



Fossil Fuel Terminal Zoning Amendments: Proposed Draft

PSC Work Session
October 11, 2016



Bureau of Planning and Sustainability
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New policy direction on fossil fuel infrastructure

Fossil Fuel Infrastructure Resolution, November 2015:

1. Actively oppose expansion of infrastructure whose primary purpose is transporting or storing fossil fuels in or through Portland or adjacent waterways.
2. But do not restrict. . .
 - improvements in the safety, efficiency, seismic resilience, or operations of existing infrastructure
 - service directly to end users
 - infrastructure that will accelerate the transition to non-fossil fuel energy sources

2035 Comprehensive Plan

Policy 6.48 Fossil fuel distribution. Limit fossil fuel distribution and storage facilities to those necessary to serve the regional market.



Proposed zoning code amendments

- **Define Bulk Fossil Fuel Terminals as a regulated land use.**
- **Prohibit Bulk Fossil Fuel Terminals in all base zones.**
- **Existing Bulk Fossil Fuel Terminals would become legal, non-conforming uses that can continue to operate.**



Code Issues

- Storage capacity threshold and aggregation of small facilities
- Regulating existing terminals
- Exemption for regulated utilities
- Other issues



New land use category: Bulk Fossil Fuel Terminals

Bulk Fossil Fuel Terminals:

- Marine, railroad, or pipeline transport access;
and
- Transloading facilities (such as train-to-ship) or storage capacity exceeding 5 million gallons.

Exclusions:

- Distributors with access exclusively by truck;
- End-user facilities, including filling stations and firms that store fossil fuels for use as an input;
- Recovery or reprocessing used petroleum



Storage Capacity Threshold

- Proposed draft: threshold is 5 million gallons
- Possible amendments:
 1. Reduce threshold
 2. Add language to prevent aggregation of small facilities
 3. Add language to clarify status of rail yards and pipelines



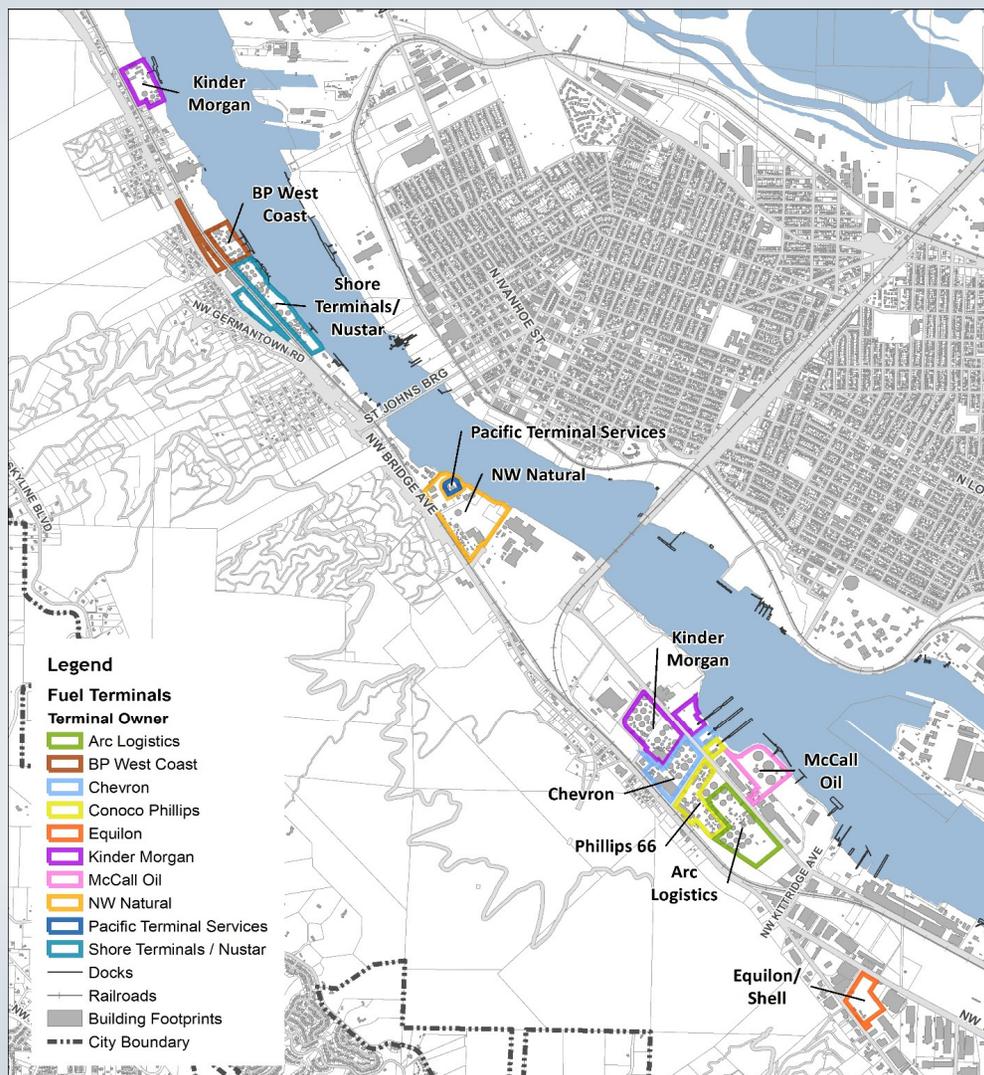
Aggregation of Small Facilities

- Zoning Code (33.910.030) definition of “ownership”:

An ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a shared right-of-way.
- Possible amendment: aggregation of separate parcels will be classified as a Bulk Fossil Fuel Terminal when two or more factors are present:
 - a. Located on adjacent parcels, including separated by a right-of-way;
 - b. Facilities share or will share operating facilities such as driveways, parking, piping, or storage tanks; or
 - c. Facilities are owned or operated by a single parent partnership or corporation.



Status of existing terminals



Regulating Existing Terminals

- Proposed draft: Non-conforming use.
- Limited use:
 - No discretionary land use review.
 - Replacement or expansion for seismic upgrades or clean fuel standards allowed up to 10% increase in storage capacity.
- Conditional use:
 - Discretionary land use review for seismic upgrades or clean fuel standards allowed up to 10% increase.



Exemption for regulated utilities

- Exceptions to Bulk Fossil Fuel Terminals:
- Possible amendment:

Facilities operated by a public utility and regulated by the Oregon Public Utility Commission under ORS Chapters 756 and 757 for the purposes of ensuring fuel reliability to direct users through an interconnected system are not Bulk Fossil Fuel Terminals.



Other Issues

- Regulating throughput
- Seismic upgrades



Defining fossil fuel

Fossil fuels are petroleum products (such as crude oil and gasoline), coal, and gaseous fuels (such as natural gas, methanol, and propane) that are made from decayed plants and animals that lived millions of years ago and are used as a source of energy.

Exclusions: Denatured ethanol and similar fuel additives and biodiesel/renewable diesel with less than 5% fossil fuel content are not fossil fuels.



Public safety and environmental risks

