Fossil Fuel Terminal Zoning Amendments

Exhibit B
Remand Report

City of Portland, Oregon

June 8, 2022

Bureau of Planning and Sustainability
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City of Portland, Oregon

Proposed Action

The City of Portland is considering the re-adoption of the Fossil Fuel Terminal Zoning Amendments, which amends the Zoning Code to create a new land use category (Bulk Fossil Fuel Terminals) with development standards to limit fossil fuel storage tank capacity. The amendments prohibit expansion of fossil fuel storage tank capacity at existing fossil fuel terminals (FFTs) and limit new terminal development to 2 million gallons of fossil fuel storage tank capacity. The storage of coal at Bulk Fossil Fuel Terminals is prohibited.

The amendments allow for the continued operation of existing terminals as a limited use in the industrial and employment zones. Terminals can continue to operate and invest in seismic and safety upgrades. The prohibition on the expansion of storage capacity includes exceptions to the storage capacity limits, particularly for aviation fuels and renewable fuels.

The Portland City Council originally adopted Ordinance No. 188142 on December 14, 2016. Ordinance No. 188142 was appealed to the Oregon Land Use Board of Appeals (LUBA). In *Columbia Pacific Building Trades Council v. City of Portland*, LUBA Case No. 2017-001, LUBA reversed the Ordinance holding that the City's decision was unconstitutional; failed to demonstrate compliance with the Guild's Lake Industrial Sanctuary Plan (GLISP) and Statewide Planning Goal 12; and was not supported by an adequate factual base.

LUBA's decision was appealed to the Oregon Court of Appeals. In *Columbia Pacific Building Trades Council v. City of Portland*, 289 Or App 739 (2018), the court reversed LUBA's decision in part and affirmed in part. The Court found that the amendments are Constitutional, and the City adequately demonstrated compliance with Goal 12. The Court of Appeals decision was appealed to the Oregon Supreme Court. The Supreme Court denied review in *Columbia Pacific Building Trades Council v. City of Portland*, 363 Or 390 (2018). On October 5, 2018, LUBA remanded Ordinance No. 188142 for City Council to demonstrate compliance with GLISP and demonstrate that the decision was supported by an adequate factual base.

On December 18, 2019, the City adopted Ordinance No. 189807 to readopt the Fossil Fuel Terminal Zoning Amendments to address issues raised in LUBA's remand order. The Zoning Code amendments were similar to the changes adopted in 2016, except for a few minor adjustments to reconcile the Fossil Fuel Terminal Zoning Amendments with subsequent changes to the Zoning Code that were adopted since 2016.

Ordinance No. 189807 was appealed to the Oregon Land Use Board of Appeals (LUBA). In *Columbia Pacific Building Trades Council v. City of Portland II*, LUBA Case No. 2020-009, LUBA remanded the City's decision to address future demand for natural gas; the City's comparative economic advantage; any potential shift in transportation modes that could impact the City's multimodal transportation system; the role FFTs play in serving other businesses in the area; potential adverse impacts on the continued viability of Portland as a major center for import and export of industrial products.

The City intends to readopt the Fossil Fuel Terminal Zoning Amendments to comply with LUBA's Order. The Zoning Code amendments are similar to the ordinance adopted in 2019, except for a few minor adjustments to reconcile the Fossil Fuel Terminal Zoning Amendments with subsequent changes to the Zoning Code that have been adopted since 2019. BPS is also recommending amendments to clarify key provisions with respect to transloading facilities and renewable fuels.

Policy Direction

In Resolutions 36959 and 36962, adopted in 2012, the City Council expressed opposition to coal trains traveling through Portland until a programmatic, comprehensive and area-wide Environmental Impact Statement and comprehensive Health Impact Assessment are completed.

The City's 2015 Climate Action Plan (adopted by Resolution 37135) identifies the need to establish a "fossil fuel export policy that considers lifecycle emissions, safety, economics, neighborhood livability and environmental impacts" (Climate Action Plan, action 3G, page 69). The City committed in its 2015 Climate Action Plan to advancing policy and programs to reduce local fossil fuel use both in the City's own operations and through community-wide initiatives.

Resolution 37168, adopted November 12, 2015, expressed the City Council's opposition to the "expansion of infrastructure whose primary purpose is transporting or storing fossil fuels in or through Portland or adjacent waterways." It also expressed the Council's intent not to restrict improvements in safety, efficiency, or seismic resilience; the provision of service directly to end users; or infrastructure that will accelerate the transition to non-fossil fuel energy sources. The City Council also expressed support for accelerating the transition to non-fossil fuel energy sources. As part of that transition, the Oregon Department of Environmental Quality (ODEQ) is implementing the Oregon Clean Fuels Program, which requires a 10 percent reduction in average carbon intensity by 2025. Fuels that could be used to achieve the standards include ethanol, biodiesel, electricity, hydrogen, natural gas, propane, and biogas, which may require additional storage capacity. In order to facilitate implementation of the Clean Fuels Program, non-fossil fuel storage tanks are not subject to the capacity limits.

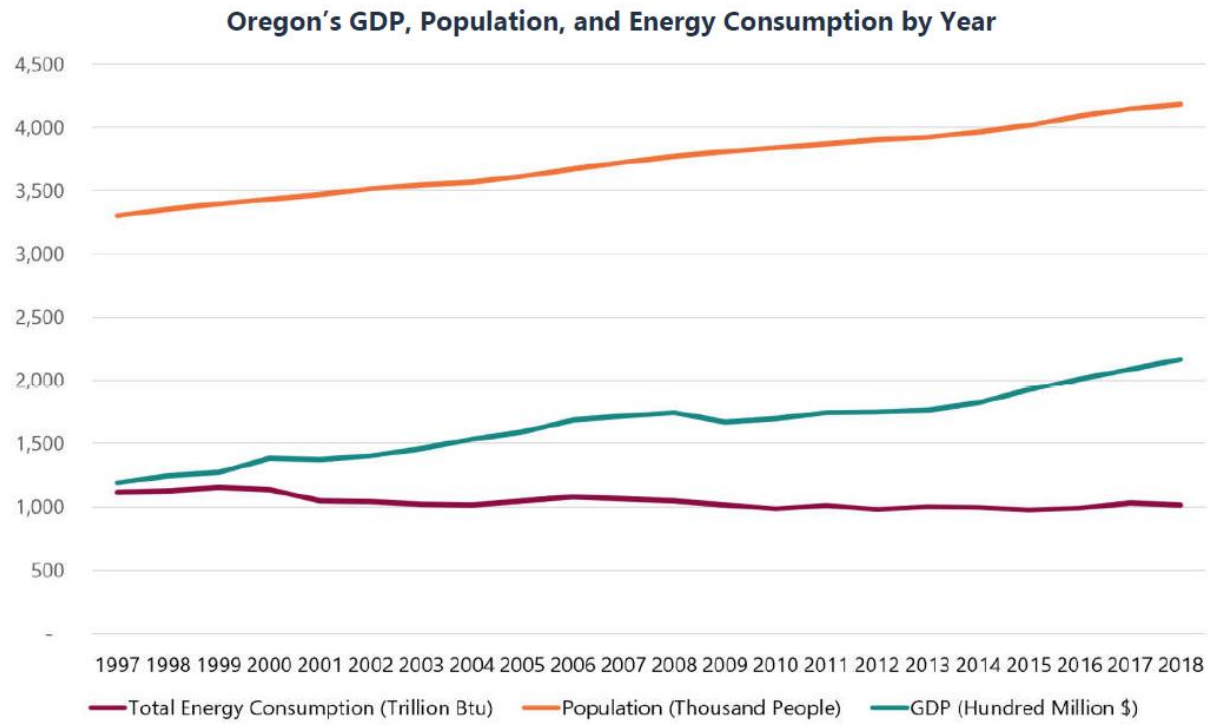
In Resolution 37289, adopted the City Council establish a goal to meet 100 percent of community-wide energy needs, including transportation fuels, with renewable energy by 2050. It expressed the Council's intent to collaborate with Multnomah County, Metro, and Tri-Met to reduce fares for low-income residents while significantly extending service miles and public transit access across City neighborhoods. It directs the City will work with and advocate for Tri Met to transition to electric bus and other renewable energy-powered public transit options as soon as practicable.

In June 2020, the City Council adopted the Climate Emergency Declaration (CED) (Resolution 37494) which recognized the accelerating climate emergency and acknowledged that it affects our community inequitably. The CED affirmed the need to reduce carbon emissions and amended the City's reduction targets to at least 50% reduction in carbon emissions by 2030 and net-zero carbon emissions before 2050. The CED contains many ideas, aspirations, directions, and goals., including 100% clean, renewable electricity, updating the renewable fuels standard, and supporting electrification in the transportation sector. It sets the City Council's expectation that PGE and PacifiCorp deliver 100% clean, renewable electricity to all Portland residents and businesses no later than 2030, and calls on NW Natural to fully decarbonize its gas pipeline no later than 2050. The CED further resolved that the City of Portland will adopt new policies and development standards to further prevent expansion of new fossil fuel infrastructure, reduce fossil fuel consumption, reduce the risk to the community and the environment, and encourage the adoption and use of clean, renewable fuels, including but not limited to updating the Renewable Fuel Standard.

Energy Use in Oregon

Energy Consumption and Economic and Population Growth

Energy efficiency and changes in our economy have led to decreases in Oregon's total and per capita energy use over time. Oregon's emphasis on energy efficiency has helped reduce both total and per capita energy use despite an increasing population, thereby avoiding the need to build new electricity generation plants. The graph below shows that since about 2000, economic growth (measured by gross domestic product or GDP) does not correlate with increases in energy consumption. In fact, as the economy and our population have grown, our energy consumption has stayed relatively flat with a slight decline.



Source: Oregon Department of Energy, 2020 Biennial Energy Report

Oregon's transportation sector consumes most of the petroleum. In 2018, petroleum-based products accounted for 93 percent of fuel consumed in the transportation sector; biofuels like ethanol, biodiesel, and renewable diesel accounted for 6 percent; while electricity and natural gas accounted for 0.3 percent of the fuels consumed.

In 2018, Oregon used 251.5 trillion Btu of direct use fuels to cook, heat buildings, and support commercial and industrial processes. Direct use fuels make up about 26 percent of the total energy consumption in Oregon. Direct use fuels include fuels that are used at the site in the residential, commercial, and industrial sectors. These do not include fuels used to generate electricity or support the transportation sector.

Heating oil and other petroleum products account for approximately 15% of the direct fuel use in Oregon. These products are primarily used for building space heating and sometimes to heat water.

Almost 2 percent of Oregon homes use fuel oil for heating. The trends for direct use fuels in Oregon has meant decreasing wood and fuel oil use and an increased use of natural gas.

The 2017 Oregon Fuel Action Plan documented that about 90 percent of Oregon's transportation fuels are produced by the refineries in Washington and delivered via the Olympic pipeline and barge to the Portland terminals. These terminals receive, store, blend, and transfer petroleum products. Most of the remaining ten percent is delivered by barge from refineries in the San Francisco Bay Area or by pipeline from refineries in Salt Lake City, Utah via a distribution terminal in Pasco, Washington. From the Pasco facility, fuel is trucked into Oregon to service eastern Oregon communities. California Bay Area refineries supply minimal quantities of fuel to a Chico, California terminal and then the fuel is trucked into Oregon to supply southern Oregon communities. A very small amount of fuel is delivered by rail.

Some of this product flows in a pipeline south to Eugene, and in another pipeline to the Portland International Airport. The Eugene distribution hub serves southern, central, and eastern Oregon. Tank barges carry refined petroleum products from Portland up the Columbia River to Pasco, Washington to service eastern communities in Washington, Oregon, and Idaho.

The natural gas system in Oregon utilizes interstate and intrastate transmission pipelines to carry natural gas at high pressures from processing plants and storage facilities. There are two primary pipelines operating in Oregon, each operated by a different company. The Northwest Pipeline, operated by Williams Company, runs roughly along the Interstate 5 corridor and serves the Portland region. The Gas Transmission-Northwest pipeline is operated by TC Energy and is located east of the Cascades.

Local distribution companies, including utilities like NW Natural, receive gas from these transmission pipelines at specific points called city gates or gate stations. These serve as the point where natural gas transitions from the high-pressure transmission pipelines to the lower pressures used in distribution systems. NW Natural is the designated regulated utility that serves western Oregon and parts of southwest Washington. Within the City of Portland, NW Natural is the only natural gas distribution utility. As a regulated utility, NW Natural is given a local monopoly in exchange for being regulated by Oregon Public Utility Commission.

As a regulated utility, NW Natural is required to prepare an Integrated Resources Plan (IRP) that projects demand for natural gas over a 20-year period and identifies how NW Natural will serve that demand. NW Natural's most recent IRP was completed in late 2018. NW Natural's system is composed of both transmission and distribution pipelines. On a typical day, NW Natural largely draws gas from the regional pipeline system to serve its customers. Demand for natural gas on cold days may exceed what NW Natural has contracted to withdraw from the regional transmission pipelines. In these situations, NW Natural has four storage resources that it can use: an underground storage facility in Mist, Oregon; underground storage at the Jackson Prairie facility near Centralia, Washington; and liquified natural gas (LNG) facilities in Portland and Newport. NW Natural is the only company that operates an LNG storage facility in Portland.

Portland's existing fossil fuel terminals

Portland's industrial districts are Oregon's largest seaport, rail hub and truck distribution center. The Critical Energy Infrastructure (CEI) Hub is located in the Northwest Industrial District in Portland. The ten petroleum terminals located in Northwest Portland are the gateway distribution facilities serving Oregon and Southern Washington markets. Additionally, NW Natural's GasCo liquified natural gas (LNG) terminal provides peak-consumption storage of natural gas for the region. In Northwest Portland, these "tank farm" storage facilities have direct access to pipeline, deep-water marine docks, railroad and truck route infrastructure.

Figure 1. An example of petroleum terminals located in the Willbridge area of NW Portland.

Figure 2. Existing fossil fuel terminals in Northwest Portland

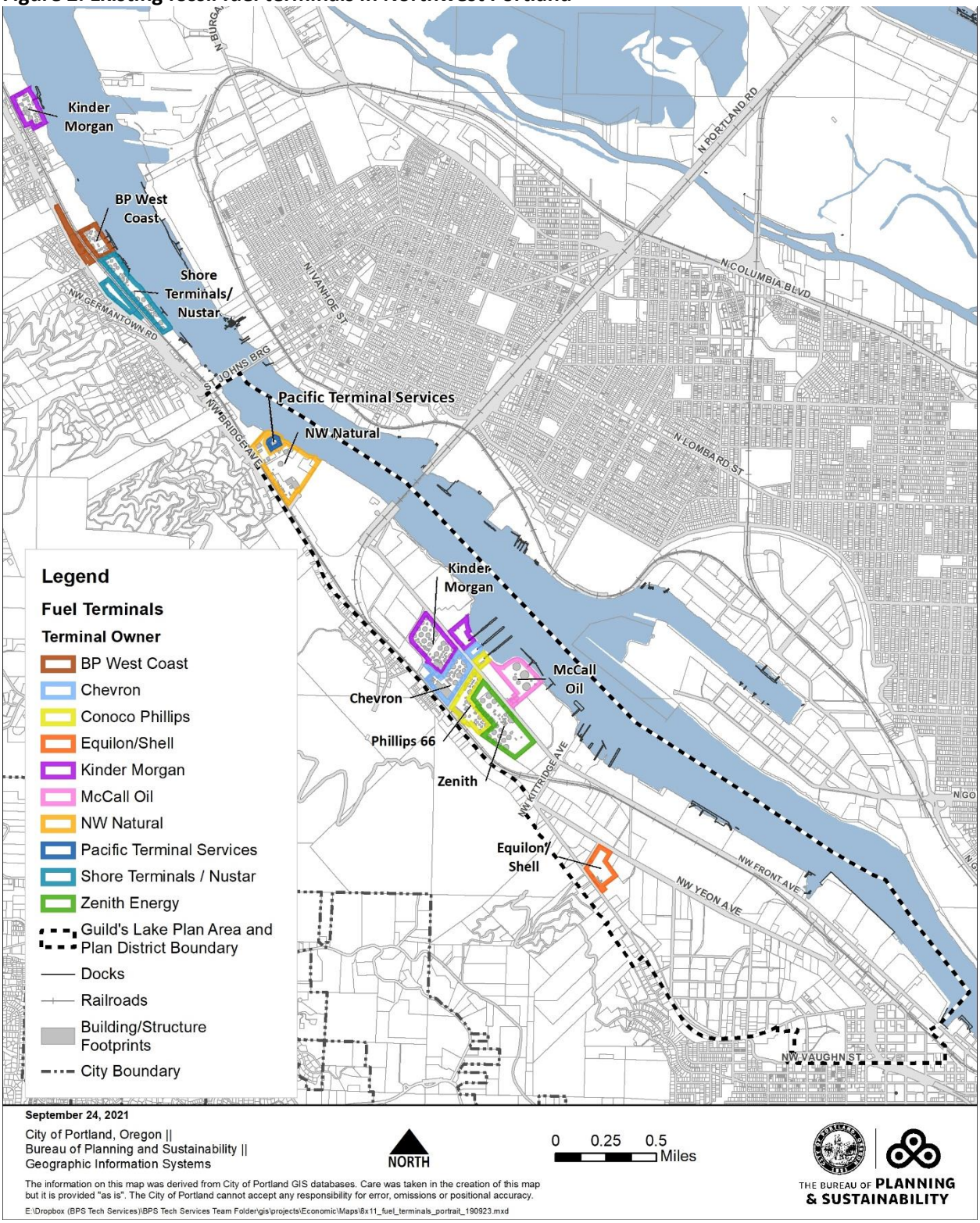


Figure 3. Estimated storage capacity at existing fossil fuel terminals

Operator	*Facility type*	*Site acres*	*Existing Storage capacity*
Petroleum fuels			gallons
Chevron	Petroleum terminal	21	46,803,000
Kinder Morgan Willbridge	Petroleum terminal	33	62,369,000
Zenith (Arc Logistics)	Petroleum/crude oil	39	63,764,400
NuStar/Shore Terminals	Petroleum terminal	22	51,551,000
McCall Oil	Petroleum terminal	19	40,420,000
Conoco Phillips	Petroleum terminal	21	30,087,000
BP West Coast	Petroleum terminal	18	22,760,000
Kinder Morgan Linnton	Petroleum terminal	13	13,823,000
Equilon/Shell	Petroleum terminal	13	22,151,000
Pacific Terminal Services	Petroleum terminal	2	11,676,000
Total			*388,487,400*
Gaseous fuels			Dth
NW Natural GasCo	LNG plant/terminal	41	7,500,000

Terminology: Dth = decatherms, LNG = liquified natural gas
Sources: BPS analysis of tank inventory data in 2022 Multnomah County, Impacts of a Cascadia Subduction Zone Earthquake on the CEI Hub. NW Natural 2018 Integrated Resource Plan

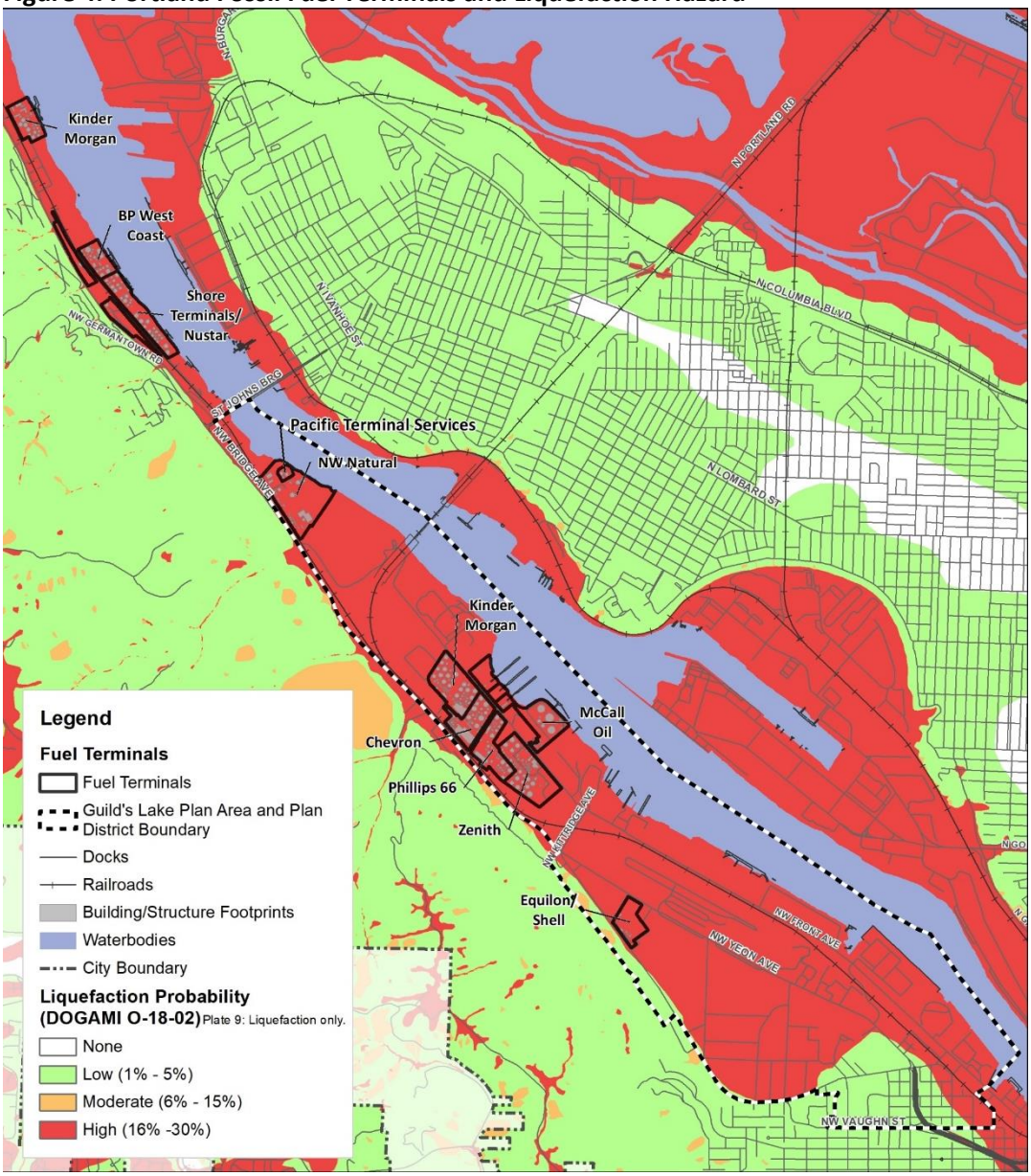
Seismic Hazards

The CEI Hub — built before our current understanding of the region's earthquake risk — sits on unstable soil subject to liquefaction and lateral spreading in an earthquake. The CEI Hub is built on soils that geologists anticipate will be subject to liquefaction (when the water table rises during an earthquake and loosens soils making those soils act more like a liquid than a solid) and lateral spreading (when the soils will spread toward the Willamette River). Because the CEI Hub is so close to the Willamette River and the dense urban core in the City of Portland, the risk of an accident, spill, or major infrastructure failure is particularly concerning as the region's earthquake's risks are now well-known and well-documented. There is an estimated 26% likelihood of a major seismic event in the next 50 years.

In 2022, Multnomah County Office of Sustainability and the City of Portland Bureau of Emergency Management published a study to characterize and quantify the anticipated damages from the CEI Hub in the event of the Cascadia Subduction Zone (CSZ) earthquake. This study found that between 94.6 million and 193.7 million gallons of material could be released in the event of a CSZ earthquake, which could cause between $359 million to $2.6 billion in damages.

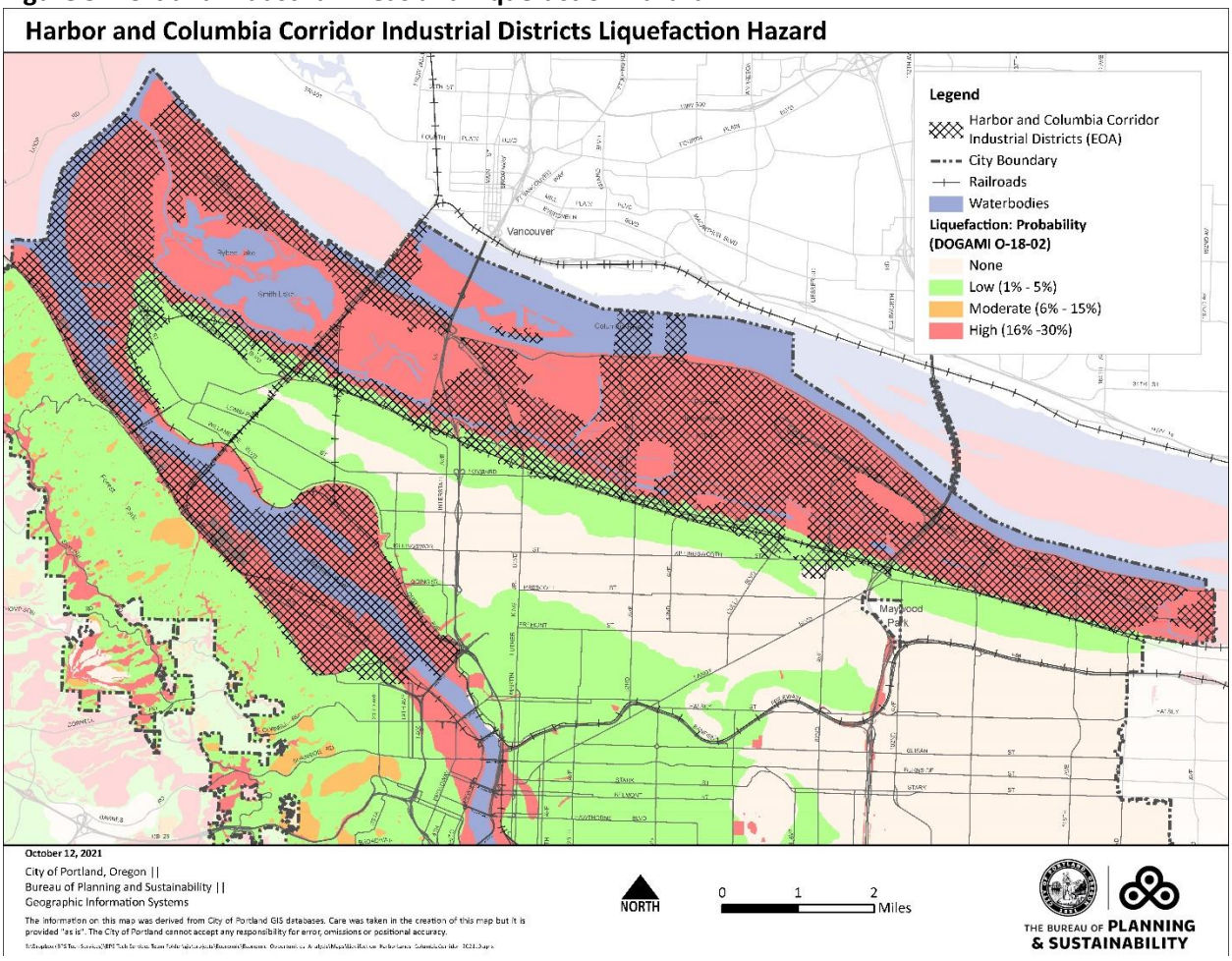
The existing zoning allows an unlimited increase in storage capacity at FFTs in an area with a high probability of liquefaction in a major seismic event (Figure 4). Large FFTs represent a risk to people, property and the natural environment that is a compelling reason to limit future risk by limiting the size of new facilities and expansion of storage tank capacity at existing facilities.

Figure 4. Portland Fossil Fuel Terminals and Liquefaction Hazard



In previous appeals, the opponents argued that the FFT amendments preclude relocating storage tanks to more stable soil. The amendments prohibit new large FFTs because most of Portland's industrial districts, especially sites with access to the river, are in areas with high liquefaction probability (Figure 5).

Figure 5. Portland Industrial Areas and Liquefaction Hazard



Fossil Fuel Terminal Zoning Amendments

The first step in making the current situation better is to ensure that the situation does not get worse. Continuing to allow the unlimited increase in fossil fuel terminal storage tank capacity within a high-risk area increases the risk to the surrounding industrial district and the Willamette River.

The FFTZ amendments are a regulatory approach to limit the size of new fossil fuel terminals and prohibit the expansion of fossil fuel storage tank capacity at existing fossil fuel terminals, with limited exceptions, which is an improvement compared to the current regulations that allow for unlimited growth in fossil fuel terminals.

Fossil fuels are defined in the zoning code as: petroleum products (such as crude oil and gasoline), coal, methanol, and gaseous fuels (such as natural gas and propane) that are made from decayed plants and animals that lived millions of years ago and are used as a source of energy. Denatured ethanol and similar fuel additives with less than 5 percent fossil fuel content, biodiesel/renewable diesel with less than 5 percent fossil fuel content, and petroleum-based products used primarily for non-fuel uses (such as asphalt, plastics, lubricants, fertilizer, roofing, and paints) are not fossil fuels. This definition is consistent with US Energy Information Agency (US EIA) accounting, which includes ethanol

The zoning code amendments do not limit the expansion of storage tank capacity for non-fossil and non-fuel products.

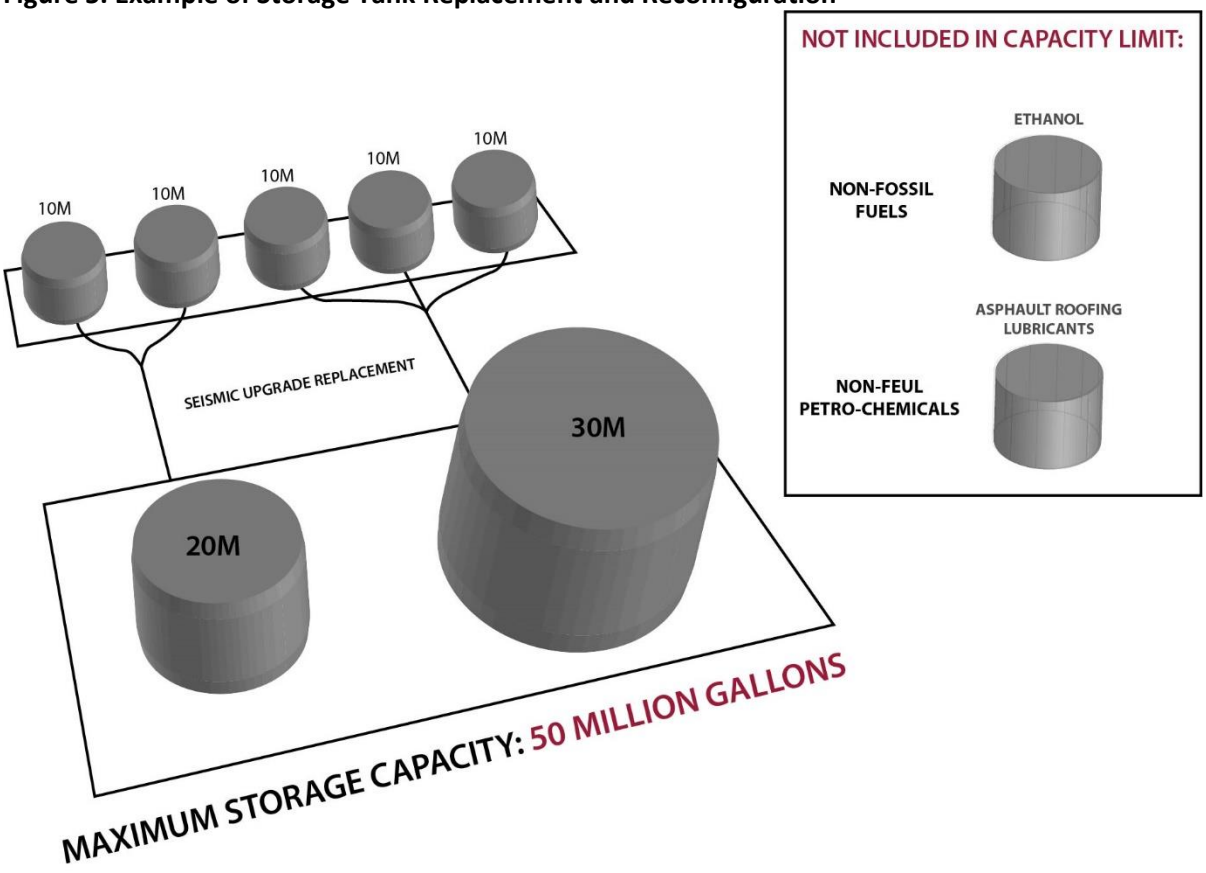
These Zoning Code amendments create a new land use category – Bulk Fossil Fuel Terminals, which are defined as establishments primarily engaged in the transport and bulk storage of fossil fuels. Terminal activities may also include fuel blending, regional distribution, and wholesaling. The terminals have multimodal access by marine, railroad, or regional pipeline to transport fuels to or from the site, and either have transloading facilities for transferring a shipment between transport modes or have storage capacity exceeding 2 million gallons for fossil fuels.

The description of a Bulk Fossil Fuel Terminal use includes exceptions to clarify that these regulations apply to the largest, multimodal facilities. Distributors and wholesalers that receive and deliver fossil fuels exclusively by truck are not Bulk Fossil Fuel Terminals, as well as gasoline service stations and other retail sales of fossil fuels are not Bulk Fossil Fuel Terminals. Also, fossil fuel storage where it is used as a manufacturing input, rather than a fuel, is not considered a Bulk Fossil Fuel Terminal. A key provision is an exception for the storage of fossil fuels for exclusive use at an airport, surface passenger terminal, marine, truck or air freight terminal, drydock, ship or barge servicing facility, rail yard, or as part of a fleet vehicle servicing facility. This exclusive use exception was included to specifically address a forecasted increase in demand for jet fuel.

Existing Bulk Fossil Fuel Terminals are designated as limited uses and new terminals are prohibited. The limited use designation allows the existing terminals to continue to operate, maintain their facilities, and expand non-storage tank facilities. The limit is on total fossil fuel storage tank capacity that exists on the effective date of the adoption ordinance. This regulatory approach allows for the replacement and reconfiguration of existing fossil fuel tanks as a way to facilitate seismic and safety upgrades. Also, the limit is on total fossil fuel storage tank capacity, which allows the operator to use the tanks for different products (e.g. gasoline or diesel). Also, this approach allows new storage tank capacity for exclusive use at airports (or other terminals as defined in the exception) or renewable fuels

Figure 5 shows how a terminal operator could replace and reconfigure a number of older, smaller storage tanks into a few larger tanks under these regulations. The intent is to allow for seismic safety improvements while maintaining the current fossil fuel storage tank capacity.

Figure 5. Example of Storage Tank Replacement and Reconfiguration



LUBA Remand Issues

The 2019 Ordinance was appealed to the Oregon Land Use Board of Appeals (LUBA). In *Columbia Pacific Building Trades Council v. City of Portland II*, LUBA Case No. 2020-009, LUBA remanded the City's decision to provide findings and evidence addressing future natural gas needs; provide findings responding to *Comprehensive Plan Policy* 6.7 which states the city will maintain and strengthen its comparative economic advantages; provide evidence that future fuel demand will not result in a change in transportation mode in a way that would impact the multimodal system; and provide findings addressing GLISP Policy 2, Objective 1.

LUBA identified five issues or policies that need additional evidence to support the City's decision. The following is an analysis and response to those issues.

Future demand for liquid fuels

As documented in the BPS Regional Demand for Liquid Fossil Fuels memo, the BPS forecast for Oregon, based on the US EIA regional forecast, calculates an approximate 11 percent increase in total petroleum consumption to 390, 000 billion BTU in 2050. However, petroleum consumption in Oregon peaked in 1999 at 395,000 billion BTU, which is less than the 2050 consumption forecast. Also, the US EIA forecasts for petroleum includes the volumes of fuel ethanol and biodiesel blended with motor gasoline and distillate fuel oil, respectively. New storage tank capacity can be built to accommodate the increased consumption of renewable fuels under an exception in the code amendments. In addition, most (66%) of the increased consumption of petroleum in 2050 can be attributed to the 25,000 billion BTU increase in jet fuel consumption. New storage tank capacity can be built to accommodate the increased consumption of jet fuel under an exception in the code amendments. Therefore, the storage tank capacity that exists today is adequate to serve future regional market.

Non-fossil fuel storage capacity

In a related issue, previous testimony argued that the City failed to recognize that almost all of the clean fuels that are needed to reduce demand for fossil fuels (e.g., ethanol or renewable diesel) fall under the City's expansive definition of 'fossil fuel'. As currently used, clean fuels are a blend of fossil and renewable fuels. It is true that these cleaner, blended fuels are considered fossil fuels until they reach a 95 percent renewable content. However, this approach is consistent with the US EIA forecast for petroleum consumption, which includes renewable content such as ethanol, and is therefore included in the future demand forecast. One of the purposes of the DEQ Clean Fuels Program and Portland's Renewable Fuel Standard is to increase the renewable content over time. For example, the Office of Economic Analysis (OEA) 2022 Clean Fuels Forecast projects an increase in the biodiesel blend rate from 7.5% in 2019 to 10.5% in 2022. This increase in the blend rate is expected to result in the consumption of an additional 16 million gallons of biodiesel. Under these FFTZ amendments, additional storage tank capacity could be added to accommodate this increased demand for biodiesel. The same applies to the forecasted increased demand for an additional 30 million gallons of renewable diesel. At the same time, the overall volumes of blended fuel are projected to grow modestly, but remain below historic highs, especially when new storage for aviation and renewable fuels are allowed under an exception in the code.

The City Council recognizes that increased consumption of non-fossil fuels will be needed to achieve the City's renewable fuel standards. These fuels, which include ethanol, biodiesel, hydrogen and biogas, are currently blended with fossil fuels – e.g. gasoline is required to be blended with 10 percent ethanol and

conventional diesel is blended with 5 percent biodiesel. Additional storage capacity for the non-fossil fuels may be needed in order to facilitate implementation of the State of Oregon's Clean Fuels Program and the City's Renewable Fuel Standard, therefore non-fossil fuel storage tanks are not subject to the capacity limits.

Marine cargo forecasts
The cargo forecast with the largest growth rate is the oldest (2012). The more recent cargo forecasts for the Portland Harbor project a modest growth (from 0.9% to 1.8% per year growth) in volumes of liquid bulks (most of which is petroleum). But those volumes do not exceed the historic peak volumes that were handled by Portland terminals. The most recent and most Portland specific marine cargo forecast documents a 2040 reference case with a declining annual growth rate that results in a total volume of petroleum products that is less than what flowed through the Portland terminals in 2010, which is the historic peak volume in the marine cargo forecasts.

Future demand for natural gas
Comprehensive Plan Policy 6.48 provides direction to limit fossil fuels distribution and storage facilities to those necessary to serve the regional market. LUBA found that the City did not have sufficient evidence on future natural gas needs to support the finding that Portland's existing natural gas terminals and storage facilities are adequate to serve future demand in Oregon and Southwest Washington.

The City of Portland commissioned Lighthouse Energy Consultants to write a memo that describes the natural gas infrastructure system, the future demand for natural gas, and the impact that the FFTZ amendments could have on the ability to meet the future demand for natural gas. Key findings from the Natural Gas System Review memo:

- Natural gas demand is expected to grow over the next 20-30 years.
- NW Natural is the only regulated utility with distribution pipelines and storage facilities in the City of Portland.
- There are no other purveyors or suppliers that store natural gas in Portland.
- NW Natural is responsible for preparing an Integrated Resource Plan to demonstrate to the Oregon Public Utility Commission that they can provide natural gas to meet expected demand over 20 years for their service territory (Western Oregon and SW Washington).
- The 2018 IRP (the most recent available plan) demonstrates that NW Natural can serve regional demand, including peak demand, to 2038 without the need for additional storage tank facilities in Portland.
- The critical need for storage tank capacity is during peak demand service, which is for winter heating during cold weather events.
- The 2018 IRP identifies additional options to meet peak demand that could meet forecasted demand beyond the 2038 planning horizon without the need for additional storage tank capacity in Portland.

In addition, LUBA found that the City failed to consider how the electricity needed to serve the anticipated increase in electric vehicles will be available if fossil fuel storage in Portland may not be increased and natural gas is needed to produce that electricity. Lighthouse Energy Consulting prepared a separate memo that demonstrates that the FFTZ amendments will have no impact on electricity production. The memo shows that the two regulated electrical utilities (Portland General Electric and PacificPower) do not have fossil fuel generating plants in Portland; are not dependent on fossil fuel

storage capacity in Portland; and have plans and strategies to meet increased demand for electricity due to increases in electric vehicles that do not rely on additional fossil fueled power generation in Portland. Further, the 2021 Oregon State Legislature passed HB 2021 which established clean energy targets that requires eliminating greenhouse gas emissions associated electricity production by 2040.

LUBA also found that the City failed to address the future role of natural gas in fueling transportation. The Lighthouse Energy Consulting Natural Gas System Review memo documents that NW Natural looked at future loads related to compressed natural gas as a transportation fuel in its 2018 IRP, estimating that it would comprise 0.6% of firm sales in 2038. This estimate was based on the use of compressed natural gas (CNG) as a replacement for diesel in commercial fleet vehicles. Further, since the demand for transportation is expected to be uniform across the seasons and not weather-dependent, NW Natural describes the impact on the peak day demand as "miniscule." Because the load is not seasonally driven, any additional demand for CNG would likely be best served by regular deliveries of natural gas to NW Natural's system, as its storage resources are best used in meeting seasonal peak demands and not demands that are consistent throughout the year. Therefore, the FFTZ amendments will not have an adverse impact on NW Natural's ability to provide natural gas as a transportation fuel.

Comprehensive Plan Policy 6.7 provides direction to maintain and strengthen the city's comparative economic advantages. The policy has a number of different elements and LUBA found that the findings did not address all of the elements. The City Council's final findings fully interpret and address all elements of the policy.

Multimodal transportation system impacts
The 2035 Comprehensive Plan has a number of policies that address the importance of developing, maintaining, and enhancing Portland's multimodal freight transportation system. Typical policies include the following:

> **Policy 9.30. Multimodal goods movement.** Develop, maintain, and enhance a multimodal freight transportation system for the safe, reliable, sustainable, and efficient movement of goods within and through the city.
>
> **Policy 9.31. Economic development and industrial lands.** Ensure that the transportation system supports traded sector economic development plans and full utilization of prime industrial land, including brownfield redevelopment.
>
> **Policy 9.32. Multimodal system and hub.** Maintain Portland's role as a multimodal hub for global and regional movement of goods. Enhance Portland's network of multimodal freight corridors.

Unlike other parts of the transportation system, the multimodal freight system is a mix of public and private infrastructure. Whereas most of the roadways are publicly owned and maintained, pipelines and rail infrastructure are privately owned. The marine terminals are a mix of public (Port of Portland) and private ownership. Therefore, the FFT amendments could have an impact on private investment in multimodal freight infrastructure.

The City acknowledges the role the FFTs play in serving other businesses and the regional economy to sustain the movement of goods. This role is the main reason that the City has opted to designate the existing FFTs as a limited use that allows for the continued operation, maintenance and improvement of the multimodal infrastructure and storage tank capacity at the FFTs. The amendments do not regulate

the pipeline infrastructure, marine terminals or rail facilities at the existing FFTs. The amendments allow new intermodal fossil fuel terminals with a storage capacity up to 2 million gallons and terminals of any size that transport fuel exclusively by truck.

Previous testimony and legal arguments contended that because FFTs supply over 90 percent of the region's transportation fuel, they play an outsized role in the regional economy and that the FFT amendments will have a significant effect on other businesses in the region. This testimony, without substantial supporting evidence, asserts that the FFT amendments will unnecessarily harm the economy and local industry by restricting the supply of and impeding the efficient distribution of fossil fuel.

As for the concern that the FFT amendments will constrain the supply of fuels, City Council has taken careful consideration of future demand projections for both liquid fuels and natural gas to ensure regional needs will continue to be met. As shown in the BPS Liquid Fossil Fuel Demand Memo, future demand for fossil fuels out to the year 2050 are expected to grow modestly but not projected to exceed the historic peak consumption, especially when taking into account the exceptions that allow additional storage tank capacity for aviation and renewable fuels, which are the two components of liquid fuels that are expected to grow the fastest. The BPS Liquid Fossil Fuel Demand Memo documents federal projections out to 2050 for modest growth in gasoline and diesel fuel, which includes a renewable component, and higher growth rates in jet fuel. The DEQ Clean Fuels Program forecasts a short-term increase in the demand for ethanol and renewable diesel. Based on these expectations, the FFT amendments include exceptions that allow FFTs to develop and enhance their facilities by adding storage tanks capacity for these products. The natural gas supply system relies solely on pipelines for distribution. The FFT amendments do not regulate pipelines. Also, the Lighthouse Energy Consultants natural gas system memo demonstrates that there are sufficient alternatives to meet future demand for natural gas without additional LNG storage in Portland.

LUBA found that the City findings lacked evidence that the regulations will not result in any potential shift in transportation modes that could impact the City's multimodal transportation system. Specifically, a concern is raised that the constrained capacity in Portland will lead to increased truck traffic and increased congestion on Portland's roads. Therefore, the City needs to consider how the regulations might trigger a shift in transportation modes. The 2017 Oregon Fuel Action Plan documented that about 90 percent of Oregon's transportation fuels are produced by the refineries in Washington and delivered via the Olympic pipeline and barge to the Portland terminals. These terminals receive, store, blend, and transfer petroleum products. Most of the remaining ten percent is delivered by barge from refineries in the San Francisco Bay Area or by pipeline from refineries in Salt Lake City, Utah via a distribution terminal in Pasco, Washington. From the Pasco facility, fuel is trucked into Oregon to service eastern Oregon communities. California Bay Area refineries supply minimal quantities of fuel to a Chico, California terminal and then the fuel is trucked into Oregon to supply southern Oregon communities. A very small amount of fuel is delivered by rail.

However, in response to the testimony, City Council considers a speculative scenario in which the demand for fossil fuel exceeds the existing fossil fuel storage tank capacity of the Portland FFTs and the needed fossil fuel must be stored elsewhere and delivered into the region via truck. Based on the information in the 2017 Oregon Fuel Action Plan, the increased demand for fuel is likely to be met through the following means:

1. Increased demand in Eastern Oregon could be met through increased truck deliveries from the fuel terminal in Pasco, Washington, which has a pipeline connection to refineries in Salt

Lake City. This option would increase truck traffic in Eastern Oregon – which is beyond the jurisdiction of the City of Portland.

2. Increased demand in Southern Oregon could be met through increased deliveries from the fuel terminal in Chico, California. This option would increase truck traffic in Southern Oregon – which is beyond the jurisdiction of the City of Portland.
3. Increased demand in the Willamette Valley and the Northern and Central Oregon Coast are likely to be met either through increased deliveries to an Olympic Pipeline terminal in Vancouver, Washington; increased barge deliveries to another port on the Lower Columbia River or the Oregon Coast; or via rail. Deliveries to the Oregon Coast or via rail would not result in increased truck traffic in Portland because those deliveries could serve regional submarkets directly without having to pass through Portland.

This speculative scenario focuses on the potential impact of increased truck traffic between the new entry point in the region and the FFTs in Portland because once trucks arrive at the CEI Hub the trucks become part of the regional distribution system as if there were additional storage capacity in Portland.

Increased deliveries from Port Westward or Port of St. Helens in Oregon could result in increased truck traffic on Highway 30, which is designated as a Regional Truckway in the adopted 2035 Transportation System Plan. Regional truckways are the highest freight designation in Portland's freight system and are designed to facilitate interregional movement of freight and support industrial uses with high levels of truck activity. PBOT's RTP (2018/2040) traffic demand model projects the future traffic on Highway 30 at the Linnton terminals will grow about 30% over today to 3,420 vehicles in 2040 PM peak hour, but those volumes will still be lower than the roadway capacity. Increased truck traffic on this highway segment would have minimal impact because Highway 30 is part of the City's freight system and is not considered a congested facility, except at the interchange with the St. Johns Bridge.

Increased deliveries from Vancouver, Washington (or other Washington ports) could result in increased truck traffic on Interstate 5, a designated Regional Truckway, which is the highest freight designation in Portland's freight system and is designed to facilitate interregional movement of freight and support industrial uses with high levels of truck activity. Increased truck traffic on this highway segment would have minimal impact because Interstate 5 is part of the City's freight system and currently is a congested route, which is the focus of planning and investment with the Interstate Bridge Replacement and I-5 Rose Quarter improvement projects.

Therefore, the FFT amendments will not constrain the supply of fuel that will result in a change in transportation modes that could adversely impact the multimodal transportation system. To the extent there is a change in transportation modes, Council the impacts to be limited to major truck routes that are designated for that type of traffic.

Guild's Lake Industrial Sanctuary Plan (GLISP)

Guild's Lake Industrial Sanctuary Plan (GLISP) encourages the growth of industrial activities by establishing an industrial sanctuary to preserve certain land for long-term industrial use. The purpose of the GLISP is "to maintain and protect this area as a unique place for a broad variety of industrial land uses and businesses" and the GLISP provides a policy framework that preserves industrial land and protects and promotes its long-term economic viability as an industrial district.

LUBA found the City failed to address whether the FFT amendments will adversely impact the GLIS' continued viability as a major center for import and export of industrial products. Specifically, the City erred by concluding that the amendments apply to only one type of business and that remaining industrial uses continue to operate under current regulations, without addressing the role of FFTs, if any, in serving other businesses in the area. In addition, LUBA found that the City did not address how the amendments may inhibit the enhancement of the multimodal transportation investments.

Policy 2: Transportation
Maintain, preserve and improve the intermodal and multimodal transportation system to provide for the smooth movement of goods and employees into and through the Guild's Lake Industrial Sanctuary.

> **Objective 1.** Maintain, protect, and enhance the public and private multimodal transportation investments in the GLIS, including rail and marine terminal facilities, to ensure its continued viability as a major center for the import and export of industrial products in the state of Oregon.

The amendments protect the private multimodal investments at the FFTs by allowing for the maintenance, replacement and reconfiguration of existing storage tank capacity. The regulations maintain the multimodal transportation infrastructure by designating the existing FFTs as a limited use that allows the terminals to continue to operate; invest in upgrades (including maintaining and enhancing their privately-owned multimodal infrastructure); and support opportunities for growth through exceptions, such as for aviation or renewable fuels, to the storage capacity restrictions.

Therefore, there will not have an adverse impact on the GLIS' continued viability as a major center for import and export of industrial products because:

- FFTs will be designated as limited uses and allowed to continue to operate, protect and enhance their multimodal transportation investments.
- FFT fossil fuel storage tanks are only part of the overall multimodal transportation system. The amendments do not affect investment in other parts of the system.
- The future demand projections for fuel indicate that the existing fossil fuel storage capacity will be sufficient to meet future needs when accounting for the exceptions that allow for additional storage tank capacity for aviation jet fuel and renewable fuels as well as storage for exclusive use at an airport, surface passenger terminal, marine, truck or air freight terminal, drydock, ship or barge servicing facility, rail yard, or as part of a fleet vehicle servicing facility.

Zoning code changes

This section of the report specifies the adopted code language, along with code commentary pages that clarify expected implementation. The section is formatted to facilitate readability, showing adopted code changes on the right-hand pages and related code commentary on the facing left-hand pages.

Commentary

Table 100-1 Open Space Zone Primary Uses

The amendments to this table reflect changes to prohibit Bulk Fossil Fuel Terminals in the Open Space base zone.

Table 100-1 **Open Space Zone Primary Uses**	
Use Categories	**OS Zone**
Residential Categories	
Household Living	N
Group Living	N
Commercial Categories	
Retail Sales And Service	CU [1]
Office	N
Quick Vehicle Servicing	N
Vehicle Repair	N
Commercial Parking	N
Self-Service Storage	N
Commercial Outdoor Recreation	CU
Major Event Entertainment	N
Industrial Categories	
Manufacturing And Production	CU [6]
Warehouse And Freight Movement	N
Wholesale Sales	N
Industrial Service	N
Bulk Fossil Fuel Terminal	N
Railroad Yards	N
Waste-Related	N
Institutional Categories	
Basic Utilities	L/CU [5]
Community Service	CU [4]
Parks And Open Areas	L/CU [2]
Schools	CU
Colleges	N
Medical Centers	N
Religious Institutions	N
Daycare	CU
Other Categories	
Agriculture	L [7]
Aviation And Surface Passenger Terminals	N
Detention Facilities	N
Mining	CU
Radio Frequency Transmission Facilities	L/CU [3]
Rail Lines And Utility Corridors	CU

Y = Yes, Allowed L = Allowed, But Special Limitations CU = Conditional Use Review Required
N = No, Prohibited
Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.100.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Commentary

Table 110-1 Single-Dwelling Zone Primary Uses

The amendments to this table reflect changes to prohibit Bulk Fossil Fuel Terminals in single-dwelling base zones.

Table 110-1 Single-Dwelling Zone Primary Uses						
Use Categories	**RF**	**R20**	**R10**	**R7**	**R5**	**R2.5**
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]
Commercial Categories						
Retail Sales And Service	CU [2]	CU [2]	CU [2]	CU [2]	CU [2]	CU [2]
Office	N	N	N	N	N	N
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	N
Industrial Categories						
Manufacturing And Production	CU [3]	N	N	N	N	N
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	N
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]
Community Service	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]
Parks And Open Areas	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]
Schools	CU	CU	CU	CU	CU	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]
Other Categories						
Agriculture	L [8]	L [8]	L/CU [9]	L/CU [9]	L [10]	L [10]
Aviation And Surface Passenger Terminals	CU	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	CU	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [11]	L/CU [11]	L/CU [11]	L/CU [11]	L/CU [11]	L/CU [11]
Railroad Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.110.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Commentary

Table 120-1 Multi-Dwelling Zone Primary Uses

The amendments to this table reflect changes to prohibit Bulk Fossil Fuel Terminals in the multi-dwelling base zones.

Table 120-1 Multi-Dwelling Zone Primary Uses						
Use Categories	**RM1**	**RM2**	**RM3**	**RM4**	**RX**	**RMP**
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	Y	Y	Y	Y	Y	N
Commercial Categories						
Retail Sales And Service	L [1]	L [1]	L [1]	L [1]	L [1]	L [10]
Office	L [1]	L [1]	L [1]	L [1]	L [1]	N
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	CU [2]	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	N
Industrial Categories						
Manufacturing And Production	N	N	N	N	N	N
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	N
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]
Community Service	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [3]	L/CU [4]
Parks And Open Areas	L/CU [5]	L/CU [5]	Y	Y	Y	L/CU [5]
Schools	CU	CU	CU	CU	L/CU [3]	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	Y	L/CU [6]
Other Categories						
Agriculture	L [9]	L [9]	L [9]	L [9]	L [9]	L [9]
Aviation And Surface Passenger Terminals	N	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.120.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Commentary

Table 130-1 Commercial/Mixed Use Zone Primary Uses

The amendments to this table reflect changes to prohibit Bulk Fossil Fuel Terminals in the commercial/mixed use base zones.

Table 130-1 Commercial/Mixed Use Zone Primary Uses						
Use Categories	**CR**	**CM1**	**CM2**	**CM3**	**CE**	**CX**
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	Y	Y	Y	Y	Y	Y
Commercial Categories						
Retail Sales And Service	L [1]	L [1]	Y	Y	Y	Y
Office	L [1]	L [1]	Y	Y	Y	Y
Quick Vehicle Servicing	N	L [1]	L [1]	L [1]	Y	N
Vehicle Repair	N	N	Y	Y	Y	L [4]
Commercial Parking	N	N	L [8]	L [8]	Y	CU [8]
Self-Service Storage	N	N	N	L [3]	L [3]	L [3]
Commercial Outdoor Recreation	N	N	Y	Y	Y	Y
Major Event Entertainment	N	N	CU	CU	CU	Y
Industrial Categories						
Manufacturing and Production	N	L/CU [2,4]	L/CU [2,4]	L/CU [2,4]	L/CU [2,4]	L/CU [2,4]
Warehouse and Freight Movement	N	N	N	L [2,4]	L [2,4]	N
Wholesale Sales	N	N	L [2,4]	L [2,4]	L [2,4]	L [2,4]
Industrial Service	N	N	CU [2,4]	CU [2,4]	CU [2,4]	CU [2,4]
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	Y/CU [7]	Y/CU [7]	Y/CU [7]	Y/CU [7]	Y/CU [7]	Y/CU [7]
Community Service	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]
Parks and Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	Y	Y	Y
Colleges	N	Y	Y	Y	Y	Y
Medical Centers	N	Y	Y	Y	Y	Y
Religious Institutions	Y	Y	Y	Y	Y	Y
Daycare	Y	Y	Y	Y	Y	Y
Other Categories						
Agriculture	L [9]	L [9]	L/CU [10]	L/CU [11]	L/CU [11]	L/CU [10]
Aviation and Surface Passenger Terminals	N	N	N	N	CU	CU
Detention Facilities	N	N	N	CU	CU	CU
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	N	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]
Rail Lines and Utility Corridors	N	CU	CU	CU	CU	CU

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.130.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Commentary

33.140 Employment and Industrial Zones

140

Sections:

Commentary

33.140.050 Neighborhood Contact

As an alternative to a land use review, a public notice and meeting requirement applies to development of fuel storage structure, such as a new tank, at a Bulk Fossil Fuel Terminal, similar to the requirement for multi-dwelling residential development. This notice and meeting will create public awareness about individual projects and serve to facilitate discussion about a proposal on an informal basis.

33.140.050 Neighborhood Contact in EG and I Zones

A. Purpose. Neighborhood contact is required when a new storage structure for any type of fuel will be built on a Bulk Fossil Fuel Terminal because of the impacts that fuel projects can have on the surrounding community.

B. Neighborhood contact requirement. Proposals meeting the following conditions are subject to the neighborhood contact requirement steps of 33.705.020.B., Neighborhood Contact II. All of the steps in 33.705.020.B. must be completed before an application for a building permit can be submitted:

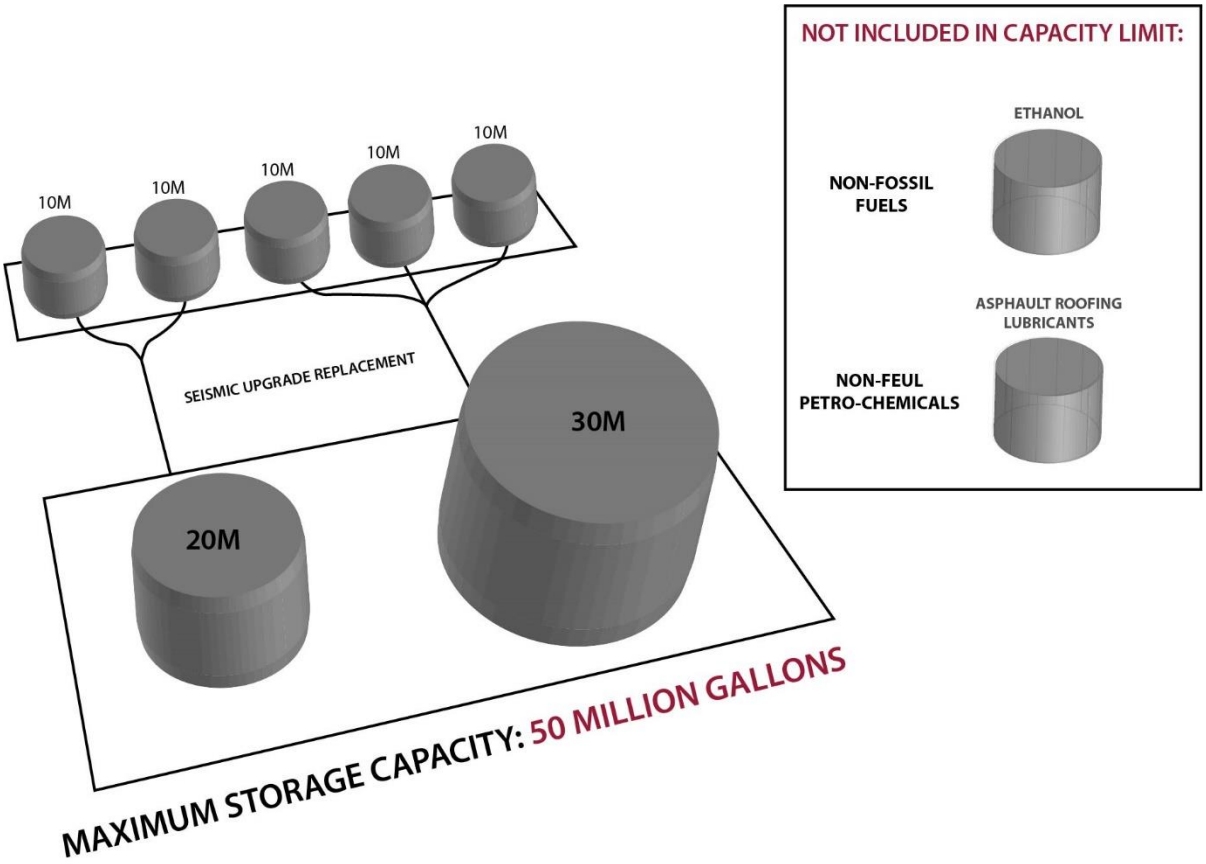
1. The proposed development has not been subject to a land use review; and
2. The proposed development includes at least one new structure for the storage of any type of fuel on a site with a Bulk Fossil Fuel Terminal use.

Commentary

33.140.100 Primary Uses

The amendments to this section reflect changes to prohibit new Bulk Fossil Fuel Terminals in the employment and industrial base zones and reclassify existing terminals as limited uses. Regulation of Bulk Fossil Fuel Terminals implements policy direction in City of Portland Resolution 37168 (adopted November 2015) and, 2035 Comprehensive Plan Policies 4.79, 4.81, 4.82, 6.48, and 7.14 which address reducing natural hazard risks and fossil fuel distribution and storage facilities.

The limited use designation prohibits expansion of fossil fuel tank capacity at existing Bulk Fossil Fuel Terminals, but allows for the replacement and reconfiguration of existing fossil fuel tank capacity as of the date of adoption as a way to facilitate seismic and safety upgrades.



33.140.100 Primary Uses

A. [No change]

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. – 14. No change

15. Bulk Fossil Fuel Terminals. This regulation applies to all parts of Table 140-1 that have a [15].

    a. Existing Bulk Fossil Fuel Terminals. Bulk Fossil Fuel Terminals that existed on [INSERT ORDINANCE EFFECTIVE DATE] are allowed, but the total amount of fossil fuel that can be stored on the site in storage tanks is limited to the fossil fuel storage tank capacity that existed on [INSERT ORDINANCE EFFECTIVE DATE]. Total fossil fuel storage tank capacity on the site in excess of the capacity that existed on [INSERT ORDINANCE EFFECTIVE DATE] is prohibited. Storing coal on the site is prohibited.

    b. New Bulk Fossil Fuel Terminals are prohibited.

Commentary

Table 140-1 Employment and Industrial Zone Primary Uses

The amendments to this section reflect changes to prohibit new Bulk Fossil Fuel Terminals in all employment and industrial base zones and reclassify existing terminals as limited uses.

Table 140-1 Employment and Industrial Zone Primary Uses						
Use Categories	**EG1**	**EG2**	**EX**	**IG1**	**IG2**	**IH**
Residential Categories						
Household Living	N	N	Y	CU [1]	CU [1]	CU [1]
Group Living	N	N	Y	CU [1]	CU [1]	CU [1]
Commercial Categories						
Retail Sales And Service	L/CU [2]	L/CU [2]	Y	L/CU [3]	L/CU [4]	L/CU [5]
Office	Y	Y	Y	L/CU [3]	L/CU [4]	L/CU [5]
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [13]	CU [13]	CU [13]	CU [13]	CU [13]	CU [13]
Self-Service Storage	Y	Y	L [6]	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
Bulk Fossil Fuel Terminal	L [15]	L [15]	N	L [15]	L [15]	L [15]
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [7]	L/CU [7]	L/CU [7]
Institutional Categories						
Basic Utilities	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [11]	Y/CU [12]	Y/CU 11]
Community Service	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [9]	L/CU [9]	L/CU [9]
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 [9]	L/CU [9]	L/CU [9]
Other Categories						
Agriculture	L [14]	L [14]	L [14]	L [14]	L [14]	L [14]
Aviation And Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Frequency Transmission Facilities	L/CU [12]	L/CU [12]	L/CU [12]	L/CU [12]	L/CU [12]	L/CU [12]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
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.

Commentary

Table 150-1 Campus Institutional Zone Primary Uses

The amendments to this table reflect changes to prohibit Bulk Fossil Fuel Terminals in the campus institutional base zones.

Table 150-1 Campus Institutional Zone Primary Uses			
Use Categories	**CI1**	**CI2**	**IR**
Residential Categories			
Household Living	N	Y	Y
Group Living	N	Y	Y [9]
Commercial Categories			
Retail Sales And Service	CU [1]	Y	L/CU [10]
Office	N	Y	L/CU [10]
Quick Vehicle Servicing	N	N	N
Vehicle Repair	N	N	N
Commercial Parking	N	Y	N
Self-Service Storage	N	N	N
Commercial Outdoor Recreation	N	N	N
Major Event Entertainment	CU	CU	CU
Industrial Categories			
Manufacturing And Production	L [2]	L/CU [2]	N
Warehouse And Freight Movement	N	N	CU
Wholesale Sales	N	N	N
Industrial Service	L [2]	L/CU [2]	N
Bulk Fossil Fuel Terminal	N	N	N
Railroad Yards	N	N	CU
Waste-Related	N	N	N
Institutional Categories			
Basic Utilities	L/CU [3]	L/CU [3]	L/CU [3]
Community Service	L/CU [4]	L/CU [4]	L/CU [4]
Parks And Open Areas	L/CU [5]	L/CU [5]	L/CU [5]
Schools	N	N	L/CU [11]
Colleges	Y/CU [6]	Y/CU [6]	L/CU [11]
Medical Centers	Y	Y	L/CU [11]
Religious Institutions	CU	CU	CU
Daycare	Y	Y	L/CU [12]
Other Categories			
Agriculture	L [7]	L [7]	L [7]
Aviation And Surface Passenger Terminals	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Radio Frequency Transmission Facilities	L/CU [8]	L/CU [8]	L/CU [8]
Rail Lines And Utility Corridors	CU	CU	CU

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.150.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Commentary

33.730 Quasi-Judicial Procedures

The following amendments correct a mistake that was made as part of the recently adopted Neighborhood Contact Update project. The Neighborhood Contact Update project simplified, clarified and made the existing neighborhood contact requirements more effective. The only existing neighborhood contact requirement in the EG and I zones is a requirement related to development of new fuel storage tanks on fossil fuel terminals. In keeping with the policy direction of the project (clarify the exisiting rules), the Neighborhood Contact Update project did not add neighborhood contact requirements for development other than fuel tanks in the EG or I zones. However, an exemption for development in EG and I zones was inadvertently left out of the code that details the neighborhood contact steps for a land use review. The following amendments add that exemption.

33.730 Quasi-Judicial Procedures

730

33.730.013 Expedited Land Division Procedure

The Expedited Land Division (ELD) procedure provides an alternative to the standard procedures for some land divisions. The applicant may choose to use the ELD process if the land division request meets all of the elements specified in ORS 197.360. The steps of this procedure are in ORS 197.365 through .375. The application requirements are listed in Section 33.730.060, below. Two additional steps are required for land division requests using the ELD Procedure:

A. Neighborhood contact.

1. When the ELD includes four to ten lots, the applicant is required to meet the neighborhood contact requirements specified in 33.705.020.A., Neighborhood contact I. If the proposed expedited land division is in an EG or I zone, it is exempt from the neighborhood contact requirements.

2. When the ELD includes eleven or more lots, the applicant is required to meet the neighborhood contact requirements specified in 33.705.020.B., Neighborhood contact II. If the proposed expedited land division is in the EG1, EG2, or an I zone, it is exempt from the neighborhood contact requirements.

B. Pre-application conference. A pre-application conference is required for all land division requests processed through the ELD procedure. See 33.730.050, Pre-Application Conference. The pre-application conference must be held before applying for an ELD review.

33.730.014 Type I Procedure

The Type I procedure is an administrative process with public notice but no hearing.

A. Pre-application conferences. A pre-application conference is not required.

B. Neighborhood contact.

1. When the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development is in the EG1, EG2, or an I zone, or it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

Commentary

2. When the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.725.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1 , EG2, or an I zone, or it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

C.-H. [No change]

33.730.015 Type Ix Procedure

The Type Ix procedure is an administrative process with public notice but no hearing.

A. Pre-application conferences. A pre-application conference is optional.

B. Neighborhood contact.

1. When the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development is in the EG1, EG2, or an I zone, or it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

2. When the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

C.-H. [No change]

33.730.020 Type II Procedure

The Type II procedure is an administrative process, with the opportunity to appeal the Director of BDS's decision to another review body.

A. Pre-application conference. A pre-application conference is optional unless it is a specific requirement of a review. See 33.730.050, Pre-Application Conference.

B. Neighborhood contact.

1. When the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development is in the EG1, EG2, or an I zone, or it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

Commentary

2. When the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
3. When the proposed development associated with the land use review will result in the addition of more than 10,000 square feet of net building area to the site and the site is in the Design overlay zone, the neighborhood contact steps of 33.705.020.C, Neighborhood contact III, are required. If the proposed development is in the EG1, EG2, or an I zone, or it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

C.-J. [No change]

33.730.025 Type IIx Procedure

The Type IIx procedure is an administrative process, with the opportunity to appeal the Director of BDS's decision to another review body.

A. Pre-application conference. A pre-application conference is optional. See 33.730.050.A, Pre-Application Conference.

B. Neighborhood contact.

1. The neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required when:
   a. The application is for a land division that includes four to ten lots; or
   b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site. If the proposed development is in the EG1, EG2, or an I zone, or it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
2. When the application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

C.-J. [No change]

Commentary

33.730.030 Type III Procedure

A Type III procedure requires a public hearing before an assigned review body. Subsections A through E~~D~~ apply to all sites. If the site is within the City of Portland, Subsections F~~E~~ through I~~H~~ also apply. If the site is in the portion of unincorporated Multnomah County that is subject to City zoning, Subsection J~~I~~ also applies.

A. Pre-application conference. A pre-application conference is required for all requests processed through a Type III procedure. See 33.730.050.A, Pre-Application Conference.

B. Neighborhood contact.

1. The neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required when:
   a. The application is for a land division that includes four to ten lots and does not include an environmental review; or
   b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone. If the proposed development is in the EG1, EG2, or an I zone, or it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
2. The neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required when:
   a. The application is for a land division that includes eleven or more lots and does not include an environmental review; or
   b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone. If the proposed development is in the EG1, EG2, or an I zone, or it was subject to a building permit process, it is exempt from the neighborhood contact requirements.
3. The neighborhood contact steps of 33.705.020.C., Neighborhood contact III, are required when:
   a. The application is for a land division that includes an environmental review; or
   b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 10,000 square feet of net building area to the site and the site is in the Design overlay zone. If the proposed development is in the EG1, EG2, or an I zone, or if it was subject to a building permit process, it is exempt from the neighborhood contact requirements.

C.-J. [No change]

Commentary

33.910.030 Definitions

The definition of fossil fuels was added to clarify the land use category Bulk Fossil Fuel Terminals.

Petrochemicals that are used primarily for non-fuel products are excluded, such as asphalt, plastics, lubricants, fertilizer, roofing, and paints. However, methanol is an exception that is included as a fossil fuel, because large methanol storage and distribution facilities tend to have structural similarities to liquid natural gas (LNG) and liquid petroleum gas (LPG) terminals, including large-scale storage and gas pipeline access, and because they can have similar safety and climate impacts.

Some fossil fuels under this definition are also classified as "renewable fuels" in the federal Renewable Fuel Standard and "clean fuels" in Oregon's Clean Fuel Standard, such as liquid natural gas and liquid propane gas. These federal and state standards require transportation fuel sold within their jurisdiction to contain a minimum volume of renewable or clean fuels. Renewable or clean fuels with more than 5 percent fossil fuel volume are defined as fossil fuels.

Renewable fuels are those fuels derived from biomass (plant or animal material), such as recycled cooking oil, soybean oil, or animal fats. Renewable natural gas/biogas is fuel captured from the waste stream, such as methane from landfills, waste water treatment plants, and agricultural or food waste. It does not include methane and other hydrocarbons produced from fossil fuels. Renewable hydrogen is hydrogen produced using renewable energy derived from wind power sited in ecologically responsible ways, solar, existing and low-impact hydroelectric, geothermal, biogas (including biogas produced from biomass), and ocean/wave technology sources.

Fuels containing 5% or less fossil-fuel volume are not considered fossil fuels under this definition. For example, "pure" ethanol made from corn or other non-fossil source is required by the Alcohol and Tobacco Tax and Trade Bureau to be denatured in order to be transported to the site. Denatured ethanol typically contains up to 5% methanol, so that it is toxic and undrinkable.

33.910.030 Definitions

The definition of words with specific meaning in the zoning code are as follows:

Fossil Fuel. Fossil fuels are petroleum products (such as crude oil and gasoline), coal, methanol, and gaseous fuels (such as natural gas and propane) that are made from decayed plants and animals that lived millions of years ago and are used as a source of energy. Denatured ethanol and similar fuel additives with less than 5 percent fossil fuel content, biodiesel/renewable diesel with less than 5 percent fossil fuel content, and petroleum-based products used primarily for non-fuel uses (such as asphalt, plastics, lubricants, fertilizer, roofing, and paints) are not fossil fuels.

Commentary

33.920 Descriptions of the Use Categories

920

Sections:

Commentary

33.920.300 Bulk Fossil Fuel Terminal

Bulk Fossil Fuel Terminals are added as a new land use category to regulate their development in the Zoning Code. Regulation of Bulk Fossil Fuel Terminals implements policy direction in City of Portland Resolution 37168 and 2035 Comprehensive Plan Policies 4.79, 4.81, 4.82, 6.48, and 7.14 which address reducing natural hazard risks and fossil fuel distribution and storage facilities.

Bulk Fossil Fuel Terminals are characterized by having (1) marine, pipeline or railroad transport access and (2) either trans-loading facilities for transferring a shipment between transport modes (such as from rail to ship) or bulk storage facilities exceeding 2 million gallons of fossil fuels. The 2-million-gallon threshold is sized to include facilities that are large enough to unload unit trains. Functionally, these terminals tend to be regional gateway facilities, where fossil fuels enter and exit the region.

The use description is clarified with criteria that are intended to prevent the aggregation of new facilities smaller than 2 million gallons on adjacent sites into a larger terminal that could effectively circumvent the terminal storage capacity threshold.

Resolution 37168 lists a specific exception to not restrict service directly to end users. At a small scale, services to end users include retail gasoline filling stations, natural gas access lines in street right-of-way to residential and business customers, and heating oil tanks at home sites. Larger scale end users with fossil fuel storage and access infrastructure also include manufacturers, jet fuel facilities for PDX Airport, vessel fuel facilities on Portland Harbor, and others, where fossil fuels are used as an input.

33.920.300 Bulk Fossil Fuel Terminal

A. Characteristics. Bulk Fossil Fuel Terminals are establishments primarily engaged in the transport and bulk storage of fossil fuels. Terminal activities may also include fuel blending, regional distribution, and wholesaling. The firms rely on access by marine, railroad, or regional pipeline to transport fuels to or from the site, and either have transloading facilities for transferring a shipment between transport modes, or have storage capacity exceeding 2 million gallons for fossil fuels. There is minimal on-site sales activity with the customer present.

B. Accessory uses. Accessory uses may include retail sales of petroleum products, offices, food membership distribution, parking, storage, truck fleet parking and maintenance areas, rail spur or lead lines, and docks.

C. Examples. Examples include crude oil terminals, petroleum products terminals, natural gas terminals, propane terminals, and coal terminals.

D. Exceptions.

1. Truck or marine freight terminals that do not store, transport or distribute fossil fuels are classified as Warehouse And Freight Movement uses.
2. Truck or marine freight terminals that do not have transloading facilities and have storage capacity of 2 million gallons or less are classified as Warehouse And Freight Movement uses. However, multiple fossil fuel facilities, each with 2 million gallons of fossil fuel storage capacity or less but cumulatively having a fossil fuel storage capacity in excess of 2 million gallons, located on separate parcels of land will be classified as a Bulk Fossil Fuel Terminal when two or more of the following factors are present:
   a. The facilities are located or will be located on one or more adjacent parcels of land. Adjacent includes separated by a shared right-of-way;
   b. The facilities share or will share operating facilities such as driveways, parking, piping, or storage facilities; or
   c. The facilities are owned or operated by a single parent partnership or corporation.
3. Gasoline stations and other retail sales of fossil fuels are not Bulk Fossil Fuel Terminals.
4. Distributors and wholesalers that receive and deliver fossil fuels exclusively by truck are not Bulk Fossil Fuel Terminals.
5. Industrial, commercial, institutional, and agricultural firms that exclusively store fossil fuel for use as an input are not Bulk Fossil Fuel Terminals.
6. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
7. The storage of fossil fuels for exclusive use at an airport, surface passenger terminal, marine, truck or air freight terminal, drydock, ship or barge servicing facility, rail yard, or as part of a fleet vehicle servicing facility are not Bulk Fossil Fuel Terminals.
8. Uses that recover or reprocess used petroleum products are not Bulk Fossil Fuel Terminals.

Commentary

33.920.310~~300~~ Industrial Service

33.920.320~~310~~ Manufacturing And Production

33.920.330~~320~~ Railroad Yards

33.920.340~~330~~ Warehouse And Freight Movement

A. Characteristics. Warehouse And Freight Movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

B. Accessory uses. Accessory uses may include offices, food membership distribution, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

C. Examples. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns and light rail barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

D. Exceptions.

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
2. Mini warehouses are classified as Self-Service Storage uses.
3. Establishments that engage in the transfer or storage of fossil fuels, rely on access by marine, railroad or regional pipeline to transport fuels to or from the site, and either have transloading facilities or have storage capacity exceeding 2 million gallons for fossil fuels are classified as Bulk Fossil Fuel Terminal uses.

33.920.350~~340~~ Waste-Related

33.920.360~~350~~ Wholesale Sales

A. Characteristics. Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

B. Accessory uses. Accessory uses may include offices, food membership distribution, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

C. Examples. Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

Commentary

D. Exceptions.

1. Firms that engage primarily in sales to the general public are classified as Retail Sales And Service.
2. Firms that engage in sales on a membership basis are classified as either Retail Sales And Service or Wholesale Sales, based on a consideration of the characteristics of the use.
3. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse And Freight Movement.
4. Establishments that engage in the regional wholesaling of fossil fuels, rely on access by marine, railroad or regional pipeline to transport fuels to or from the site, and either have transloading facilities or have storage capacity exceeding 2 million gallons for fossil fuels are classified as Bulk Fossil Fuel Terminal uses.

Proposed Amendment #1

This section includes a BPS proposed amendment to the previous ordinance ft to clarify key provisions with respect to transloading facilities and renewable fuels. The amendment includes:

1. Clarifying the limited use footnote to allow additional storage tank capacity to be added to an existing terminal site when the capacity is exclusively for renewable fuel or is needed to comply with the City's renewable fuel standard.

2. Amending the definition of fossil fuel and adding a definition of renewable fuel with code commentary to provide additional detail and references.

3. Clarifying the role of transloading facilities in the Bulk Fossil Fuel Terminal use category

Text shading is used to highlight where the proposed code amendment differs from the previous ordinance code language. The shading is for informational purposes only will be removed before the code is adopted.

33.140.100 Primary Uses

A. [No change]

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. – 14. No change

15. Bulk Fossil Fuel Terminals. This regulation applies to all parts of Table 140-1 that have a [15].

a. Existing Bulk Fossil Fuel Terminals. Bulk Fossil Fuel Terminals that existed on [INSERT ORDINANCE EFFECTIVE DATE] are allowed, but the total amount of fossil fuel that can be stored on the site in storage tanks is limited to the fossil fuel storage tank capacity that existed on [INSERT ORDINANCE EFFECTIVE DATE]. Total fossil fuel storage tank capacity on the site in excess of the capacity that existed on [INSERT ORDINANCE EFFECTIVE DATE] is prohibited. Adding storage tank capacity exclusively for renewable fuels or to comply with the Renewable Fuel Standard (PCC Chapter 16.60 Motor Vehicle Fuels) is not considered an increase in capacity. Storing coal on the site is prohibited.

b. New Bulk Fossil Fuel Terminals are prohibited.

33.910.030 Definitions
The definition of words with specific meaning in the zoning code are as follows:

Fossil Fuel. Fossil fuels are petroleum products (such as crude oil and gasoline), coal, methanol, and gaseous fuels (such as natural gas and propane) that are made from decayed plants and animals that lived millions of years ago and are used as a source of energy. Petroleum-based products used primarily for non-fuel uses (such as asphalt, plastics, lubricants, fertilizer, roofing, and paints) are not fossil fuels. See Renewable Fuel.

Renewable Fuel. Renewable fuels (such as biodiesel, biomethane, and clean hydrogen) are produced from non-petroleum, non-natural gas renewable resources and have less than 5 percent fossil fuel content.

Commentary for renewable fuel definition:
Renewable fuels are produced from non-petroleum, non-natural gas renewable resources and have less than 5 percent fossil fuel content, which can include the following:

- Biodiesel: a motor vehicle fuel consisting of monoalkyl esters of long chain fatty acids derived from vegetable oils, animal fats, or other nonpetroleum resources, designated as B100 and complying with American Society of Testing and Materials (ASTM) D6751.
- Biomethane (Renewable Natural Gas): refined biogas, or another synthetic stream of methane from renewable resources, that has been upgraded to a near-pure methane content product. Biomethane can be directly injected into natural gas pipelines or combusted in natural gas-fueled vehicles.
- Renewable Alcohol Fuels: alcohol fuels such as denatured ethanol and methanol made from biomass or product other than petroleum or natural gas.
- Clean hydrogen: hydrogen that is made from biomass or product other than petroleum or natural gas.
- E85 motor fuel: an alternative fuel that is a blend of ethanol and hydrocarbon of which the ethanol portion is nominally 75 to 85 percent denatured fuel ethanol by volume that complies with the most recent version of ASTM D5798.
- Renewable diesel: a renewable alternative to diesel fuel that is produced through various thermochemical processes such as hydrotreating, gasification, and pyrolysis and is derived from plant or animal matter. Renewable diesel is chemically the same as petroleum diesel fuel. Renewable diesel meets the American Society for Testing and Materials (ASTM) specification ASTM D975 for petroleum diesel may be used in existing petroleum pipelines, storage tanks, and diesel engines.
- Renewable gasoline: a spark ignition engine fuel that substitutes for fossil gasoline and that is produced from renewable resources.
- Renewable propane: liquefied petroleum gas (LPG or propane) that is produced from non-petroleum renewable resources.

- Renewable naphtha: naphtha that is produced from non-petroleum renewable resources.
- Sustainable aviation fuel: fuel derived from renewable resources that meets the requirements of ASTM D756.

33.920.300 Bulk Fossil Fuel Terminal

A. Characteristics. Bulk Fossil Fuel Terminals are establishments primarily engaged in the transport and bulk storage of fossil fuels. Terminal activities may also include fuel blending, regional distribution, and wholesaling. Terminals have access to marine, railroad, or regional pipeline to transport fuels to or from the site, and either have transloading facilities for transferring a shipment between transport modes, or have transloading facilities and storage tank capacity exceeding 2 million gallons. There is minimal on-site sales activity with the customer present.

Amend D.2 as follows:

2. Truck or marine freight terminals that have storage capacity of 2 million gallons or less are classified as Warehouse And Freight Movement uses. However, multiple fossil fuel facilities, each with 2 million gallons of fossil fuel storage capacity or less but cumulatively having a fossil fuel storage capacity in excess of 2 million gallons, located on separate parcels of land will be classified as a Bulk Fossil Fuel Terminal when two or more of the following factors are present:

   a. The facilities are located or will be located on one or more adjacent parcels of land. Adjacent includes separated by a shared right-of-way;

   b. The facilities share or will share operating facilities such as driveways, parking, piping, or storage facilities; or

   c. The facilities are owned or operated by a single parent partnership or corporation.

33.920.340 Warehouse And Freight Movement

Amend D.3 as follows:

3. Establishments that engage in the transfer or storage of fossil fuels, rely on access by marine, railroad or regional pipeline to transport fuels to or from the site, and either have transloading facilities or have transloading facilities and storage capacity exceeding 2 million gallons for fossil fuels are classified as Bulk Fossil Fuel Terminal uses.