the provision of a charter the defendant was charged with or convicted of violating.

(2) On appeal by the defendant of a judgment of conviction and sentence for a violation or misdemeanor defined by state law or by a law enacted by a county, city or other subdivision of the state, if the defendant is convicted, the circuit court may impose any sentence within the limits prescribed by state law, by ordinance of the county or other political sub-

division of the state or by city charter for the violation or misdemeanor. If the circuit court determines that the defendant is guilty of a violation, the circuit court shall comply with ORS 153.018, 153.019, 153.020 and 153.021 in imposing the sentence.

**SECTION 18a. Scope of review in general of order or judgment other than judgment of conviction and sentence.** On appeal by the defendant or the prosecution of an order or judgment other than the judgment of conviction and sentence, except as otherwise specified by law, the circuit court may review only the order or judgment from which the appeal is taken and any issue necessary to decide the appeal, but may receive and consider evidence as necessary to decide the matter anew.

**SECTION 18b. Scope of review in specific cases.** (1) On appeal by a defendant of any conviction based on a plea of guilty or no contest, the circuit court shall treat the plea as though it was entered in and accepted by the circuit court. If the defendant has included a claim of legal error in the notice of appeal as required by section 9 (1)(i) of this 2025 Act, the circuit court shall sentence the defendant anew without determining whether the justice court erred.

(2) At any sentencing proceeding in the circuit court, both parties shall be bound by any sentencing agreement that the parties entered into in the justice court.

(3) On appeal by a defendant under section 16 (1)(b) of this 2025 Act, the circuit court shall sentence the defendant anew.

(4) On appeal by a defendant under section 16 (1)(d) of this 2025 Act:

(a) The circuit court shall proceed in the same manner as in an appeal from the original judgment or order.

(b) Notwithstanding paragraph (a) of this subsection, if the appeal of the amended or corrected judgment or order is filed after expiration of the time period during which the original judgment or order could have been appealed, the circuit court may review only the amended or corrected part of the judgment or order and any part of the judgment or order affected by the amendment or correction.

(5)(a) On appeal by a defendant under section 16 (2) of this 2025 Act or by the prosecution under section 17 (2) of this 2025 Act, the circuit court shall determine whether to grant relief in accordance with ORS 153.105 in the same manner as if the motion for relief had been originally filed in circuit court.

(b) The circuit court may hear evidence or admit exhibits necessary to make the determination on the matter.

**SECTION 19. Circuit court proceedings on appeal in violation and misdemeanor cases.** (1) On appeal by the defendant of a judgment under section 16 (1)(a) or (d) of this 2025 Act involving a misdemeanor, after the circuit court has decided the appeal, and notwithstanding whether the circuit court affirms, reverses or modifies any term of the justice court judgment, the circuit court shall render a judgment as provided in section 14 (2)(a) of this 2025 Act.

(2) On appeal by the defendant of a judgment under section 16 (1)(a) or (d) of this 2025 Act involving a violation, if the circuit court determines that no term of the justice court judgment should be reversed or modified, the circuit court shall render a judgment as provided in section 14 (2)(b) or (3) of this 2025 Act.

(3) On appeal by the defendant of a judgment or order under section 16 (1)(b) or (c) of this 2025 Act, after the circuit court has decided the appeal, the circuit court shall render a judgment disposing of as much of the case as was tried before the circuit court.

(4)(a) On appeal by the defendant under section 16 (2) of this 2025 Act, if the circuit court determines that relief should be granted, the circuit court shall vacate the judgment and:

(A) Remand the case to the justice court for further proceedings; or

(B) Retain the case in the circuit court for further proceedings, if the justice court has adopted a rule described in paragraph (b) of this subsection.

(b) A justice court, with agreement of the presiding judge of the circuit court of the county in which the justice court is located, may adopt a rule allowing a case described in paragraph (a) of this subsection to remain in circuit court for further proceedings after the justice court judgment is vacated.

(5) On appeal by the prosecution under section 17 (1)(a) to (d) of this 2025 Act, after the circuit court has decided the matter appealed, and notwithstanding section 18a of this 2025 Act, at the request of either party, the circuit court shall take jurisdiction of the case, try the case and render a judgment described in section 14 (2)(a) of this 2025 Act. If neither party requests the circuit court to try the remainder of the case, the circuit court shall render a judgment disposing of as much of the case as was tried before the circuit court and remanding the case to the justice court for further proceedings.

(6) On appeal by the prosecution under section 17 (1)(e) to (g) of this 2025 Act, the circuit court shall render a judgment reflecting its decision and remanding the case to the justice court.

(7) On appeal by the prosecution under section 17 (2) of this 2025 Act, if the circuit court determines that relief should not be granted, the circuit court shall render a judgment vacating the justice court's order granting relief and remanding the case to the justice court for further proceedings.

**NOTE:** Section 20 was deleted. Subsequent sections were not renumbered.

**SECTION 21. Stay of enforcement of judgment.** (1) A defendant filing notice of appeal from a judgment of conviction and sentence of a misdemeanor described in this subsection does not stay enforcement of the judgment unless the defendant:

(a) If sentenced to confinement, executes a release agreement or makes a security release deposit as provided in ORS 135.230 to 135.290; or

(b) On conviction of a traffic crime as defined in ORS 801.545, gives the security required by ORS 810.300 to 810.330 as an undertaking on appeal.

(2) A defendant filing notice of appeal from a judgment involving a violation does not automatically stay enforcement of the judgment.

(3) Nothing in this section is intended to affect the authority of the justice court or circuit court to stay enforcement of the judgment under ORS 19.350, 138.285 or 138.295 or any other authority.

**NOTE:** Section 22 was deleted. Subsequent sections were not renumbered.

**SECTION 23. Appeal from circuit court.** (1) Upon entry by the circuit court of an order or judgment:

(a) In a matter involving a violation, the order or judgment may be appealed as provided in ORS 138.057.

(b) In a matter involving a misdemeanor, the order or judgment may be appealed as provided in ORS 138.010 to 138.310.

(2) In any case in which only a violation or violations are charged, the state may not appeal from an order dismissing the case that is entered by reason of a police officer's failure to appear at the trial on the matter if the police officer was timely provided with notice of the trial date.

#### (Civil Actions)

**SECTION 24. Who may appeal.** (1) Any party to a judgment in a civil action in a justice court, other than a judgment by confession or for want of an answer, may appeal from the judgment when:

(a) The sum in controversy is \$100 or more, or the action is for the recovery of personal property of the value of \$100 or more, exclusive of disbursements in either case; or

(b) When the action is for the recovery of the possession of real property under ORS 105.110.

(2)(a) A defendant may appeal from the justice court's order denying the defendant's motion to set aside a default order or judgment.

(b) A plaintiff may appeal from the justice court's order granting a defendant's motion to set aside a default order or judgment.

**SECTION 25. Undertaking for costs and disbursements and stay of proceedings.** (1)(a) As used in sections 8 to 30 of this 2025 Act, "undertaking" means a written promise signed by an appellant to take an action, in connection with an appeal from the justice court to the circuit court, that is supported by a bond, one or more sureties or a deposit of money with the justice court.

(b) A surety for an undertaking on appeal must have the qualifications established by ORCP 82.

(2) The appellant shall file an undertaking stating that the appellant will pay all costs and disbursements that may be awarded against the appellant on appeal. The appellant shall file the undertaking with the justice court within five days after filing the notice of appeal. The justice court or the circuit court for good cause may extend the time to file the undertaking.

(3) In order to stay the enforcement of a money judgment on appeal, the appellant shall include in the undertaking a promise to pay the justice court judgment to the extent that the circuit court affirms the judgment.

(4)(a) The respondent may object to the sufficiency of an undertaking for costs and disbursements, or to stay enforcement of the judgment, including the amount of the undertaking, the security for the undertaking or the qualifications of a surety.

(b) The objection to the sufficiency of an undertaking must be filed as provided in ORCP 82. Notwithstanding ORCP 82 F, the respondent must file the objection within 14 days after the date on which a copy of the undertaking is served on the respondent. The justice court for good cause may extend the time to file the objection. The justice court shall decide the sufficiency of the undertaking in the manner provided by ORCP 82.

(5)(a) If a tenant on appeal of a judgment for possession of real property files an undertaking to stay enforcement of the judgment during the appeal, absent a bond or sufficient surety, the tenant shall support the undertaking by promising to deposit with the justice court by a date certain each month the fair market rental value of the real property. The justice court may determine the fair market rental value of the real property based on the written or oral rental agreement between the parties or other evidence of the monthly rent amount due or in effect at the time the court's determination is made.

(b) The tenant must deposit the fair market value of the property with the justice court each month by the date specified in the undertaking or as ordered by the justice court. If the tenant fails to timely deposit the monthly amount, the landlord shall be entitled to enforce the justice court judgment notwithstanding the pendency of the appeal to the circuit court. Upon motion by the landlord, the justice court may order issuance of a notice of restitution in accordance with ORS 105.153 or a writ of execution of judgment of restitution in accordance with ORS 105.156. For purposes of ORS 105.159 (3), any period during which the justice court judgment is stayed shall not be considered as part of the 60-day time period.

(c) On receipt of the circuit court's judgment disposing of the appeal, the justice court shall disburse the money deposited by the tenant in accordance with the circuit court's judgment.

(6) When judgment is given in the circuit court against the appellant, either with or without the trial of the action, it must also be given against the sureties in the undertaking of the appellant, according to its nature and effect.

**SECTION 26. Stay of proceedings without undertaking.** If the judgment from which the appeal is taken is in favor of the appellant, the proceedings on the judgment are stayed by the filing of the notice of appeal and the undertaking for the costs of the appeal.

**SECTION 27. Recall of execution when stay granted.** If enforcement of a judgment is stayed under section 25 (3) or section 26 of this 2025 Act and execution has been issued to

enforce the judgment, on motion of the party against whom judgment was rendered, the justice court shall recall the execution by written notice to the officer holding the execution. Upon recall, the execution must be returned, and all property taken pursuant to the execution that has not been sold must be released.

**SECTION 28. Enforcement of judgment in contract action notwithstanding appeal.** When a judgment has been given for money in an action upon a contract to pay money, notwithstanding an appeal and undertaking for the stay of proceedings, the respondent may enforce the judgment if, within five days from the date the notice of appeal is filed, the respondent files with the justice court an undertaking, with one or more sureties, to the effect that if the judgment is changed or modified on appeal, the respondent will make such restitution as the circuit court may direct. The undertaking must be filed with the justice court after at least two days' notice to the other party.

**SECTION 28a. Appeals from actions for the recovery of real property.** (1) On appeal from a judgment conclusively determining an action for the recovery of real property, notwithstanding section 12 of this 2025 Act, the justice court shall forward the notice of appeal and the case record to the circuit court within 10 days of the date the appellant files the notice of appeal with the justice court.

(2) Notwithstanding ORS 105.137, the circuit court shall proceed to set the matter for trial, without scheduling a first appearance, as follows:

(a) For a claim based on nonpayment as defined in ORS 90.395, no earlier than 15 days and no later than 30 days following the date of receipt of the justice court record; or

(b) For any other claim, as soon as practicable and no later than 15 days following the date of receipt of the justice court record.

**SECTION 29. Judgment on dismissal or after trial; judgment against sureties.** If the circuit court dismisses an appeal, the court shall render judgment as provided in section 14 of this 2025 Act, which shall include judgment against the appellant for the costs and disbursements of the appeal. When judgment is given in the circuit court against the appellant, either with or without trial of the action, the judgment must also be given against the sureties in the undertaking of the appellant, according to its nature and effect.

**SECTION 30. Appeal from circuit court.** Upon entry by the circuit court of an order or judgment in the matter, the judgment may be appealed as provided in ORS chapter 19 except as otherwise provided by law.

#### (Small Claims)

**SECTION 30a.** ORS 55.110 is amended to read:

55.110. (1) The judgment of the court shall be conclusive upon the plaintiff in respect to the claim filed by the plaintiff and upon the defendant in respect to a counterclaim asserted by the defendant. **Except as provided in subsection (2) of this section,** the defendant may appeal if dissatisfied in respect to the claim filed by the plaintiff[,] and the plaintiff may appeal if dissatisfied in respect to a counterclaim asserted by the defendant. *[A party entitled to appeal may, within 10 days after the entry of the judgment against the party, appeal to the circuit court for the county in which the justice court is located. If final judgment is rendered against the party appealing in the appellate court, that party shall pay, in addition to the judgment, an attorney's fee to the other party in the sum of \$10. Appeals from the small claims department shall only be allowed in cases in which appeals would be allowed if the action were instituted and the judgment rendered in the justice courts, as is provided by law.]*

(2)(a) A party to a judgment taken by confession or for want of an answer may not appeal from the judgment, but the party may appeal from an order denying the party's motion for relief from default.

(b) A party may not appeal from a judgment when the sum in controversy is less than \$100 or when the action is for the recovery of personal property with a value of less than \$100, exclusive of disbursements in the action.

(3)(a) An appeal from the small claims department of a justice court that has not become a court of record shall be taken to the circuit court of the county in which the justice court is located.

(b) Notwithstanding section 7 (1)(c) of this 2025 Act, an appeal may not be taken from the small claims department of a justice court that has become a court of record.

**SECTION 30b.** Section 30c of this 2025 Act is added to and made a part of ORS 55.020 to 55.140.

**SECTION 30c.** (1) Except as otherwise provided in this section, an appeal under ORS 55.110 shall be taken in the manner provided in sections 8 to 30 of this 2025 Act, including satisfactory security for payment of the judgment and costs.

(2)(a) The State Court Administrator shall create a model notice of appeal form, for appeals under ORS 55.110 that, when completed by the appellant, contains the information described in section 9 (1) of this 2025 Act.

(b) The clerk of the justice court shall provide a party, at the party's request, a copy of the notice of appeal form.

(3) The circuit court shall decide the appeal anew without a jury. A party may not file any additional pleadings, but the circuit court may require the parties to file further statements or information as the court deems necessary for proper consideration of any issue raised on appeal.

(4) The decision of the circuit court on appeal shall be final and conclusive, and an appeal may not be taken from the judgment of the circuit court.

#### (Amendments to Existing Statutes)

**SECTION 30d.** ORS 19.240 is amended to read:

19.240. (1) An appeal to the Court of Appeals shall be taken in the manner prescribed in this chapter.

(2) The appeal shall be taken by causing a notice of appeal, in the form prescribed by ORS 19.250, to be served:

(a) On all parties who have appeared in the action, suit or proceeding;

(b) On the trial court administrator; and

(c) On the trial court transcript coordinator, **if applicable and** if a transcript is designated in connection with the appeal.

(3) The original of the notice with proof of service indorsed thereon or affixed thereto shall be filed with the Court of Appeals.

**SECTION 30e.** ORS 153.105 is amended to read:

153.105. (1) If a [default] judgment is entered against a defendant under ORS 153.102, the court may relieve a defendant from the judgment upon a showing that the failure of the defendant to appear was due to mistake, **including clerical mistake**, inadvertence, surprise or excusable neglect, **or that the court committed a legal error in entering the judgment**. A motion for relief under this section must be made by the defendant within a reasonable time, and in no event may a motion under this section be made more than one year after entry of judgment.

(2) **If the defendant makes an oral request for relief under this section or the court rules on the request orally, or both, the court shall note in the docket that the defendant requested relief from judgment and the court's disposition of the request.**

(3) **This section does not limit the inherent authority of the court to relieve a party from a judgment within a reasonable time after entry of the judgment.**

**NOTE:** Section 31 was deleted. Subsequent sections were not renumbered.

**SECTION 32.** ORS 138.005 is amended to read:

138.005. As used in ORS 138.010 to 138.310:

(1) Unless the context requires otherwise, the terms defined in ORS 19.005 have the meanings set forth in ORS 19.005.

(2) “Appealable” means, in reference to a judgment or order rendered by a trial court, that the judgment or order is, by law, subject to appeal by a party.

(3) “Colorable claim of error” means an argument that is plausible, grounded in the facts of the case, and reasonable under current law or a reasonable extension or modification of current law.

(4) “Reviewable” means, in reference to a particular decision of a trial court on appeal from an appealable judgment or order, that the appellate court may, by law, consider the decision and resolve an issue regarding the decision.

(5) “Sentence” means all legal consequences established or imposed by the trial court after conviction of an offense, including but not limited to:

(a) Forfeiture, imprisonment, cancellation of license, removal from office, monetary obligation, probation, conditions of probation, discharge, restitution and community service; and

(b) Suspension of imposition or execution of any part of a sentence, extension of a period of probation, imposition of a new or modified condition of probation or of sentence suspension, and imposition or execution of a sentence upon revocation of probation or sentence suspension.

(6) “State” includes, in addition to the State of Oregon and when referencing a party:

(a) The county, in an appeal from a justice court that has become a court of record under ORS 51.025 in which the county is the plaintiff; and

(b) The city, in an appeal from a municipal court that has become a court of record under ORS 221.342 in which the city is the plaintiff.

**SECTION 32a.** ORS 138.090 is amended to read:

138.090. *[When the state takes an appeal,]* The notice of appeal shall be signed by:

(1) The district attorney for the county or by the Attorney General, **when an appeal is taken on behalf of the State of Oregon in a prosecution of an offense created by state statute.**

(2) **The defendant or an attorney for the defendant,** when the defendant takes an appeal, *the notice of appeal shall be signed by the defendant or an attorney of the court for the defendant*.

(3) **County counsel for the county, when the county appeals in a prosecution for violating a county ordinance.**

(4) **City counsel for the city, when the city appeals in a prosecution for violating an offense created by the city’s charter or by ordinance.**

**SECTION 33.** ORS 138.057 is amended to read:

138.057. (1)*[(a)]* If a justice court or municipal court has become a court of record under ORS 51.025 or 221.342, an appeal from a judgment involving a violation shall be as provided in ORS chapter 19 for appeals from judgments entered by circuit courts, except that the standard of review is the same as for an appeal from a judgment in a proceeding involving a misdemeanor or felony.

(2)(a) If a justice court or municipal court has not become a court of record under ORS 51.025 or 221.342, the appeal from a judgment involving a violation entered by the justice court or municipal court may be taken to the circuit court for the county in which the justice court or municipal court is located~~[,]~~ **as follows:**

**(A) For a justice court, as provided in sections 8 to 30 of this 2025 Act; and**

**(B) For a municipal court, as provided in sections 39 to 51 of this 2025 Act.** *[An appeal to a circuit court must be taken in the manner provided in this subsection.]*

*[(b) Within 30 days after the entry of the judgment by the justice court or municipal court, a party who wishes to appeal the decision must serve a copy of the notice of appeal on the adverse party and must file the original notice of appeal with the justice court or municipal court along with proof of service on the adverse party or an acknowledgment of service signed by the adverse party.]*

*[(c) If the appeal is made by the defendant from the decision of a municipal court, the copy of the notice of appeal must be served on the city attorney. If the appeal is made by the defendant from a decision in a justice court, the copy of the notice of appeal must be served on the district attorney for the county.]*

[(d)] **(b)** No undertaking shall be required of the party filing a notice of appeal under the provisions of this subsection.

[(e)] *Upon filing of the notice of appeal, the justice court or municipal court shall forward all files relating to the case to the circuit court to which the appeal is taken.]*

[(f)] *The circuit court shall treat a matter appealed under this subsection as though the case had been originally filed with the circuit court and shall try the case anew, disregarding any irregularity or imperfection in the proceedings in the justice court or municipal court.]*

[(g)] *Upon entry of a judgment in the matter, the judgment may be appealed as provided in subsection (2) of this section.]*

[(2)] **(3)(a)** Subject to the provisions of this subsection, an appeal from a judgment involving a violation entered by a circuit court may be taken as provided in ORS chapter 19.

[(a)] **(b)** For the purpose of meeting the requirements imposed by ORS 19.240, the copy of the notice of appeal must be served on:

(A) The city attorney, if the appeal is made by the defendant from a decision initially made in a municipal court.

(B) The district attorney for the county, if the appeal is made by the defendant from a decision initially made in a justice court.

[(b)] **(c)** Notwithstanding ORS 19.270, timely service on the city attorney or district attorney under the provisions of this subsection is not jurisdictional and the Court of Appeals may extend the time for that service.

[(c)] **(d)** Notwithstanding any provision of ORS chapter 19, an undertaking on appeal is not required for an appeal from a judgment involving a violation.

[(d)] **(e)(A)** The filing of a notice of an appeal from a judgment involving a violation does not act to automatically stay the judgment.

**(B) Nothing in this paragraph is intended to affect the authority of the circuit court to stay enforcement of the judgment under ORS 19.350, 138.285 or 138.295 or any other authority.**

[(e)] **(f)** The standard of review for an appeal under this subsection is the same as for an appeal from a judgment in a proceeding involving a misdemeanor or felony.

[(3)] **(g)** In any case in which only violations are charged, the state may not appeal from an order dismissing the case that is entered by reason of a police officer's failure to appear at the trial of the matter **if the police officer was timely provided with notice of the trial date.**

**SECTION 34.** ORS 138.081 is amended to read:

138.081. (1) An appeal shall be taken by causing a notice of appeal in the form prescribed by ORS 19.250 to be served:

(a)(A) When the defendant appeals[,];

(i) On the district attorney for the county in which the judgment is entered, [or, if the appeal is under ORS 221.360, on the plaintiff's attorney; or] **if the appeal is from a conviction for a misdemeanor or felony under state law;**

(ii) **On county counsel for the county in which the judgment is entered, if the appeal is from a conviction for a violation of a county ordinance constituting a misdemeanor; or**

(iii) **On the city attorney or other prosecutor, if the appeal is from a conviction for a misdemeanor defined by a city charter or ordinance; or**

(B) When the state appeals, on the attorney of record for the defendant or, if the defendant has no attorney of record, on the defendant;

(b) On the trial court transcript coordinator, **if applicable and** if a transcript is required in connection with the appeal; and

(c) On the trial court administrator.

(2)(a) If the state cannot effect service on the defendant as provided in subsection (1)(a)(B) of this section, the trial court may order alternative service in accordance with ORCP 7 D(6) on proof of the state's due diligence in attempting to effect service.

(b) Alternative service is not perfected until the time established by the court for response expires and the state files with the appellate court the affidavit or declaration of alternative service.

(3) The notice of appeal signed by the appellant, along with proof of service of the notice, must be filed with the administrator of the court to which the appeal is taken. Proof of service of the notice of appeal may either be part of, or accompany, the original notice when filed.

**(Repeals)**

**SECTION 35. ORS 21.285, 51.070, 51.080, 51.090, 51.110, 51.120, 51.130, 53.005, 53.010, 53.020, 53.030, 53.040, 53.050, 53.060, 53.070, 53.080, 53.090, 53.100, 53.110, 53.120, 53.125, 53.130, 55.120, 157.005, 157.010, 157.020, 157.030, 157.040, 157.050, 157.060, 157.065 and 157.070 are repealed.**

**(Conforming Amendments)**

**SECTION 35a.** ORS 21.135 is amended to read:

21.135. (1) Unless a specific fee is provided by subsection (3) or (4) of this section or other law for a proceeding, a circuit court shall collect a filing fee of \$281 when a complaint or other document is filed for the purpose of commencing an action or other civil proceeding and when an answer or other first appearance is filed in the proceeding.

(2) Except as provided in subsection (5) of this section, the filing fee established by subsection (1) of this section applies to:

(a) Proceedings in which only equitable remedies are sought.

(b) Appeals from a conviction of a violation in justice or municipal courts [*as provided in ORS 21.285*].

(c) Interpleader actions.

(d) Actions relating to a trust.

(e) Proceedings for judicial review of an agency order.

(f) Declaratory judgment actions.

(g) Any other action or proceeding that is statutorily made subject to the fee established by this section and any other civil proceeding for which a specific filing fee is not provided.

(3)(a) The circuit court shall collect a filing fee of \$263 in adoption cases under ORS chapter 109, excluding readoptions under ORS 109.385, when a petition is filed for the purpose of commencing an adoption proceeding or when any other document or other first appearance is filed in the proceeding. The fee shall include the cost of issuing one or more certificates of adoption under ORS 109.410.

(b) When separate petitions for adoption of multiple minor children are concurrently filed under ORS 109.276 by the same petitioner, one filing fee shall be charged for the first petition filed and the filing fees for concurrently filed petitions shall not be charged.

(4) The circuit court shall collect a filing fee of \$56 for actions seeking remedial sanctions for contempt of court under ORS 33.055 and when a first appearance is filed in the proceeding.

(5) The filing fee established under subsection (1) of this section does not apply to:

(a) Expunction proceedings under ORS 419A.261 or 419A.262;

(b) Petitions under ORS 163A.130 or 163A.135 for an order relieving the person from the duty to report as a sex offender if the person is required to report under ORS 163A.025; or

(c) Any juvenile delinquency proceeding arising under ORS chapter 419B or 419C.

**SECTION 35b.** ORS 21.160 is amended to read:

21.160. (1) A circuit court shall collect the following filing fees when a complaint or other document is filed for the purpose of commencing an action or other civil proceeding based on a tort or contract and when an answer or other first appearance is filed in the proceeding:

(a) If the amount claimed is \$10,000 or less, the court shall collect a filing fee of \$170.

(b) If the amount claimed is more than \$10,000 and less than \$50,000, the court shall collect a filing fee of \$283.

(c) If the amount claimed is \$50,000 or more, and less than \$1 million, the court shall collect a filing fee of \$594.

(d) If the amount claimed is \$1 million or more and less than \$10 million, the court shall collect a fee of \$884.

(e) If the amount claimed is \$10 million or more, the court shall collect a filing fee of \$1,178.

(2) The filing fees provided by this section apply to proceedings for the foreclosure of a mortgage, lien or other security interest. For the purposes of such proceedings, the amount claimed is the amount of the debt secured by the mortgage, lien or other security interest that is owing as of the date that the proceeding is filed.

(3) The filing fees provided by this section apply to proceedings for specific performance of a contract. For the purposes of such proceedings, the amount claimed is the amount owing under the contract on the date that the proceeding is filed.

(4) A court shall collect the filing fees provided by this section when an appeal from **a civil proceeding in** a justice court is filed under ORS [53.005 to 53.125] **55.110 or sections 8 to 30 or 30c of this 2025 Act**, or a case is transferred from a justice court under ORS 52.320.

(5) For purposes of this section, the amount claimed in a proceeding does not include any amount claimed as attorney fees or as costs and disbursements.

(6) For purposes of this section, the amount claimed in a proceeding includes any penalty or forfeiture provided by statute or arising out of contract.

**SECTION 35c.** ORS 51.028 is amended to read:

51.028. (1) Any justice court that has become a court of record under ORS 51.025 may cease to operate as a court of record only if the governing body of the county in which the court is located files a declaration with the Supreme Court identifying the date on which the justice court will cease operation as a court of record. The date identified in the declaration may not be less than 31 days after the date the declaration is filed.

(2) The Supreme Court may not charge a fee for filing a declaration under subsection (1) of this section. Not later than 30 days after a declaration is filed under subsection (1) of this section, the Supreme Court shall enter an order acknowledging the filing of the declaration and give notice of the order of acknowledgment to the county and the public.

(3) The appeal from a judgment entered in a justice court after the date identified in a declaration filed under this section shall be as provided in ORS [53.005 to 53.125 and ORS chapter 157] **55.110 and sections 8 to 30 and 30c of this 2025 Act**.

## **MUNICIPAL COURTS**

### **(Appeals from Municipal Courts)**

**SECTION 36.** Sections 37 to 51 of this 2025 Act are added to and made a part of ORS chapter 221.

**SECTION 37. Transfer to circuit court.** (1) In any municipal court that has not become a court of record under ORS 221.342, a defendant charged with a misdemeanor shall be notified immediately after entering a plea of not guilty of the right of the defendant to have the case transferred to the circuit court for the county in which the municipal court is located. The election must be made within 10 days after the plea of not guilty is entered, and upon the election the municipal court shall immediately transfer the case to the circuit court.

(2)(a) In any municipal court that has not become a court of record under ORS 221.342, a defendant may not enter a conditional plea of guilty or no contest. However, after a ruling adverse to the defendant on any pretrial motion, the defendant, with the consent of the municipal court and the prosecutor, may have the case transferred to the circuit court for the county in which the municipal court is located, with the same effect as a transfer described in subsection (1) of this section. The request to transfer must be made within 10 days after entry of the order ruling on the motion and prior to any verdict or plea of guilty or

no contest. Upon the request and with the consent of the municipal court and the prosecutor, the municipal court shall immediately transfer the case to the circuit court.

(b) In a case that is transferred under this subsection in which the defendant is charged with only a violation, the filing fee described in ORS 21.135 and the process described in section 40a (1)(b) and (c) of this 2025 Act apply.

(3) Upon transfer of the case to circuit court, the prosecutor and the defendant have the same right to appeal the circuit court's orders or judgments of the case as if the case had been originally commenced in circuit court.

**SECTION 37a. Adverse party contact information.** (1) When entering a judgment in an action for a violation or a misdemeanor, a municipal court shall, by including a notification in the judgment document or by another effective manner, notify the defendant that the defendant may request the name and contact information of the government official or entity upon which service of a notice of appeal is required under section 40 of this 2025 Act, with instruction on how to make such a request.

(2) Upon the defendant making a request described in this subsection, the municipal court shall provide the defendant with the name and contact information of the government official or entity upon which service of the notice of appeal is required.

**SECTION 37b. Definition.** As used in sections 39 to 51 of this 2025 Act, "matter" means:

(1) On appeal from a judgment of conviction and sentence, the entire case; or

(2) On appeal from a pretrial order or order entered after trial, or an amended or corrected judgment, the order or judgment from which the appeal is taken and any issue, factual or legal, necessary to decide the appeal.

**SECTION 38. Court to which appeal is taken.** (1) If a municipal court has become a court of record under ORS 221.342:

(a) An appeal in a proceeding involving a violation shall be taken to the Court of Appeals as provided in ORS 138.057.

(b) An appeal in a proceeding involving a misdemeanor shall be taken to the Court of Appeals as provided in ORS 138.010 to 138.310 for appeals from a circuit court.

(2) If a municipal court has not become a court of record under ORS 221.342, an appeal shall be taken to the circuit court of the county in which the municipal court is located and in the manner provided in sections 39 to 51 of this 2025 Act.

**SECTION 39. Time within which appeal must be taken.** (1) Except as provided in subsection (2) of this section, a notice of appeal must be filed and served within 30 days of the date of entry in the municipal court docket of the judgment or order being appealed.

(2) If a motion for a new trial or motion in arrest of judgment is timely served and filed, a notice of appeal must be served and filed within 30 days from the earlier of the following dates:

(a) The date of entry of the order disposing of the motion; or

(b) The date on which the motion is deemed denied.

(3) The appeal is perfected upon submission of the case record described in ORS 221.352.

**SECTION 39a. Contents of notice of appeal.** (1) The notice of appeal must contain:

(a) The title of the cause in the municipal court. The party appealing is known as the appellant and the adverse party as the respondent, but the title of the action is otherwise unchanged.

(b) The name of each party and the party's attorney, if the party is represented by an attorney.

(c) A notice to each party that appeared in the action or proceeding, or to the party's attorney if the party is represented, that an appeal is taken and designating the adverse parties to the appeal.

(d) Identification of the municipal court's order or judgment from which the appeal is taken.

(e) If an appellant is not represented by an attorney, a postal address for the appellant and either an electronic mail address for the appellant, or a statement that the appellant does not have an electronic mail address or does not wish to receive correspondence via electronic mail.

(f) If the appellant is represented by an attorney, the postal address and electronic mail address for the attorney.

(g) The postal address and electronic mail address, if known to the appellant, for all other parties designated as parties to the appeal.

(h) The signature of the appellant or, if the appellant is represented by an attorney, the appellant's attorney.

(i) If the appellant is appealing from a judgment of conviction based on a plea of guilty or no contest, a claim that the trial court failed to comply with requirements of law in imposing or failing to impose a sentence.

(2) The State Court Administrator shall create a model notice of appeal form that, when completed by the appellant, contains the information described in subsection (1) of this section.

**SECTION 40. Filing and serving notice of appeal.** (1) The appellant shall:

(a) File written notice of appeal with the municipal court from which the appeal is taken with proof of service of a copy on the adverse party, or an acknowledgment of service signed by the adverse party; and

(b) Serve a copy of the notice of appeal on the adverse party or, if the adverse party is represented by an attorney, the party's attorney.

(2) If the defendant is the appellant:

(a) The defendant shall serve the city attorney if the case has been brought in the city's name and the defendant did not serve the city attorney under subsection (1) of this section.

(b) The defendant shall serve the district attorney if the case has been brought in the state's name and the defendant did not serve the district attorney under subsection (1) of this section.

**SECTION 40a. Filing fee.** (1)(a) On appeal from a municipal court to the circuit court in an action involving only the commission of a violation, the parties are subject to the circuit court fees described in ORS 21.135 when filing a notice of appeal or other first appearance in the appellate proceeding.

(b) The appellant shall either tender payment of the circuit court filing fee to the municipal court, or file an application to waive or defer the filing fee with the municipal court. The appellant may use the application described in ORS 21.685.

(c) The municipal court shall transmit the filing fee or application to waive or defer the filing fee to the circuit court of the county in which the municipal court is located at the time that the municipal court submits the case record as required in section 41a of this 2025 Act. The circuit court shall rule upon the application, and may waive or defer payment of the filing fee required by ORS 21.135 for the reason and in the manner provided in ORS 21.680 to 21.698.

(2) When the state or any political subdivision of the state, or an officer, employee or agent thereof, appearing in a representative or other official capacity, is a party on appeal from a municipal court, payment of the filing fee required by ORS 21.135 is subject to ORS 20.140.

**SECTION 41. Jurisdiction of the matter and to decide the appeal.** (1) The circuit court has jurisdiction to exercise judicial authority in the matter upon the filing of the notice of appeal.

(2) Timely filing of the notice of appeal and timely service on the adverse party is jurisdictional, and except as otherwise provided in this section, neither the municipal court nor the circuit court may waive or extend the time limits for filing or serving the notice of appeal described in section 40 of this 2025 Act.

(3) Upon the timely filing of the notice of appeal, service of the adverse party and transfer of the case record to the circuit court, the appeal is deemed perfected.

(4) Notwithstanding subsections (2) and (3) of this section:

(a) It is not a jurisdictional defect if the appellant files the original notice of appeal with the circuit court, so long as the appellant timely served a copy of the notice of appeal on the municipal court.

(b) Timely service on an adverse party is not jurisdictional if proper service did not occur due to the appellant's reliance upon an address provided by the municipal court under section 37a of this 2025 Act, and the circuit court may extend the time for proper service.

(c) Timely service on the city attorney or the district attorney is not jurisdictional and the circuit court may extend the time for that service.

**SECTION 41a. Submission of the record.** (1) The municipal court shall submit the case record described in ORS 221.352 to the circuit court immediately and no later than 30 days after the date the notice of appeal was filed, or 10 days if the defendant is in custody.

(2) The circuit court by order may extend the time for the municipal court to submit the case record.

(3) If the municipal court and the circuit court agree, the municipal court may submit its case record, or make the case record available, to the circuit court in electronic form. If the circuit court does not agree to accept the municipal court record in electronic form, the municipal court shall submit a paper copy of the case record to the circuit court.

**SECTION 42. Proceedings in the circuit court and standard of review generally.** (1)(a) The circuit court may dismiss an appeal that is not properly taken or perfected, including the failure to include a claim in the notice of appeal if required by section 39a (1)(i) of this 2025 Act, except that the circuit court may not dismiss an appeal because the municipal court has failed to submit the municipal court case record to the circuit court.

(b) The circuit court shall not assess the merits of a claim made pursuant to section 39a (1)(i) of this 2025 Act. If, in violation of this paragraph, the circuit court dismisses an appeal based on an assessment of such a claim, and notwithstanding ORS 138.035, the appellant may appeal the dismissal.

(2) After the appeal is perfected, the matter shall be deemed pending for trial or hearing as if the case had been originally commenced in the circuit court. The circuit court shall proceed to hear and decide the matter anew, disregarding any irregularity or imperfection in matters of form that may have occurred in the municipal court.

(3) The circuit court may, in furtherance of justice and upon such terms as may be just, allow a party to amend the party's pleadings in the action, provided that the amendment does not substantially change the issue tried in the municipal court or introduce any new cause of action or defense.

**SECTION 42a. Rendering judgment; remand; notice to municipal court.** (1) The circuit court shall render a judgment as defined in ORS 18.005 conclusively disposing of the appeal.

(2) Except as otherwise provided in sections 39 to 51 of this 2025 Act:

(a) If the circuit court determines that any of the terms of the municipal court judgment should be reversed or modified, the circuit court shall render a judgment as if the case had been originally commenced in the circuit court, containing all the terms of the judgment and to be enforced as a judgment of the circuit court; or

(b) If the circuit court determines that none of the terms of the municipal court decision should be reversed or modified, the circuit court shall render a judgment affirming the decision and remanding the case to the municipal court for enforcement of the judgment.

(3) Notwithstanding subsection (2) of this section, in its discretion and for good cause, the circuit court may render such judgment as may be proper, which may include remanding the case to the municipal court for further proceedings in accordance with the decision of the circuit court.

(4) The trial court administrator of the circuit court shall provide a copy of the circuit court's judgment to the municipal court:

(a) Within 40 days after the date of entry of the circuit court judgment, if no party appeals from the judgment; or

(b) Within 10 days after receipt of the appellate judgment issued by the appellate court resolving the appeal, if a party appeals the circuit court judgment.

(5) If enforcement of the municipal court's judgment was stayed pending disposition of an appeal to circuit court, the stay is automatically vacated when the trial court administrator provides a copy of the circuit court judgment to the municipal court under subsection (4) of this section.

**SECTION 43. Availability of writ of review.** The right of a party in a municipal court to appeal under sections 39 to 51 of this 2025 Act may not be construed to prevent any party from seeking review in the circuit court under ORS 34.010 to 34.100 for errors in law appearing on the face of the judgment entered by the municipal court or the proceedings connected therewith or, in a proceeding charging a violation or misdemeanor, an interlocutory order involving the constitutionality of a statute.

**SECTION 43a. Appeal and cross-appeal by the defendant.** (1) Except as provided in subsection (6) of this section, in a proceeding involving a violation or misdemeanor, a defendant may appeal from:

(a) A judgment convicting the defendant of one or more charges and imposing sentence, regardless of the type of sentence imposed.

(b) A judgment ordering payment of restitution but not specifying the amount of restitution, or a supplemental judgment awarding restitution.

(c) A judgment or order imposing or executing a sentence upon revocation of probation or sentence suspension.

(d) A judgment or order that is an amended or corrected version of a judgment or order described in paragraphs (a) to (c) of this subsection.

(2) A defendant may appeal as provided in section 50 (3) of this 2025 Act.

(3) In a proceeding involving a violation, the defendant may appeal an order denying a motion for relief from default under ORS 153.105.

(4) A defendant may cross-appeal when the prosecution appeals an order prior to trial suppressing evidence as provided in section 44 (2)(c) of this 2025 Act. The failure to file a cross-appeal under this subsection does not waive a defendant's right to assign error to a particular ruling of the municipal court on appeal from the judgment of conviction and sentence.

(5) Whenever a person is convicted in the municipal court of any city of an offense defined and made punishable by a city charter or ordinance, that person has the same right of appeal to the circuit court as for a conviction of an offense defined by state law.

(6) In all cases involving the constitutionality of the charter provision or ordinance under which the conviction was obtained as indicated in subsection (5) of this section, such person shall have the right of appeal to the circuit court in the manner provided in subsection (5) of this section, regardless of any charter provision or ordinance prohibiting appeals from the municipal court because of the amount of the penalty or otherwise. An appeal may likewise be taken in such cases from the judgment or final order of the circuit court to the Court of Appeals in the same manner as other appeals are taken from the circuit court to the Court of Appeals in other criminal cases. Where the right of appeal in such cases depends on there being involved an issue as to the constitutionality of the charter provision or ordinance, the decision of the appellate court shall be upon such constitutional issue only.

**SECTION 44. Appeal by the state or city.** (1)(a) The state or a city may appeal as provided in subsection (2) of this section in a proceeding involving a violation or misdemeanor defined by state law, in which event the appeal is in the name of the state.

(b) The city may appeal as provided in subsection (2) of this section in a proceeding involving a violation or misdemeanor defined by city charter or ordinance, in which event the appeal is in the name of the city.

(2) In a proceeding involving a violation or misdemeanor, the prosecution may appeal from:

(a) An order made prior to trial dismissing or setting aside one or more counts in the accusatory instrument.

(b) An order allowing a demurrer.

(c) An order made prior to trial suppressing evidence.

(d) An order made prior to trial for the return or restoration of things seized.

(e) An order arresting the judgment.

(f) An order made after a guilty finding dismissing or setting aside one or more counts in the accusatory instrument.

(g) An order granting a new trial.

(3) In a proceeding involving a violation, the prosecution may appeal an order granting a defendant's motion for relief from default under ORS 153.105.

(4) Notwithstanding subsection (2) of this section, the prosecution may not appeal the dismissal of a violation by reason of a police officer's failure to appear at the trial on the matter if the police officer was timely provided with notice of the trial date.

**SECTION 44a. Proceedings in the circuit court in general.** Except as provided in section 50 of this 2025 Act:

(1) On appeal of a matter in a case charging a violation or misdemeanor, the circuit court shall try the matter pursuant to the statutes that prescribe the procedure for trial of violations or misdemeanors, respectively, in the circuit court, except that the prosecution may be handled by an attorney provided by the city that enacted the ordinance or adopted the provision of a charter the defendant was convicted of violating.

(2) On appeal by the defendant of a judgment of conviction and sentence for a violation or misdemeanor defined by state law or by a law enacted by a city, if the defendant is convicted, the circuit court may impose any sentence within the limits prescribed by state law or by charter or ordinance of the city. If the circuit court determines that the defendant is guilty of a violation, the circuit court shall comply with ORS 153.018, 153.019, 153.020 and 153.021 in imposing the sentence.

**SECTION 45. Scope of review in general of order or judgment other than judgment of conviction and sentence.** On appeal by the defendant or the prosecution of an order or judgment other than the judgment of conviction and sentence, except as otherwise specified by law, the circuit court may review only the order or judgment from which the appeal is taken and any issue necessary to decide the appeal, but may receive and consider evidence as necessary to decide the matter anew.

**SECTION 46. Scope of review in specific cases.** (1) On appeal by a defendant of any conviction based on a plea of guilty or no contest, the circuit court shall treat the plea as though it was entered in and accepted by the circuit court. If the defendant has included a claim of legal error in the notice of appeal as required by section 39a (1)(i) of this 2025 Act, the circuit court shall sentence the defendant anew without determining whether the municipal court erred.

(2) At any sentencing proceeding in the circuit court, both parties shall be bound by any sentencing agreement that the parties entered into in the municipal court.

(3) On appeal by a defendant under section 43a (1)(b) of this 2025 Act, the circuit court shall sentence the defendant anew.

(4) On appeal by a defendant under section 43a (1)(d) of this 2025 Act:

(a) The circuit court shall proceed in the same manner as in an appeal from the original judgment or order.

(b) Notwithstanding paragraph (a) of this subsection, if the appeal of the amended or corrected judgment or order is filed after expiration of the time period during which the original judgment or order could have been appealed, the circuit court may review only the amended or corrected part of the judgment or order and any part of the judgment or order affected by the amendment or correction.

(5)(a) On appeal by a defendant under section 43a (3) of this 2025 Act, or by the prosecution under section 44 (3) of this 2025 Act, the circuit court shall determine whether to grant relief in accordance with ORS 153.105 in the same manner as if the motion for relief had been originally filed in circuit court.

(b) The circuit court may hear evidence or admit exhibits necessary to make the determination on the matter.

**SECTION 47. Circuit court proceedings in specific appeals.** (1) On appeal by the defendant of a judgment under section 43a (1)(a) or (d) of this 2025 Act involving a misdemeanor, after the circuit court has decided the appeal, and notwithstanding whether the circuit court affirms, reverses or modifies any term of the municipal court judgment, the circuit court shall render a judgment as provided in section 42a (2)(a) of this 2025 Act.

(2) On appeal by the defendant of a judgment under section 43a (1)(a) or (d) of this 2025 Act involving a violation, if the circuit court determines that no term of the municipal court judgment should be reversed or modified, the circuit court shall render a judgment as provided in section 42a (2)(b) or (3) of this 2025 Act.

(3) On appeal by the defendant of a judgment or order under section 43a (1)(b) or (c) of this 2025 Act, after the circuit court has decided the appeal, the circuit court shall render a judgment disposing of as much of the case as was tried before the circuit court.

(4)(a) On appeal by the defendant under section 43a (3) of this 2025 Act, if the circuit court determines that relief should be granted, the circuit court shall vacate the judgment and:

(A) Remand the case to the municipal court for further proceedings; or

(B) Retain the case in the circuit court for further proceedings, if the municipal court has adopted a rule described in paragraph (b) of this subsection.

(b) A municipal court, with agreement of the presiding judge of the circuit court of the county in which the municipal court is located, may adopt a rule allowing a case described in paragraph (a) of this subsection to remain in circuit court for further proceedings after the municipal court judgment is vacated.

(5) On appeal by the prosecution under section 44 (2)(a) to (d) of this 2025 Act, after the circuit court has decided the matter appealed, and notwithstanding section 45 of this 2025 Act, at the request of either party, the circuit court shall take jurisdiction of the case, try the case and render a judgment described in section 42a (2)(a) of this 2025 Act. If neither party requests the circuit court to try the remainder of the case, the circuit court shall render a judgment disposing of as much of the case as was tried before the circuit court and remanding the case to the municipal court for further proceedings.

(6) On appeal by the prosecution under section 44 (2)(e) to (g) of this 2025 Act, the circuit court shall render a judgment reflecting its decision and remanding the case to the municipal court.

(7) On appeal by the prosecution under section 44 (3) of this 2025 Act, if the circuit court determines that relief should not be granted, the circuit court shall render a judgment vacating the municipal court's order granting relief and remanding the case to the municipal court for further proceedings.

**NOTE:** Section 48 was deleted. Subsequent sections were not renumbered.

**SECTION 49. Stay of enforcement of judgment.** (1) A defendant filing notice of appeal from a judgment of conviction and sentence of a misdemeanor described in this subsection does not stay enforcement of the judgment unless the defendant:

(a) If sentenced to confinement, executes a release agreement or makes a security release deposit as provided in ORS 135.230 to 135.290; or

(b) On conviction of a traffic crime as defined in ORS 801.545, gives the security required by ORS 810.300 to 810.330 as an undertaking on appeal.

(2) A defendant filing notice of appeal from a judgment involving a violation does not automatically stay enforcement of the judgment.

(3) Nothing in this section is intended to affect the authority of the municipal court or circuit court to stay enforcement of the judgment under ORS 19.350, 138.285 or 138.295 or any other authority.

**SECTION 50. Validity of charter or ordinance provision determined before merits.** (1) Whenever a defendant is charged with violating a provision of a city charter or ordinance and the defendant challenges the validity of the charter or ordinance provision, a municipal judge shall determine such issue and enter an order thereon before deciding the case on its merits.

(2) If the municipal judge declares the charter or ordinance provision invalid, the city may appeal from the municipal court to the circuit court. If the circuit court affirms the municipal court's determination, the city may appeal to the Court of Appeals as provided in ORS 138.057 in a proceeding involving a violation, or as provided in ORS 138.010 to 138.310 in a proceeding involving a misdemeanor. If a city so appeals, while the appellate decision is pending, the defendant shall be released, with or without bond, for reappearance at the discretion of the trial court until such time as the case is remanded.

(3) If the municipal court declares the charter or ordinance provision valid, the municipal court may proceed to try the matter. If the municipal court convicts the defendant of violating the charter or ordinance provision, the defendant may appeal the judgment of conviction as provided in section 51 of this 2025 Act.

**SECTION 51. Appeal from circuit court to Court of Appeals; limitations.** (1)(a) The state or a city may appeal an order or judgment of the circuit court to the Court of Appeals:

(A) In a proceeding involving a violation, as provided in ORS 138.057.

(B) In a proceeding involving a misdemeanor, as provided in ORS 138.010 to 138.310.

(b) In any case in which only a violation or violations are charged, the state may not appeal from an order dismissing the case that is entered by reason of a police officer's failure to appear at the trial on the matter if the police officer was timely provided with notice of the trial date.

(2)(a) If the order or judgment of the circuit court being appealed arises from a violation or misdemeanor defined by state law or a traffic crime as defined in ORS 801.545, the defendant may appeal the order or judgment to the Court of Appeals:

(A) In a proceeding involving a violation, as provided in ORS 138.057.

(B) In a proceeding involving a misdemeanor, as provided in ORS 138.010 to 138.310.

(b) The defendant may appeal an order or judgment arising from a violation or misdemeanor defined by city charter or ordinance as provided in section 43a (5) and (6) of this 2025 Act.

(3)(a) The filing of a notice of an appeal from a judgment involving a violation does not act to automatically stay the judgment.

(b) Nothing in this section is intended to affect the authority of the municipal court or circuit court to stay enforcement of the judgment under ORS 19.350, 138.285 or 138.295 or any other authority.

#### (Amendments to Existing Statutes)

**SECTION 52.** ORS 221.352 is amended to read:

221.352. (1) The case record of a municipal court consists of the docket as provided in subsection (2) of this section and the case file as provided in subsection (3) of this section.

(2) A municipal court of this state that registers under ORS 221.344 *[must]* **shall** maintain a docket. *[A municipal judge must enter the following information in the docket for the municipal court]* **The docket is a record wherein the clerk or court administrator of the municipal court shall enter every action, suit or proceeding commenced in the court. The clerk or court administrator shall note in the docket the following:**

(a) The title of every action or proceeding commenced in the court, with the names of the parties thereto and the time of commencement thereof.

(b) The date of *[making or]* **the filing of any pleading or other document.**

(c) **The date of making, filing and entry of any order, judgment, ruling or other direction of the court in or concerning such action, suit or proceeding.**

*[(c)]* (d) An order allowing a provisional remedy, and the date of issuing and returning the summons or other process.

*[(d)]* (e) The time when each party appears, or a party's failure to do so.

*[(e)]* (f) Every postponement of a trial or proceeding, upon whose application and to what time.

*[(f)]* (g) The demand for a jury, if any, and by whom made.

*[(g)]* (h) The order for a jury and the time appointed for trial.

*[(h)]* (i) The return of an order for a jury, the names of the persons impaneled and sworn as a jury and the names of all witnesses sworn and at whose request.

*[(i)]* (j) The verdict of the jury and when given or, if the jury disagrees and is discharged without giving a verdict, a statement of such disagreement and discharge.

*[(j)]* (k) The judgment of the court and when *[given]* **signed.**

*[(k)]* *The date on which any judgment is docketed in the docket.]*

(L) *[The fact of an appeal having been made and allowed, and the date thereof, with a memorandum of the]* **The date of filing of the notice of appeal, any** undertaking[, and *[the]* **any** justification of the sureties.

(m) Satisfaction of the judgment or any part thereof.

(n) A memorandum of all orders relating to security release.

(o) All other *[matters]* **information** that may be material or specially required by any statute, **court order or rule.**

*[(2) The docket of a municipal court under this section may be maintained in electronic form.]*

(3)(a) **The case file consists of every document filed with or by the clerk of the court or court administrator, in any action, suit or proceeding in the court or before the judge.**

(b) **The case file also includes any audio recording or stenographic or other reporting of any municipal court proceeding made pursuant to ORS 221.358, if all parties agree that the recording or other reporting is the official record of the proceeding and the recording or other reporting has been filed with the court.**

(4) **A municipal court may maintain its docket or case files, or both, in electronic form.**

(Repeals)

**SECTION 53. ORS 221.359, 221.360, 221.370, 221.380 and 221.390 are repealed.**

(Conforming Amendments)

**SECTION 54.** ORS 221.343 is amended to read:

221.343. (1) Any municipal court that has become a court of record under ORS 221.342 may cease to operate as a court of record only if the governing body of the city in which the court is located files a declaration with the Supreme Court identifying the date on which the municipal court will cease operation as a court of record. The date identified in the declaration may not be less than 31 days after the date the declaration is filed.

(2) The Supreme Court may not charge a fee for filing a declaration under subsection (1) of this section. Not later than 30 days after a declaration is filed under subsection (1) of this section, the

Supreme Court shall enter an order acknowledging the filing of the declaration and give notice of the order of acknowledgment to the city and the public.

(3) The appeal from a judgment entered in a municipal court after the date identified in the declaration filed under this section shall be as provided in [ORS 221.359 (1) and (2)] **sections 39 to 51 of this 2025 Act.**

### CAPTIONS

**SECTION 55.** The unit and section captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

### OPERATIVE DATE

**SECTION 56.** (1)(a) Sections 2, 3, 4, 5, 6a to 30 and 30c of this 2025 Act, the amendments to ORS 19.240, 21.135, 21.160, 51.028, 51.050, 55.110, 138.005, 138.057, 138.081, 138.090, 153.105, 156.080 and 156.705 by sections 1, 1a, 6, 30a, 30d to 34 and 35a to 35c of this 2025 Act and the repeal of ORS 21.285, 51.070, 51.080, 51.090, 51.110, 51.120, 51.130, 53.005, 53.010, 53.020, 53.030, 53.040, 53.050, 53.060, 53.070, 53.080, 53.090, 53.100, 53.110, 53.120, 53.125, 53.130, 55.120, 157.005, 157.010, 157.020, 157.030, 157.040, 157.050, 157.060, 157.065 and 157.070 by section 35 of this 2025 Act become operative on January 1, 2026.

(b) Sections 37 to 51 of this 2025 Act, the amendments to ORS 221.343 and 221.352 by sections 52 and 54 of this 2025 Act and the repeal of ORS 221.359, 221.360, 221.370, 221.380 and 221.390 by section 53 of this 2025 Act become operative on January 1, 2026.

(2) The Judicial Department and any justice or municipal court may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the department and courts to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the department and courts by the provisions of this 2025 Act.

### EFFECTIVE DATE

**SECTION 57.** This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.

**Passed by House March 18, 2025**

**Repassed by House May 27, 2025**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Julie Fahey, Speaker of House

**Passed by Senate May 21, 2025**

.....  
Rob Wagner, President of Senate

**Received by Governor:**

.....M.,....., 2025

**Approved:**

.....M.,....., 2025

.....  
Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2025

.....  
Tobias Read, Secretary of State

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning Increased Public Health Standards Coordination; Amending Sections 9.2460, 9.2461, and 9.4165 of the Eugene Code, 1971; and Providing an Effective Date.

Meeting Date: February 17, 2026  
Department: Planning & Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 3  
Staff Contact: Reid Verner  
Phone: 541-682-5534

### ISSUE STATEMENT

The purpose of this agenda item is for the Eugene City Council to hold a public hearing on a proposed ordinance that would amend the Eugene Code to require the City to provide notice to public health regulatory agencies prior to the issuance of building permits for new development in the E-2 Mixed-Use Employment, I-2 Light-Medium Industrial, and I-3 Heavy Industrial zones.

### BACKGROUND

The goal of the proposed land use code amendment is to improve coordination between the City and public health regulatory agencies. The proposed amendments would require that, prior to city approval of any development on property located in the subject zones, the City provide notice to the Environmental Protection Agency, Oregon Department of Environmental Quality, and Lane Regional Air Protection Agency. The notice provided by the City would include the location of the subject property, permitting information, a description of the proposed work, and information about the proposed use.

The proposed land use code amendment is part of the Public Health Standards project. At Council's [June 18, 2025](#) work session, Council passed two motions related to the Public Health Standards project. The first motion directed the City Manager to draft land use code amendments to require that an applicant demonstrate, prior to the issuance of City development permits, that either:

1. The applicant has been issued all necessary licenses and permits from pollution control agencies like Lane Regional Air Protection Agency (LRAPA) and Oregon Department of Environmental Quality (DEQ), or
2. The applicant has applied for the necessary licenses and permits, and the licenses and permits are likely to be issued.

The Council's second motion directed the City Manager, upon completion of the hazard and risk analysis study, to draft land use code amendments informed by the results of that analysis. A detailed project history and background, was provided in the Agenda Item Summary (AIS) for the [June 18, 2025](#) work session.

The ordinance that is the subject of this public hearing is intended to implement the direction provided in the first motion. The proposed ordinance states that 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 application for the development permit to the Environmental Protection

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Agency, Oregon Department of Environmental Quality, and Lane Regional Air Protection Agency. The ordinance is provided as Attachment A to this AIS. The process that led from Council's June 18, 2025, motion to develop the ordinance that is the subject of this public hearing is discussed in more detail below.

#### Planning Commission Process and Draft Land Use Code Amendment

In September of 2025, in advance of the Planning Commission's October 14, 2025, public hearing, city staff published an initial version of proposed land use code amendments that staff believed would implement the Council's June 18, 2025, direction to:

Draft land use code amendments to require that an applicant demonstrate, prior to the issuance of City development permits, that either:

1. The applicant has been issued all necessary licenses and permits from pollution control agencies like Lane Regional Air Protection Agency (LRAPA) and Oregon Department of Environmental Quality (DEQ), or
2. The applicant has applied for the necessary licenses and permits, and the licenses and permits are likely to be issued.

This initial version (Version 1) of the proposed code amendments generally required that an applicant for a building permit for property zoned E-2, I-2, or I-3 demonstrate that they had applied for all necessary permits from environmental regulatory agencies and that those permits had been issued or were likely to be issued before the City would issue a building permit.

Leading up to the Planning Commission public hearing, staff received feedback from regulatory partners, industry professionals, and the public regarding the feasibility of Version 1. A full record of the feedback received is available in the record for this application, located online here:

<https://www.eugene-or.gov/5359/Public-Health-Standards>, but in summary, staff heard very clearly that a requirement that a building permit demonstrate that all environmental permits had been issued or were likely to be issued is not feasible. First, there are some types of environmental permits that are not required or issued until the time of operation, which may be well after the time for issuance of building permits. Second, there were concerns from the regulatory agencies about not being able to determine or provide information about whether a permit was likely to be issued.

In response to this feedback from the public and regulatory partners, following the [October 14, 2025](#) public hearing, staff introduced Version 2 of the proposed code amendments to address some of the concerns raised prior to the hearing. Version 2 of the proposed code amendments differed from Version 1 in that Version 2 required an applicant to submit documentation that all Air, Land, and Water permits or licenses required by Oregon Department of Environmental Quality (DEQ) and/or Lane Regional Air Protection Agency (LRAPA) have been obtained; applied for; or are not required.

Staff continued to receive feedback on the Version 2 code amendments and continued to work with regulatory partners to coordinate the logistics related to implementing the proposed code amendments. The feedback included concerns about potential delays from regulatory agencies slowing down the City's permitting process. The result of the continued feedback was Version 3 of the proposed code amendments, which was presented to the Commission at the [November 18, 2025](#) meeting, and further discussed at the [December 16, 2025](#) meeting.

Version 3 of the proposed code amendments differs from Versions 1 and 2 in that Version 3 would require an applicant for a building permit in the E-2, I-2, or I-3 zones to identify and list in their application all the air, land, and water permits required by the Environmental Protection Agency (EPA), Oregon Department of Environmental Quality (DEQ), and/or Lane Regional Air Protection Agency (LRAPA) or attest that no air, land, or water permits are required for the proposed development. Version 3 would require identification of the required permits, but unlike previous versions, would not require that a building permit applicant have actually applied for or received any air, land, or water permits prior to issuance of a building permit. Version 3 of the proposed amendments and the findings were provided in the [January 13, 2026](#) Planning Commission meeting AIS.

At the [December 16, 2025](#) deliberations meeting, the Planning Commission voted on whether to recommend Version 3 of the proposed amendments to the City Council, and the vote failed 3-4. A motion was then made to request that staff bring back another version of the proposed land use code amendments that only requires the City to provide notice of building permit applications to public health agencies and does not require building permit applicants to identify the air, land, and water permits required for their proposed uses. The motion passed 6-0, with one Planning Commissioner abstaining. In response to the Planning Commission's motion, staff developed Version 4 of the proposed code amendments which are provided as Attachment A to this AIS.

At the [January 13, 2026](#) deliberations meeting, the Planning Commission debated the merits of Version 3 and Version 4 of the code amendments. The Commission ultimately voted 4-3 to recommend that the City Council adopt Version 4 of the proposed amendments. Before adjourning the meeting, the Planning Commission passed a motion to submit a letter to the City Council that explains the majority and minority positions held by the Planning Commission. The letter from the Planning Commission will be provided to the City Council prior to the public hearing.

The ordinance provided as Attachment A contains one small difference from the language recommended by the Planning Commission. The ordinance requires that the notice sent to public health regulatory agencies contain a "description of the proposed work," rather than the "scope of the proposed work," because "description of the proposed work" aligns better with the information that building permit applicants will provide the City through the City's building permit application system. The findings reviewed by the Planning Commission have also been updated for additional clarity and to include notice and hearing dates.

#### Procedural Summary

The proposed land use code amendments are subject to the City's Type V application procedures (EC 9.7500 through EC 9.7560), as well as the approval criteria in EC 9.8065. These application procedures provide for a legislative review of changes to the land use code. The process includes public notice and hearing before the Planning Commission, which forwards a recommendation to the City Council for a public hearing and action.

Notice of the Council's public hearing was provided according to EC 9.7520. This includes notice sent 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.

The full record of materials submitted to date regarding these land use code amendments will be provided to Council electronically and hard copies will be placed in the Council offices. Record materials, including all written testimony received as of February 4, 2026, are available on the

project website. As new written testimony is received, it will also be provided to the Council in batches for consideration and inclusion into the public record. For ease of reference, and as a courtesy, all written testimony received can also be found on the project website. Interested parties can send their comments to [RVerner@Eugene-or.gov](mailto:RVerner@Eugene-or.gov).

## RELATED CITY POLICIES

This item supports the Council goal of Safe Community for Community Wellbeing in the City of Eugene [Strategic Plan](#).

Envision Eugene Comprehensive Plan. The Economic Development Chapter includes the following relevant policies:

- 3.22 West Eugene industrial areas. Protect industrial areas in west Eugene, while supporting their evolution into diverse places of commerce with a flexible regulatory approach that offers a broad mix of employment and industrial uses, thereby accommodating increased employment densities and services to surrounding neighborhoods.
- 3.23 Flexible campus employment areas. Recognize changing market demands and accommodate land needs through flexible zoning for light industrial/campus employment areas, including Greenhill Technology Park, Willow Creek Circle and Chad Drive.
- 3.24 Environmental justice and compatibility. To promote compatibility between industrial lands and adjacent areas, apply and maintain land use regulations to avoid the siting of new heavy industrial uses in areas that already accommodate a disproportionate amount of such uses or near residentially designated lands, schools, day care centers, and community recreational facilities such as athletic fields, pools and playgrounds; or, mitigate typical associated impacts when adjacency cannot be avoided.

Neighborhood Planning. Several health-related aspects can be addressed through neighborhood planning, including walkability, transportation options, access to parks and open space and equitable opportunities for access to healthy food. Bethel and the University area neighborhoods are currently undertaking neighborhood planning efforts.

Climate Friendly and Equitable Communities Rulemaking Implementation. The City is currently developing and implementing several land use and transportation comprehensive plan and regulatory changes to reduce greenhouse gas emissions.

Climate Action Plan 2.0 (CAP 2.0). The purpose of the CAP2.0 is to outline the actions needed to reach Eugene's community-wide Climate Recovery Ordinance (CRO) goals. This plan, Eugene's Community Climate Action Plan 2.0 continues the momentum created by Eugene's Climate Recovery Ordinance by identifying research-based actions that will help the community reach its climate goals most quickly. The CAP 2.0 connects readers to other plans and policies already in place that are foundational to achieving these goals to create an equitable and livable community for everyone.

## PREVIOUS COUNCIL DIRECTION

[February 28, 2022 Meeting](#)

Councilor Syrett, seconded by Councilor Groves, moved to direct the City Manager to schedule a

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work session on the concept of a public health overlay zone; the work session should provide information on what benefits of creating an overlay zone might be, and how the City would develop criteria for deciding which areas of the City might benefit from such a zone.

Passed 8:0

#### [May 23, 2022 Work Session](#)

City Council held a work session titled Addressing Chronic Toxic Polluters and reviewed the City's role in the regulation of pollutants, the role of other regulatory authorities, and then discussed opportunities for the City's role in regulation. The breadth of possible pollutants across air, water, land, and noise, makes the regulatory environment associated with pollutants complex and multi-layered.

#### [September 26, 2022 Work Session](#)

City Council held a work session on Public Health Overlay Zone and Other Concepts.

#### [October 18, 2023 Work Session](#)

Councilor Groves, seconded by Councilor Keating, move to direct the City Manager to initiate a land use code amendment to implement public health industrial development standards.

Passed 8:0

#### [June 18, 2025 Work Session](#)

Councilor Evans, seconded by Councilor Leech, moved to direct the City Manager to draft land use code amendments to require that an applicant demonstrate prior to the issuance of the City development permits that either 1) the applicant has been issued all necessary licenses and permits for pollution control agencies like Lane Regional Air Protection Agency (LRAPA) and Department of Environmental Quality (DEQ), or 2) the applicant has applied for the necessary license and permits and permits and licenses are likely to be issued.

Passed 8:0

Councilor Evans, seconded by Councilor Leech, moved to direct the City Manager, upon completion of the Hazard and Risk analysis study, to draft land use code amendments informed by the results of the hazard and risk analysis.

Passed 5:3 (Opposed by Councilors Clark, Evans and Groves)

### **COUNCIL OPTIONS**

This item is scheduled for public hearing only. No action is required at this time.

### **CITY MANAGER'S RECOMMENDATION**

This item is scheduled for public hearing only. Deliberations and potential action are scheduled for March 9, 2026.

### **SUGGESTED MOTION**

None.

**ATTACHMENTS**

A. Ordinance -- Public Health Standards Code Amendments

**FOR MORE INFORMATION**

Staff Contact: Reid Verner, Land Use Supervisor

Telephone: 541-682-5534

Staff E-Mail: [RVerner@Eugene-or.gov](mailto:RVerner@Eugene-or.gov)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING INCREASED PUBLIC HEALTH STANDARDS COORDINATION; AMENDING SECTIONS 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.** 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.

| <b>Table 9.2460 Employment and Industrial Zone Development Standards</b> |             |             |            |            |
|--------------------------------------------------------------------------|-------------|-------------|------------|------------|
|                                                                          | <b>E-1</b>  | <b>E-2</b>  | <b>I-2</b> | <b>I-3</b> |
| 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     |            |            |
| 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  |

| <b>Table 9.2460 Employment and Industrial Zone Development Standards</b> |            |            |            |            |
|--------------------------------------------------------------------------|------------|------------|------------|------------|
|                                                                          | <b>E-1</b> | <b>E-2</b> | <b>I-2</b> | <b>I-3</b> |
| 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)                                     |            |            |            |            |
| <u>Public Health Agency Notice (13)</u>                                  | <u>No</u>  | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> |

**Section 2.** 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.**

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(13) Public Health Agency Notice. 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 application for the development permit to the Environmental Protection Agency, Oregon Department of Environmental Quality, and Lane Regional Air Protection Agency. The notice shall include at least the following information:

(a) The street address or other easily understood geographical reference to the subject property;

(b) The Map and Tax Lot(s) for the subject property;

(c) The associated development permit number(s) and a description of the proposed work; and

(d) Information about the proposed use provided by the applicant.

**Section 3.** 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 ~~the following additional application material at the time of submittal:~~

~~(a) 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.;~~ ~~and~~

~~(b) A pre-clearance letter issued by the Lane Regional Air Protection Agency (LRAPA) confirming that the proposed use and associated operations have the ability to meet air quality standards with appropriate control technologies and mitigation measures. The LRAPA pre-clearance letter does not constitute formal approval of the use by either LRAPA or the City of Eugene.~~

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**Section 4.** The findings set forth in Exhibit A attached to this Ordinance are adopted as findings in support of this Ordinance.

**Section 5.** 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 6.** 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 7.** 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**

\_\_\_ day of \_\_\_\_\_, 2026

**Approved by the Mayor this**

\_\_\_ day of \_\_\_\_\_, 2026

## City of Eugene

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

#### FINDINGS

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

The Public Health Standards (PHS) Land Use Code Amendments require the City to send notice to public health regulatory partner agencies prior to City approval of any development permit for property located in the E-2, I-2, or I-3 zones. The notice is intended to inform partner agencies, including the Lane Regional Air Protection Agency (LRAPA), the Oregon Department of Environmental Quality (DEQ), and the Environmental Protection Agency (EPA), about the location of development, scope of proposed work, and proposed use of property, in order to support information sharing across agencies.

##### **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.

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. Notice of the public hearings was 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 DLCD. A public hearing conducted by the Planning Commission was held on October 14, 2025. Notice of the public hearing was sent in accordance with Type V notice procedures referenced above, on September 12, 2025. Following deliberations, the Planning Commission voted to recommend that the City Council approve\_\_ the PHS Code Amendments on \_January 13, 2025. A public hearing conducted by the City Council was held on February 17, 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 proposed 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 provide notice to the agencies regulating the quality of the air, water, and land resources of the state, including the Environmental Protection Agency, the Oregon Department of Environmental Quality and the 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 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 provide notice to the City's public health regulatory partners and will not impact economic development opportunities in the City. 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 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 PHS Land Use Code Amendments do not affect the planning or development of future public facilities or services. The code amendments do not make changes to the City's provision of public facilities and services or to the currently adopted Eugene/Springfield Public Facilities and Services Plan (PFSP). 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 and therefore the amendments will not affect the demand on the City's public facilities and services. Therefore, 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 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 or 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, compatibility 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 require the City to provide notice of proposed industrial developments to 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 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 would require the City of Eugene to provide notice of proposed industrial development to the City's public health regulatory partners.

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.