

Agenda Item 1259

TESTIMONY

2:00 PM TIME CERTAIN

Support

RESTRICT FOSSIL FUEL TERMINALS CODEIF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME.

Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
1	✓ GREGORY MONAHAN	7225 SW 13TH AVE	gregorymonahan29@gmail.com
2	✓ MARILYNN SEWELL		
3	✓ Mia Reback		
4	✓ Nick Caleb		
5	✓ Alan Smith		a23smith@yahoo
6	✓ Dick Hermon	1023 SE Bidwell 97202	
7	✓ Michael Hall - Bonanza McKrawley	16 GURCHILL DOWNS L.O. 97035	
8	✓ Jack Strobel		jackmonkeyj@gmail.com
9	✓ Sophia Smith		sophias89smith@gmail.com
10	✓ Shannon Doyle		sed42304@gmail.com

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Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
11	✓ OLIVIA MARGRET ✓ LILLY MASON	3067 SE ANKENY ST	
12	✓ ### Sarah Taylor		
13	✓ → Gaby Lemieux	4123	
14	✓ → Tyler Honn		
15	✓ → Tucker Holston		
16	Eddie Rosen		
17	✓ Riah Sallee		
18	✓ Eleanor Wardlaw		
19	✓ Hannah Witscher		
20	Paul Spindel		

CALL TOGETHER

Call together

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Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
21	✓ DARISE WELLER	9259 NW GERMAN TOWN	dweller972@comcast.net
22	✓ Rob Lee		
23	✓ Eileen Fromer	8175 SE 71st Ave	
24	✓ Deborah Romerein	3512 N.E. 23rd #2 PDX	dromerein@gmail.com
25	✓ DR. Theodora Tsongas	7324 SE. Madison St PDX 97215	
26	✓ Julie Chapman	League of Women Voters PDX	
27	✓ Mary Vogel	12208W 12th Ave	mary@plangrease.net
28	✓ Rose Christopherson MD PhD	14707 NW Cedar St - Portland	rose.christopherson@comcast.net
29	✓ Regna Merritt	260 NW 1st Ave	regmerritt@gmail.com
30	✓ Ann Turner MD	2007 NE Mar	

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Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
31	✓ Patricia Bellamy	3214 NE Cesar E Chavez Blvd. PDX 97212	
32	✓ Diane Wynn	1500 SW 11 th Ave. PDX 97210	
33	✓ ANDY HARRIS	3969 N. OVERLOOK BLVD PDX 97227	
34	✓ MURTA AIRTER	350 PDX	
35	✓ Ryan Rittenhouse	Friends of the Columbia Gorge	ryan@gorgefriends.org
36	✓ MAYA JARRAD	97212	
37	Nancy Crumacker		
38	David Chatfield	305 97206 Oregon P.S.R.	dchatfield@isc.org
39	✓ Peter Sallinger	4066 NE 9 th POX	-
40	✓ Bob Sallinger	5151 NW Corvallis Rd PDX	-

Testified 11-16

Agenda Item 1259

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Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
41	Wiley Barnett	220 NE Bridgeton Rd ⁹⁷²¹¹	
42	✓ Peter Wilcox		
43	✓ Liel Voss		
44	✓ Dan Jensen ^{Dan Serres}	1125 SE Madison St PDX 97217 103A	
45	✓ Marjorie Kircher	3023 SW Cascade Dr. PDX 97205	
46	Anna Todio	10700 SW 4 th Ave Portland OR	
47	Byron Harmon	708 maplecrest CT SW PDX OR	
48	^{left} Robert Grossman	3224 NE 17th Ave PDX 97212	
49	✓ Paige Spence	1410 NE Schuyler St #26 97212	paige@olcv.org
50	✓ Don Steinku	Vancouver WA	crVanWash@gmail.com

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Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
51	✓ Alona Steinke	P.O. Box 822393 Vancouver 98682	
52	✓ Mimi Rupert	1839 NW Pentland St. Portland, OR 97209	
53	✓ Haile Peveto	5816 SW Gillcrest Ct. Portland 97221	
54	✓ Micah Meskel	5151 NW Cornell Rd	
55	✓ Mary Peveto		
56	✓ Akash Singh	1913 NE 73rd Ave #3	
57	✓ TED GLEICHMAN	2017 N. DANA AVE. POX 97203	ted.gleichman @oregon.sierracub. org
58	Peter Miller	1706 SE 70th Portland 97214	
59	Hannet Goble <small>need to leave at 2:50</small>	3126 SW Carson St	sent in testimony this morning
60	✓ TRISH WEBER	2785 NW Marshall Dr Corvallis OR 97330	trish.weber@gmail.com

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Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
61	<input checked="" type="checkbox"/> Charles Bridgecrane JOHNSON		
62	<input checked="" type="checkbox"/> Jonah Majure		
63			
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IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME.

Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
✓ 1	ROB MATHERS	5880 NW ST HELENS RD PORTLAND, OR 97210	
✓ 2	ECCLEN WAX	200 SW MARKET ST #190 PTLA. OR 97201	
✓ 3	David Konz	6305 NW Old Low River Rd Vancouver, WA 98660	dave@tidewater.com
4	Lightning Watchdog PDX		
5	Adam Smith		
6			
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8			
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November 16, 2016

Looking Into 2017 & Beyond: The Challenge of Continuous Improvement

“No New Fossil Fuels Infrastructure” *A Third Open Letter to the Portland City Council*

Preamble Summary, Resolution 37168, November 12, 2015:

Oppose expansion of infrastructure whose primary purpose is transporting or storing fossil fuels in or through Portland or adjacent waterways.

Again, thank you for your ongoing commitment to full implementation of this binding policy resolution. Your leadership is vital.

As you move toward completing these unprecedented and critically important zoning restrictions on new fossil fuel infrastructure (FFI), we wish to highlight three ongoing challenges and potential contradictions:

- 1) Policy vs. Emergency
- 2) Business As Usual vs. Responsibility for the Just Transition
- 3) Agency Reporting vs. Crowd-Sourced Creativity

1) Policy vs. Emergency

On these issues, the superb forensic and analytical work by the Bureau of Planning & Sustainability (BPS), the thoughtful and refined consideration by the Planning & Sustainability Commission (PSC), and the careful public impact assessment that the City Council has conducted all fit within a great Portland municipal tradition of public policy leadership.

However, a word that has not been used often enough is “emergency.” In our November 10 second open letter to you, we focused on the agglomeration of the three catastrophes you must juggle in this effort: the climate crisis, our earthquake, and 2017-plus Federal energy policy.

It is very important that you continually emphasize to **all** stakeholders –especially the business community and the other large enterprises who have the most impact – that we are truly living through an ongoing emergency, and will be forever.

2) **Business As Usual vs. Responsibility for the Just Transition**

Change is hard for humans, and the mitigation and adaptation this Portland process represents is being applied across a spectrum ranging from grassroots enthusiasm to corporate fiscal horror. Too many enterprises see climate crisis and seismic mitigation and adaptation as annoying impositions, rather than core responsibilities.

You have the responsibility to help lead others to the comprehensive insights you yourselves have developed through years of study and hard work. This is especially important, again, for those in the business community and other large enterprises who must shoulder the lion's share – or perhaps the dinosaur's share – of the load in building the just transition.

In our July 13 first open letter to you, I outlined a simple four-part model that defines this complex challenge to our civilization:

- | | |
|---------------------------------|-------------------------------------|
| 1. Keep It In the Ground | 3. Reduce the Need |
| 2. Do No More Harm | 4. Build the Just Transition |

Your leadership actions on FFI reverberate across these four summary categories. The good news for those who must change the most is that there is a lot of building to do to build the just transition: there are thousands of jobs in Portland climate and seismic mitigation and adaptation.

3) **Agency Reporting vs. Crowd-Sourced Creativity**

Finally, in another paradigm shift, we suggest that it may no be longer adequate – in the face of this triple-catastrophe emergency and four-part effort to build the just transition – for you and us to rely simply on standardized agency reporting to keep us on track and help us evolve, no matter how high the competence level with which the agencies perform.

Next year, please consider enhanced public notification of each small and large step along these paths. Although we outside of government who work on these issues are not always a constant joy to policy implementers, there is a growing model of constructive social media outreach and crowd-sourced creativity that can potentially bolster over-stretched public resources.

This is not an easy needle to thread, but the thousands of constituents who have attended hearings and opined to you over the last two years include many people who would be happy to join in when they can make a difference. We should all seek to harness the opportunity there.

Thank you for your consideration – and **thanks again to you, the PSC, and BPS and other City staff** for these efforts! We respect and appreciate your work as our representatives.

Ted Gleichman, Policy Advisor, *Beyond Gas & Oil Team*, Oregon Sierra Club



Oregon Sierra Club

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Main: 503-238-0442 • Fax: 503-238-6281

November 10, 2016

**Protecting Portland through the Triple Catastrophe:
The Climate Crisis || Our Earthquake || Federal Energy Policy
“No New Fossil Fuels Infrastructure”
*A Second Open Letter to the Portland City Council***

**Preamble Summary, Resolution 37168, November 12, 2015:
Oppose expansion of infrastructure whose primary
purpose is transporting or storing fossil fuels in or
through Portland or adjacent waterways.**

Thank you for your ongoing commitment to full implementation of this binding policy resolution. Your leadership has never been more important to our city, state, region, nation, and the planet than it is today.

Our planned purpose was to join with our many colleagues here to continue to encourage your maximum attention to the complex double catastrophe of the climate crisis and the inevitable Cascadia subduction zone earthquake that will devastate our region. You are intimately familiar with both these unprecedented challenges (please see below for a few comments).

But today I must add a **fresh third catastrophe: imminent changes to Federal energy and climate policy**, which will destroy a huge percentage of the very limited progress made in moving Federal policy beyond the clear and present dangers of the fossil fuel era.

None of us expected that a climate denier would ever occupy the Oval Office. The most brutal components of the fossil fuels energy industry have been deeply engaged in transition planning for President-Elect Trump and are moving quickly to prepare for power. President Obama has taken several steps in recent years to elevate attention to the climate crisis and to move partially away from his prior “All of the Above” energy development strategy. The Trump Administration will maximize reversal of those actions.

With a unified National governmental power structure, the Republican leadership will move at warp speed. That is a procedural approach they have honed to perfection in unified State government control in recent years; Wisconsin is a prominent example, but it is now standard

operating procedure within their governmental playbook, implemented in many states. To be sure, there is the possibility of some limited checks and balances in the current Senate filibuster protocols, and redress of over-reach is sometimes available through the courts. Nonetheless, we must now be prepared to see the most vigorous moves for fossil fuel exploitation and monetization in our nation's history – and that is already a high bar.

For example, we are likely to see immediate concerted efforts to enact **Federal pre-emption** over State and Local efforts against fossil fuels – especially against transport, storage, and export efforts. This risk makes Portland's action *now* to protect your policy resolution – *our City's* policy resolution! – especially urgent.

Traditionally, it has been much easier politically to protect established law against reversal assaults than to fight for new efforts that contradict Federal (or State) pre-emption statutes. There is no guarantee that will apply in this arena, but we must proceed urgently to carve out as much local progress as we possibly can.

Simultaneously, the chemistry, physics, and geology of the intersecting catastrophes of our global climate crisis and the Cascadia subduction zone earthquake proceed apace. For the former, the agencies you manage are working to deal with it every day, with vitally important mitigation and adaptation strategies against the effects that we all see and feel now. Complete implementation of the policy resolution is critically important to that.

For the latter, a ticking time bomb in process for almost 317 years, it is the hardest kind of emergency to deal with: like a sudden life-threatening illness or catastrophic accident, it is completely irrelevant to daily life until the moment when it takes over everything one must do.

We now know that placing some 95% of our fossil fuel storage and baseline distribution infrastructure in the Cascadia seismic liquefaction destruction zone on the sands of the Willamette flood plain was the worst possible choice. You have all participated in many briefings and preparedness exercises around our inevitable impending earthquake; you know very well how deadly and destructive it will be, both at the time of fracture and in the multi-year aftermath. That is why it is imperative that the formal implementation of our City's binding policy resolution not permit **any** expansion of catastrophic risk in seismically unsafe zones, with seismically unsafe facilities.

Chemistry, physics, and geology ignore politics – and the new Federal politics just chosen through the ancient Electoral College structure will ignore chemistry, physics, and geology. This perfect storm of triple catastrophic risk requires that everyone recognize that now is not the time for misguided “split the baby” pseudo-compromise. You must resist that fallacy and temptation.

Thank you for your consideration.

Ted Gleichman, Policy Advisor, *Beyond Gas & Oil Team*, Oregon Sierra Club



Oregon Sierra Club

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Main: 503-238-0442 • Fax: 503-238-6281

July 13, 2016

“No New Fossil Fuels Infrastructure”: First, Do No More Harm *An Open Letter to the Portland City Council*

**Preamble Summary, Resolution 37168, November 12, 2015:
Oppose expansion of infrastructure whose primary
purpose is transporting or storing fossil fuels in or
through Portland or adjacent waterways.**

Portland is at imminent risk of squandering its prior leadership in dealing with the local response to our global climate crisis. The problem is serious bureaucratic back-sliding into a “business as usual” mentality in the implementation of Resolution 37168. Unless you deal promptly and firmly with signals of agency misunderstanding of both the letter and spirit of this resolution, this situation could too easily become a local crisis in its own right.

This binding policy resolution, which you approved unanimously on November 12, 2015, catapulted our city into the forefront of local, regional, national, and international efforts to confront one of the greatest sets of challenges our species has faced since the development of industrial technology.

It is vital that you remember the genesis of this effort, and re-commit to the specific – often difficult! – changes in municipal and stakeholder planning and behavior for your mission.

There is a straightforward but interlocking four-part schematic that outlines precisely where we are as a global and local political economy:

- | | |
|---------------------------------|------------------------------------|
| 1. Keep It in the Ground | 3. Reduce the Need |
| 2. Do No More Harm | 4. Make the Just Transition |

1. Keep It in the Ground

We now know that our combustion of fossil fuels has moved our global atmosphere and temperature structure into such dangerous territory that civilization is genuinely at risk if we do not make radical reversals in behavior.

At least four-fifths of global fossil fuel reserves must be left completely intact, in the ground, and never exploited.

This requirement is completely contrary to modern corporate financial structure, because proven reserves constitute roughly half of the assets (and therefore a major component of share value) of the fossil fuels companies. This is one of the key reasons why business-as-usual policies and procedures are inevitably doomed to failure – for both corporate financial health and planetary social and environmental health. This has been one key factor in the current financial collapse of shareholder equity in coal corporations.

Acceptance of *Keep It in the Ground* is a mandatory first step for both the psychological and political economy revisions we must make for survival. This is the foundation for the other three intersecting components of this basic methodology. Resolution 37168 speaks eloquently to many of the issues inherent in our mandatory recognition of our new reality.

2. Do No More Harm

Understanding the compulsory physics and chemistry of *Keep It in the Ground* leads inevitably to this second principle: don't make things worse by continuing down the same destructive path. We must begin with our environmental version of the first line of the Hippocratic Oath: *Do No More Harm*.

This is the required primary set of actions for directly confronting the climate crisis: to get out of this hole, first we have to stop digging. “No New Fossil Fuel Infrastructure” is the easiest way to proceed first. The core of Resolution 37168 – preventing new export and storage infrastructure – falls completely within this principle.

It is imperative that you maintain and defend your policy.

3. Reduce the Need

Simultaneously, demand reduction is vital to permit us to *Do No More Harm*. Gradual complete elimination of coal for electrical production in Oregon is now state law. The same goal must be applied to oil and natural gas, urgently. As I noted in my testimony to you on November 12, there is no fossil fuel solution to the fossil fuels crisis.

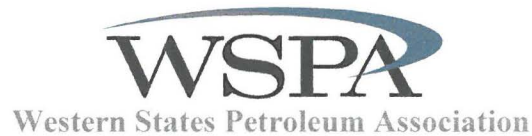
You must align City procedures and economic governance with this need for both conservation and energy efficiency (which are overlapping but distinct sets of tools). Beyond direct City internal control and external economic governance, you must also push the Portland business communities – especially the fossil fuels companies – and the other governments that overlap with and impact your work to both *Do No More Harm* and *Reduce the Need*.

4. Make the Just Transition

Finally, underpinning all these efforts must be the recognition that there is no substantive difference among environmental, economic, and social justice. We are engaged in a transition into a full-renewables energy economy, and that will be impossible unless it is done based on justice for all. The urgency of the effort means that coordination of *Do No More Harm*, *Reduce the Need*, and *Make the Just Transition* becomes the essence of this era.

Thank you for your consideration.

Ted Gleichman, on behalf of Oregon Sierra Club



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Catherine H. Reheis-Boyd

President

Via email fossilfuelzoning@portlandoregon.gov
and hand delivery at hearing:

November 16, 2016

Honorable Mayor Charlie Hales
and City Commissioners
City of Portland
1221 SW 4th Avenue, Room 130
Portland, OR 97204

Re: Response to City Questions Emailed to Terminal Operators

Dear City Council Members:

The Western States Petroleum Association (WSPA) appreciates the opportunity to provide comments on the proposed PSC Fossil Fuel Terminal Zoning Amendments. WSPA is a non-profit trade association representing companies that explore for, produce, refine, transport, and market petroleum and petroleum products in five western states including Oregon. WSPA members operate petroleum terminals in Portland. WSPA opposes the Planning and Sustainability Commission's recommended zoning amendments under Resolution No. 37168, Fossil Fuel Terminal Zoning Amendments.

This letter responds to two questions that were posed by City Senior Economic Planner Steve Kountz to terminal operators by email on Monday, November 14, 2016. A copy of Mr. Kountz' email is attached.

Mr. Kountz Question #1: Do you agree that allowing for a 10% expansion is not an adequate incentive that would prompt you to replace and upgrade your storage tanks?

Response: WSPA and other industry members never agreed that 10% expansion is an accurate representation of future demand. We do not know what the future will hold. A more appropriate expansion option is outlined in the Appendix to our November 10, 2016, letter that is in the record.

Mr. Kountz Question #2: Would allowing a 10% expansion for additional new storage tanks for fuel that is blended in compliance with the Clean Fuels Program address your future needs?

The Honorable Mayor Charlie Hales
and City Commissioners
Nov 16, 2016
Page 2

Response: We do not know what the future will hold regarding future demand and future regulation. A more appropriate expansion option is outlined in the Appendix to our November 10, 2016, letter that is in the record.

Again, thank you for this opportunity to comment on the Fossil Fuel Terminal Zoning Amendments Proposed Draft. We hope the City reconsiders its push to pass regulations in this area and more narrowly tailors its rules to avoid unintended consequences.

Thank you for your consideration of WSPA's comments. We welcome any questions or comments you might have. Please contact me at this office or my staff, Jessica Spiegel at Jessica@wspa.org or 360-352-4512.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cathy Boyd".

cc: Jessica Spiegel, Western States Petroleum Association

Parsons, Susan

From: Klonoski, Zach
Sent: Tuesday, November 15, 2016 4:19 PM
To: Parsons, Susan
Subject: FW: Comments re: Fossil Fuel Expansion

FYI

From: Peter Cornelison [mailto:Peter.Cornelison@cityofhoodriver.com]
Sent: Tuesday, November 15, 2016 1:25 PM
To: Klonoski, Zach <Zach.Klonoski@portlandoregon.gov>
Subject: FW: Comments re: Fossil Fuel Expansion

Misspelled your name on the first round...

From: Peter Cornelison
Sent: Tuesday, November 15, 2016 12:38 PM
To: zack.klonoski@portlandoregon.gov; claire.adamsick@portlandoregon.gov; amanda@portlandoregon.gov
Cc: arleneburns@gmail.com; Paul Blackburn
Subject: Comments re: Fossil Fuel Expansion

Dear Mayor Hales and Commissioner Fritz,

Thank you for the opportunity to provide comments last Thursday before Council at your hearing on a Fossil Fuel ordinance. As I stated, thank you for your groundbreaking work on this issue. The rest of us in the Pacific Northwest and beyond look at cities like Portland as a beacon of hope and progress, especially needed given the new political reality in Washington D.C.

I am sorry I was unable to attend your entire meeting but Mayor Burns and I had to leave to attend a Wasco County Commission meeting on the proposed double track expansion by Union Pacific Railroad near Mosier, Oregon. You may be interested to know that the 3 member commission [denied the application](#) based on tribal treaty rights. This makes the third time (Boardman, OR coal terminal, Bellingham, WA coal terminal) that tribal treaty rights have prevailed, although its likely this decision will be appealed.

I appreciate that you asked for my thoughts about the proposed use of a 10% increase in capacity of bulk terminals to help secure needed seismic upgrades. I heard reports that, in later testimony, a Kinder Morgan representative was not interested in the 10%. I also heard that terminal operators are now asking that you specifically exclude pipes from the zoning amendments. On the basis of these reports, I'd recommend:

- Prohibition of expansions of existing fossil fuels terminals;
- Encouragement of seismic upgrades through state building codes without expansion of capacity;
- Elimination of the threshold for prohibiting new fossil fuel terminals;
- Inclusion of language to prevent "bait and switch maneuvers" that would allow dirty fossil fuels to be stored in tanks permitted for "Clean Fuels";
- Maintenance of language that does not exempt natural gas and methane from this code;

- No exclusion of pipes and pipe size in this document.

As I understand it, you can create an opportunity to revisit the pipe issue, demand issues, and seismic upgrades in one year.

These are my personal suggestions, as I've not had time to poll members of our Hood River City Council. But I think it likely that you would have their strong support.

In closing I want to share links to two coal news stories: [Coal continuously discharged from rail cars](#) and [Coal clean water act lawsuit settlement](#).

Good luck in your deliberations.

Peter Cornelison
Hood River Council Member

Moore-Love, Karla

From: Ellen Wax <ellen.wax@workingwaterfrontportland.org>
Sent: Wednesday, November 09, 2016 5:33 PM
To: Moore-Love, Karla; Schmanski, Sonia; Dunphy, Jamie; Klonoski, Zach; Grumm, Matt; Shriver, Katie; Ender, Timur; BPS Fossil Fuel Zoning
Subject: WWC submittal to City Council re: FFT zoning amendments
Attachments: WWC submittal City Council Re FFT zoning amendments.pdf

Please see the attached Working Waterfront Coalition (WWC) letter of testimony submittal with requested clarifying amendments to the PSC's *Fossil Fuel Terminal Zoning Amendments: Recommended Draft* to be considered by City Council at the hearing scheduled for Thursday, November 10, 2016.

Please see Council Clerk's requested name and address for the Working Waterfront Coalition in the email signature below and for purposes of providing name and address as part of our written testimony please include this email as part of the submittal and record.

Thank you. Ellen

Ellen M. Wax
Executive Director

Working Waterfront Coalition

503.220.2064 | 503.295.3660 fax
200 SW Market Street, Suite 190
Portland, OR 97201
ellen.wax@workingwaterfrontportland.org
www.workingwaterfrontportland.org



Mayor Charlie Hales and
Portland City Commissioners
Portland City Hall
1221 SW 4th Avenue
Portland, OR 97204

November 9, 2016

Re: Fossil Fuel Terminal Zoning Amendments (City Council Hearing, November 10, 2016, 2pm)

Dear Mayor Hales and City Commissioners,

I am writing on behalf of the Working Waterfront Coalition (WWC) in opposition to the Fossil Fuel Terminal Zoning Amendments (FFT Amendments) recommended by the Planning and Sustainability Commission, dated October 11, 2016. (PSC Recommendation). As you know, the WWC represents a wide range of waterfront businesses along the Portland Harbor including several fossil fuel terminals (FFT's).

Background and Position

The WWC has actively participated in the City's FFT amendment process and related efforts, including the enactment of Resolution 37168 and the adoption of the City's 2035 Comprehensive Plan. Throughout the FFT amendment process the WWC has opposed the City's effort to prohibit or limit the growth of multimodal terminals along the working waterfront. These multimodal fuel terminals have safely provided the City, the Region and the State with most of the liquid fuel supply for decades. The energy cluster in Linnton and Willbridge is by far Oregon's largest fuel distribution hub, providing more than 90 percent of the State's fuel supply. Because of the importance of these terminals the WWC has consistently objected to earlier versions of the City's FFT amendments, which sought to ban these multimodal terminals completely. Likewise, the WWC objects to the most recent version of the City's FFT amendments, which ban new multimodal fuel terminals and severely restrict the growth of existing FFTs.

Policy Analysis

From a policy standpoint, it may be helpful for the WWC to explain its' opposition to the PSC Recommendation relative to several of the City's recently enacted goals, including Resolution 37168 and the City's 2035 Comprehensive Plan. In that regard, City Council should reject the FFT amendments recommended by the Planning and Sustainability Commission because the PSC recommendation is inconsistent with several of the City's recently enacted goals:

- 1) As provided in Policy 4.81 and Policy 4.82 of the 2035 Comprehensive Plan, if the City's goal is to encourage disaster-resilient development and reduce natural-hazard risks to critical energy and transportation infrastructure, then City Council should reject the PSC Recommendation because it discourages firms from investing in disaster-resilient development.

Explanation: In order to economically justify the level of private investment needed to comprehensively upgrade critical energy and transportation infrastructure at existing FFTs, existing FFT's must be allowed to grow. The PSC Recommendation does the opposite. The PSC Recommendation prohibits existing FFTs from growing, except in one very limited circumstance. The only circumstance



under which an existing FFT can grow is if it replaces an existing tank with a seismically upgraded tank. However, even if an existing tank is replaced with a seismically upgraded tank, the incremental growth that can occur when a tank is replaced is limited to 10 percent of the capacity of the tank being replaced, with an overall increase limited to 10 percent of the storage capacity of the FFT facility on the date the amendments are enacted. This severe limitation on expansion discourages disaster-resilient development because the small amount of growth that is allowed to occur will not justify the massive amount of private investment needed to replace existing tanks in Portland. Even if investment does occur, the PSC recommendation will only produce a seismic upgrade of 10 percent, because no additional growth can occur once the 10 percent limit is reached. Without growth, investment in seismic upgrades will not occur. In short, the 10 percent rule creates an economic disincentive to disaster-resilient development, is shortsighted, and will be counterproductive to meaningful seismic upgrades over time.

- 2) As provided in Policy 6.48 of the 2035 Comprehensive Plan, if the City's goal is to limit fossil-fuel distribution and storage facilities to those necessary to serve the regional market, then City Council should reject the PSC Recommendation because it restricts the ability of fossil fuel infrastructure that is necessary to serve the regional market.

Explanation: All of the existing FFT's located in Portland's energy cluster are needed to serve the regional market. The PSC recommendation wrongly targets existing FFTs that serve the regional market. The WSPA alternative provides a regulatory concept and draft code language that limits extra-regional FFT's, while protecting FFT's that serve the regional market. The WSPA alternative is consistent with Policy 6.48, but the PSC recommendation is not.

- 3) As provided in Resolution 37168, if the City's goal is not to restrict the expansion of fossil fuel infrastructure that improves the safety, efficiency and seismic resilience of existing infrastructure, then City Council should reject the PSC Recommendation because it discourages firms from making improvements that increase the safety, efficiency and seismic resilience of fossil fuel facilities that primarily serve the regional market.

Explanation: For the reasons described above, the PSC Recommendation will not improve seismic resilience of existing FFT infrastructure, because it creates a long term disincentive to invest in existing FFTs and any related seismic upgrades. The associated disinvestment in existing FFT facilities that will occur as a result of the PSC recommendation will create a less efficient and potentially less safe regional fossil fuel infrastructure in Portland, as firms focus future capital investments in markets where their return on investment is justified.

- 4) As provided in the Comprehensive Plan, if the City's goal is to reduce vehicle miles traveled, then City Council should reject the PSC Recommendation because limiting multimodal storage capacity to existing tank capacity will require more trucks to move more fossil fuel into and through Portland, in order to bypass supply constraints at existing fossil fuel facilities that serve the regional market.

Explanation: By prohibiting new FFTs and limiting the capacity of existing FFTs that serve the regional market the PSC Recommendation creates a significant supply constraint for fossil fuels used by customers within the region. Over time and in times of emergency, this supply constraint will create a significant fossil fuel bottleneck in Portland. When it becomes necessary to bypass this supply constraint,



the only remaining option firms will have is to truck fossil fuels to and through Portland, in order to bypass the constraint. This constraint will therefore increase vehicle miles traveled and will require more fossil fuel to be transferred to and through Portland by truck.

- 5) As provided in Policy 6.5 of the 2035 Comprehensive Plan, if the City's goal is to create economic resilience, then City Council should reject the PSC recommendation because restrictions on existing fossil fuel facilities that primarily serve the regional market makes the City, the Region and the State more susceptible to impacts from climate change, natural disasters and unforeseen changes in the economy.

Explanation: The proposed ban on new FFTs that serve the regional market, along with a significant limit on growth for existing FFTs, will make the City, the Region and the State less economically resilient because the ban and its related limits creates a significant regulatory constraint that discourages firms from investing in needed infrastructure and technology that will make the Portland region less susceptible to impacts from climate change, natural disasters and unforeseen changes in the economy. For the foreseeable future, fossil fuels will continue to fill an important role in our energy economy. The Portland region and the state as a whole depends on the existing FFT's for roughly 90 percent of its petroleum supply. Even if the demand for fossil fuel in Oregon is only growing ½ percent to 1 percent annually, as estimated by the city, it is critically important for firms to continue to invest in fossil fuel facilities over the next several decades, as significant demand continues and risk of natural disasters and other unforeseen emergencies continues to exist. In short, Portland should not create significant disincentives for FFT's to invest in critical energy facilities that will continue to power Portland and the State of Oregon for decades to come.

Position, Alternative, and Clarifying Amendment

For all of the above reasons, the WWC opposes the PSC Recommendation and requests that it not be adopted by City Council.

The WWC notes that the FFT Amendment process was rushed. This fact is reflected in Appendix A of October 11, 2016, PSC Recommendation. Throughout this rushed process the WWC has supported a better alternative offered by WSPA in July, 2016, which is attached to this letter. The WSPA alternative is not mentioned in the PSC Recommendation, and was unfortunately ignored by the City throughout the rushed review process. The WWC continues to support the WSPA alternative.

If City Council is inclined to move forward with the PSC Recommendation, or something similar, the WWC requests that a significant ambiguity in the PSC recommendation be clarified. Specifically, it is not clear whether the limits on the growth relate only to fossil fuel storage tanks, or whether the limits on growth relate to pipes and other fossil fuel facilities associated with existing FFTs. It is our understanding from discussions with city staff that the City's intent is to limit growth related to existing storage tank capacity, and that it does not intend to limit growth related to pipes and other fossil fuel facilities and infrastructure. Accordingly, we offer the following clarifying amendments:

Section 33.140.100(B)(17)(a), as shown on page 49 of the October 11, 2016 PSC Recommendation, should be amended as follows:



- a. Existing Bulk Fossil Fuel Terminals. The following use limitations apply to existing Bulk Fossil Fuel Terminals:
- (1) Bulk Fossil Fuel Terminals that existed on [insert effective date] are allowed, but the total amount of fossil fuel that can be stored on the site in fossil fuel storage tanks, is limited to the fossil fuel storage tank capacity that existed on [insert effective date] plus 10 percent. Total fossil fuel storage tank capacity on the site in excess of the fossil fuel storage tank capacity that existed on [insert effective date] plus 10 percent is prohibited.
 - (2) New fossil fuel storage tanks are prohibited unless a new fossil fuel storage tank is replacing an existing fossil fuel storage tank that does not meet current building code standards for seismic safety, and in that case, the capacity of the new fossil fuel storage tank is prohibited from being greater than the storage capacity of the existing fossil fuel storage tank that is being replaced, plus 10 percent.
 - (3) No other use limitations shall be imposed on existing Bulk Fossil Fuel Terminals other than those set forth above.

Section 33.910.030, as shown on page 53 of the October 11, 2016 PSC Recommendation, should be amended as follows:

Fossil Fuel Storage Tank A fossil fuel storage tank is a tank affixed to the ground, within the boundaries of an existing Bulk Fossil Fuel Terminal site, which is used exclusively for fossil fuel storage.

Conclusion

For all of the reasons stated above, the WWC urges City Council to reject the PSC recommendation and reconsider its proposed regulation of multimodal FFTs along the City's working waterfront. The existing concentration of multimodal fuel terminals located along the City's working waterfront handles more than 90 percent of the State's fuel supply, and will continue to do so for the foreseeable future. Given these realities, it is critically important that the City not create a fuel bottleneck that severely affects the entire State of Oregon. Unfortunately, that is precisely what the PSC recommendation does and will do.

Sincerely,

Ellen M. Wax
Executive Director

Established in 2005, the Working Waterfront Coalition, with its extensive knowledge of harbor industry needs and active industry participation, is dedicated to working with its partners to ensure an appropriate balance between environmental concerns and the needs of river-related, river-dependent employers. Portland's Harbor is a vital employment area: home to thousands of valuable high-wage, high-benefit jobs. In addition, WWC members are conscientious stewards of the environment, making significant investments in the harbor consistent with state and federal laws.



Western States Petroleum Association
Credible Solutions • Responsive Service • Since 1907

Frank E. Holmes
Director, Northwest Region

July 25, 2016

Mr. Steve Kountz
City of Portland
1900 SW 4th Ave, Suite 7100
Portland, OR 97201

via e-mail: steve.kountz@portlandoregon.gov

Re: WSPA Comments on the City of Portland Discussion Draft

Dear Mr. Steve Kountz:

The Western States Petroleum Association (WSPA) is a non-profit trade association representing companies that explore for, produce, refine, transport, and market petroleum, petroleum products in five western states including Oregon. WSPA appreciates the opportunity to provide comments on the City of Portland Bureau of Planning and Sustainability Fossil Fuel Terminal Zoning Amendments Discussion Draft.

As you know from our June 2, 2016, meeting, several WSPA members operate petroleum terminals in Portland. These members have responsibly operated in the energy corridor along Northwest St. Helens Road for decades. This corridor provides key energy and emergency infrastructure as recognized by various city, state, and federal documents. WSPA opposes the City's push to regulate fossil fuels under Resolution No. 37166, Fossil Fuel Terminal Zoning Amendments, or otherwise, but submits these comments in an attempt to mitigate some of the unintended consequences of the contemplated zoning amendments.

The proposed zoning amendments contradict and misalign with federal and state laws pertaining to energy infrastructure, including but not limited to Oregon's low carbon fuel standards, Oregon's Renewable Fuel Standards, federal Renewable Fuel Standards, and similar laws. The Discussion Draft further appears to not follow policy direction in Resolution No. 37166 and the City's Comprehensive Plan enabling energy infrastructure to serve the region as well as transition to non-fossil fuel sources. Of particular concern to WSPA, the proposed zoning amendments would create a number of substantial unintended consequences. Specifically:

- The Discussion Draft restricts infrastructure that serves the region, in contradiction of the new City Comprehensive Plan provision governing fossil fuel infrastructure;
- The Discussion Draft fails to clearly specify how existing infrastructure can expand on existing sites, to adjacent properties, and to nearby non-adjacent properties;

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Mr. Kountz
January 4, 2016
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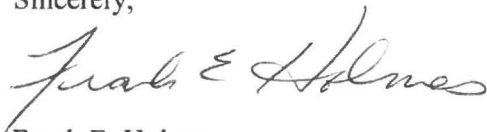
- The Discussion Draft restricts infrastructure related to Oregon's low carbon fuel standards, Oregon's Renewable Fuel Standards, federal Renewable Fuel Standards, and similar laws;
- The Discussion Draft terminal size thresholds are too small to enable expansion to serve future energy needs;
- The Discussion Draft stymies potential future technologies that do not fit within the contemplated framework;
- The Discussion Draft provides too narrow of a geographic area (currently, the IH Zone) for siting new terminals;
- The Discussion Draft generally does not align with state and federal policy regarding siting energy infrastructure;
- The Discussion Draft encourages less efficient (and potentially less safe) transportation by truck over more efficient modes of transportation;
- The Discussion Draft fails to provide for the economic impact assessment called for by Resolution No. 37166; and
- The proposed timeline for implementing the Discussion Draft is too fast to allow for thoughtful discussion and tailoring addressing the above and other concerns.

We have enclosed proposed zoning code language that would address some of the issues raised in this comment. While the proposed language does not resolve all the problems with the contemplated amendments, it addresses some of them.

Again, thank you for this opportunity to comment on the Fossil Fuel Terminal Zoning Amendments Discussion Draft. We hope the City reconsiders its push to pass regulations in this area, and if does, that it will more narrowly tailor its rules to not contradict federal and state direction and avoid unintended consequences.

Thank you for your consideration of WSPA's comments. If you have any questions, please contact me at this office at fholmes@wspa.org and (360) 352-4506.

Sincerely,



Frank E. Holmes
Director, Northwest Region
Western States Petroleum Association

Enclosure: Appendix 1, Proposed Portland Zoning Ordinance

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Appendix 1- Proposed Portland Zoning Ordinance

This appendix contains draft zoning code language from WSPA for City of Portland consideration in effectuating the City's fossil fuels policy. WSPA continues its position that the City's effort to regulate fossil fuels is misplaced and opposes those efforts. These proposed code provisions are intended to avoid some of the unintended consequences of the City's proposal and do not indicate WSPA support for City efforts to regulate fossil fuels. WSPA's draft code language contains four components:

1. Three new definitions for Portland Zoning Ordinance Chapter 33.910 (Appendix 1, page 2),
2. A use characteristics description for Bulk Fossil Fuels Terminals in Zoning Ordinance Chapter 33.920 (Appendix 1, page 2),
3. A new Energy Corridor Overlay Zone to protect existing fuel terminals in proposed new Portland Zoning Ordinance Chapter 33.490 (Appendix 1, page 4), and
4. Modifications to base industrial zones in Portland Zoning Ordinance Chapter 33.140 to recognize Bulk Fossil Fuel Terminals as a limited use (Appendix 1, page 7).

[Proposed New Definitions for Portland Zoning Ordinance Chapter 33.910]

Extra-Regional Bulk Fossil Fuel Terminal. A fossil fuel terminal that primarily serves markets outside of the Petroleum Administration for Defense District (PADD) 5 region, an area that includes the western states of California, Arizona, Nevada, Oregon, Washington, Alaska, and Hawaii.

Fossil Fuels. Fossil fuels include coal, petroleum, crude oil, refined oil, natural gas, bitumen, kerosene, propane, and other fuels made from decayed plants and animals that lived millions of years ago and are primarily used as a source of energy. Blended fuels containing a mix of fossil fuels and other fuel sources designed to address Oregon’s low carbon fuel standards in Oregon Administrative Rules Chapter 340, Division 253, federal Renewable Fuel Standards, state Renewable Fuel Standards, or similar state or federal laws designed to reduce the carbon footprint of fuels are not fossil fuels.

Regional Bulk Fossil Fuel Terminal. A fossil fuel terminal that primarily serves the Petroleum Administration for Defense District (PADD) 5 region, an area that includes the western states of California, Arizona, Nevada, Oregon, Washington, Alaska, and Hawaii.

[Proposed New Use Category For Bulk Fossil Fuel Terminals]

33.920.360 Bulk Fossil Fuel Terminal

- A. Characteristics.** Bulk Fossil Fuel Terminals are characterized by having all of the following (1) marine, pipeline or railroad transport access, (2) transloading facilities for transferring a shipment between transport modes (such as from rail to ship), and (3) storage facilities for fossil fuels exceeding a storage capacity of [] million barrels for petroleum, [] million gallons for liquefied natural gas (LNG), [] million gallons for other liquefied gas fuels.
- B. Accessory Uses.** Accessory uses may include offices, pipes, industrial processing, shipping terminals, parking, storage, rail spur or lead lines, and docks.
- C. Examples.** Extra-regional liquefied natural gas (LNG) export facilities, propane export facilities, or coal export facilities.
- D. Exceptions.**
1. Improvements in the safety, or efficiency, seismic resilience, or operations of existing energy infrastructure.
 2. Terminals or firms that are end users of fossil fuels or sell directly to end users of fossil fuels such as airports, manufacturing, agricultural businesses, utilities, gas stations, and power plants.
 3. Development of emergency backup capacity.
 4. Infrastructure that enables recovery or re-processing of used petroleum products
 5. Terminals or firms that are storing, transporting or processing fuels and blended fuels containing a mix of fossil fuels and other fuel sources designed to address Oregon's low carbon fuel standards in Oregon Administrative Rules Chapter 340, Division 253, federal Renewable Fuel Standards, state Renewable Fuel Standards, or similar state or federal laws designed to reduce the carbon footprint of fuels.

[Proposed New Chapter in Zoning Ordinance]

City of Portland Planning and Zoning Ordinance - Title 33, Planning and Zoning

Chapter 33.490 Energy Corridor Overlay Zone

Sections:

- 33.490.010 Purpose
- 33.490.020 Map Symbol
- 33.490.025 Relationship to Portland Zoning Code Chapter 33.140
- 33.490.030 No Size limits
- 33.490.040 Expansion of Energy Corridor Terminals

Map 490-1 Energy Corridor Overlay Zone Boundaries

33.490.010 Purpose

The Energy Corridor Overlay Zone recognizes the historic cluster of energy terminals, including fossil fuel terminals that have served as Portland's hub for energy transport for decades. The purpose of this overlay zone is to protect this area for future energy infrastructure growth, including but not limited to expansion of energy terminals.

33.490.020 Map Symbol

The Energy Corridor Overlay zone is shown on the Official Zoning Maps with a letter "m" map symbol.

33.490.025 Relationship to Portland Zoning Code Chapter 33.140

The Energy Corridor Overlay zone provides flexibility for the sites subject to this overlay in addition to what are allowed under Portland Zoning Code Chapter 33.140. If there is a conflict between what is allowed under this Chapter 33.490 and what would be allowed Chapter 33.140, this Chapter 33.490 controls.

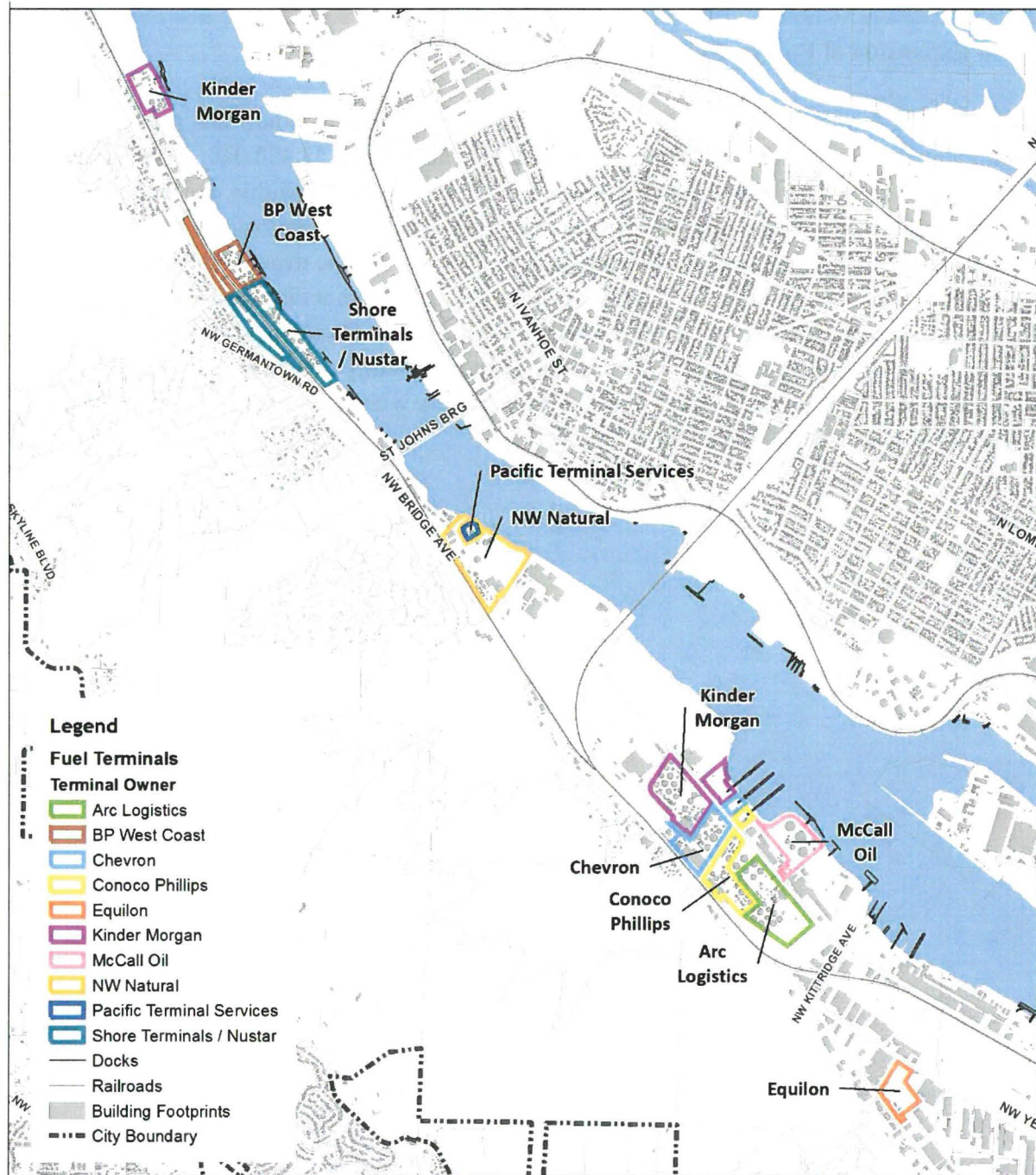
33.490.030 No Size Limits

There is no storage or other size limits for Bulk Fossil Fuel Terminals or other energy facilities located in the Energy Corridor Overlay Zone.

33.490.040 Expansion of Energy Corridor Terminals

A Bulk Fossil Fuel Terminal in the Energy Corridor Overlay may expand to new lots and parcels outside of the Energy Corridor Overlay zone as provided in this Section 33.490.040. A Bulk Fossil Fuel Terminal may only expand onto parcels or lots that are all or partially within one half of a mile from a property line of the lot or parcel containing the Bulk Fossil Fuel Terminal. A Bulk Fossil Fuel Terminal that is expanded outside of the Energy Corridor Overlay will be treated as if it were entirely within the Energy Corridor Overlay for purposes of land use and all other city approvals. If an expansion of an energy facility to a new lot or parcel pursuant to this Section 33.490.040 includes proposed development that would qualify the combined energy facility as a Bulk fossil Fuel Terminal, the combined energy facility will be treated as if it were entirely within the Energy Corridor Overlay for purposes of land use and all other city approvals.

Map 490-1 Energy Corridor Overlay Zone Boundaries [designate noted sites with “m” map symbol]



[Proposed Changes to Chapter 33.140 are shown in RED]

City of Portland Planning and Zoning Ordinance - Title 33, Planning and Zoning

Chapter 33.140 Employment and Industrial Zones

Sections:

General

- 33.140.010 General Purpose of the Zones
- 33.140.020 List of the Employment and Industrial Zones
- 33.140.030 Characteristics of the Zones
- 33.140.040 Other Zoning Regulations

Use Regulations

- 33.140.100 Primary Uses
- 33.140.110 Accessory Uses
- 33.140.130 Nuisance-Related Impacts
- 33.140.140 On-Site Waste Disposal

Site Development Standards

- 33.140.200 Lot Size
- 33.140.205 Floor Area Ratio
- 33.140.210 Height
- 33.140.215 Setbacks
- 33.140.220 Building Coverage
- 33.140.225 Landscaped Areas
- 33.140.227 Trees
- 33.140.230 Ground Floor Windows in the EX Zones
- 33.140.235 Screening
- 33.140.240 Pedestrian Standards
- 33.140.242 Transit Street Main Entrance
- 33.140.245 Exterior Display, Storage, and Work Activities
- 33.140.250 Trucks and Equipment
- 33.140.255 Drive-Through Facilities
- 33.140.265 Residential Development
- 33.140.270 Detached Accessory Structures
- 33.140.275 Fences
- 33.140.280 Demolitions

- 33.140.290 Nonconforming Development
- 33.140.295 Parking and Loading
- 33.140.300 Signs
- 33.140.310 Superblock Requirements
- 33.140.315 Recycling Areas

General

33.140.010 General Purpose of the Zones

The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. The zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the allowed intensity of development, and the development standards. The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

33.140.020 List of the Employment and Industrial Zones

The full and short names of the employment and industrial zones and their map symbols are listed below. When this Title refers to the employment or E zones it is referring to the first three listed. When this Title refers to the industrial or I zones, it is referring to the last three listed.

Full Name	Short Name	Map Symbol
General Employment 1		EG1
General Employment 2		EG2
Central Employment		EX
General Industrial 1		IG1
General Industrial 2		IG2
Heavy Industrial		IH

33.140.030 Characteristics of the Zones

A. General Employment. The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment

opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial and industrially-related uses. Other commercial uses are allowed to support a wide range of services and employment opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas.

1. General Employment 1. EG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. EG1 zoned lands will tend to be on strips or small areas.

2. General Employment 2. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. EG2 zoned lands will generally be on larger areas than those zoned EG1.

B. Central Employment. This zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

C. General Industrial. The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.

1. General Industrial 1. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.

2. General Industrial 2. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

D. Heavy Industrial. This zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.

33.140.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the base zones. Sites in overlay zones or plan districts and designated historical landmarks are subject to additional regulations which supersede those of this Chapter. The Official Zoning Maps indicated which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

Use Regulations

33.140.100 Primary Uses

A. Allowed uses. Uses allowed in the employment and industrial zones are listed in Table 140-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.

1. Household Living uses in I zones. This regulation applies to all parts of Table 140-1 that have a [1]. Household Living in houseboats and houseboat moorages in I zones are regulated by Chapter 33.236, Floating Structures. Household Living in other structures is prohibited.
2. Group Living. This regulation applies to all parts of Table 140-1 that have a [2].

a. General regulations. All Group Living uses except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.

b. Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.

3. EG commercial limitation. This regulation applies to all parts of Table 140-1 that have a [3].

a. Limited uses.

(1) Office uses. Except for sites with historic landmarks, the net building area for Office uses is limited to the square footage of the site area. On sites with historic landmarks, the net building area for Office uses may be up to twice the total square footage of the site area. Exceptions to these size limits are prohibited.

(2) Retail Sales And Service uses. Except for sites with historic landmarks, the net building area plus any exterior display or storage area for Retail Sales And Service uses is limited to 60,000 square feet or the square footage of the site area, whichever is less. On sites with historic landmarks, the net building area plus any exterior display or storage area for Retail Sales And Service uses is limited to 60,000 square feet or twice the total square footage of the site area, whichever is less.

b. Conditional uses.

(1) Retail Sales And Service uses that exceed the area limits in 3.a(2) are a conditional use.

4. IG1 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [4].

a. Limited uses. One Retail Sales And Service or Office use is allowed per site. The square footage of net building area plus the exterior display and storage area may be up to 3,000 square feet.

b. Conditional uses.

(1) More than one Retail Sales And Service or Office Use on a site is a conditional use.

(2) Any Retail Sales And Service or Office Use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.

c. Prohibited uses.

(1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

(2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 60,000 square feet or twice the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

5. IG2 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].

a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet per use.

b. Conditional uses.

(1) More than four Retail Sales And Service or Office uses on a site is a conditional use.

(2) Any Retail Sales And Service or Office use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.

c. Prohibited uses.

(1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

(2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 60,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

6. IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [6].

a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet per use.

b. Conditional uses.

(1) More than four Retail Sales And Service or Office use on a site is a conditional use.

(2) Any Retail Sales And Service or Office use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.

c. Prohibited uses.

(1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 12,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

(2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 25,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service

and Office uses that exceed these area limits are prohibited.

7. Self-Service Storage limitation. This regulation applies to all parts of Table 140-1 that have a [7]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.

8. Waste-Related limitation. This regulation applies to all parts of Table 140-1 that have a [8]. All Waste-Related uses are conditional uses, unless they meet all of the following conditions in which case they are allowed by right.

a. The use must be approved by Metro under their authority as prescribed in ORS 268.317;

b. Metro's approval of the use must include a mitigation plan. The requirements for the mitigation plan must be approved by the City Council through an intergovernmental agreement with Metro, adopted prior to Metro's approval of the use; and

c. The location of the use must be in conformance with Metro's Regional Solid Waste Management Plan.

9. Community Service uses in EG zones. This regulation applies to all parts of Table 140-1 that have a [9]. Most Community Service uses are allowed by right. Short term housing may be allowed by right if it meets certain standards. See Chapter 33.285, Short Term Housing and Mass Shelters. Mass shelters are prohibited.

**Table 140-1
Employment and Industrial Zone Primary Uses**

Use Categories	EG1	EG2	EX	IG1	IG2	IH
Residential Categories						
Household Living	CU	CU	Y	CU [1]	CU [1]	CU [1]
Group Living	CU	CU	L/CU [2]	N	N	N
Commercial Categories						
Retail Sales And Service	L/CU [3]	L/CU [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Office	L [3]	L [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]
Self-Service Storage	Y	Y	L [7]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
Industrial Categories						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y	Y	Y
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU[8]	L/CU [8]	L/CU [8]
Bulk Fossil Fuels Terminal	L [17]	L [17]	L [17]	L [17]	L [17]	L [17]
Institutional Categories						
Basic Utilities	Y/CU [12]	Y/CU [12]	Y/CU [12]	Y/CU [13]	Y/CU [13]	Y/CU [13]
Community Service	L [9]	L [9]	L [10]	L/CU [11]	L/CU [11]	L/CU [11]
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU [11]	L/CU [11]	L/CU [11]
Other Categories						
Agriculture	L [16]	L [16]	L [16]	L [16]	L [16]	L [16]
Aviation And Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Transmission Facilities	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

Y = Yes, Allowed

CU = Conditional Use Review Required

L = Allowed, But Special Limitations

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.140.100.B.

- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

10. Community Service in the EX zone. This regulation applies to all parts of Table 140-1 that have a [10]. Most Community Service uses are allowed by right. Short term housing and mass shelters may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term Housing and Mass Shelters.

11. Community Service and Daycare limitations in I zones. This regulation applies to all parts of Table 140-1 that have a [11]. Community Service uses or Daycare uses up to 3,000 square feet of net building area are allowed. Community Service uses or Daycare uses larger than 3,000 square feet of net building area are a conditional use. Short term housing and mass shelters of any size are prohibited.

12. Basic Utilities in E zones. This regulation applies to all parts of Table 140-1 that have a [12]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. All other Basic Utilities are allowed.

13. Basic Utilities in I zones. This regulation applies to all parts of Table 140-1 that have a [13]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. Public safety facilities which have more than 3,000 square feet of floor area are a conditional use. The approval criteria are in Section 33.815.223. All other Basic Utilities are allowed.

14. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 140-1 that have a [14]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

15. Commercial Parking. This regulation applies to all parts of Table 140-1 that have a [15]. Except where plan district provisions supersede these regulations, Commercial Parking is a conditional use in the E and I zones. Within plan districts, there may be special regulations.

16. Agriculture. This regulation applies to all parts of Table 140-1 that have a [16]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.

17. Bulk Fossil Fuels Terminals. Regional Bulk Fossil Fuel Terminals of any size are allowed. Extra-Regional Bulk Fossil Fuel Terminals may not exceed a storage capacity of [] million barrels for petroleum, [] million gallons for liquefied natural gas

(LNG), [] million gallons for other liquefied gas fuels, except as may be allowed pursuant to the Portland Energy Corridor Overlay Zone. Coal terminals may not exceed a storage capacity of one ton of coal.

C. Conditional uses. Uses which are allowed if approved through the conditional use review process are listed in Table 140-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

D. Prohibited uses. Uses listed in Table 140-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.140.110 Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all development standards.

33.140.130 Nuisance-Related Impacts

A. Off-site impacts. All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.

B. Other nuisances. Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

33.140.140 On-Site Waste Disposal

On-site disposal of solid wastes generated by a use is subject to the same regulations as for uses in the Waste-Related use category. See Table 140-1.

Development Standards

[NO REVISIONS PROPOSED TO DEVELOPMENT STANDARDS]

Moore-Love, Karla

From: Klonoski, Zach
Sent: Wednesday, November 09, 2016 2:59 PM
To: Parsons, Susan; Moore-Love, Karla
Subject: FW: WWC clarifying amendments to PSC Recommended Draft Fossil Fuel Terminal zoning amendments
Attachments: WSPA Comment on Discussion Draft City of Portland July 25 2016.pdf; WSPA Appendix 1, Proposed Portland Zoning Ordinance.pdf
Importance: High

Please add this to the record on the Fossil Fuel Terminal Zoning Amendments item scheduled for tomorrow.

Thanks!

ZK

From: Ellen Wax [mailto:ellen.wax@workingwaterfrontportland.org]
Sent: Wednesday, November 09, 2016 12:03 PM
To: Klonoski, Zach <Zach.Klonoski@portlandoregon.gov>
Subject: WWC clarifying amendments to PSC Recommended Draft Fossil Fuel Terminal zoning amendments
Importance: High

Dear Zach,

Below in this email are the WWC's requested clarifying amendments to the PSC's Fossil Fuel Terminal Zoning Amendments: Recommended Draft.

As we discussed in our recent meeting with you the WWC does not support the PSC Recommendation for fossil fuel terminals and requests that it is not adopted by City Council. However, if City Council members decide to support the PSC Recommendation then we respectfully request the clarifying amendments as outlined below.

The WWC notes that the FFT Amendment process was rushed. This fact is reflected in Appendix A of October 11, 2016, PSC Recommendation. Throughout this rushed process the WWC has supported a better alternative offered by WSPA in July, 2016, which is attached to this email (*WSPA Appendix 1. Proposed Portland Zoning Ordinance*). The WSPA alternative is not mentioned in the PSC Recommendation, and was unfortunately ignored by the City throughout the rushed review process. The WWC continues to support the WSPA alternative.

If City Council is inclined to move forward with the PSC Recommendation, or something similar, the WWC requests that a significant ambiguity in the PSC recommendation be clarified. Specifically, it is not clear whether the limits on the growth relate only to fossil fuel storage tanks, or whether the limits on growth relate to pipes and other fossil fuel facilities associated with existing FFTs. It is our understanding from discussions with city staff that the City's intent is to limit growth related to existing storage tank capacity, and that it does not intend to limit growth related to pipes and other fossil fuel facilities and infrastructure. Accordingly, we offer the following clarifying amendments:

Section 33.140.100(B)(17)(a), as shown on page 49 of the October 11, 2016 PSC Recommendation, should be amended as follows:

- a. Existing Bulk Fossil Fuel Terminals. The following use limitations apply to existing Bulk Fossil Fuel Terminals:
- (1) Bulk Fossil Fuel Terminals that existed on [insert effective date] are allowed, but the total amount of fossil fuel that can be stored on the site in fossil fuel storage tanks, is limited to the fossil fuel storage tank capacity that existed on [insert effective date] plus 10 percent. Total fossil fuel storage tank capacity on the site in excess of the fossil fuel storage tank capacity that existed on [insert effective date] plus 10 percent is prohibited.
 - (2) New fossil fuel storage tanks are prohibited unless a new fossil fuel storage tank is replacing an existing fossil fuel storage tank that does not meet current building code standards for seismic safety, and in that case, the capacity of the new fossil fuel storage tank is prohibited from being greater than the storage capacity of the existing fossil fuel storage tank that is being replaced, plus 10 percent.
 - (3) No other use limitations shall be imposed on existing Bulk Fossil Fuel Terminals other than those set forth above.

Section 33.910.030, as shown on page 53 of the October 11, 2016 PSC Recommendation, should be amended as follows:

Fossil Fuel Storage Tank A fossil fuel storage tank is a tank affixed to the ground, within the boundaries of an existing Bulk Fossil Fuel Terminal site, which is used exclusively for fossil fuel storage.

Please call or email with any questions. Thank you. Ellen

Ellen M. Wax

Executive Director

Working Waterfront Coalition

503.220.2064 | 503.295.3660 fax

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Western States Petroleum Association
Credible Solutions • Responsive Service • Since 1907

Frank E. Holmes
Director, Northwest Region

July 25, 2016

Mr. Steve Kountz
City of Portland
1900 SW 4th Ave, Suite 7100
Portland, OR 97201

via e-mail: steve.kountz@portlandoregon.gov

Re: WSPA Comments on the City of Portland Discussion Draft

Dear Mr. Steve Kountz:

The Western States Petroleum Association (WSPA) is a non-profit trade association representing companies that explore for, produce, refine, transport, and market petroleum, petroleum products in five western states including Oregon. WSPA appreciates the opportunity to provide comments on the City of Portland Bureau of Planning and Sustainability Fossil Fuel Terminal Zoning Amendments Discussion Draft.

As you know from our June 2, 2016, meeting, several WSPA members operate petroleum terminals in Portland. These members have responsibly operated in the energy corridor along Northwest St. Helens Road for decades. This corridor provides key energy and emergency infrastructure as recognized by various city, state, and federal documents. WSPA opposes the City's push to regulate fossil fuels under Resolution No. 37166, Fossil Fuel Terminal Zoning Amendments, or otherwise, but submits these comments in an attempt to mitigate some of the unintended consequences of the contemplated zoning amendments.

The proposed zoning amendments contradict and misalign with federal and state laws pertaining to energy infrastructure, including but not limited to Oregon's low carbon fuel standards, Oregon's Renewable Fuel Standards, federal Renewable Fuel Standards, and similar laws. The Discussion Draft further appears to not follow policy direction in Resolution No. 37166 and the City's Comprehensive Plan enabling energy infrastructure to serve the region as well as transition to non-fossil fuel sources. Of particular concern to WSPA, the proposed zoning amendments would create a number of substantial unintended consequences. Specifically:

- The Discussion Draft restricts infrastructure that serves the region, in contradiction of the new City Comprehensive Plan provision governing fossil fuel infrastructure;
- The Discussion Draft fails to clearly specify how existing infrastructure can expand on existing sites, to adjacent properties, and to nearby non-adjacent properties;

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Mr. Kountz
January 4, 2016
Page 2

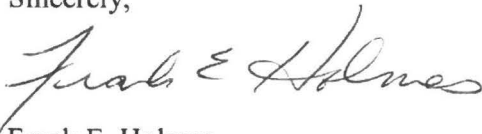
- The Discussion Draft restricts infrastructure related to Oregon's low carbon fuel standards, Oregon's Renewable Fuel Standards, federal Renewable Fuel Standards, and similar laws;
- The Discussion Draft terminal size thresholds are too small to enable expansion to serve future energy needs;
- The Discussion Draft stymies potential future technologies that do not fit within the contemplated framework;
- The Discussion Draft provides too narrow of a geographic area (currently, the IH Zone) for siting new terminals;
- The Discussion Draft generally does not align with state and federal policy regarding siting energy infrastructure;
- The Discussion Draft encourages less efficient (and potentially less safe) transportation by truck over more efficient modes of transportation;
- The Discussion Draft fails to provide for the economic impact assessment called for by Resolution No. 37166; and
- The proposed timeline for implementing the Discussion Draft is too fast to allow for thoughtful discussion and tailoring addressing the above and other concerns.

We have enclosed proposed zoning code language that would address some of the issues raised in this comment. While the proposed language does not resolve all the problems with the contemplated amendments, it addresses some of them.

Again, thank you for this opportunity to comment on the Fossil Fuel Terminal Zoning Amendments Discussion Draft. We hope the City reconsiders its push to pass regulations in this area, and if does, that it will more narrowly tailor its rules to not contradict federal and state direction and avoid unintended consequences.

Thank you for your consideration of WSPA's comments. If you have any questions, please contact me at this office at fholmes@wspa.org and (360) 352-4506.

Sincerely,



Frank E. Holmes
Director, Northwest Region
Western States Petroleum Association

Enclosure: Appendix 1, Proposed Portland Zoning Ordinance

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Appendix 1- Proposed Portland Zoning Ordinance

This appendix contains draft zoning code language from WSPA for City of Portland consideration in effectuating the City's fossil fuels policy. WSPA continues its position that the City's effort to regulate fossil fuels is misplaced and opposes those efforts. These proposed code provisions are intended to avoid some of the unintended consequences of the City's proposal and do not indicate WSPA support for City efforts to regulate fossil fuels. WSPA's draft code language contains four components:

1. Three new definitions for Portland Zoning Ordinance Chapter 33.910 (Appendix 1, page 2),
2. A use characteristics description for Bulk Fossil Fuels Terminals in Zoning Ordinance Chapter 33.920 (Appendix 1, page 2),
3. A new Energy Corridor Overlay Zone to protect existing fuel terminals in proposed new Portland Zoning Ordinance Chapter 33.490 (Appendix 1, page 4), and
4. Modifications to base industrial zones in Portland Zoning Ordinance Chapter 33.140 to recognize Bulk Fossil Fuel Terminals as a limited use (Appendix 1, page 7).

[Proposed New Definitions for Portland Zoning Ordinance Chapter 33.910]

Extra-Regional Bulk Fossil Fuel Terminal. A fossil fuel terminal that primarily serves markets outside of the Petroleum Administration for Defense District (PADD) 5 region, an area that includes the western states of California, Arizona, Nevada, Oregon, Washington, Alaska, and Hawaii.

Fossil Fuels. Fossil fuels include coal, petroleum, crude oil, refined oil, natural gas, bitumen, kerosene, propane, and other fuels made from decayed plants and animals that lived millions of years ago and are primarily used as a source of energy. Blended fuels containing a mix of fossil fuels and other fuel sources designed to address Oregon's low carbon fuel standards in Oregon Administrative Rules Chapter 340, Division 253, federal Renewable Fuel Standards, state Renewable Fuel Standards, or similar state or federal laws designed to reduce the carbon footprint of fuels are not fossil fuels.

Regional Bulk Fossil Fuel Terminal. A fossil fuel terminal that primarily serves the Petroleum Administration for Defense District (PADD) 5 region, an area that includes the western states of California, Arizona, Nevada, Oregon, Washington, Alaska, and Hawaii.

[Proposed New Use Category For Bulk Fossil Fuel Terminals]

33.920.360 Bulk Fossil Fuel Terminal

- A. Characteristics.** Bulk Fossil Fuel Terminals are characterized by having all of the following (1) marine, pipeline or railroad transport access, (2) transloading facilities for transferring a shipment between transport modes (such as from rail to ship), and (3) storage facilities for fossil fuels exceeding a storage capacity of [] million barrels for petroleum, [] million gallons for liquefied natural gas (LNG), [] million gallons for other liquefied gas fuels.
- B. Accessory Uses.** Accessory uses may include offices, pipes, industrial processing, shipping terminals, parking, storage, rail spur or lead lines, and docks.
- C. Examples.** Extra-regional liquefied natural gas (LNG) export facilities, propane export facilities, or coal export facilities.
- D. Exceptions.**
1. Improvements in the safety, or efficiency, seismic resilience, or operations of existing energy infrastructure.
 2. Terminals or firms that are end users of fossil fuels or sell directly to end users of fossil fuels such as airports, manufacturing, agricultural businesses, utilities, gas stations, and power plants.
 3. Development of emergency backup capacity.
 4. Infrastructure that enables recovery or re-processing of used petroleum products
 5. Terminals or firms that are storing, transporting or processing fuels and blended fuels containing a mix of fossil fuels and other fuel sources designed to address Oregon's low carbon fuel standards in Oregon Administrative Rules Chapter 340, Division 253, federal Renewable Fuel Standards, state Renewable Fuel Standards, or similar state or federal laws designed to reduce the carbon footprint of fuels.

[Proposed New Chapter in Zoning Ordinance]

City of Portland Planning and Zoning Ordinance - Title 33, Planning and Zoning

Chapter 33.490 Energy Corridor Overlay Zone

Sections:

- 33.490.010 Purpose
- 33.490.020 Map Symbol
- 33.490.025 Relationship to Portland Zoning Code Chapter 33.140
- 33.490.030 No Size limits
- 33.490.040 Expansion of Energy Corridor Terminals

Map 490-1 Energy Corridor Overlay Zone Boundaries

33.490.010 Purpose

The Energy Corridor Overlay Zone recognizes the historic cluster of energy terminals, including fossil fuel terminals that have served as Portland's hub for energy transport for decades. The purpose of this overlay zone is to protect this area for future energy infrastructure growth, including but not limited to expansion of energy terminals.

33.490.020 Map Symbol

The Energy Corridor Overlay zone is shown on the Official Zoning Maps with a letter "m" map symbol.

33.490.025 Relationship to Portland Zoning Code Chapter 33.140

The Energy Corridor Overlay zone provides flexibility for the sites subject to this overlay in addition to what are allowed under Portland Zoning Code Chapter 33.140. If there is a conflict between what is allowed under this Chapter 33.490 and what would be allowed Chapter 33.140, this Chapter 33.490 controls.

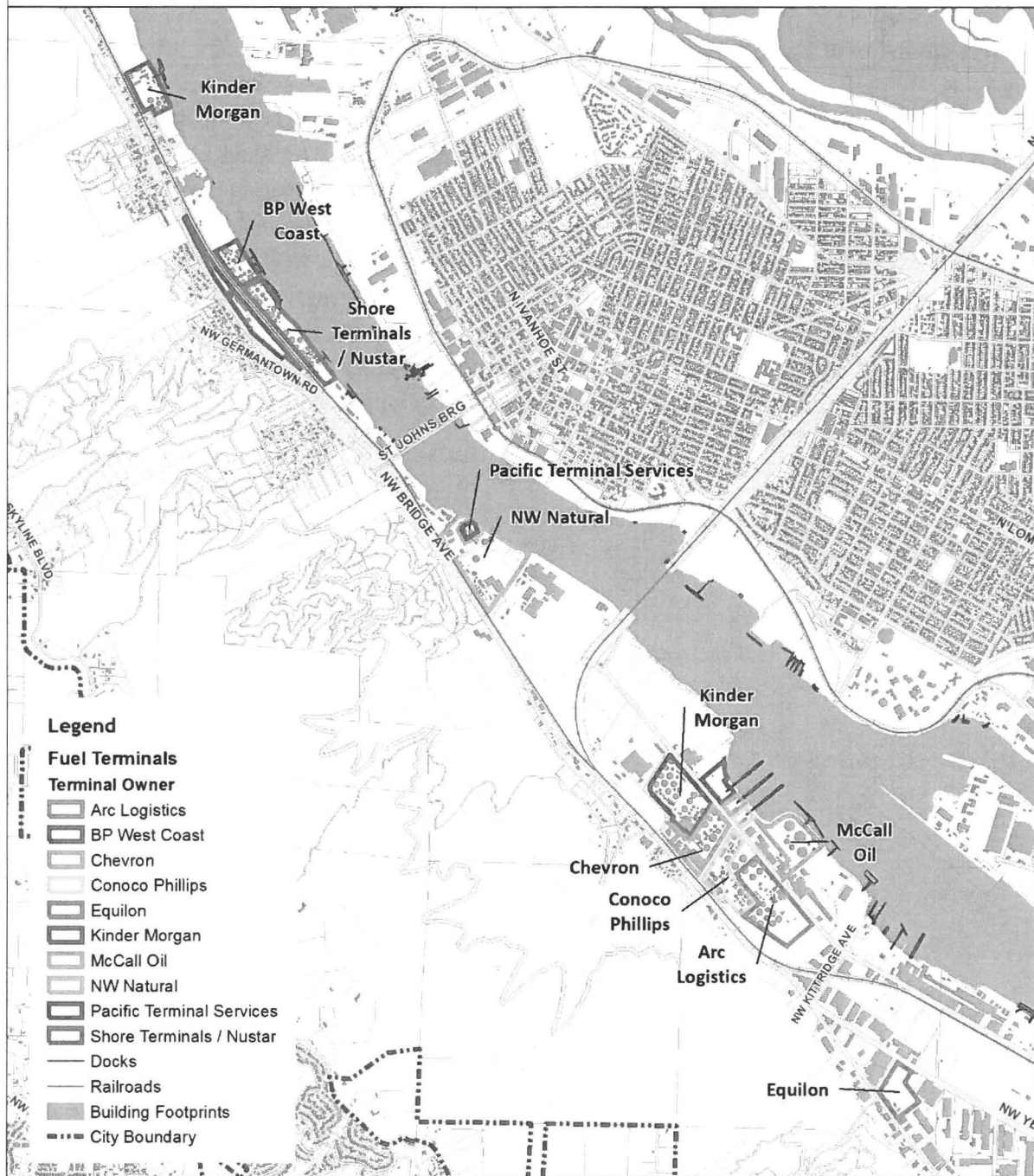
33.490.030 No Size Limits

There is no storage or other size limits for Bulk Fossil Fuel Terminals or other energy facilities located in the Energy Corridor Overlay Zone.

33.490.040 Expansion of Energy Corridor Terminals

A Bulk Fossil Fuel Terminal in the Energy Corridor Overlay may expand to new lots and parcels outside of the Energy Corridor Overlay zone as provided in this Section 33.490.040. A Bulk Fossil Fuel Terminal may only expand onto parcels or lots that are all or partially within one half of a mile from a property line of the lot or parcel containing the Bulk Fossil Fuel Terminal. A Bulk Fossil Fuel Terminal that is expanded outside of the Energy Corridor Overlay will be treated as if it were entirely within the Energy Corridor Overlay for purposes of land use and all other city approvals. If an expansion of an energy facility to a new lot or parcel pursuant to this Section 33.490.040 includes proposed development that would qualify the combined energy facility as a Bulk fossil Fuel Terminal, the combined energy facility will be treated as if it were entirely within the Energy Corridor Overlay for purposes of land use and all other city approvals.

Map 490-1 Energy Corridor Overlay Zone Boundaries [designate noted sites with “m” map symbol]



[Proposed Changes to Chapter 33.140 are shown in RED]

City of Portland Planning and Zoning Ordinance - Title 33, Planning and Zoning

Chapter 33.140 Employment and Industrial Zones

Sections:

General

- 33.140.010 General Purpose of the Zones
- 33.140.020 List of the Employment and Industrial Zones
- 33.140.030 Characteristics of the Zones
- 33.140.040 Other Zoning Regulations

Use Regulations

- 33.140.100 Primary Uses
- 33.140.110 Accessory Uses
- 33.140.130 Nuisance-Related Impacts
- 33.140.140 On-Site Waste Disposal

Site Development Standards

- 33.140.200 Lot Size
- 33.140.205 Floor Area Ratio
- 33.140.210 Height
- 33.140.215 Setbacks
- 33.140.220 Building Coverage
- 33.140.225 Landscaped Areas
- 33.140.227 Trees
- 33.140.230 Ground Floor Windows in the EX Zones
- 33.140.235 Screening
- 33.140.240 Pedestrian Standards
- 33.140.242 Transit Street Main Entrance
- 33.140.245 Exterior Display, Storage, and Work Activities
- 33.140.250 Trucks and Equipment
- 33.140.255 Drive-Through Facilities
- 33.140.265 Residential Development
- 33.140.270 Detached Accessory Structures
- 33.140.275 Fences
- 33.140.280 Demolitions

- 33.140.290 Nonconforming Development
- 33.140.295 Parking and Loading
- 33.140.300 Signs
- 33.140.310 Superblock Requirements
- 33.140.315 Recycling Areas

General

33.140.010 General Purpose of the Zones

The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. The zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the allowed intensity of development, and the development standards. The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

33.140.020 List of the Employment and Industrial Zones

The full and short names of the employment and industrial zones and their map symbols are listed below. When this Title refers to the employment or E zones it is referring to the first three listed. When this Title refers to the industrial or I zones, it is referring to the last three listed.

Full Name	Short Name	Map Symbol
General Employment 1		EG1
General Employment 2		EG2
Central Employment		EX
General Industrial 1		IG1
General Industrial 2		IG2
Heavy Industrial		IH

33.140.030 Characteristics of the Zones

A. General Employment. The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment

opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial and industrially-related uses. Other commercial uses are allowed to support a wide range of services and employment opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas.

1. General Employment 1. EG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. EG1 zoned lands will tend to be on strips or small areas.
2. General Employment 2. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. EG2 zoned lands will generally be on larger areas than those zoned EG1.

B. Central Employment. This zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

C. General Industrial. The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.

1. General Industrial 1. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.
2. General Industrial 2. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

D. Heavy Industrial. This zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.

33.140.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the base zones. Sites in overlay zones or plan districts and designated historical landmarks are subject to additional regulations which supersede those of this Chapter. The Official Zoning Maps indicated which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

Use Regulations

33.140.100 Primary Uses

A. Allowed uses. Uses allowed in the employment and industrial zones are listed in Table 140-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.

1. Household Living uses in I zones. This regulation applies to all parts of Table 140-1 that have a [1]. Household Living in houseboats and houseboat moorages in I zones are regulated by Chapter 33.236, Floating Structures. Household Living in other structures is prohibited.
2. Group Living. This regulation applies to all parts of Table 140-1 that have a [2].

a. General regulations. All Group Living uses except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.

b. Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.

3. EG commercial limitation. This regulation applies to all parts of Table 140-1 that have a [3].

a. Limited uses.

(1) Office uses. Except for sites with historic landmarks, the net building area for Office uses is limited to the square footage of the site area. On sites with historic landmarks, the net building area for Office uses may be up to twice the total square footage of the site area. Exceptions to these size limits are prohibited.

(2) Retail Sales And Service uses. Except for sites with historic landmarks, the net building area plus any exterior display or storage area for Retail Sales And Service uses is limited to 60,000 square feet or the square footage of the site area, whichever is less. On sites with historic landmarks, the net building area plus any exterior display or storage area for Retail Sales And Service uses is limited to 60,000 square feet or twice the total square footage of the site area, whichever is less.

b. Conditional uses.

(1) Retail Sales And Service uses that exceed the area limits in 3.a(2) are a conditional use.

4. IG1 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [4].

a. Limited uses. One Retail Sales And Service or Office use is allowed per site. The square footage of net building area plus the exterior display and storage area may be up to 3,000 square feet.

b. Conditional uses.

(1) More than one Retail Sales And Service or Office Use on a site is a conditional use.

(2) Any Retail Sales And Service or Office Use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.

c. Prohibited uses.

(1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

(2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 60,000 square feet or twice the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

5. IG2 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].

a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet per use.

b. Conditional uses.

(1) More than four Retail Sales And Service or Office uses on a site is a conditional use.

(2) Any Retail Sales And Service or Office use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.

c. Prohibited uses.

(1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

(2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 60,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

6. IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [6].

a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet per use.

b. Conditional uses.

(1) More than four Retail Sales And Service or Office use on a site is a conditional use.

(2) Any Retail Sales And Service or Office use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.

c. Prohibited uses.

(1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 12,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

(2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 25,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service

and Office uses that exceed these area limits are prohibited.

7. Self-Service Storage limitation. This regulation applies to all parts of Table 140-1 that have a [7]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.

8. Waste-Related limitation. This regulation applies to all parts of Table 140-1 that have a [8]. All Waste-Related uses are conditional uses, unless they meet all of the following conditions in which case they are allowed by right.

a. The use must be approved by Metro under their authority as prescribed in ORS 268.317;

b. Metro's approval of the use must include a mitigation plan. The requirements for the mitigation plan must be approved by the City Council through an intergovernmental agreement with Metro, adopted prior to Metro's approval of the use; and

c. The location of the use must be in conformance with Metro's Regional Solid Waste Management Plan.

9. Community Service uses in EG zones. This regulation applies to all parts of Table 140-1 that have a [9]. Most Community Service uses are allowed by right. Short term housing may be allowed by right if it meets certain standards. See Chapter 33.285, Short Term Housing and Mass Shelters. Mass shelters are prohibited.

Table 140-1
Employment and Industrial Zone Primary Uses

Use Categories	EG1	EG2	EX	IG1	IG2	IH
Residential Categories						
Household Living	CU	CU	Y	CU [1]	CU [1]	CU [1]
Group Living	CU	CU	L/CU [2]	N	N	N
Commercial Categories						
Retail Sales And Service	L/CU [3]	L/CU [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Office	L [3]	L [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]
Self-Service Storage	Y	Y	L [7]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
Industrial Categories						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y	Y	Y
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [8]	L/CU [8]	L/CU [8]
Bulk Fossil Fuels Terminal	L [17]	L [17]	L [17]	L [17]	L [17]	L [17]
Institutional Categories						
Basic Utilities	Y/CU [12]	Y/CU [12]	Y/CU [12]	Y/CU [13]	Y/CU [13]	Y/CU [13]
Community Service	L [9]	L [9]	L [10]	L/CU [11]	L/CU [11]	L/CU [11]
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU [11]	L/CU [11]	L/CU [11]
Other Categories						
Agriculture	L [16]	L [16]	L [16]	L [16]	L [16]	L [16]
Aviation And Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Transmission Facilities	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

Y = Yes, Allowed

CU = Conditional Use Review Required

L = Allowed, But Special Limitations

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.140.100.B.

- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

10. Community Service in the EX zone. This regulation applies to all parts of Table 140-1 that have a [10]. Most Community Service uses are allowed by right. Short term housing and mass shelters may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term Housing and Mass Shelters.

11. Community Service and Daycare limitations in I zones. This regulation applies to all parts of Table 140-1 that have a [11]. Community Service uses or Daycare uses up to 3,000 square feet of net building area are allowed. Community Service uses or Daycare uses larger than 3,000 square feet of net building area are a conditional use. Short term housing and mass shelters of any size are prohibited.

12. Basic Utilities in E zones. This regulation applies to all parts of Table 140-1 that have a [12]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. All other Basic Utilities are allowed.

13. Basic Utilities in I zones. This regulation applies to all parts of Table 140-1 that have a [13]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. Public safety facilities which have more than 3,000 square feet of floor area are a conditional use. The approval criteria are in Section 33.815.223. All other Basic Utilities are allowed.

14. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 140-1 that have a [14]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

15. Commercial Parking. This regulation applies to all parts of Table 140-1 that have a [15]. Except where plan district provisions supersede these regulations, Commercial Parking is a conditional use in the E and I zones. Within plan districts, there may be special regulations.

16. Agriculture. This regulation applies to all parts of Table 140-1 that have a [16]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.

17. Bulk Fossil Fuels Terminals. Regional Bulk Fossil Fuel Terminals of any size are allowed. Extra-Regional Bulk Fossil Fuel Terminals may not exceed a storage capacity of [____] million barrels for petroleum, [____] million gallons for liquefied natural gas

(LNG), [] million gallons for other liquefied gas fuels, except as may be allowed pursuant to the Portland Energy Corridor Overlay Zone. Coal terminals may not exceed a storage capacity of one ton of coal.

C. Conditional uses. Uses which are allowed if approved through the conditional use review process are listed in Table 140-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

D. Prohibited uses. Uses listed in Table 140-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.140.110 Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all development standards.

33.140.130 Nuisance-Related Impacts

A. Off-site impacts. All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.

B. Other nuisances. Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

33.140.140 On-Site Waste Disposal

On-site disposal of solid wastes generated by a use is subject to the same regulations as for uses in the Waste-Related use category. See Table 140-1.

Development Standards

[NO REVISIONS PROPOSED TO DEVELOPMENT STANDARDS]

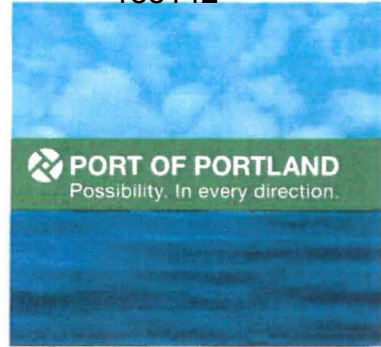
Moore-Love, Karla

From: Bogue, Emerald <Emerald.Bogue@portofportland.com>
Sent: Wednesday, November 09, 2016 12:32 PM
To: Council Clerk – Testimony; Moore-Love, Karla; Hales, Mayor; Commissioner Fish; Commissioner Fritz; Commissioner Novick; Commissioner Saltzman
Cc: Grumm, Matt; Schmanski, Sonia; Klonoski, Zach; Crail, Tim; katie.schrive@portlandoregon.gov; Armstrong, Tom
Subject: Letter from Port of Portland re: fossil fuel terminal code amendments
Attachments: Port of Portland to Portland City Council re FFT amendments 11.9.pdf

Please find the attached letter regarding fossil fuel terminal code amendments. This testimony is building on that submitted to date.

Please contact me anytime with questions, and thank you for this opportunity to weigh in.

Emerald Bogue
Regional Affairs Manager, Port of Portland
503.475.1409



November 9, 2016

Portland City Council
1221 SW 4th Avenue
Portland, Oregon 97204

Dear Portland City Council:

Thank you for the opportunity to comment on the Fossil Fuel Terminal Zoning Amendments. Throughout this process, we have focused largely on how the City of Portland can move forward with this policy in a manner that avoids unintended consequences for our region and state. To that end, we appreciate that fuel storage for "end users", including Portland International Airport (PDX) and marine fuel suppliers, are specifically exempt from the provisions of the proposed amendments.

In the case of PDX, it's important to note that aviation fuel isn't stored exclusively at PDX. Fuel farm facilities at PDX are owned and operated by the Portland Fueling Facilities Corporation (PFFC), a consortium of the airlines operating at PDX. PFFC tanks assume a three-day reserve. The distribution chain for aviation fuel is a long one - beginning at a refinery (where it becomes aviation fuel), then to a distributor (fuel farm in PDX), then to PFFC tanks, and finally to the aircraft. Aviation fuel cannot be blended with other fuels, and is stored separate from other fuels handled by the distributor.

With growth in the aviation sector, fuel consumption is expected to increase by more than 50% by 2035 with a corresponding need for tank storage. The code amendments should make it clear that fuel storage for end users is exempt - regardless of where this fuel is stored within city limits. We understand this was the legislative intent, and appreciate Portland City Council considering an amendment that would make this clear for the sake of avoiding confusion in future scenarios.

Thank you again for this opportunity to comment on this clarifying amendment and build on our comments to date.

Sincerely,

A handwritten signature in blue ink, appearing to read "Emerald Bogue", with a small flourish at the end.

Emerald Bogue
Regional Affairs Manager

Hello everyone, Good Afternoon!

My name is Mukta Akter and I'm a social and climate activist from Bangladesh.

Bangladesh is one of the most climate vulnerable countries in the world. The developed countries like US are producing the largest amount of Green House Gases, but countries like Bangladesh who are contributing almost no GHG, are the ones paying a lot.

Bangladesh is mainly a low elevation country and the combination of sea level rise and increasingly powerful storms is already contaminating our fresh water with salinity. The effects are dramatic and devastating. Extreme weather events are having major impacts on the agriculture, food security and economic performance of Bangladesh. The scenario is almost the same for the entire South Asia.

According to the latest NOAA data, we can expect a 1 meter sea level rise by 2035. This means 35% of Bangladesh's coastal area will submerge under seawater and 15-20 million people will turn into climate refugees. It is a huge challenge for our government how to resettle them.

The effects have already started in your country. For instance, the catastrophic flood in Texas & Louisiana last year and the coastal erosion in Florida. Please think, what is the race for development, when it becomes risk for lives and livelihood? Due to your contribution to GHG, our future and the next generation is in great risk.

Climate change is not an isolated issue. It is a global problem and to fight against, it needs collaborative approach. The policy you are working towards - no new fossil fuel infrastructures is a good start, still much more needs to be done to secure our mother globe from the devastating climate calamities.

Mukta Akter
International Fellow From Bangladesh
Currently working with 350PDX
Email: mukta@350pdx.org



Oregon Sierra Club

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November 10, 2016

**Protecting Portland through the Triple Catastrophe:
The Climate Crisis || Our Earthquake || Federal Energy Policy**

“No New Fossil Fuels Infrastructure”

A Second Open Letter to the Portland City Council

**Preamble Summary, Resolution 37168, November 12, 2015:
Oppose expansion of infrastructure whose primary
purpose is transporting or storing fossil fuels in or
through Portland or adjacent waterways.**

Thank you for your ongoing commitment to full implementation of this binding policy resolution. Your leadership has never been more important to our city, state, region, nation, and the planet than it is today.

Our planned purpose was to join with our many colleagues here to continue to encourage your maximum attention to the complex double catastrophe of the climate crisis and the inevitable Cascadia subduction zone earthquake that will devastate our region. You are intimately familiar with both these unprecedented challenges (please see below for a few comments).

But today I must add a **fresh third catastrophe: imminent changes to Federal energy and climate policy**, which will destroy a huge percentage of the very limited progress made in moving Federal policy beyond the clear and present dangers of the fossil fuel era.

None of us expected that a climate denier would ever occupy the Oval Office. The most brutal components of the fossil fuels energy industry have been deeply engaged in transition planning for President-Elect Trump and are moving quickly to prepare for power. President Obama has taken several steps in recent years to elevate attention to the climate crisis and to move partially away from his prior “All of the Above” energy development strategy. The Trump Administration will maximize reversal of those actions.

With a unified National governmental power structure, the Republican leadership will move at warp speed. That is a procedural approach they have honed to perfection in unified State government control in recent years; Wisconsin is a prominent example, but it is now standard

operating procedure within their governmental playbook, implemented in many states. To be sure, there is the possibility of some limited checks and balances in the current Senate filibuster protocols, and redress of over-reach is sometimes available through the courts. Nonetheless, we must now be prepared to see the most vigorous moves for fossil fuel exploitation and monetization in our nation's history – and that is already a high bar.

For example, we are likely to see immediate concerted efforts to enact **Federal pre-emption over State and Local efforts against fossil fuels** – especially against transport, storage, and export efforts. This risk makes Portland's action *now* to protect your policy resolution – ***our City's*** policy resolution! – especially urgent.

Traditionally, it has been much easier politically to protect established law against reversal assaults than to fight for new efforts that contradict Federal (or State) pre-emption statutes. There is no guarantee that will apply in this arena, but we must proceed urgently to carve out as much local progress as we possibly can.

Simultaneously, the chemistry, physics, and geology of the intersecting catastrophes of our global climate crisis and the Cascadia subduction zone earthquake proceed apace. For the former, the agencies you manage are working to deal with it every day, with vitally important mitigation and adaptation strategies against the effects that we all see and feel now. Complete implementation of the policy resolution is critically important to that.

For the latter, a ticking time bomb in process for almost 317 years, it is the hardest kind of emergency to deal with: like a sudden life-threatening illness or catastrophic accident, it is completely irrelevant to daily life until the moment when it takes over everything one must do.

We now know that placing some 95% of our fossil fuel storage and baseline distribution infrastructure in the Cascadia seismic liquefaction destruction zone on the sands of the Willamette flood plain was the worst possible choice. You have all participated in many briefings and preparedness exercises around our inevitable impending earthquake; you know very well how deadly and destructive it will be, both at the time of fracture and in the multi-year aftermath. That is why it is imperative that the formal implementation of our City's binding policy resolution not permit **any** expansion of catastrophic risk in seismically unsafe zones, with seismically unsafe facilities.

Chemistry, physics, and geology ignore politics – and the new Federal politics just chosen through the ancient Electoral College structure will ignore chemistry, physics, and geology. This perfect storm of triple catastrophic risk requires that everyone recognize that now is not the time for misguided “split the baby” pseudo-compromise. You must resist that fallacy and temptation.

Thank you for your consideration.

Ted Gleichman, Policy Advisor, *Beyond Gas & Oil Team*, Oregon Sierra Club



Oregon Sierra Club

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July 13, 2016

“No New Fossil Fuels Infrastructure”: First, Do No More Harm *An Open Letter to the Portland City Council*

**Preamble Summary, Resolution 37168, November 12, 2015:
Oppose expansion of infrastructure whose primary
purpose is transporting or storing fossil fuels in or
through Portland or adjacent waterways.**

Portland is at imminent risk of squandering its prior leadership in dealing with the local response to our global climate crisis. The problem is serious bureaucratic back-sliding into a “business as usual” mentality in the implementation of Resolution 37168. Unless you deal promptly and firmly with signals of agency misunderstanding of both the letter and spirit of this resolution, this situation could too easily become a local crisis in its own right.

This binding policy resolution, which you approved unanimously on November 12, 2015, catapulted our city into the forefront of local, regional, national, and international efforts to confront one of the greatest sets of challenges our species has faced since the development of industrial technology.

It is vital that you remember the genesis of this effort, and re-commit to the specific – often difficult! – changes in municipal and stakeholder planning and behavior for your mission.

There is a straightforward but interlocking four-part schematic that outlines precisely where we are as a global and local political economy:

- | | |
|---------------------------------|------------------------------------|
| 1. Keep It in the Ground | 3. Reduce the Need |
| 2. Do No More Harm | 4. Make the Just Transition |

1. Keep It in the Ground

We now know that our combustion of fossil fuels has moved our global atmosphere and temperature structure into such dangerous territory that civilization is genuinely at risk if we do not make radical reversals in behavior.

At least four-fifths of global fossil fuel reserves must be left completely intact, in the ground, and never exploited.

This requirement is completely contrary to modern corporate financial structure, because proven reserves constitute roughly half of the assets (and therefore a major component of share value) of the fossil fuels companies. This is one of the key reasons why business-as-usual policies and procedures are inevitably doomed to failure – for both corporate financial health and planetary social and environmental health. This has been one key factor in the current financial collapse of shareholder equity in coal corporations.

Acceptance of *Keep It in the Ground* is a mandatory first step for both the psychological and political economy revisions we must make for survival. This is the foundation for the other three intersecting components of this basic methodology. Resolution 37168 speaks eloquently to many of the issues inherent in our mandatory recognition of our new reality.

2. Do No More Harm

Understanding the compulsory physics and chemistry of *Keep It in the Ground* leads inevitably to this second principle: don't make things worse by continuing down the same destructive path. We must begin with our environmental version of the first line of the Hippocratic Oath: *Do No More Harm*.

This is the required primary set of actions for directly confronting the climate crisis: to get out of this hole, first we have to stop digging. “No New Fossil Fuel Infrastructure” is the easiest way to proceed first. The core of Resolution 37168 – preventing new export and storage infrastructure – falls completely within this principle.

It is imperative that you maintain and defend your policy.

3. Reduce the Need

Simultaneously, demand reduction is vital to permit us to *Do No More Harm*. Gradual complete elimination of coal for electrical production in Oregon is now state law. The same goal must be applied to oil and natural gas, urgently. As I noted in my testimony to you on November 12, there is no fossil fuel solution to the fossil fuels crisis.

You must align City procedures and economic governance with this need for both conservation and energy efficiency (which are overlapping but distinct sets of tools). Beyond direct City internal control and external economic governance, you must also push the Portland business communities – especially the fossil fuels companies – and the other governments that overlap with and impact your work to both *Do No More Harm* and *Reduce the Need*.

4. Make the Just Transition

Finally, underpinning all these efforts must be the recognition that there is no substantive difference among environmental, economic, and social justice. We are engaged in a transition into a full-renewables energy economy, and that will be impossible unless it is done based on justice for all. The urgency of the effort means that coordination of *Do No More Harm*, *Reduce the Need*, and *Make the Just Transition* becomes the essence of this era.

Thank you for your consideration.

Ted Gleichman, on behalf of Oregon Sierra Club

My name is Diane Winn. I live at 1500 SW 11th Ave. I am a retired public health nurse and worked over 25 years conducting injury prevention research.

I was in these Chambers a year ago when you passed the Fossil Fuel resolution. What a proud moment it was. Our city leaders had taken an historic and bold step in addressing climate change! Portland was lauded throughout the country for approving the strongest fossil fuel ban in the US!!

Today, as you consider the zoning code amendments to implement the policy, I urge you to support the modifications recommended by PSR. With my background in public health, I am aware of the many threats to health and safety that fossil fuel transport and storage present. One relates to explosions and fires that can cause traumatic injuries and death and the release of toxins into the air.

An obvious fire risk is the transport of fossil fuels. In the past couple of years, at least 10 oil trains have experienced catastrophic derailments and explosions in North America. We all know about the derailment in Canada that demolished a city and killed 47 people. Thankfully Oregon escaped such a tragedy just 6 months ago when a train loaded with Bakken crude derailed and caught fire in Mosier. One way to reduce these risks is to reduce the need for fossil fuel transport. However, even a 10% increase in the capacity of one or all of our existing large fossil fuel terminals will result in more trains. This would conflict with the City's Oil Train Resolution.

Another major fire risk relates to storage. Oil and other fossil fuel storage tanks are at risk of fires and explosions from both man-made and natural causes. For example, a human-error fire in Mississippi in 2006 killed three workers after the fire traveled from one oil storage tank to another. Storage tanks located in liquefaction areas are at increased risk of spills, fires, and explosions during an earthquake.

Less than one year ago today, the potential for a fossil fuel tank fire hit too close to home. A tractor-trailer carrying fuel struck several train cars near the St. John's Bridge. Fuel from the big rig ignited, causing a fire with 70 foot flames. This occurred approximately 400 feet from a LNG storage tank.

Finally, I cannot conclude without mentioning the election results of two days ago. We **can not** expect the Federal government to do anything to address climate change and fossil fuels. It will be up to cities and states. I again ask you to take a very bold stand and pass a strong Fossil Fuel Policy that includes all fossil fuels and prohibits all new fossil fuel terminals and the expansion of existing terminals. Your leadership will serve as a beacon of hope to the rest of the country. I thank you for your service in making Portland a better place to live.

The mixing of fuels for the Clean Fuels Program would seem like the only reasonable way to allow a 10% increase in capacity.



The League of Women Voters of Portland

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DATE: November 10, 2016

TO: Mayor Hales, Commissioners Fish, Fritz, Novick, and Saltzman

FROM: League of Women Voters of Portland
Fran Dyke, President
Julie Chapman, Action Committee Member

RE: Fossil Fuel Terminal Zoning Amendments

Since the 1950s the League of Women Voters has worked at federal and state levels to protect air, land and water resources. More recently, the League has lobbied vigorously for comprehensive legislation to control global climate change. Any increase in fossil fuel infrastructure is not consistent with the current League of Women Voters natural resources and climate change positions, nor with Portland's Climate Action Plan.

We want to thank the Planning and Sustainability Commission and the Bureau of Planning and Sustainability for their work to develop the zoning code recommendations for City Council Resolution 37168. Several drafts were submitted to industry stakeholders and to the community for feedback before the Commission recommendations were incorporated. The resulting draft now before the City Council is closer to the Resolution's intention to reduce fossil fuel use in our region.

We would like to discuss the proposed increased capacity in new and existing terminals, and the climate goals adopted by Oregon, Portland and Multnomah County.

The current zoning code recommendations allow for new terminals, with a maximum capacity of 2 million gallons, and restrict new tank construction in the existing 10 bulk petroleum terminals to a 10% increase above current capacity. This has been suggested as an incentive for the fossil fuel companies to replace old tanks with those complying with current seismic guidelines.¹

Having followed the process of code development, we observe that the recommendation for allowing 10% increases in capacity for existing terminals is arbitrary. If you are looking for coherence in policy, we suggest that a 5% increase in capacity would be consistent with the maximum capacity of 2 million gallons allowed for new terminals.²

However, we find that any increase in fossil fuel terminal development is not compatible with the state climate goals, nor with Portland's Climate Action Plan. These goals do not state the exception "unless we have an increase in regional population." In fact, regional population increases are assumed in the calculations.³ The goals are a reflection of the important task before us to leave behind the "business as usual" paradigm and to adopt a clean energy policy.

Climate impacts on Oregon's economy have been analyzed in many spheres: forest fires and timber loss, extreme weather events, public health, sea level rise and storm surge flooding, Pacific ocean acidification with severe impacts for the shellfish industry, and drought impacts on fisheries and agriculture. Remediation costs and loss of revenue for the state (and by extension, for Portlanders) will increase as weather extremes intensify and water resources become less predictable.

The good news is that costs for developing alternative energy resources are coming down all the time and in much of the world are actually lower than the costs for constructing new fossil fuel infrastructure.⁴ We live in a state without a petroleum extraction industry, and with a wealth of water, sun and wind. If any region in the world is well-suited to shift to renewable energy, it is Portland and Oregon.

We urge you to exercise foresight and to stick to the goals you have adopted in Resolution 37168. If "cities lead," we'd like to head in the right direction.

1. Portland Planning and Sustainability Commission, October 11, 2016.

2. The total capacity for petroleum in the 10 existing terminals is 386 million gallons, giving an average capacity of 39 million gallons per terminal. A 5% increase in size would give each terminal an average increase of 1.95 million gallons, consistent with the 2 million gallon new terminals allowed.

3. 2015 Climate Action Plan, p. 20, www.portlandoregon.gov/bps/climate

4. <http://www.bloomberg.com/news/articles/2016-04-06/wind-and-solar-are-crushing-fossil-fuels>

Mayor Hales and Commissioners,

With our country about to be taken over by a man who has vowed to reverse environmental laws and dismantle EPA. Now is the time to stand up boldly to the fossil fuel industry, stop kowtowing to big oil interests who are trying to make the city back down on this historic ordinance. There is a need to expand on this ordinance to assure safety.

The Cascadia earthquake: It's not if it is going to happen, but when. If it doesn't happen in the next 50 years we have dodged an 85% chance that it will. Two other adjacent fault lines and one under the tank farms, along with liquefiable soils and lateral movement, make the location for these fossil fuel tanks the worse place possible to locate them.

Natural hazards are not the only problem that could result in an environmental catastrophe of epic proportions. In the last few years we have had 3 near misses due to accidents that could have achieved the same disastrous results.

Do not exempt NW Natural from fossil fuel code amendments. Storage of such fuels near the fuel storage tanks and Siltronic liquid hydrogen tank are extremely dangerous. Many small tanks can quickly add up to a large storage facility.

Goal 7 of Oregon Land Use Law states that cities should pass zoning laws where hazards cannot be mitigated.

Cercla law requires responsibility. Make sure insurance or assurance bond coverage is enough to include not only the environmental costs of destruction and cleanup, but also loss of life, property loss- private, industrial, and public. Which would include Linnton, St Johns, Industries, Forest Hills Park, the Willamette River and the Columbia River, wildlife and aquatic life adjacent to the fossil fuel industries. If Fossil Fuel industries will not or cannot acquire such insurance, then they should be required to move to safer ground.

Make the tanks move if they will not upgrade seismically to the highest standards needed.

Can you imagine the amount of carbon a fire from that area would create? You can't extinguish a fire particularly of that magnitude, millions and millions of gallons, you have to let it burn out.

Do not allow storage of RR tank cars filled with hazardous materials to be stored in this area, sometimes for days on end. That amounts to mobile storage of fossil fuels. Some stored as close as 25 feet from Linnton's Day Care Center. The dangers are greatly increased by RR switching that takes place in the Linnton/ Willbrige area. There are many uncontrolled railroad crossings in Linnton with tanker trucks loaded with volatile fuel crossing over them.

Kinder Morgan's leaking, legacy Columbia pipe line and Gasco's pipe line should not be adjacent and should be relocated or replaced.

Taxpayers, neighborhoods, families, the environment should not have to bear the consequences and costs of fossil fuel industries that favor profits over people.

For all your constituents don't back down on this ordinance, make a bold statement. PROTECT US.

Thank you for your time and consideration on this matter,

Darise Weller : Linnton resident and LNA board member, Portland Harbor Community Advisory Group member, North West Toxic Communities Coalition for EPA Region 10 board member, and very concerned citizen.

TESTIMONY ON FOSSIL FUEL TERMINAL ZONING CODE AMMENDMENTS

My name is Alan Smith and I am a Portland resident.

Natural gas is not a clean fuel. Saying it's clean because burning it is less carbon intensive than the fuel it replaces is like saying smoking tobacco is healthy, because it won't kill you as quickly as smoking opiates.

Over a 20 year period methane is 84 times more powerful than CO2 as a greenhouse gas and fugitive emissions have increased more than 30% above the EPA's estimate over the last decade.¹ One scientist has said this is almost certainly due to fracking. There should be no exemption for NW Natural.

According to the IPCC 40-70% of species would be doomed to extinction by global warming of 3.5 degrees Celsius.²

Climate change is estimated to kill 400,000 people per year already, and the number is projected to exceed 600,000 by 2030.³ Billions of people migrating to avoid starvation from drought would cause chaos around the world.

To have a 66% chance of keeping global warming below 2 degrees Celsius, 68% of the proven reserves must remain in the ground.⁴

The Fuel Terminal Representatives claim these amendments are emotionally driven. This is a false argument, and an arrogant one at that. It's also an example of attacking your opponent's character when you can't win the debate with rational arguments.

It's true the dire warnings we hear from the scientific community stir emotion, especially when we hear that the damage to life on earth is proceeding faster than predicted, but we should all remember that it's not just local jobs or lives that matter, and there are no good jobs on a dead planet.

¹ "A large increase in U.S. methane emissions over the past decade inferred from satellite data and surface observations" by A. J. Turner, et al., March 2016, *Geophysical Research Letters*

² "Contribution of Working Groups I, II and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change", IPCC, Geneva, Switzerland, 2007

³ "Obama Is Right: Climate Change Kills More People Than Terrorism", By Rebecca Leber, February 11, 2015, *New Republic*

⁴ "The Sky's Limit: Why the Paris Climate Goals Require a Managed Decline of Fossil Fuel Production", by Greg Muttitt, September 22, 2016, Oil Change International

I urge you to eliminate the allowance of a 10% expansion of existing terminals, and support the recommendation of pursuing seismic safety thru building code changes at the state level.

Since the Recommended Draft was written, JAX LNG announced plans for a 2 million gallon facility in Jacksonville, Fla., intended to supply bunker barges for distribution on the east coast. The 2 million gallon threshold should also be eliminated, so such facilities will not be built in Portland.

Thank you for your attention to these comments.

Alan Smith



Mayor Charlie Hales and
 Portland City Commissioners
 Portland City Hall
 1221 SW 4th Avenue
 Portland, OR 97204

November 9, 2016

Re: Fossil Fuel Terminal Zoning Amendments (City Council Hearing, November 10, 2016, 2pm)

Dear Mayor Hales and City Commissioners,

I am writing on behalf of the Working Waterfront Coalition (WWC) in opposition to the Fossil Fuel Terminal Zoning Amendments (FFT Amendments) recommended by the Planning and Sustainability Commission, dated October 11, 2016. (PSC Recommendation). As you know, the WWC represents a wide range of waterfront businesses along the Portland Harbor including several fossil fuel terminals (FFT's).

Background and Position

The WWC has actively participated in the City's FFT amendment process and related efforts, including the enactment of Resolution 37168 and the adoption of the City's 2035 Comprehensive Plan. Throughout the FFT amendment process the WWC has opposed the City's effort to prohibit or limit the growth of multimodal terminals along the working waterfront. These multimodal fuel terminals have safely provided the City, the Region and the State with most of the liquid fuel supply for decades. The energy cluster in Linnton and Willbridge is by far Oregon's largest fuel distribution hub, providing more than 90 percent of the State's fuel supply. Because of the importance of these terminals the WWC has consistently objected to earlier versions of the City's FFT amendments, which sought to ban these multimodal terminals completely. Likewise, the WWC objects to the most recent version of the City's FFT amendments, which ban new multimodal fuel terminals and severely restrict the growth of existing FFTs.

Policy Analysis

From a policy standpoint, it may be helpful for the WWC to explain its' opposition to the PSC Recommendation relative to several of the City's recently enacted goals, including Resolution 37168 and the City's 2035 Comprehensive Plan. In that regard, City Council should reject the FFT amendments recommended by the Planning and Sustainability Commission because the PSC recommendation is inconsistent with several of the City's recently enacted goals:

- 1) As provided in Policy 4.81 and Policy 4.82 of the 2035 Comprehensive Plan, if the City's goal is to encourage disaster-resilient development and reduce natural-hazard risks to critical energy and transportation infrastructure, then City Council should reject the PSC Recommendation because it discourages firms from investing in disaster-resilient development.

Explanation: In order to economically justify the level of private investment needed to comprehensively upgrade critical energy and transportation infrastructure at existing FFTs, existing FFT's must be allowed to grow. The PSC Recommendation does the opposite. The PSC Recommendation prohibits existing FFTs from growing, except in one very limited circumstance. The only circumstance

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under which an existing FFT can grow is if it replaces an existing tank with a seismically upgraded tank. However, even if an existing tank is replaced with a seismically upgraded tank, the incremental growth that can occur when a tank is replaced is limited to 10 percent of the capacity of the tank being replaced, with an overall increase limited to 10 percent of the storage capacity of the FFT facility on the date the amendments are enacted. This severe limitation on expansion discourages disaster-resilient development because the small amount of growth that is allowed to occur will not justify the massive amount of private investment needed to replace existing tanks in Portland. Even if investment does occur, the PSC recommendation will only produce a seismic upgrade of 10 percent, because no additional growth can occur once the 10 percent limit is reached. Without growth, investment in seismic upgrades will not occur. In short, the 10 percent rule creates an economic disincentive to disaster-resilient development, is shortsighted, and will be counterproductive to meaningful seismic upgrades over time.

- 2) As provided in Policy 6.48 of the 2035 Comprehensive Plan, if the City's goal is to limit fossil-fuel distribution and storage facilities to those necessary to serve the regional market, then City Council should reject the PSC Recommendation because it restricts the ability of fossil fuel infrastructure that is necessary to serve the regional market.

Explanation: All of the existing FFT's located in Portland's energy cluster are needed to serve the regional market. The PSC recommendation wrongly targets existing FFTs that serve the regional market. The WSPA alternative provides a regulatory concept and draft code language that limits extra-regional FFT's, while protecting FFT's that serve the regional market. The WSPA alternative is consistent with Policy 6.48, but the PSC recommendation is not.

- 3) As provided in Resolution 37168, if the City's goal is not to restrict the expansion of fossil fuel infrastructure that improves the safety, efficiency and seismic resilience of existing infrastructure, then City Council should reject the PSC Recommendation because it discourages firms from making improvements that increase the safety, efficiency and seismic resilience of fossil fuel facilities that primarily serve the regional market.

Explanation: For the reasons described above, the PSC Recommendation will not improve seismic resilience of existing FFT infrastructure, because it creates a long term disincentive to invest in existing FFTs and any related seismic upgrades. The associated disinvestment in existing FFT facilities that will occur as a result of the PSC recommendation will create a less efficient and potentially less safe regional fossil fuel infrastructure in Portland, as firms focus future capital investments in markets where their return on investment is justified.

- 4) As provided in the Comprehensive Plan, if the City's goal is to reduce vehicle miles traveled, then City Council should reject the PSC Recommendation because limiting multimodal storage capacity to existing tank capacity will require more trucks to move more fossil fuel into and through Portland, in order to bypass supply constraints at existing fossil fuel facilities that serve the regional market.

Explanation: By prohibiting new FFTs and limiting the capacity of existing FFTs that serve the regional market the PSC Recommendation creates a significant supply constraint for fossil fuels used by customers within the region. Over time and in times of emergency, this supply constraint will create a significant fossil fuel bottleneck in Portland. When it becomes necessary to bypass this supply constraint,



the only remaining option firms will have is to truck fossil fuels to and through Portland, in order to bypass the constraint. This constraint will therefore increase vehicle miles traveled and will require more fossil fuel to be transferred to and through Portland by truck.

- 5) As provided in Policy 6.5 of the 2035 Comprehensive Plan, if the City's goal is to create economic resilience, then City Council should reject the PSC recommendation because restrictions on existing fossil fuel facilities that primarily serve the regional market makes the City, the Region and the State more susceptible to impacts from climate change, natural disasters and unforeseen changes in the economy.

Explanation: The proposed ban on new FFTs that serve the regional market, along with a significant limit on growth for existing FFTs, will make the City, the Region and the State less economically resilient because the ban and its related limits creates a significant regulatory constraint that discourages firms from investing in needed infrastructure and technology that will make the Portland region less susceptible to impacts from climate change, natural disasters and unforeseen changes in the economy. For the foreseeable future, fossil fuels will continue to fill an important role in our energy economy. The Portland region and the state as a whole depends on the existing FFT's for roughly 90 percent of its petroleum supply. Even if the demand for fossil fuel in Oregon is only growing ½ percent to 1 percent annually, as estimated by the city, it is critically important for firms to continue to invest in fossil fuel facilities over the next several decades, as significant demand continues and risk of natural disasters and other unforeseen emergencies continues to exist. In short, Portland should not create significant disincentives for FFT's to invest in critical energy facilities that will continue to power Portland and the State of Oregon for decades to come.

Position, Alternative, and Clarifying Amendment

For all of the above reasons, the WWC opposes the PSC Recommendation and requests that it not be adopted by City Council.

The WWC notes that the FFT Amendment process was rushed. This fact is reflected in Appendix A of October 11, 2016, PSC Recommendation. Throughout this rushed process the WWC has supported a better alternative offered by WSPA in July, 2016, which is attached to this letter. The WSPA alternative is not mentioned in the PSC Recommendation, and was unfortunately ignored by the City throughout the rushed review process. The WWC continues to support the WSPA alternative.

If City Council is inclined to move forward with the PSC Recommendation, or something similar, the WWC requests that a significant ambiguity in the PSC recommendation be clarified. Specifically, it is not clear whether the limits on the growth relate only to fossil fuel storage tanks, or whether the limits on growth relate to pipes and other fossil fuel facilities associated with existing FFTs. It is our understanding from discussions with city staff that the City's intent is to limit growth related to existing storage tank capacity, and that it does not intend to limit growth related to pipes and other fossil fuel facilities and infrastructure. Accordingly, we offer the following clarifying amendments:

Section 33.140.100(B)(17)(a), as shown on page 49 of the October 11, 2016 PSC Recommendation, should be amended as follows:

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- a. Existing Bulk Fossil Fuel Terminals. The following use limitations apply to existing Bulk Fossil Fuel Terminals:
- (1) Bulk Fossil Fuel Terminals that existed on [insert effective date] are allowed, but the total amount of fossil fuel that can be stored on the site in fossil fuel storage tanks, is limited to the fossil fuel storage tank capacity that existed on [insert effective date] plus 10 percent. Total fossil fuel storage tank capacity on the site in excess of the fossil fuel storage tank capacity that existed on [insert effective date] plus 10 percent is prohibited.
 - (2) New fossil fuel storage tanks are prohibited unless a new fossil fuel storage tank is replacing an existing fossil fuel storage tank that does not meet current building code standards for seismic safety, and in that case, the capacity of the new fossil fuel storage tank is prohibited from being greater than the storage capacity of the existing fossil fuel storage tank that is being replaced, plus 10 percent.
 - (3) No other use limitations shall be imposed on existing Bulk Fossil Fuel Terminals other than those set forth above.

Section 33.910.030, as shown on page 53 of the October 11, 2016 PSC Recommendation, should be amended as follows:

Fossil Fuel Storage Tank A fossil fuel storage tank is a tank affixed to the ground, within the boundaries of an existing Bulk Fossil Fuel Terminal site, which is used exclusively for fossil fuel storage.

Conclusion

For all of the reasons stated above, the WWC urges City Council to reject the PSC recommendation and reconsider its proposed regulation of multimodal FFTs along the City's working waterfront. The existing concentration of multimodal fuel terminals located along the City's working waterfront handles more than 90 percent of the State's fuel supply, and will continue to do so for the foreseeable future. Given these realities, it is critically important that the City not create a fuel bottleneck that severely affects the entire State of Oregon. Unfortunately, that is precisely what the PSC recommendation does and will do.

Sincerely,



Ellen M. Wax
Executive Director

Established in 2005, the Working Waterfront Coalition, with its extensive knowledge of harbor industry needs and active industry participation, is dedicated to working with its partners to ensure an appropriate balance between environmental concerns and the needs of river-related, river-dependent employers. Portland's Harbor is a vital employment area: home to thousands of valuable high-wage, high-benefit jobs. In addition, WWC members are conscientious stewards of the environment, making significant investments in the harbor consistent with state and federal laws.



Working Waterfront



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Western States Petroleum Association
Credible Solutions • Responsive Service • Since 1907

Frank E. Holmes

Director, Northwest Region

July 25, 2016

Mr. Steve Kountz
City of Portland
1900 SW 4th Ave, Suite 7100
Portland, OR 97201

via e-mail: steve.kountz@portlandoregon.gov

Re: WSPA Comments on the City of Portland Discussion Draft

Dear Mr. Steve Kountz:

The Western States Petroleum Association (WSPA) is a non-profit trade association representing companies that explore for, produce, refine, transport, and market petroleum, petroleum products in five western states including Oregon. WSPA appreciates the opportunity to provide comments on the City of Portland Bureau of Planning and Sustainability Fossil Fuel Terminal Zoning Amendments Discussion Draft.

As you know from our June 2, 2016, meeting, several WSPA members operate petroleum terminals in Portland. These members have responsibly operated in the energy corridor along Northwest St. Helens Road for decades. This corridor provides key energy and emergency infrastructure as recognized by various city, state, and federal documents. WSPA opposes the City's push to regulate fossil fuels under Resolution No. 37166, Fossil Fuel Terminal Zoning Amendments, or otherwise, but submits these comments in an attempt to mitigate some of the unintended consequences of the contemplated zoning amendments.

The proposed zoning amendments contradict and misalign with federal and state laws pertaining to energy infrastructure, including but not limited to Oregon's low carbon fuel standards, Oregon's Renewable Fuel Standards, federal Renewable Fuel Standards, and similar laws. The Discussion Draft further appears to not follow policy direction in Resolution No. 37166 and the City's Comprehensive Plan enabling energy infrastructure to serve the region as well as transition to non-fossil fuel sources. Of particular concern to WSPA, the proposed zoning amendments would create a number of substantial unintended consequences. Specifically:

- The Discussion Draft restricts infrastructure that serves the region, in contradiction of the new City Comprehensive Plan provision governing fossil fuel infrastructure;
- The Discussion Draft fails to clearly specify how existing infrastructure can expand on existing sites, to adjacent properties, and to nearby non-adjacent properties;

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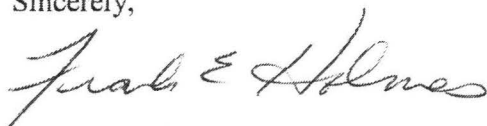
- The Discussion Draft restricts infrastructure related to Oregon's low carbon fuel standards, Oregon's Renewable Fuel Standards, federal Renewable Fuel Standards, and similar laws;
- The Discussion Draft terminal size thresholds are too small to enable expansion to serve future energy needs;
- The Discussion Draft stymies potential future technologies that do not fit within the contemplated framework;
- The Discussion Draft provides too narrow of a geographic area (currently, the IH Zone) for siting new terminals;
- The Discussion Draft generally does not align with state and federal policy regarding siting energy infrastructure;
- The Discussion Draft encourages less efficient (and potentially less safe) transportation by truck over more efficient modes of transportation;
- The Discussion Draft fails to provide for the economic impact assessment called for by Resolution No. 37166; and
- The proposed timeline for implementing the Discussion Draft is too fast to allow for thoughtful discussion and tailoring addressing the above and other concerns.

We have enclosed proposed zoning code language that would address some of the issues raised in this comment. While the proposed language does not resolve all the problems with the contemplated amendments, it addresses some of them.

Again, thank you for this opportunity to comment on the Fossil Fuel Terminal Zoning Amendments Discussion Draft. We hope the City reconsiders its push to pass regulations in this area, and if does, that it will more narrowly tailor its rules to not contradict federal and state direction and avoid unintended consequences.

Thank you for your consideration of WSPA's comments. If you have any questions, please contact me at this office at fholmes@wspa.org and (360) 352-4506.

Sincerely,



Frank E. Holmes
Director, Northwest Region
Western States Petroleum Association

Enclosure: Appendix 1, Proposed Portland Zoning Ordinance

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Appendix 1- Proposed Portland Zoning Ordinance

This appendix contains draft zoning code language from WSPA for City of Portland consideration in effectuating the City's fossil fuels policy. WSPA continues its position that the City's effort to regulate fossil fuels is misplaced and opposes those efforts. These proposed code provisions are intended to avoid some of the unintended consequences of the City's proposal and do not indicate WSPA support for City efforts to regulate fossil fuels. WSPA's draft code language contains four components:

1. Three new definitions for Portland Zoning Ordinance Chapter 33.910 (Appendix 1, page 2),
2. A use characteristics description for Bulk Fossil Fuels Terminals in Zoning Ordinance Chapter 33.920 (Appendix 1, page 2),
3. A new Energy Corridor Overlay Zone to protect existing fuel terminals in proposed new Portland Zoning Ordinance Chapter 33.490 (Appendix 1, page 4), and
4. Modifications to base industrial zones in Portland Zoning Ordinance Chapter 33.140 to recognize Bulk Fossil Fuel Terminals as a limited use (Appendix 1, page 7).

[Proposed New Definitions for Portland Zoning Ordinance Chapter 33.910]

Extra-Regional Bulk Fossil Fuel Terminal. A fossil fuel terminal that primarily serves markets outside of the Petroleum Administration for Defense District (PADD) 5 region, an area that includes the western states of California, Arizona, Nevada, Oregon, Washington, Alaska, and Hawaii.

Fossil Fuels. Fossil fuels include coal, petroleum, crude oil, refined oil, natural gas, bitumen, kerosene, propane, and other fuels made from decayed plants and animals that lived millions of years ago and are primarily used as a source of energy. Blended fuels containing a mix of fossil fuels and other fuel sources designed to address Oregon's low carbon fuel standards in Oregon Administrative Rules Chapter 340, Division 253, federal Renewable Fuel Standards, state Renewable Fuel Standards, or similar state or federal laws designed to reduce the carbon footprint of fuels are not fossil fuels.

Regional Bulk Fossil Fuel Terminal. A fossil fuel terminal that primarily serves the Petroleum Administration for Defense District (PADD) 5 region, an area that includes the western states of California, Arizona, Nevada, Oregon, Washington, Alaska, and Hawaii.

[Proposed New Use Category For Bulk Fossil Fuel Terminals]

33.920.360 Bulk Fossil Fuel Terminal

- A. Characteristics.** Bulk Fossil Fuel Terminals are characterized by having all of the following (1) marine, pipeline or railroad transport access, (2) transloading facilities for transferring a shipment between transport modes (such as from rail to ship), and (3) storage facilities for fossil fuels exceeding a storage capacity of [] million barrels for petroleum, [] million gallons for liquefied natural gas (LNG), [] million gallons for other liquefied gas fuels.
- B. Accessory Uses.** Accessory uses may include offices, pipes, industrial processing, shipping terminals, parking, storage, rail spur or lead lines, and docks.
- C. Examples.** Extra-regional liquefied natural gas (LNG) export facilities, propane export facilities, or coal export facilities.
- D. Exceptions.**
1. Improvements in the safety, or efficiency, seismic resilience, or operations of existing energy infrastructure.
 2. Terminals or firms that are end users of fossil fuels or sell directly to end users of fossil fuels such as airports, manufacturing, agricultural businesses, utilities, gas stations, and power plants.
 3. Development of emergency backup capacity.
 4. Infrastructure that enables recovery or re-processing of used petroleum products
 5. Terminals or firms that are storing, transporting or processing fuels and blended fuels containing a mix of fossil fuels and other fuel sources designed to address Oregon's low carbon fuel standards in Oregon Administrative Rules Chapter 340, Division 253, federal Renewable Fuel Standards, state Renewable Fuel Standards, or similar state or federal laws designed to reduce the carbon footprint of fuels.

*[Proposed New Chapter in Zoning Ordinance]***City of Portland Planning and Zoning Ordinance - Title 33, Planning and Zoning****Chapter 33.490 Energy Corridor Overlay Zone**

Sections:

- 33.490.010 Purpose
- 33.490.020 Map Symbol
- 33.490.025 Relationship to Portland Zoning Code Chapter 33.140
- 33.490.030 No Size limits
- 33.490.040 Expansion of Energy Corridor Terminals

Map 490-1 Energy Corridor Overlay Zone Boundaries**33.490.010 Purpose**

The Energy Corridor Overlay Zone recognizes the historic cluster of energy terminals, including fossil fuel terminals that have served as Portland's hub for energy transport for decades. The purpose of this overlay zone is to protect this area for future energy infrastructure growth, including but not limited to expansion of energy terminals.

33.490.020 Map Symbol

The Energy Corridor Overlay zone is shown on the Official Zoning Maps with a letter "m" map symbol.

33.490.025 Relationship to Portland Zoning Code Chapter 33.140

The Energy Corridor Overlay zone provides flexibility for the sites subject to this overlay in addition to what are allowed under Portland Zoning Code Chapter 33.140. If there is a conflict between what is allowed under this Chapter 33.490 and what would be allowed Chapter 33.140, this Chapter 33.490 controls.

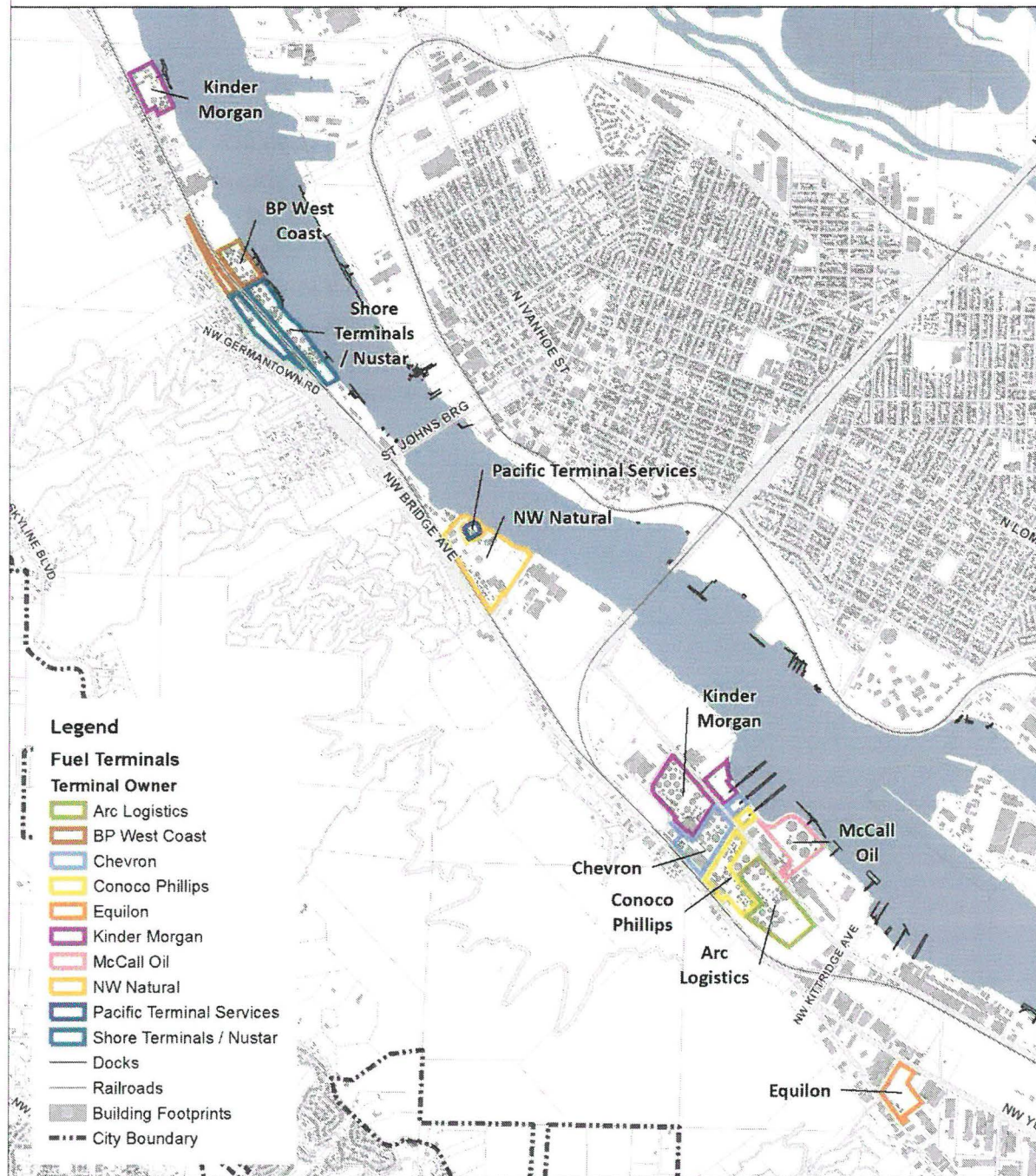
33.490.030 No Size Limits

There is no storage or other size limits for Bulk Fossil Fuel Terminals or other energy facilities located in the Energy Corridor Overlay Zone.

33.490.040 Expansion of Energy Corridor Terminals

A Bulk Fossil Fuel Terminal in the Energy Corridor Overlay may expand to new lots and parcels outside of the Energy Corridor Overlay zone as provided in this Section 33.490.040. A Bulk Fossil Fuel Terminal may only expand onto parcels or lots that are all or partially within one half of a mile from a property line of the lot or parcel containing the Bulk Fossil Fuel Terminal. A Bulk Fossil Fuel Terminal that is expanded outside of the Energy Corridor Overlay will be treated as if it were entirely within the Energy Corridor Overlay for purposes of land use and all other city approvals. If an expansion of an energy facility to a new lot or parcel pursuant to this Section 33.490.040 includes proposed development that would qualify the combined energy facility as a Bulk fossil Fuel Terminal, the combined energy facility will be treated as if it were entirely within the Energy Corridor Overlay for purposes of land use and all other city approvals.

Map 490-1 Energy Corridor Overlay Zone Boundaries [designate noted sites with "m" map symbol]



[Proposed Changes to Chapter 33.140 are shown in RED]

City of Portland Planning and Zoning Ordinance - Title 33, Planning and Zoning

Chapter 33.140 Employment and Industrial Zones

Sections:

General

- 33.140.010 General Purpose of the Zones
- 33.140.020 List of the Employment and Industrial Zones
- 33.140.030 Characteristics of the Zones
- 33.140.040 Other Zoning Regulations

Use Regulations

- 33.140.100 Primary Uses
- 33.140.110 Accessory Uses
- 33.140.130 Nuisance-Related Impacts
- 33.140.140 On-Site Waste Disposal

Site Development Standards

- 33.140.200 Lot Size
- 33.140.205 Floor Area Ratio
- 33.140.210 Height
- 33.140.215 Setbacks
- 33.140.220 Building Coverage
- 33.140.225 Landscaped Areas
- 33.140.227 Trees
- 33.140.230 Ground Floor Windows in the EX Zones
- 33.140.235 Screening
- 33.140.240 Pedestrian Standards
- 33.140.242 Transit Street Main Entrance
- 33.140.245 Exterior Display, Storage, and Work Activities
- 33.140.250 Trucks and Equipment
- 33.140.255 Drive-Through Facilities
- 33.140.265 Residential Development
- 33.140.270 Detached Accessory Structures
- 33.140.275 Fences
- 33.140.280 Demolitions

- 33.140.290 Nonconforming Development
- 33.140.295 Parking and Loading
- 33.140.300 Signs
- 33.140.310 Superblock Requirements
- 33.140.315 Recycling Areas

General

33.140.010 General Purpose of the Zones

The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. The zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the allowed intensity of development, and the development standards. The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

33.140.020 List of the Employment and Industrial Zones

The full and short names of the employment and industrial zones and their map symbols are listed below. When this Title refers to the employment or E zones it is referring to the first three listed. When this Title refers to the industrial or I zones, it is referring to the last three listed.

Full Name	Short Name	/	Map Symbol
General Employment 1			EG1
General Employment 2			EG2
Central Employment			EX
General Industrial 1			IG1
General Industrial 2			IG2
Heavy Industrial			IH

33.140.030 Characteristics of the Zones

A. General Employment. The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment

opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial and industrially-related uses. Other commercial uses are allowed to support a wide range of services and employment opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas.

1. General Employment 1. EG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. EG1 zoned lands will tend to be on strips or small areas.

2. General Employment 2. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. EG2 zoned lands will generally be on larger areas than those zoned EG1.

B. Central Employment. This zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

C. General Industrial. The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.

1. General Industrial 1. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.

2. General Industrial 2. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

D. Heavy Industrial. This zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.

33.140.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the base zones. Sites in overlay zones or plan districts and designated historical landmarks are subject to additional regulations which supersede those of this Chapter. The Official Zoning Maps indicated which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

Use Regulations

33.140.100 Primary Uses

A. Allowed uses. Uses allowed in the employment and industrial zones are listed in Table 140-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.

1. Household Living uses in I zones. This regulation applies to all parts of Table 140-1 that have a [1]. Household Living in houseboats and houseboat moorages in I zones are regulated by Chapter 33.236, Floating Structures. Household Living in other structures is prohibited.
2. Group Living. This regulation applies to all parts of Table 140-1 that have a [2].

a. General regulations. All Group Living uses except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.

b. Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.

3. EG commercial limitation. This regulation applies to all parts of Table 140-1 that have a [3].

a. Limited uses.

(1) Office uses. Except for sites with historic landmarks, the net building area for Office uses is limited to the square footage of the site area. On sites with historic landmarks, the net building area for Office uses may be up to twice the total square footage of the site area. Exceptions to these size limits are prohibited.

(2) Retail Sales And Service uses. Except for sites with historic landmarks, the net building area plus any exterior display or storage area for Retail Sales And Service uses is limited to 60,000 square feet or the square footage of the site area, whichever is less. On sites with historic landmarks, the net building area plus any exterior display or storage area for Retail Sales And Service uses is limited to 60,000 square feet or twice the total square footage of the site area, whichever is less.

b. Conditional uses.

(1) Retail Sales And Service uses that exceed the area limits in 3.a(2) are a conditional use.

4. IG1 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [4].

a. Limited uses. One Retail Sales And Service or Office use is allowed per site. The square footage of net building area plus the exterior display and storage area may be up to 3,000 square feet.

b. Conditional uses.

(1) More than one Retail Sales And Service or Office Use on a site is a conditional use.

(2) Any Retail Sales And Service or Office Use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.

c. Prohibited uses.

(1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

(2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 60,000 square feet or twice the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

5. IG2 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].

a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet per use.

b. Conditional uses.

(1) More than four Retail Sales And Service or Office uses on a site is a conditional use.

(2) Any Retail Sales And Service or Office use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.

c. Prohibited uses.

Testimony For Portland City Council

Fossil Fuel Facilities

November 10, 2016

Dick Harmon

—Text

—Notes

I'm Dick Harmon, I live in Portland, I'm 80, I'm here as father, grandfather and great grandfather.

I support 350's position on the ordinance, and I want to thank the Council Members, especially Mayor Hales, for stepping firmly into our new reality.

The fossil fuel industry is pushing back, so we're here to help you keep those firm steps in place, and advance them.

We're not here as protesters. Like the people at Standing Rock, and the people all around the country rising up on these questions, we are here to *protect* our children and their children, by protecting our— and their— air, water, soil, life and energy.

Regardless of what the national election results might lead some to think, we're in a climate emergency.

We've run out of time on climate. This decade is our final window to cut emissions deeply—that's all there is.

The fossil fuel industry—including the methane retailers— proffers the claim that the ordinance as proposed will curtail their ability to meet new demand, as new people move to Oregon.

Our response?

First a clear, firm NO.

Second, an alternative for the industry: meet that new demand with renewables and deep energy conservation.

Change your business plans toward the real-world future.

You say the fossil firms serving Portland cannot change their business plans?

We offer you a model: PG&E, in Northern California, deals in both natural gas and electricity. It is the largest investor-owned utility in the US.

In June, PG&E announced an agreement to *replace* the nuclear plant at San Diablo with renewables and deep efficiency, because they are cheaper than nuclear.

In our case, renewables and deep efficiency are cheaper than carbon and methane—especially when you include safety and human and non-human health risks.

To create the deal, PG&E *began* by inviting labor, community, and two major environmental organizations to the table.

They emerged with a trade-off: over nine years, shutting the nuke, and providing \$350 million for transitioning 1,000 well-paid employees and \$50 million for replacing lost property taxes to the county.

This model offers sticks *and* carrots; it can help us *realign interests*, and *incent conversion* to the clean Portland economy.

It's a way to say *yes* to community, labor, environment, and a converting industry.

It's a model for the other cities of America while Washington burns.

It's a way to say both no and yes: *no* to business as usual, *yes* to *protecting* our children, grand children, and great grandchildren.

Thank you.

Notes

1. Methane: “While methane doesn’t linger as long n the atmosphere as carbon dioxide, it is initially {first 20 years} far more devastating to the climate because of how effectively it absorbs heat. In the first two decades after its release, methane is 84 times more potent than carbon dioxide. *Both* types of emissions must be addressed if we want to effectively reduce the impact of climate change. Steve Hamburg (EDF Chief Scientist), “Methane: the other important greenhouse gas.” Environmental Defense Fund (www.edf.org/methane-othe-important-greenhouse-gase.)

2. PG&E Diablo Canyon agreement:
 - PG&E *News Release* June 21, 2016 (includes link to text of agreement.)

 - Tom Dalzell {Business Manager and Financial Secretary, International Brotherhood of Electrical Workers, Local 1245}, “Historic Agreement Paves Way for Alliance Between Labor and Environmentalists,” www.huffingtonpost.com/tom-dalzell-hisoric-agreement, June 29, 1960.

 - Diane Caldwell, “California’s Last Nuclear Power Plant Could Close,” *New York Times* June 21, 2016.

3. Deep Energy Conservation in large commercial buildings: For a reliable, different set of incentives, see www.meetscoalition.com; especially the agreement between the owner of the Bullitt Building in Seattle, Seattle City Light, and MEETS. (Full disclosure: my son Rob Harmon is principal of MEETS.)



Credible Solutions • Responsive Service • Since 1907

Catherine H. Reheis-Boyd

President

Via Email and Hand Delivery at Hearing: fossilfuelzoning@portlandoregon.gov

November 10, 2016

Honorable Mayor Charlie Hales
and City Commissioners
City of Portland
1221 SW 4th Avenue, Room 130
Portland, OR 97204

Re: Western States Petroleum Association Comment for PSC Fossil Fuel Terminal Zoning Amendments

Dear City Council Members:

The Western States Petroleum Association (WSPA) appreciates the opportunity to provide comments on the proposed PSC Fossil Fuel Terminal Zoning Amendments. WSPA is a non-profit trade association representing companies that explore for, produce, refine, transport, and market petroleum and petroleum products in five western states including Oregon. WSPA members operate petroleum terminals in Portland. WSPA opposes the Planning and Sustainability Commission's recommended zoning amendments under Resolution No. 37168, Fossil Fuel Terminal Zoning Amendments.

WSPA members have operated in the energy corridor along Northwest St. Helens Road for decades. This corridor provides key energy and emergency infrastructure as recognized by various city, state, and federal documents. WSPA members have grown concerned that the amendments go beyond the original City Council adopted resolution No. 37168 to constrain existing operations and projects for current and near-future regional needs for energy.

The recommended zoning amendments would create a number of substantial unintended consequences. Specifically, the recommended amendments would:

- Prevent and discourage terminal upgrades, including tank seismic upgrades, due to the business impacts of capping capacity and operational sequencing for upgrading tanks, resulting in *fewer* upgraded tanks;

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WSPA
Nov 10, 2016
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- Prevent and discourage replacing equipment that has reached end of life;
- Prevent and discourage equipment upgrades necessary to meet market demand or comply with federal and state law;
- Prevent and discourage safety and efficiency upgrades;
- Restrict infrastructure that serves the region as described above, in contradiction of the new City Comprehensive Plan provision governing fossil fuel infrastructure in the City's adopted 2035 Comprehensive Plan Policy 6.48;
- Fail to clearly specify how existing infrastructure can expand on existing sites, to adjacent properties, and to nearby non-adjacent properties;
- Restrict new infrastructure related to Oregon's low carbon fuel standards, Oregon's Renewable Fuel Standards, federal Renewable Fuel Standards, and similar laws;
- Fail to provide for sufficient facilities to serve future energy needs;
- Stymy [that's quite the word! How about Thwart?] potential future technologies that do not fit within the contemplated framework;
- Attempt to exclude Portland from the national and regional energy market;
- Introduce a host of ambiguities and uncertainties to the marketplace that are necessary for a thriving economy;
- Not align with state and federal policy regarding siting energy infrastructure or transportation of fuels;
- Encourage less efficient (and potentially less safe) transportation by truck over more efficient modes of transportation;
- Fail to provide for the economic impact assessment called for by Resolution No. 37168;

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- Fail to adequately engage Oregon and Metro residents and businesses outside Portland that will be impacted by the bottleneck in energy distribution created by the proposal.

State and federal laws govern state and regional energy and transportation policy, including through the U.S. Constitution, federal law, and state land use law. The unintended consequences described in this letter would create a bottleneck in energy supply for the state and region through these zoning provisions that violate the above federal and state policies. The proposal is inconsistent with Oregon's coordinated land use planning system, Metro's regional plan, the City's Comprehensive plan, and the City's land use regulations. We respectfully ask that the City slow down and take the time to develop an approach that takes into account all of the local and regional laws and policies impacted by this proposed amendment.

The City serves as a distribution hub for the region and state. Terminals in the City serve more than 90 percent of the statewide market. The proposal may result in reduced energy options available in other jurisdictions in Metro, Oregon, and other nearby states, without appropriately coordinating with those jurisdictions. The policy decisions that the City is trying to force through affect the region and state, and seem to exclude impacted parties in smaller cities and rural areas of the state.

We have enclosed proposed zoning code language in Appendix 1 that would address some of the issues raised in this comment. While the proposed language does not resolve all the concerns with the contemplated amendments, it addresses some of them.

Again, thank you for this opportunity to comment on the Fossil Fuel Terminal Zoning Amendments Proposed Draft. We hope the City reconsiders its push to pass regulations in this area and more narrowly tailors its rules to avoid unintended consequences.

Thank you for your consideration of WSPA's comments. If you have any questions or comments please contact me or my staff, Jessica Spiegel at Jessica@wspa.org or 360-352-4512.

Thank you,



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Appendix 1- Proposed Portland Zoning Ordinance

This appendix contains draft zoning code language from WSPA for City of Portland consideration in effectuating the City's fossil fuels policy. WSPA continues its position that the City's effort to regulate fossil fuels is misplaced and opposes those efforts. These proposed code provisions are intended to avoid some of the unintended consequences of the City's proposal and do not indicate WSPA support for City efforts to regulate fossil fuels. WSPA's draft code language contains four components:

1. Three new definitions for Portland Zoning Ordinance Chapter 33.910 (Appendix 1, page 2),
2. A use characteristics description for Bulk Fossil Fuels Terminals in Zoning Ordinance Chapter 33.920 (Appendix 1, page 2),
3. A new Energy Corridor Overlay Zone to protect existing fuel terminals in proposed new Portland Zoning Ordinance Chapter 33.490 (Appendix 1, page 4), and
4. Modifications to base industrial zones in Portland Zoning Ordinance Chapter 33.140 to recognize Bulk Fossil Fuel Terminals as a limited use (Appendix 1, page 7).

[Proposed New Definitions for Portland Zoning Ordinance Chapter 33.910]

Extra-Regional Bulk Fossil Fuel Terminal. A fossil fuel terminal that primarily serves markets outside of the Petroleum Administration for Defense District (PADD) 5 region, an area that includes the western states of California, Arizona, Nevada, Oregon, Washington, Alaska, and Hawaii.

Fossil Fuels. Fossil fuels include coal, petroleum, crude oil, refined oil, natural gas, bitumen, kerosene, propane, and other fuels made from decayed plants and animals that lived millions of years ago and are primarily used as a source of energy. Blended fuels containing a mix of fossil fuels and other fuel sources designed to address Oregon's low carbon fuel standards in Oregon Administrative Rules Chapter 340, Division 253, federal Renewable Fuel Standards, state Renewable Fuel Standards, or similar state or federal laws designed to reduce the carbon footprint of fuels are not fossil fuels.

Regional Bulk Fossil Fuel Terminal. A fossil fuel terminal that primarily serves the Petroleum Administration for Defense District (PADD) 5 region, an area that includes the western states of California, Arizona, Nevada, Oregon, Washington, Alaska, and Hawaii.

[Proposed New Use Category For Bulk Fossil Fuel Terminals]

33.920.360 Bulk Fossil Fuel Terminal

- A. Characteristics.** Bulk Fossil Fuel Terminals are characterized by having all of the following (1) marine, pipeline or railroad transport access, (2) transloading facilities for transferring a shipment between transport modes (such as from rail to ship), and (3) storage facilities for fossil fuels exceeding a storage capacity of [] million barrels for petroleum, [] million gallons for liquefied natural gas (LNG), [] million gallons for other liquefied gas fuels.
- B. Accessory Uses.** Accessory uses may include offices, pipes, industrial processing, shipping terminals, parking, storage, rail spur or lead lines, and docks.
- C. Examples.** Extra-regional liquefied natural gas (LNG) export facilities, propane export facilities, or coal export facilities.
- D. Exceptions.**
1. Improvements in the safety, or efficiency, seismic resilience, or operations of existing energy infrastructure.
 2. Terminals or firms that are end users of fossil fuels or sell directly to end users of fossil fuels such as airports, manufacturing, agricultural businesses, utilities, gas stations, and power plants.
 3. Development of emergency backup capacity.
 4. Infrastructure that enables recovery or re-processing of used petroleum products
 5. Terminals or firms that are storing, transporting or processing fuels and blended fuels containing a mix of fossil fuels and other fuel sources designed to address Oregon's low carbon fuel standards in Oregon Administrative Rules Chapter 340, Division 253, federal Renewable Fuel Standards, state Renewable Fuel Standards, or similar state or federal laws designed to reduce the carbon footprint of fuels.

[Proposed New Chapter in Zoning Ordinance]

City of Portland Planning and Zoning Ordinance - Title 33, Planning and Zoning

Chapter 33.490 Energy Corridor Overlay Zone

Sections:

- 33.490.010 Purpose
- 33.490.020 Map Symbol
- 33.490.025 Relationship to Portland Zoning Code Chapter 33.140
- 33.490.030 No Size limits
- 33.490.040 Expansion of Energy Corridor Terminals

Map 490-1 Energy Corridor Overlay Zone Boundaries

33.490.010 Purpose

The Energy Corridor Overlay Zone recognizes the historic cluster of energy terminals, including fossil fuel terminals that have served as Portland's hub for energy transport for decades. The purpose of this overlay zone is to protect this area for future energy infrastructure growth, including but not limited to expansion of energy terminals.

33.490.020 Map Symbol

The Energy Corridor Overlay zone is shown on the Official Zoning Maps with a letter "m" map symbol.

33.490.025 Relationship to Portland Zoning Code Chapter 33.140

The Energy Corridor Overlay zone provides flexibility for the sites subject to this overlay in addition to what are allowed under Portland Zoning Code Chapter 33.140. If there is a conflict between what is allowed under this Chapter 33.490 and what would be allowed Chapter 33.140, this Chapter 33.490 controls.

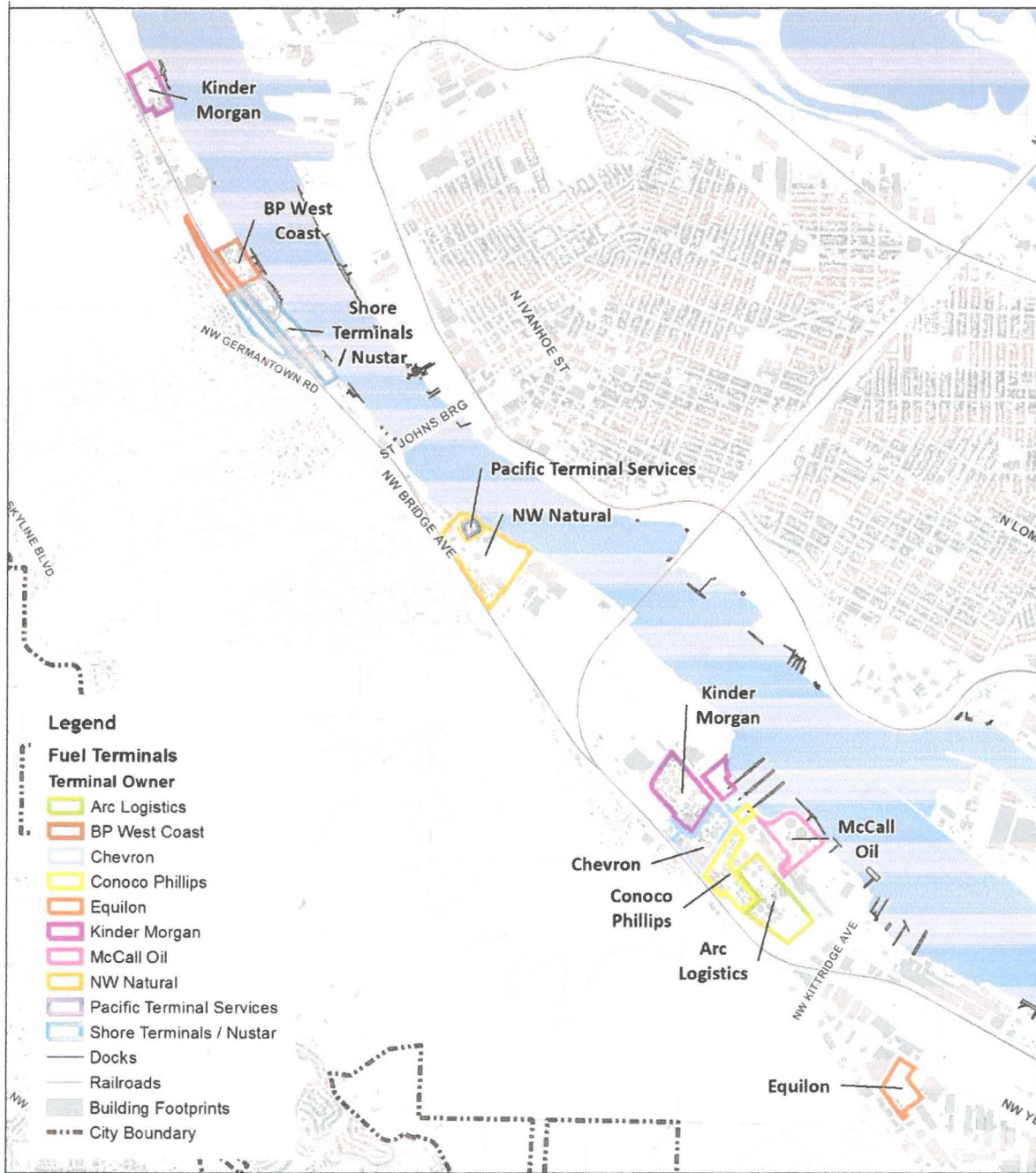
33.490.030 No Size Limits

There is no storage or other size limits for Bulk Fossil Fuel Terminals or other energy facilities located in the Energy Corridor Overlay Zone.

33.490.040 Expansion of Energy Corridor Terminals

A Bulk Fossil Fuel Terminal in the Energy Corridor Overlay may expand to new lots and parcels outside of the Energy Corridor Overlay zone as provided in this Section 33.490.040. A Bulk Fossil Fuel Terminal may only expand onto parcels or lots that are all or partially within one half of a mile from a property line of the lot or parcel containing the Bulk Fossil Fuel Terminal. A Bulk Fossil Fuel Terminal that is expanded outside of the Energy Corridor Overlay will be treated as if it were entirely within the Energy Corridor Overlay for purposes of land use and all other city approvals. If an expansion of an energy facility to a new lot or parcel pursuant to this Section 33.490.040 includes proposed development that would qualify the combined energy facility as a Bulk fossil Fuel Terminal, the combined energy facility will be treated as if it were entirely within the Energy Corridor Overlay for purposes of land use and all other city approvals.

Map 490-1 Energy Corridor Overlay Zone Boundaries [designate noted sites with "m" map symbol]



[Proposed Changes to Chapter 33.140 are shown in RED]

City of Portland Planning and Zoning Ordinance - Title 33, Planning and Zoning

Chapter 33.140 Employment and Industrial Zones

Sections:

General

- 33.140.010 General Purpose of the Zones
- 33.140.020 List of the Employment and Industrial Zones
- 33.140.030 Characteristics of the Zones
- 33.140.040 Other Zoning Regulations

Use Regulations

- 33.140.100 Primary Uses
- 33.140.110 Accessory Uses
- 33.140.130 Nuisance-Related Impacts
- 33.140.140 On-Site Waste Disposal

Site Development Standards

- 33.140.200 Lot Size
- 33.140.205 Floor Area Ratio
- 33.140.210 Height
- 33.140.215 Setbacks
- 33.140.220 Building Coverage
- 33.140.225 Landscaped Areas
- 33.140.227 Trees
- 33.140.230 Ground Floor Windows in the EX Zones
- 33.140.235 Screening
- 33.140.240 Pedestrian Standards
- 33.140.242 Transit Street Main Entrance
- 33.140.245 Exterior Display, Storage, and Work Activities
- 33.140.250 Trucks and Equipment
- 33.140.255 Drive-Through Facilities
- 33.140.265 Residential Development
- 33.140.270 Detached Accessory Structures
- 33.140.275 Fences
- 33.140.280 Demolitions

- 33.140.290 Nonconforming Development
- 33.140.295 Parking and Loading
- 33.140.300 Signs
- 33.140.310 Superblock Requirements
- 33.140.315 Recycling Areas

General

33.140.010 General Purpose of the Zones

The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. The zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the allowed intensity of development, and the development standards. The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

33.140.020 List of the Employment and Industrial Zones

The full and short names of the employment and industrial zones and their map symbols are listed below. When this Title refers to the employment or E zones it is referring to the first three listed. When this Title refers to the industrial or I zones, it is referring to the last three listed.

Full Name	Short Name	/	Map Symbol
General Employment 1			EG1
General Employment 2			EG2
Central Employment			EX
General Industrial 1			IG1
General Industrial 2			IG2
Heavy Industrial			IH

33.140.030 Characteristics of the Zones

A. General Employment. The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment

opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial and industrially-related uses. Other commercial uses are allowed to support a wide range of services and employment opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas.

1. General Employment 1. EG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. EG1 zoned lands will tend to be on strips or small areas.
2. General Employment 2. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. EG2 zoned lands will generally be on larger areas than those zoned EG1.

B. Central Employment. This zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

C. General Industrial. The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.

1. General Industrial 1. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.
2. General Industrial 2. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

D. Heavy Industrial. This zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.

33.140.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the base zones. Sites in overlay zones or plan districts and designated historical landmarks are subject to additional regulations which supersede those of this Chapter. The Official Zoning Maps indicated which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

Use Regulations

33.140.100 Primary Uses

A. Allowed uses. Uses allowed in the employment and industrial zones are listed in Table 140-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.

1. Household Living uses in I zones. This regulation applies to all parts of Table 140-1 that have a [1]. Household Living in houseboats and houseboat moorages in I zones are regulated by Chapter 33.236, Floating Structures. Household Living in other structures is prohibited.
2. Group Living. This regulation applies to all parts of Table 140-1 that have a [2].

a. General regulations. All Group Living uses except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.

b. Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.

3. EG commercial limitation. This regulation applies to all parts of Table 140-1 that have a [3].

a. Limited uses.

(1) Office uses. Except for sites with historic landmarks, the net building area for Office uses is limited to the square footage of the site area. On sites with historic landmarks, the net building area for Office uses may be up to twice the total square footage of the site area. Exceptions to these size limits are prohibited.

(2) Retail Sales And Service uses. Except for sites with historic landmarks, the net building area plus any exterior display or storage area for Retail Sales And Service uses is limited to 60,000 square feet or the square footage of the site area, whichever is less. On sites with historic landmarks, the net building area plus any exterior display or storage area for Retail Sales And Service uses is limited to 60,000 square feet or twice the total square footage of the site area, whichever is less.

b. Conditional uses.

(1) Retail Sales And Service uses that exceed the area limits in 3.a(2) are a conditional use.

4. IG1 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [4].

a. Limited uses. One Retail Sales And Service or Office use is allowed per site. The square footage of net building area plus the exterior display and storage area may be up to 3,000 square feet.

b. Conditional uses.

(1) More than one Retail Sales And Service or Office Use on a site is a conditional use.

(2) Any Retail Sales And Service or Office Use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.

c. Prohibited uses.

(1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

(2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 60,000 square feet or twice the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

5. IG2 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].

a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet per use.

b. Conditional uses.

(1) More than four Retail Sales And Service or Office uses on a site is a conditional use.

(2) Any Retail Sales And Service or Office use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.

c. Prohibited uses.

(1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

(2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 60,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

6. IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [6].

a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet per use.

b. Conditional uses.

(1) More than four Retail Sales And Service or Office use on a site is a conditional use.

(2) Any Retail Sales And Service or Office use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.

c. Prohibited uses.

(1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 12,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

(2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 25,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service

and Office uses that exceed these area limits are prohibited.

7. Self-Service Storage limitation. This regulation applies to all parts of Table 140-1 that have a [7]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.

8. Waste-Related limitation. This regulation applies to all parts of Table 140-1 that have a [8]. All Waste-Related uses are conditional uses, unless they meet all of the following conditions in which case they are allowed by right.

a. The use must be approved by Metro under their authority as prescribed in ORS 268.317;

b. Metro's approval of the use must include a mitigation plan. The requirements for the mitigation plan must be approved by the City Council through an intergovernmental agreement with Metro, adopted prior to Metro's approval of the use; and

c. The location of the use must be in conformance with Metro's Regional Solid Waste Management Plan.

9. Community Service uses in EG zones. This regulation applies to all parts of Table 140-1 that have a [9]. Most Community Service uses are allowed by right. Short term housing may be allowed by right if it meets certain standards. See Chapter 33.285, Short Term Housing and Mass Shelters. Mass shelters are prohibited.

**Table 140-1
Employment and Industrial Zone Primary Uses**

Use Categories	EG1	EG2	EX	IG1	IG2	IH
Residential Categories						
Household Living	CU	CU	Y	CU [1]	CU [1]	CU [1]
Group Living	CU	CU	L/CU [2]	N	N	N
Commercial Categories						
Retail Sales And Service	L/CU [3]	L/CU [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Office	L [3]	L [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]
Self-Service Storage	Y	Y	L [7]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
Industrial Categories						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y	Y	Y
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU[8]	L/CU [8]	L/CU [8]
Bulk Fossil Fuels Terminal	L [17]	L [17]	L [17]	L [17]	L [17]	L [17]
Institutional Categories						
Basic Utilities	Y/CU [12]	Y/CU [12]	Y/CU [12]	Y/CU [13]	Y/CU [13]	Y/CU [13]
Community Service	L [9]	L [9]	L [10]	L/CU [11]	L/CU [11]	L/CU [11]
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU [11]	L/CU [11]	L/CU [11]
Other Categories						
Agriculture	L [16]	L [16]	L [16]	L [16]	L [16]	L [16]
Aviation And Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Transmission Facilities	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

Y = Yes, Allowed

CU = Conditional Use Review Required

L = Allowed, But Special Limitations

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.140.100.B.

- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

10. Community Service in the EX zone. This regulation applies to all parts of Table 140-1 that have a [10]. Most Community Service uses are allowed by right. Short term housing and mass shelters may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term Housing and Mass Shelters.

11. Community Service and Daycare limitations in I zones. This regulation applies to all parts of Table 140-1 that have a [11]. Community Service uses or Daycare uses up to 3,000 square feet of net building area are allowed. Community Service uses or Daycare uses larger than 3,000 square feet of net building area are a conditional use. Short term housing and mass shelters of any size are prohibited.

12. Basic Utilities in E zones. This regulation applies to all parts of Table 140-1 that have a [12]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. All other Basic Utilities are allowed.

13. Basic Utilities in I zones. This regulation applies to all parts of Table 140-1 that have a [13]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. Public safety facilities which have more than 3,000 square feet of floor area are a conditional use. The approval criteria are in Section 33.815.223. All other Basic Utilities are allowed.

14. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 140-1 that have a [14]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

15. Commercial Parking. This regulation applies to all parts of Table 140-1 that have a [15]. Except where plan district provisions supersede these regulations, Commercial Parking is a conditional use in the E and I zones. Within plan districts, there may be special regulations.

16. Agriculture. This regulation applies to all parts of Table 140-1 that have a [16]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.

17. Bulk Fossil Fuels Terminals. Regional Bulk Fossil Fuel Terminals of any size are allowed. Extra-Regional Bulk Fossil Fuel Terminals may not exceed a storage capacity of [] million barrels for petroleum, [] million gallons for liquefied natural gas

(LNG), [] million gallons for other liquefied gas fuels, except as may be allowed pursuant to the Portland Energy Corridor Overlay Zone. Coal terminals may not exceed a storage capacity of one ton of coal.

C. Conditional uses. Uses which are allowed if approved through the conditional use review process are listed in Table 140-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

D. Prohibited uses. Uses listed in Table 140-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.140.110 Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all development standards.

33.140.130 Nuisance-Related Impacts

A. Off-site impacts. All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.

B. Other nuisances. Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

33.140.140 On-Site Waste Disposal

On-site disposal of solid wastes generated by a use is subject to the same regulations as for uses in the Waste-Related use category. See Table 140-1.

Development Standards

[NO REVISIONS PROPOSED TO DEVELOPMENT STANDARDS]

Good afternoon. My name is Marilyn Sewell, and I am the Minister Emerita of the First Unitarian church.

This Council, led by Mayor Charlie Hales, has passed the strongest land use code in the country, prohibiting all new infrastructure for fossil fuel export. (*Hold up picture.*) Look at this picture—tiny kyaktivists and Greenpeace activists hanging from the St. John's bridge stopped Exxon's massive icebreaker for 48 hours, and pictures like this went around the world. Then through our emissary, Mayor Hales, once more our witness went around the world, to the Pope, to President Obama.

Now again, the whole world is watching—in light of this election, what will happen to the climate movement? Do not think what happens in this City Council today and on Nov. 17 is not important to the larger world—we know that the rest of the country watches what Portland does, in many arenas, and certainly in regard to climate. So we are here today not just to testify, but to witness. I'm using religious language because this is truly the greatest moral issue of our time. We will all be accountable as moral agents if we fail to keep fossil fuel in the ground.

The temptation, always, is to accommodate to power, but rather we must speak truth to power. In the words of that wonderful Spike Lee movie, "Do the right thing." It's in your hands. So do the right thing.



November 10, 2016

Mayor Hales
Commissioner Saltzman
Commissioner Fritz
Commissioner Fish
Commissioner Novick
Auditor Caballero

Re: Agenda Item 1259 for Portland City Council Meeting, November 10, 2015
Restrict bulk fossil fuel terminals (Ordinance introduced by Mayor Hales; amend Title 33, Planning and Zoning)

The Oregon Chapter of the Sierra Club supports an implementation of the Fossil Fuel Infrastructure Policy which does not allow for any expansion of Bulk Fossil Fuel Terminals.

It is clear to anyone who understands science or who is willing to look dispassionately at the evidence, that climate change is real and that its effects are evident today. It is also clear that the consequences of ignoring greenhouse gas emissions will lead to a future in which the lives of our children and grandchildren will be very difficult.

The results of the recent elections also make it clear that we cannot rely on our national leaders to solve this problem for us. Leadership will have to come from the bottom up, starting here in our city.

The United Nations just released a report on the emissions gap¹: the difference between the amount of greenhouse gas emissions needed to keep the temperature of the world from rising beyond 1.5 degrees Celsius and the amount we are currently emitting. The news is not good. In short, we need to radically reduce the amount of fossil fuels we are using and we need to begin doing so now.

Additionally the staff report of the Planning and Sustainability Commission makes it clear that overall demand for fossil fuels is already flat. It is reasonable to expect a decline as more electric vehicles are put into service.

There is absolutely no rational basis for expanding fossil fuel infrastructure.

You, the members of Portland's City Council took a courageous, visionary action when you adopted the Fossil Fuel Infrastructure Policy on November 12, 2015, in which it states in part:

"NOW, THEREFORE, BE IT RESOLVED, that the City Council will actively oppose expansion of infrastructure whose primary purpose is transporting or storing fossil fuel in or through Portland or adjacent waterways ..."

¹ UNEP (2016). The Emissions Gap Report 2016. United Nations Environment Programme (UNEP), Nairobi, <http://web.unep.org/emissionsgap/>

Nowhere in the language of the resolution does it list exceptions which allow for the expansion of the described infrastructure. In light of what we know about our climate and our national politics, it is imperative that we do not continue to expand fossil fuel infrastructure.

Therefore, the Sierra Club urges you to modify the language of the proposed ordinance to eliminate:

1. The 2 million gallon minimum as part of the definition of "Bulk Fossil Fuel Terminals".
and
2. The allowed expansion of Bulk Fossil Fuel Terminals when replacing existing facilities during a seismic upgrade.

No expansion of existing facilities should be allowed.

A handwritten signature in black ink that reads "Gregory P. Monahan, PhD". The signature is written in a cursive, flowing style.

Gregory Monahan, PhD
Chair, Beyond Gas & Oil Team
Oregon Sierra Club
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