



King County

Dow Constantine

King County Executive

401 Fifth Avenue, Suite 800

Seattle, WA 98104

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December 5, 2016

Mayor Charlie Hales
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Steve Novick
Commissioner Dan Saltzman
1221 SW 4th Ave., Room 340
Portland, OR 97204

Dear Mayor Hales and Portland City Commissioners:

I am writing to thank you for your leadership in developing local policies and regulations for development of fossil fuel infrastructure in the City of Portland.

I am the elected Executive for King County, Washington, home to more than 2 million residents.

I am also the chair of the Safe Energy Leadership Alliance (SELA), a coalition of more than 165 elected local, Tribal, and state leaders from the Pacific Northwest, Montana, Idaho, California, and British Columbia advocating for full assessment of risks and costs of proposals to dramatically expand fossil fuel transport and export through our region. While we come from diverse communities, both rural and urban, SELA members share core interests of protecting public health and safety, Treaty rights and cultural resources, and the environment. Fossil fuel transport is a particular concern for my community because oil trains come through the heart of King County and the Puget Sound region, bringing risks of spills and explosions to densely populated urban areas like downtown Seattle and to sensitive waterways, and salmon habitat.

I want to commend you for your leadership in adopting Portland's 2015 Fossil Fuel Resolution, which outlines risks and impacts from transport of fossil fuels on public health and safety, air and water quality, and economic development. These impacts are carried to communities across our region by rail and barge lines, and I share the City of Portland's concerns.

Mayor Hales and Portland City Commissioners
December 5, 2016
Page 2

I want to thank you for your current efforts to develop and adopt policies and codes to implement the city's Fossil Fuel Resolution. Your action in Portland will benefit communities facing impacts from increased movement of coal and oil by rail and barge, and will stand as a model for other local governments considering policy and code updates to condition fossil fuel infrastructure.

Thank you for your leadership on this important issue.

Sincerely,

A handwritten signature in black ink that reads "Dow Constantine". The signature is written in a cursive, flowing style with a prominent initial "D".

Dow Constantine
King County Executive

From: [Myrie, Trevaun](#)
To: [Council Clerk – Testimony](#)
Subject: FW: Fossil Fuel Resolution
Date: Monday, December 05, 2016 8:58:56 AM

Trevaun Myrie

Admin Support Specialist
Office of Mayor Charlie Hales
1221 SW Fourth Avenue, Suite 340
(Office) (503) 823-4120
Trevaun.Myrie@portlandoregon.gov

From: Councillor Laura Dupont [mailto:Dupontl@portcoquitlam.ca]
Sent: Wednesday, November 30, 2016 4:19 PM
To: Hales, Mayor <mayorcharliehales@portlandoregon.gov>; Commissioner Fish <nick@portlandoregon.gov>; Commissioner Fritz <amanda@portlandoregon.gov>; steve@portlandoregon.gov; Commissioner Saltzman <dan@portlandoregon.gov>
Subject: Fossil Fuel Resolution

Dear Mayor Hales and Portland City Commissioners:

I am Councillor Laura Dupont from City of Port Coquitlam, BC . I am also a member of the Safe Energy Leadership Alliance (SELA), a coalition of more than 165 elected local, Tribal, and state leaders from the Pacific Northwest, Montana, Idaho, California, and British Columbia, advocating for full assessment of risks and costs of proposals to dramatically expand fossil fuel transport and export through our region. While we come from diverse communities, both rural and urban, SELA members share core interests of protecting public health and safety, Treaty rights and cultural resources, and the environment. Fossil fuel transport is a particular concern for my community because of climate change.

I want to commend you for your leadership in adopting Portland's [Fossil Fuel Resolution](#) in November 2015, which outlines risks and impacts from transport of fossil fuels on public health and safety, air and water quality, and economic development. These impacts are carried to communities across our region by rail and barge lines, and I share the City of Portland's concerns.

I want to thank you for your current efforts to develop and adopt policies and codes to implement the city's Fossil Fuel Resolution. Your action in Portland will benefit communities facing impacts from increased movement of coal and oil by rail and barge, and will stand as a model for other local governments considering policy and code updates to condition fossil fuel infrastructure.

Thank you for your leadership on this important issue.

Sincerely,

Councillor Laura Dupont
City of Port Coquitlam
2580 Shaughnessy Street
Tel. 604-927-5410
Cell. 604-328-8026
www.portcoquitlam.ca

From: [Rasmussen, William](#)
To: [BPS Fossil Fuel Zoning](#)
Subject: WSPA Fossil Fuel Terminal Zoning Comment
Date: Wednesday, November 16, 2016 9:25:54 AM
Attachments: [Final LETTER WSPA Portland Terminal 11.16.2016.docx](#)

City Staff:

Please find the attached responses to questions posed by Mr. Kountz and please include this in the record for this zoning amendment matter.

William L. Rasmussen, P.C.
Partner

Miller Nash Graham & Dunn LLP
3400 U.S. Bancorp Tower | 111 S.W. Fifth Avenue | Portland, Oregon 97204
Direct: 503.205.2308 | Office: 503.224.5858 | Fax: 503.224.0155
william.rasmussen@millernash.com | www.millernash.com
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Catherine H. Reheis-Boyd

President

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

November 16, 2016

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

Re: Response to City Questions Emailed to Terminal Operators

Dear City Council Members:

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

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

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in blue ink that reads "Cathy Boyd". The signature is fluid and cursive, with the first name "Cathy" and last name "Boyd" clearly legible.

cc: Jessica Spiegel, Western States Petroleum Association

From: [Kountz, Steve](#)
To: [BPS Fossil Fuel Zoning](#)
Subject: FW: Fossil fuel terminal zoning amendments
Date: Wednesday, November 16, 2016 8:42:25 AM

From: Kevin Jones [mailto:kevin@mccalloil.com]
Sent: Tuesday, November 15, 2016 11:00 PM
To: Kountz, Steve <Steve.Kountz@portlandoregon.gov>
Subject: RE: Fossil fuel terminal zoning amendments

Dear Steve,

Sorry for the late last minute reply to the Cities inquiry.

Please find our comments below. I'm available Wednesday AM by cell phone if you require any clarification to our response and will be present at tomorrow's meeting at City Hall.

At the City Council hearing last Thursday, there was testimony that the draft limit on fuel terminal expansion to no more than 10% of the capacity of replaced tanks was not an adequate incentive for replacing old tanks to comply with current seismic codes. The City Council wanted BPS to check-in with the terminal operators before they consider amendments at their hearing on Wednesday, Nov 16, at 10:45 am. Commissioners have asked to consider a new amendment that would limit additional storage capacity (up to 10% of the total existing terminal storage capacity) to fuels that comply with the State of Oregon Clean Fuel Standard only.

Please respond to the following questions:

Do you agree that allowing for a 10% expansion is not an adequate incentive that would prompt you to replace and upgrade your storage tanks?

Yes. In order to economically justify the enormous level of private investment needed to comprehensively upgrade critical energy and transportation infrastructure at existing FFTs, existing FFT's must be allowed to grow and transition from fossil fuels by changing the configuration of their storage facilities. The PSC Recommendation does the opposite as it prohibits existing FFTs from growing, except in one very limited circumstance. The only circumstance an FFT can grow is if it replaces an existing tank with a seismically upgraded tank. However, even if an existing tank is replaced with a seismically upgraded tank, the incremental growth that

can occur is limited to 10 percent of the capacity of the tank being replaced, with an overall increase limited to 10 percent of the storage capacity of the FFT facility on the date the amendments are enacted. This severe limitation on expansion discourages disaster-resilient development because the small amount of growth that is allowed to occur will not justify the massive amount of private investment needed to replace all the existing tanks in Portland. Even if investment does occur, the PSC recommendation will only produce a seismic upgrade of 10 percent, because no additional growth can occur once the 10 percent limit is reached. Without growth, investment in seismic upgrades will simply not occur.

In short, the 10 percent rule creates an economic disincentive to disaster-resilient development and is counterproductive to meaningful seismic upgrades over time. If the City is serious about bringing fuel storage tanks up to current seismic standards, both the City and industry must work together to create a private/public incentive that advocates for seismic-resiliency and the betterment of the region. One option would be to advocate for a tax credit from the state that would provide the financial incentive to fuel storage facilities to rebuild their tanks to current seismic standards. If the City truly wants to ensure that fuel storage tanks are seismically upgraded, it should not only partner with the industry to advocate for such a tax credit, it should take a leadership role in doing so.

Would allowing a 10% expansion for additional new storage tanks for fuel that is blended in compliance with the Clean Fuels Program address your future needs?

No. We believe limiting FFT expansion to accommodate any new blend stock, renewable or alternative fuel (non-fossil based fuels or additives) to 10% of an existing FFT's total capacity to be in direct conflict with the City's resolution and with the Oregon Clean Fuels program. We strongly recommend no restriction or limitation on the size or volume of newly constructed tanks for this purpose. It is important to note Federal and State Clean Fuel Programs are causing significant change in the industry and renewable and alternative fuels are being developed and introduced into the market that provide clean non-fossil alternatives to blended fossil fuels used today. The transition has begun as municipalities and commercial organizations such as the City of Portland maintenance division, EWEB, PGE, and UPS are using renewable diesel today that is transported into our market by vessel.

Segregation of these fuels is required and will increase tank storage demand while the industry, vehicles and consumers adjust and move away from fossil

fuel. There should be no limit on the expansion of a facility to accommodate these products as doing so would be counterproductive to the City's goal of reducing fossil fuels use. Therefore, we strongly urge the City not to restrict the storage capacity or expansion of a facility for handling alternative and renewable fuels and blend stocks that do not utilize fossil fuels.

I believe the combined efforts of the City and Industry to advocate for seismic upgrade incentives and to encourage growth to accommodate new non-fossil fuels is a better approach and a win/win for all.

Regards,

Kevin T. Jones

Chief Executive Officer

McCall Oil & Chemical Corporation

5480 NW Front Avenue

Portland, OR 97210

(503) 221-6400 Ext. 436 / (503) 219-0989 Direct

(503) 709-4259 Cell

Email: kevin@mccalloil.com

www.mccalloil.com

From: Kountz, Steve [<mailto:Steve.Kountz@portlandoregon.gov>]

Sent: Monday, November 14, 2016 1:34 PM

Subject: Fossil fuel terminal zoning amendments

At the City Council hearing last Thursday, there was testimony that the draft limit on fuel terminal expansion to no more than 10% of the capacity of replaced tanks was not an adequate incentive for replacing old tanks to comply with current seismic codes. The City Council wanted BPS to check-in with the terminal operators before they consider amendments at their hearing on Wednesday, Nov 16, at 10:45 am. Commissioners have asked to consider a new amendment that would limit additional storage capacity (up to 10% of the total existing terminal storage capacity) to fuels that comply with the State of Oregon Clean Fuel Standard only.

Please respond to the following questions:

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

Would allowing a 10% expansion for additional new storage tanks for fuel that is blended in compliance with the Clean Fuels Program address your future needs?

If possible, please send me an email or give me a call.

Thanks,
Steve

Steve Kountz
Senior Economic Planner
Portland Bureau of Planning and Sustainability
1900 SW 4th Ave., Ste. 7100, Portland, OR 97201-5350
503-823-4551, steve.kountz@portlandoregon.gov

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TERRY PARKER
P.O. BOX 13503
PORTLAND, OREGON 97213-0503

188142

AUDITOR 11/16/16 PM 1:24

Subject: Comments to the Portland City Council related to restricting the expansion of bulk fossil fuel terminals, November 16, 2016

The ordinance to restrict expansion of bulk fossil fuel terminals in Portland precisely parallels the logic as to why Donald Trump was elected the next President of the United States. The election was far less about drawing racial lines in the sand and far more of a referendum on the economy than progressives are willing to admit. The outcome of the election was a call for a change from status quo politics. The rallying cry came from blue collar workers and rural America against the dictatorial social engineering agenda by white majority elitists that are eliminating family wage industrial and related transportation jobs for people of all races - at the same time increasing taxes and the costs of living. It's no wonder why recent school graduates have trouble finding good paying jobs.

Nearly forty percent of Oregonians voted for Trump. Throwing rocks from within a glass house calling the other side's message one of hate when Portland policy itself proliferates the same tone with car hater policies imbedded in the Comprehensive Plan markedly demonstrates a lack of understanding of the City's own double standard bias.

Portland is a transportation hub for the region, including the Willamette Valley, and a gateway to Asia for Eastern Oregon. Should restricting the expansion of bulk fossil fuel terminals in Portland create a fuel/energy shortage along with the absence of potential blue collar job creation, the City has no leg to stand on or complain should the costs for food, housing and/or manufactured goods significantly increase. Any tax increases for any such ill advised self-induced deficiency that would be paid directly or indirectly by the working class and possibly subsidize even more costly social engineering must be considered as off the table.

Finally, predetermined conclusions by government funded science that take aim at humans as the culprit of climate change must start with a conversation about sustainability in managing human population growth as opposed to implementing social engineering edicts that eliminate employment opportunities, harm the economy and dictate costly downgrades to working class lifestyle choices.

Respectfully,

Terry Parker
Northeast Portland

- Maintenance of language that does not exempt natural gas and methane from this code;
- No exclusion of pipes and pipe size in this document.

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

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

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

Good luck in your deliberations.

Peter Cornelison
Hood River Council Member

From: [Kountz, Steve](mailto:Steve.Kountz@portlandoregon.gov)
To: [BPS Fossil Fuel Zoning](#)
Subject: FW: Fossil fuel terminal zoning amendments
Date: Tuesday, November 15, 2016 4:07:30 PM
Attachments: [Arc Response.pdf](#)

From: Nathan Eggers [mailto:eggers@arcterminals.com]
Sent: Tuesday, November 15, 2016 3:16 PM
To: Kountz, Steve <Steve.Kountz@portlandoregon.gov>
Subject: [Approved Sender] RE: Fossil fuel terminal zoning amendments

Steve,

Please see the attached response from Arc Terminals.

Regards,
Nate

Nathan Eggers



Terminal Manager
5501 N.W. Front Ave.
Portland, Oregon 97210
(O) 503-273-4705
(C) 503-816-0847
eggers@arcterminals.com

From: Kountz, Steve [mailto:Steve.Kountz@portlandoregon.gov]
Sent: Monday, November 14, 2016 1:34 PM
Subject: Fossil fuel terminal zoning amendments

At the City Council hearing last Thursday, there was testimony that the draft limit on fuel terminal expansion to no more than 10% of the capacity of replaced tanks was not an adequate incentive for replacing old tanks to comply with current seismic codes. The City Council wanted BPS to check-in with the terminal operators before they consider amendments at their hearing on Wednesday, Nov 16, at 10:45 am. Commissioners have asked to consider a new amendment that would limit additional storage capacity (up to 10% of the total existing terminal storage capacity) to fuels that comply with the State of Oregon Clean Fuel Standard only.

Please respond to the following questions:

Do you agree that allowing for a 10% expansion is not an adequate incentive that would prompt you to replace and upgrade your storage tanks?

Would allowing a 10% expansion for additional new storage tanks for fuel that is blended in compliance with the Clean Fuels Program address your future needs?

If possible, please send me an email or give me a call.

Thanks,
Steve

Steve Kountz
Senior Economic Planner
Portland Bureau of Planning and Sustainability
1900 SW 4th Ave., Ste. 7100, Portland, OR 97201-5350
503-823-4551, steve.kountz@portlandoregon.gov

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November 15, 2016

Steve.Kountz@portlandoregon.gov

Steve,

Below is Arc Terminals response to the two questions you posed yesterday:

Do you agree that allowing for a 10% expansion is not an adequate incentive that would prompt you to replace and upgrade your storage tanks?

The ability to increase capacity by up to 10% would be an important incentive as Arc Terminals considers potential improvements to its Portland terminal that could also improve seismic resiliency. Eliminating this incentive would conflict with the City's policy of not restricting improvements in seismic resiliency at these terminals.

Would allowing a 10% expansion for additional new storage tanks for fuel that is blended in compliance with the Clean Fuels Program address your future needs?

The ability to develop new storage capacity for use in connection with the State of Oregon's Clean Fuels Program would be consistent with City policy and could help with the transition to non-fossil fuel energy sources. However, standing alone, such a limited expansion ability would conflict with the City's fossil fuel policy outlined in Resolution 37168 and does not reflect that these terminals serve regional needs (i.e., greater than Oregon).

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (503) 273-4705.

A handwritten signature in black ink, appearing to read 'N. Eggers', is positioned above the typed name.

Nathan Eggers
Terminal Manager
eggers@arcterminals.com

From: [Kathie Nunn](#)
To: [BPS Fossil Fuel Zoning](#)
Subject: City of Portland - Recommended Draft Fossil Fuel Terminal Zoning Amendments - Curcio Letter - Revised with Enclosure
Date: Thursday, November 10, 2016 2:08:52 PM
Attachments: [TBL - Letter to Portland City Council RE Recommended Draft Fossil Fuel Terminal Zoning Amendments 11 10 16.pdf](#)
Importance: High

The attached document is being sent to you on behalf of Bob Curcio, President and CEO of Tidewater Barge Lines. Thank you for the opportunity to provide comments regarding the draft fossil fuel terminal zoning amendments.

Warm regards,

Kathie Nunn
Executive Assistant

Tidewater Barge Lines, Inc.
6305 NW Old Lower River Road
Vancouver, WA 98660
Direct: 360/759-0335
Fax: 360/694-8981
kathie@tidewater.com



November 10, 2016

Portland City Council
c/o- Council Clerk
1221 SW Fourth Avenue, Room 130
Portland, Oregon 97204

**RE: City of Portland - Bureau of Planning and Sustainability
Recommended Draft Fossil Fuel Terminal Zoning Amendments**

Thank you for the opportunity for Tidewater Barge Lines (“Tidewater”) to provide comments regarding the draft zoning amendments that would restrict development and expansion of bulk fossil fuel terminals.

Tidewater is a marine transportation and terminal company based in the Pacific Northwest that employs approximately 275 people. Tidewater has been in business since 1932 and is the largest inland marine transportation company west of the Mississippi River with 16 tugboats, 170 barges and five marine terminals. Tidewater’s vessels help to move millions of tons of freight every year on Pacific Northwest waterways, reducing congestion on the state’s highways and railroads while producing far fewer pollutants and carbon emissions than trucks and trains transporting equivalent tonnage. Likewise, our industry’s incident statistics and safety record show that the towing industry in the Pacific Northwest has one of the best programs for moving commodities securely and safely in the nation.

We have reviewed the proposed zoning changes and are concerned that these amendments will restrict economic development in the Pacific Northwest. We feel that energy terminals can be built, expanded and operated safely in the City of Portland. Energy terminals have the ability to create a positive economic impact and support new and existing family wage jobs in our region.

In addition, we have concerns that the proposed zoning changes will have negative environmental consequences to the Pacific Northwest. The proposed zoning changes create uncertainty about the future of energy terminals. These terminals are key to a fuel distribution network that allows Tidewater to supply fuel by barge from Portland to Eastern Oregon and Washington in an efficient and environmentally friendly matter. As noted in the enclosed document, four barges pushed by a tugboat is the equivalent of 538.5 trucks or 140 railcars that travel on the highways and railroads in our region. If these terminals cease operations, fuel will have to be distributed in other modes of transportation such as truck and railcar. Therefore, if barging is no longer a viable option for transporting fuel, then every four barge tow would be potentially replaced with 538.5 trucks or 140 rail cars travelling on the highways and railroads in the Columbia River Gorge.

In conclusion, Tidewater is an advocate for environmental stewardship in the Pacific Northwest and hopes the City of Portland will consider having a constructive dialogue with Tidewater and the other stakeholders to generate an implementable fossil fuel distribution policy that addresses climate change goals, public safety and environmental protection without significantly adversely impacting the viability of Oregon's economy and its waterfront industry. Tidewater urges the Portland City Council not to adopt these proposed fossil fuel terminal zoning amendments.

Thank you for your consideration and the opportunity to comment on this important matter.

Sincerely,

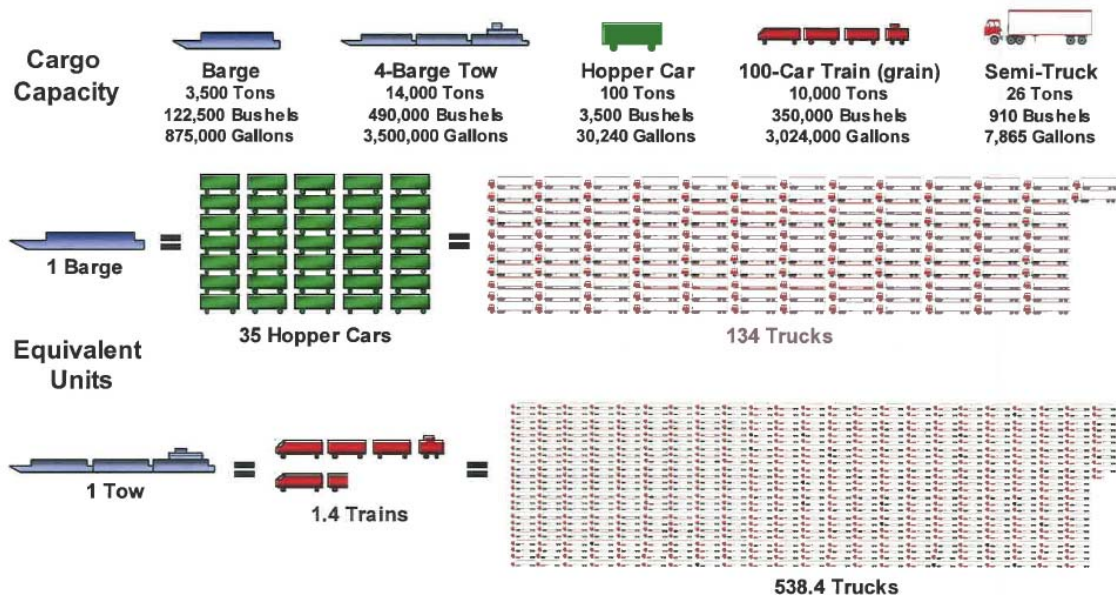


Robert A. Curcio
President & CEO

Enclosure

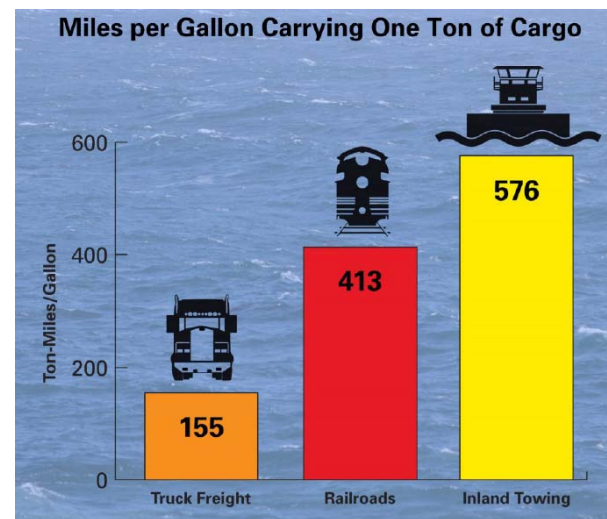
Environmental Advantages of Barging

Freight Comparison of Barges, Trains and Trucks



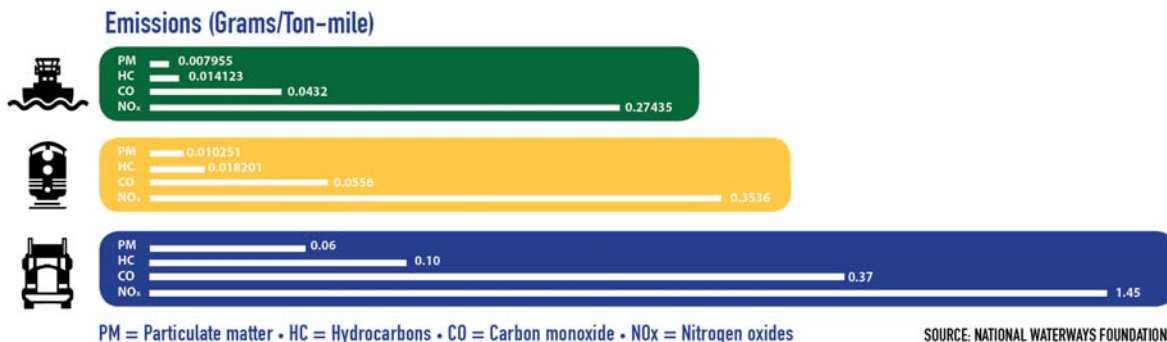
Source: U.S. Army Corps. of Engineers

Saving Energy



Source: Texas Transportation Institute

Ensuring Clean Air



From: [Joseph Miller](#)
To: [Commissioner Fish](#); [Commissioner Novick](#); [Commissioner Saltzman](#); [Commissioner Fritz](#); [Hales, Mayor](#); [Council Clerk – Testimony](#)
Cc: [BPS Fossil Fuel Zoning](#)
Subject: Delete words "plus 10 percent" from p. 49 of PSC's Draft Fossil Fuel Terminal Zoning Amendments
Date: Thursday, November 10, 2016 11:28:10 AM

Thank you for your efforts to promote equity, sustainability, and Portland's transition to a low carbon, clean energy future.

Please vote to delete the words "plus 10 percent" from page 49 of the Planning and Sustainability Commission's Draft Fossil Fuel Terminal Zoning Amendments. The PSC's draft amendments are excellent in almost every way, but the addition of "plus 10 percent" is totally unnecessary and counter to the intent of Portland's Fossil Fuel Policy Resolution #37168.

Thanks,

Joe Miller
1030 SW Jefferson Apt. 534
Portland 97210

From: [Theodora Tsongas](#)
To: [BPS Fossil Fuel Zoning](#)
Subject: Comments to Portland City Council
Date: Thursday, November 10, 2016 11:21:39 AM
Attachments: [Comments on the Fossil Fuel Terminal Zoning Recommended by Portland Bureau of Planning and Sustainability to the Portland City Council.docx](#)

Please find my comments attached.

Comments to the Portland City Council on the Fossil Fuel Terminal Zoning Amendments Recommended by Portland Bureau of Planning and Sustainability - November 10, 2016

I am Dr. Theodora Tsongas, an environmental health scientist, and a member of the Environmental Health Working Group of Oregon Physicians for Social Responsibility and the Multnomah County Local Emergency Planning Committee. The Fossil Fuel Terminal Zoning code changes recommended by the Portland Bureau of Planning and Sustainability are well thought out. I commend PSC's restriction of aggregation of small fossil fuel terminals, and I commend PSC for rejecting a request by NW Natural to exempt its facilities from the fossil fuel code amendments.

But the recommended code changes still raise concerns about public safety and could pose a threat to our community and neighborhoods. We can do better to more fully reflect the city's Resolutions 37168 (the Fossil Fuel Policy Resolution), 37164 (the Oil Train Resolution), and the Climate Action Plan.

Please let me remind you of the fire that resulted from a collision of an oil tanker truck with an oil train. Unfortunately, the truck driver was killed. Fortunately, the train cars burned but did not explode. It was a very close call for nearby industries, workers and residents in NW Portland. In Mosier the derailed train cars burned for days and destroyed or disabled much of the town's water and sewer infrastructure, exposed residents and visitors to noxious smoke from the oil fires as well as causing major disruption in the life of the town. Accidents happen.

Let 's not increase the likelihood of an oil fire. We need to truly "actively oppose expansion of infrastructure whose primary purpose is transporting or storing fossil fuels in or through Portland or adjacent waterways." This means actively discouraging increases in demand for fossil fuel unit trains in Portland.

If we look at the ten large oil facilities listed in Figure 7 of PSC's recommendation, and apply a 10% across- the-board increase in terminal capacity, that would result in additional storage of 39 million gallons of oil – a volume equivalent to roughly 13 unit trains of explosive Bakken crude oil.

Allowing a 10% increase in capacity will not discourage the development of fossil fuel infrastructure. We must allow for seismic and safety upgrades without increasing capacity, or we defeat the purpose of the resolutions and the Climate Action Plan.

Why take chances with our neighborhoods that are on the rail corridor? And let's not take a chance with the health and safety of our Linnton neighbors who live so close to the tanks.

And, let's truly take the lead in combating climate change by accelerating the decline of fossil fuel use and by redirecting our resources to the development and implementation of sustainable, clean energy sources. Let's continue the great work that you have begun!

Thank you for considering my comments.

Theodora Tsongas, PhD, MS
Portland, OR 97215

From: [Rasmussen, William](#)
To: [BPS Fossil Fuel Zoning](#)
Cc: [Jessica Spiegel \(jspiegel@wspa.org\)](mailto:jspiegel@wspa.org)
Subject: WSPA Written Testimony Regarding Proposed Fossil Fuel Terminal Zoning Amendments
Date: Thursday, November 10, 2016 10:48:40 AM
Attachments: [Final LETTER WSPA Portland Terminal 11 10 2016.pdf](#)
[WSPA Appendix 1, Proposed Portland Zoning Ordinance.pdf](#)

Dear Council and Planning Staff,

Please find the attached testimony from WSPA and include it in the record of the above referenced matter. We will also provide a physical copy of the testimony at the hearing today.

Thank you,

William L. Rasmussen, P.C.

Partner

Miller Nash Graham & Dunn LLP

3400 U.S. Bancorp Tower | 111 S.W. Fifth Avenue | Portland, Oregon 97204

Direct: 503.205.2308 | Office: 503.224.5858 | Fax: 503.224.0155

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Credible Solutions • Responsive Service • Since 1907

Catherine H. Reheis-Boyd

President

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

November 10, 2016

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

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

Dear City Council Members:

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

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

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

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

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

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

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

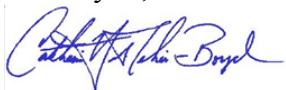
The City serves as a distribution hub for the region and state. Terminals in the City serve more than 90 percent of the statewide market. The proposal may result in reduced energy options available in other jurisdictions in Metro, Oregon, and other nearby states, without appropriately coordinating with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

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

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

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

Thank you,





Appendix 1- Proposed Portland Zoning Ordinance

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

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

[Proposed New Definitions for Portland Zoning Ordinance Chapter 33.910]

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

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

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

[Proposed New Use Category For Bulk Fossil Fuel Terminals]

33.920.360 Bulk Fossil Fuel Terminal

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

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

Sections:

33.490.010 Purpose

33.490.020 Map Symbol

33.490.025 Relationship to Portland Zoning Code Chapter 33.140

33.490.030 No Size limits

33.490.040 Expansion of Energy Corridor Terminals

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

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

33.490.020 Map Symbol

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

33.490.025 Relationship to Portland Zoning Code Chapter 33.140

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

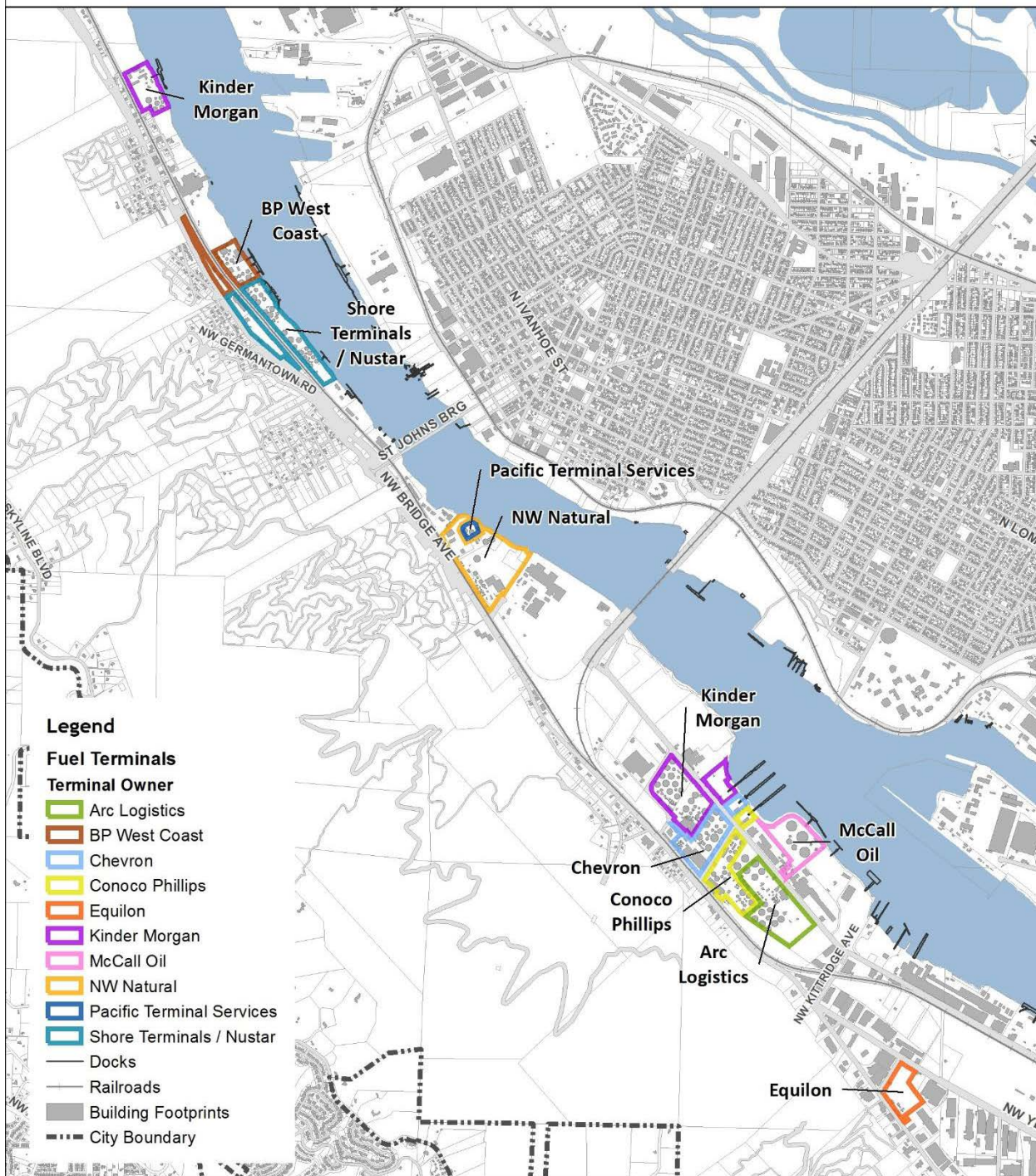
33.490.030 No Size Limits

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

33.490.040 Expansion of Energy Corridor Terminals

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

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



[Proposed Changes to Chapter 33.140 are shown in RED]

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

Chapter 33.140 Employment and Industrial Zones

Sections:

General

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

Use Regulations

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

Site Development Standards

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

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

General

33.140.010 General Purpose of the Zones

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

33.140.020 List of the Employment and Industrial Zones

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

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

33.140.030 Characteristics of the Zones

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

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

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

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

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

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

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

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

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

33.140.040 Other Zoning Regulations

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

Use Regulations

33.140.100 Primary Uses

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

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

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

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

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

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

a. Limited uses.

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

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

b. Conditional uses.

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

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

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

b. Conditional uses.

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

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

c. Prohibited uses.

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

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

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

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

b. Conditional uses.

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

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

c. Prohibited uses.

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

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

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

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

b. Conditional uses.

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

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

c. Prohibited uses.

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

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

and Office uses that exceed these area limits are prohibited.

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

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

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

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

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

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

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

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

Y = Yes, Allowed

CU = Conditional Use Review Required

L = Allowed, But Special Limitations

N = No, Prohibited

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33.140.130 Nuisance-Related Impacts

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

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

33.140.140 On-Site Waste Disposal

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

Development Standards

[NO REVISIONS PROPOSED TO DEVELOPMENT STANDARDS]

From: holisticcooke@aol.com
To: [BPS Fossil Fuel Zoning](#)
Subject: testimony for today's hearing.
Date: Thursday, November 10, 2016 10:40:17 AM
Attachments: [Fossil Fuel Terminal zoning 11-10-16 11.doc](#)

Attached and below is my testimony for today's hearing. I plan to be there but need to leave early.

Thank you.

Fossil Fuel Terminal zoning testimony 11-10-2016

Harriet Cooke MD, MPH

3126 SW Carson St, Port. OR 97219

holisticcooke@aol.com

I am writing in full support of restricting development and expansion of bulk fossil fuel terminals, such that NO new Bulk Fossil Fuel Terminals will be allowed. I further support improvement limitations on existing Bulk Fossil fuel terminals, such that only seismic upgrades are allowable which would add no more than 10% of the capacity of replaced tanks. However, I would prefer NO increase in capacity. We need to keep the flow of oil SLOW while we continue to build capacity for and integrate renewable energy systems.

As vital as this project has been to limiting the worst of climate catastrophe, it is ever more essential with a president who is planning to lift restrictions on the production of fossil fuel reserves, and lift federal roadblocks to moving and consuming more fossil fuels.

It is up to our states, cities, and counties to move us forward in creating a more sustainable, equitable, and compassionate world.

Thank you for all the work you do in moving us toward this direction.

Harriet

Fossil Fuel Terminal zoning testimony 11-10-2016
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Thank you for all the work you do in moving us toward this direction.
Harriet

From: [Kountz, Steve](mailto:Steve.Kountz@portlandoregon.gov)
To: [BPS Fossil Fuel Zoning](mailto:BPS.Fossil.Fuel.Zoning@portlandoregon.gov)
Subject: FW: Fossil Fuel Terminal Zoning Amendments
Date: Thursday, November 10, 2016 9:47:18 AM
Attachments: [CNA Fossil Fuel Letter Nov 2016.pdf](#)

From: Garlynn Woodsong [<mailto:landuse@concordiapdx.org>]
Sent: Wednesday, November 09, 2016 6:21 PM
To: Hales, Mayor <mayorcharliehales@portlandoregon.gov>; Commissioner Novick <novick@portlandoregon.gov>; Commissioner Fritz <amanda@portlandoregon.gov>; Commissioner Fish <nick@portlandoregon.gov>; Commissioner Saltzman <dan@portlandoregon.gov>
Cc: Anderson, Susan <Susan.Anderson@portlandoregon.gov>; Kountz, Steve <Steve.Kountz@portlandoregon.gov>
Subject: Fossil Fuel Terminal Zoning Amendments

Dear Council Members,

Following the Pembina fuel terminal proposal, we support the City's actions to impose predictable, understandable regulations that will prohibit new large fossil fuel terminals in our city, while supporting our transition to a clean energy economy, and not impede important renovations of existing facilities, including those required to make them safer, replace them as they age out, and seismically upgrade them.

We have reviewed the proposed zone change language, as well as the September 9th, 2016 memo from Tom Armstrong and Steve Kountz to the Planning and Sustainability Commission outlining the proposed Fossil Fuel Terminal Zoning Amendments. Our comments below are specifically in reference to that memo.

Regarding the Fossil Fuel Terminal size threshold, we support Option A: No change to the storage capacity threshold of 5 million gallons.

With regards to regulating existing terminal expansion, we support Option C, to prohibit new Bulk Fossil Fuel Terminals and allow expansion of existing terminals greater than 10% through a conditional use review process with special criteria for emergency backup capacity, seismic upgrades, and tanks for clean and renewable fuels. However, it is critical that these criteria are enforced via inspections, as we would not like to see additional storage capacity approved under the guise of renewable fuels, only to discover that the operator has had a change of heart and decided to store pure fossil fuels after the structure is approved and the final inspector has left the site. There needs to be a regulatory regime to ensure that any structure that is approved for renewable fuels, is actually only used for renewable fuels.

Concerning additional review criteria, we feel strongly that if existing BDS staff do not feel that they have the capacity or expertise to implement discretionary land use review criteria addressing greenhouse gas emissions or safety impacts of hazardous material storage and transportation, that they should acquire this capacity. This capacity could be acquired by hiring new staff, by forming strategic alliances with outside organizations, or by hiring consultants, but it is critical that BPS and BDS figure this out so that it can be properly regulated. This starts with being able to write clear and predictable criteria with which to judge new applications. There are many good options, such as cradle to grave analysis, well

to wheel analysis, and other methodologies with which to measure the greenhouse gas emissions of any new proposal; the criteria used to pick a particular methodology should balance ease of regulation with effectiveness at meeting GHG emissions reduction goals. There are similar objective methodologies and criteria available with which to measure safety. We thus support Option B, to add conditional use criteria for expansion of existing terminals to mitigate adverse land use impacts on greenhouse gas emissions and safety impacts of hazardous materials storage and transportation.

These are certainly complicated issues, but we have within Portland some of the best and brightest in their respective fields, and we have access to national expertise as well. If the City needs to add to its capacity in order to regulate fossil fuel terminals in the manner that will be most effective at reducing GHG emissions and meeting our community goals for safety, than the City must acquire the necessary expertise. It's simply not acceptable to claim a lack of staff expertise as an excuse to not propose the most effective possible regulations. Expertise is something that can be acquired, and should be acquired when it is required.

We thank you for your close and careful examination of these critical issues, and for considering our comments as you make your decisions as to how the City will proceed.

Signed,

(see attached)

Isaac Quintero
Chair, Board of Directors

Garlynn Woodsong
Chair, Land Use & Transportation Committee

Concordia Neighborhood Association
P.O. Box 11194
Portland, OR 97211
landuse@concordiapdx.org



Concordia Neighborhood Association
 P.O. Box 11194
 Portland, OR 97211
landuse@concordiapdx.org

Re: Fossil Fuel Terminal Zoning Amendments

November 7th, 2016

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

Mayor Charlie Hales, mayorcharliehales@portlandoregon.gov
 Commissioner Steve Novick, novick@portlandoregon.gov
 Commissioner Amanda Fritz, amanda@portlandoregon.gov
 Commissioner Nick Fish, nick@portlandoregon.gov
 Commissioner Dan Saltzman, dan@portlandoregon.gov

Dear Council Members,

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We thank you for your close and careful examination of these critical issues, and for considering our comments as you make your decisions as to how the City will proceed.

Signed,



Isaac Quintero
Chair, Board of Directors

Concordia Neighborhood Association
P.O. Box 11194
Portland, OR 97211
landuse@concordiapdx.org

cc: Susan Anderson, susan.anderson@portlandoregon.gov, Steve Kountz, steve.kountz@portlandoregon.gov

From: merrittregna@gmail.com on behalf of [Regna Merritt](#)
To: [BPS Fossil Fuel Zoning](#)
Subject: Comments on Proposed Fossil Fuel Amendments
Date: Wednesday, November 09, 2016 11:27:30 PM

Kayla	Schneider-Smith		1502 SE 84th Ave	Portland	OR	97216
Adriana	Cvitkovic		1502 SE 84th Ave	Portland	OR	97216
Mike	Goren		3525 SE Taylor St	Portland	Or	97215
Sarah	Klatt-Dickerson		2135 NE 134th pl	Portland	Or	97230
Sean	Tenney		3414 NE 17th Avenue	Portland	OR	97212
Sarah	Collmer		704 W 20th St.	Vancouver	WA	98660
Alicia	Keys		10480 SW Eastridge #88	Portland	OR	97225
Helen	Hays		18553 S Ferguson Rd	Oregon City	OR	97045
Debra	Rehn		5130 SE 30th Ave Apt 9	Portland	OR	97202
Gisela	Ray		85 SE 16th Court	Gresham	Oregon	97080
Maria	Grumm		1815 SE 30th Ave	Portland	Oregon	97214
Francisco	Gadea		4110 SE Hawthorne Blvd #758	Portland	OR	97214
Maureen	O'Neal		9100 s.w. 80th ave	Portland	Or	97223
			1825			

Annie	McCuen	Mental Health	Fairmount Ave s	Salem	Oregon	97302
Sybil	Kohl	MSW	18103 NE 159th Ave	Brush Prairie	Washington	98606
Roger	Burt	MS	4035 NE Hazelfern	Portland	OR	97232
Sonia	Holdaway		5501 SE Flavel Drive	Portland	OR	97206
Benjamin	Sexton		1502 SE 84th Ave	Portland	OR	97216
Gretchen	Randolph Ph.D, PMHNP	Psychiatric Nurse Practitioner	13635 SW 115th Ave	Portland	Oregon	97223
Jack	Herbert		11935 SW Edgewood Street	Portland	OR	97225
Marilee	Dea	MSRN CPNP	4613 ne killingsworth #2	Portland	Oregon	97218
Susan	Katz	MD	726 NW 11th Ave. #306	Portland	OR	97209
Rose	Christopherson,	MD, PhD	14707 Nw Cedar St	Portland	OR	97231
Jesse	Kaminash		260 NW Pittock Dr	Portland	OR	97210
Becky	Bell-Greenstreet		1079 State St.	North Bend	Oregon	97459
Stephen	Couche		4718 SE 31st Ave.	Portland	Oregon	97202
Cheryl	Erb		1068 park ave NE	Salem	OR	97301
patricia	Carcasses		2741A Se 141 Ave	Portland	Oregon	97236
Brian	Beinlich		PO Box 1417	North Plains	OR	97133

Martha	Tocco	PhD	3180 SW Westwood Drive	Portland	Oregon	97225
Robert	Goldman, MD	Academic Physician and Surgeon	4015 SW 57th Ave	Portland	OR	97221
Frodo	Okulam	D.Min.	10019 NE Failing	Portland	OR	97220
Joseph	Snyder	4th generation Oregonian	5858 SW Riveridge Ln. #4	Portland	Oregon	97239
Tim	Swinehart	Teacher, Lincoln High School	4226 SE Pine St.	Portland	Oregon	97215
Mike	Ellison		4303 NE 14th Ave	Vancouver	WA	98663
Mary & John	Sievertsen	CPA	7705 SW Miner Way	Portland	Oregon	97225
Nicole	Staudinger		1815 NE Junior St	Portland	Oregon	97211
Thomas	Ward, MD		260 NW Pittock Dr	Portland		97210

Those listed above submit the comments below.

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

Thank you to the Planning and Sustainability Commission and the Bureau of Planning and Sustainability for its work in incorporating public input into drafts of the Fossil Fuel Terminal Zoning Amendments. The current proposal is much improved, bringing it closer to the original intent of the 2015 Fossil Fuel Policy Resolution #37168. However, it still falls short of the resolution, which called for the city to “actively oppose expansion of infrastructure whose primary purpose is transporting or storing fossil fuels in or through Portland.”

Although this proposal prohibits new large bulk terminals, it still allows new terminals up to 2 million gallons and allows existing terminals to expand by 10%. In order to protect our immediate health and safety and play our part in stopping catastrophic climate change, we must pass an ordinance that fully prohibits new and expanded fossil fuel storage tanks.

I want the City of Portland to:

1) Prohibit any expansion of existing terminals. Instead, require upgrades for Seismic Safety through

State building codes.

2) Enact a full ban on all new bulk fossil fuel terminals: 2 million gallon facilities are still too large. The language of the City's 2015 Resolution was "to actively oppose" any new fossil fuel infrastructure.

With a few simple improvements to the proposed Fossil Fuel Zoning Amendments, Portland can fully implement our historic resolution and once again be a beacon of light in addressing one of the most pressing concerns of our time.

Thank you for consideration of these comments,

Regna Merritt

Regna Merritt, PA
Oregon Physicians for Social Responsibility
1020 SW Taylor St, Suite 275 Portland,OR 97205
C: 971.235.7643

From: linda.stone@loveable.com
To: [BPS Fossil Fuel Zoning](#)
Subject: Your Voice Needed to Ensure Portland Enacts Historic Fossil Fuel Terminal Ban
Date: Wednesday, November 09, 2016 10:25:15 PM

This link is sent to you from <http://audubonportland.org>

You are receiving this mail because someone read a page at
Audubon Society of Portland
and thought it might interest you.

linda.stone@loveable.com thought that the page Your Voice Needed to Ensure Portland Enacts Historic Fossil Fuel Terminal Ban
(at <http://audubonportland.org/issues/take-action/your-voice-needed-to-ensure-portland-enacts-historic-fossil-fuel-terminal-ban>)
might interest you.

He/she says:

"Please enact the historic fossil fuel terminal ban"

--

Audubon Portland Staff

From: t_norgren@riseup.net
To: [BPS Fossil Fuel Zoning](#); [Commissioner Fish](#); [Commissioner Novick](#); [Commissioner Saltzman](#); [Commissioner Fritz](#); [Hales, Mayor](#)
Subject: attn: fossil fuel legislation-testimony toward Thursday's hearing.
Date: Wednesday, November 09, 2016 3:44:21 PM
Attachments: [Portland hearing.odt](#)

Hi, I'm Tim Norgren, member of Laborers' Local 737. I live in the Gorge and often work in Portland.

Our house is within sight of the railroad when the leaves thin out, which means we're squarely in the "blast zone" and if we should be as unfortunate as Mosier we would have to evacuate our house after being rocked by a cataclysmic explosion and inhaling vast quantities of carcinogens. Next we would have to see if the volunteer fire dept. (even closer to the tracks, near the Port office) was still standing and hope the equipment wasn't destroyed or the volunteers killed so that we'd have some help in stopping the house and forest fires that often accompany such events. There's a good chance the fracking chemicals and oil spilled would end up in rock creek, feeding into the Columbia, or if a train derailed across from the fairgrounds on the thin isthmus between the Columbia and Rock Cove, then it's likely it would end up on both sides, and perhaps claim the lives of those traveling alongside it on Hwy 14 as well. Our water treatment plant sits nestled between town and the fairgrounds and it's pretty much a given our water would be poisoned. So would our fish, otters, waterbirds, raccoons and the others.

Health effects just from the psychological trauma of such events can last for years, especially in children. There's now enough evidence for us to know that traumatic events during childhood often lead to a prolonged "fight, flight or freeze" reaction, affecting ALL of our biological systems and leading to health problems from heart and breathing issues, to digestive issues, to "unexplained" nerve pain. My partner endured a barn fire as a child and though she wasn't burned she was forced to watch helplessly and smell her animal friends being cooked alive while they screamed. To this day she is plagued by night terrors related to it in various ways. She also developed fibromyalgia, a debilitating nerve disease which is directly linked to childhood trauma and sometimes triggers later in life. Trauma can also linger for generations. It's rampant in places like Lac Megantic, and will surely linger with the residents and former residents of Mosier and the other "sacrifice zones" for years as well. I don't want to see more of this in our communities and we are standing at the threshold of an opportunity to turn back the tide on this type of tragedy.

That being said I encourage you to improve on the PSC's recommendation by sticking to the full intentions of the oil train resolution the council adopted last year. That resolution made it clear that no new infrastructure would be built to encourage an increase in oil train traffic through Portland and the Gorge. Allowing a 10% increase in volume to current fuel storage facilities would do just that. There are other ways to encourage seismic upgrades, including simply calling it as it is, a public safety issue, and making upgrades a requirement for staying in business here. If that isn't acceptable to them I guarantee that I and other workers in the building trades will be more than willing to do the demolition work and ready the space for a more sustainable business!

In line with the above I have no wish to build NEW structures either,

no matter how “small” they are, which would increase fuel traffic through Portland, by train, truck, or pipeline. Again, we all live here in the area, and no one wants to see their community destroyed. Nor does any worker want to look at such a tragedy and know that we “built” it. Because the fact is we construction folks do tend to look back at projects a few years later and say “I built that”. It's always preferable to have some pride in what you're saying, and increasingly the fossil fuel industry brings nothing but shame.

Finally, let there be no exemption for NW Natural. As we find we can meet our needs with sustainable energy there'll likely be LESS demand for fracked gas, (which from extraction to burning is often more carbon intensive than coal) in the Portland area, especially as we become more and more aware of the earthquakes and poisoned water (including water used to irrigate crops..disgusting!) which are the additional consequence of fracking.

Please let there be no more tragedy and no more trauma caused by our actions or inactions. Let the will of the people be law!

Thanks. Sincerely,

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Thanks. Sincerely,

Tim Norgren

From: [Pia Welch](#)
To: [BPS Fossil Fuel Zoning](#)
Cc: [Ansary, Raihana](#); [Kountz, Steve](#)
Subject: Fossil Fuel Zoning Letter - PFC
Date: Wednesday, November 09, 2016 11:41:55 AM
Attachments: [letter re fossil fuel zoning code amendments \(clean version\).docx](#)

Hello,

Here is a letter regarding the Fossil Fuel Amendment.

Thanks,

Pia

Pia Welch
Portland Freight Committee
503 249 6414

November 8, 2016

The Honorable Mayor Charlie Hales and City Council
City Hall, 1221 SW Fourth Avenue
Portland, OR 97204



RE: Comments on the proposed Fossil Fuel Terminal Zoning Amendments

Dear Mayor Hales & City Commissioners,

On behalf of the Portland Freight Committee (PFC), thank you for the opportunity to comment on the proposed Fossil Fuel Terminal Zoning Amendments (FFTZA) recommended draft.

In general, the PFC supports the goals sought to be addressed by the proposed fossil fuel terminal zoning amendments including reducing carbon emissions and making seismic upgrades to infrastructure that serves our city and beyond. However, the proposed zoning code amendments are deeply flawed and not the appropriate solution. Restricting expansion at existing fuel terminals and prohibiting new terminal development may impact industrial job growth and middle-income jobs. It may also constrain the supply of fossil fuels to serve anticipated population and employment growth, which will lead to increasing fuel costs and disproportionately affect low-income households.

We are also concerned that the city of Portland is unilaterally imposing regulation that will compromise the supply of fuels to other communities throughout the state and Western U.S. Portland is a regional fossil fuel hub, located at the terminus of the Olympic pipeline. Over 90 percent of petroleum used in Oregon is handled through the Bulk Fossil Fuel Terminals in Portland. Fuels handled in and through the Portland Energy Cluster (Energy Hub) are also supplied to the state of Washington, western Idaho, and during fire-season, to locations as far away as Montana and California. The FFTZA will create a bottleneck in the distribution system. Consumers and businesses throughout this broad market area rely on the fuels that are supplied from the energy hub in Portland.

Additionally, limiting the supply of fuels to airports, the maritime industry, railroads and trucking firms, until a viable source of alternative fuels are readily available makes little or no sense. Supplying fuels by alternative means, likely by truck, from outside the city, region and state is the antithesis of smart climate action policy.

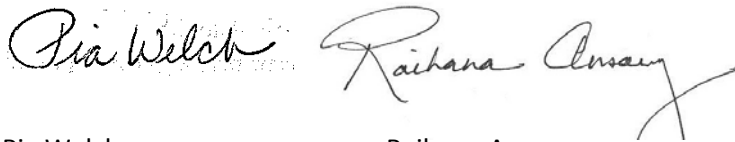
The proposed amendments may also have a negative impact on seismic resiliency improvement efforts at the bulk fossil fuel terminals in Portland. The 10 percent overall expansion cap on tank storage capacity is actually a disincentive to rebuilding tanks that meet modern-day seismic standards.

The PFC urges Portland City Council to pursue other ways to achieve climate action plan and seismic resiliency goals. For example, the city may allocate its' own resources for the purchase of electric powered or other low-carbon emitting vehicles for its' city fleet and to demonstrate its' commitment to curbing greenhouse gas emissions. Providing economic incentives and an expedited permitting process may be ways to hasten construction of new, more seismically-resilient storage tanks at the BFFTs.

We are not asking the city to be complacent about the need to address climate change or the risks associated with catastrophic seismic events; we're recommending that the city take actions that are more thoughtfully considered and which are undertaken in a more consistent and open process than that which has taken place. At a minimum, there should be more thought, consideration and analysis including of fuel supply and prices before the proposed amendments are implemented.

Thank you for your consideration of our comments.

Respectfully yours,

The image shows two handwritten signatures in black ink. The signature on the left is 'Pia Welch' and the signature on the right is 'Raihana Ansary'. Both are written in a cursive, flowing style.

Pia Welch

Raihana Ansary

Chair

Vice Chair

From: [Daphne Wysham](#)
To: [BPS Fossil Fuel Zoning](#)
Subject: Pass a full ban on new or expanded fossil fuel terminals!
Date: Tuesday, November 08, 2016 2:59:19 PM

Dear City Commissioners,

I wrote the following op-ed which will get carried in papers around the country, urging other cities to follow our lead as the first city in the country to act on the Paris Agreement. I hope my op-ed helps support you in knowing that you are acting on behalf of all of us in Portland in passing the strongest possible ordinance, and, more importantly, future generations in other cities and states around the world. I will be taking the message of your groundbreaking work to COP22 in Marrakech, tomorrow. I hope you won't let us down.

Thank you for your leadership!

Sincerely,

Daphne Wysham

Paris, Follow Portland
by Daphne Wysham

A few days before voters went to the polls in the U.S., the Eiffel Tower and Arc de Triomphe glowed green in Paris.

The reason? France was celebrating the Paris Climate Agreement, which came into force on November 4.

It was a remarkable achievement. Less than a year after 196 countries signed the climate agreement, over two-thirds of the world's countries — including the two biggest greenhouse gas emitters, the U.S. and China — ratified it, agreeing to an upper limit of 2 degrees Celsius in atmospheric warming.

But it might be a bit early to break out the champagne. For starters, the Paris Agreement is toothless.

There are no timetables for ratcheting down consumption of fossil fuels, and no sanctions for countries that fail to meet targets. The deal promises a small amount of assistance to developing countries fighting climate change, but most of that is merely repackaged development aid.

More frighteningly still, the world's existing fossil fuel infrastructure and proven wells and mines will sail us right past the 2 degree upper limit if they're all exploited.

Meanwhile, the clear-eyed citizens of Portland, Oregon, are pioneering a more proactive way forward. A year ago, Portland's city council unanimously voted to "actively oppose expansion of infrastructure whose primary purpose is transporting or storing fossil fuels in or through Portland or adjacent waterways."

Portland's city leaders took this step as much out of a desire to protect their own health and safety as out of a desire to act on climate change.

Much of Portland's fossil fuel infrastructure lies in an industrial zone that, should an

earthquake come to pass, would rapidly turn to jello. And oil train derailments — like the one earlier this year in nearby Mosier, Oregon — can cause out-of-control blazes, bringing near fears to the fore.

Respect for indigenous communities is another factor. The Standing Rock Sioux's protest against the Dakota Access Pipeline encampment is a reminder that Native American treaty rights are routinely flouted by fossil fuel industries wanting to push their export projects on impoverished communities. It happens here in the Northwest, too.

But climate science is the central piece. A recent study found that if we are to maintain a mere 66 percent chance of avoiding surpassing 2 degrees Celsius of warming, no more new major fossil fuel infrastructure can be built.

In fact, we must actually leave many proven reserves untapped and begin to dismantle existing fossil fuel infrastructure.

President Obama did the right thing in signing the Paris Agreement. He also took a bold step in issuing guidelines for federal agencies to disclose greenhouse gas emissions associated with major infrastructure projects, like the Dakota Access Pipeline, and consider alternatives should the impact be significant.

But at this moment in time, neither the Paris Agreement nor Obama's proposed "climate test" is sufficient.

Portland Mayor Charlie Hales is showing the world what a first step toward meaningful action on the Paris Accords might look like. On November 17, Portland's city council will vote on what is likely the strongest land use code language in the country prohibiting all new fossil fuel export infrastructure.

Should it pass and become binding law, we'll know who the real world leaders are. Paris — and the rest of the Paris Agreement signatories — would do well to follow Portland's lead.

And if you do, back home in our evergreen city, we'll raise a glass of microbrew in your honor.

From: Daphne Wysham
daphne.wysham@gmail.com
1294 14th St
West Linn 97068

From: [Dan Serres](#)
To: [BPS Fossil Fuel Zoning](#)
Subject: Fossil Fuel Zoning Code Comments of Columbia Riverkeeper, 350, et al.
Date: Monday, November 07, 2016 7:56:23 AM
Attachments: [2016.11.7 Columbia Riverkeeper 350 et al comments Final.pdf](#)

Dear Mayor Hales, Portland City Council Commissioners, and Staff -

Please see the attached comments, submitted on behalf of Columbia Riverkeeper, 350 PDX, Sierra Club, Portland Audubon, Climate Action Coalition, Center for Sustainable Economy, Oregon Physicians for Social Responsibility, and Friends of the Columbia Gorge.

Sincerely,

Dan Serres
(503) 890-2441
1125 SE Madison St. Suite 103A
Portland, OR 97214

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Dan Serres | Conservation Director
Columbia Riverkeeper | 1125 SE Madison Suite 103A Portland 97214
503.890.2441 | dan@columbiariverkeeper.org

November 7, 2016

Portland City Council
1221 SW Fourth Avenue, Room 130
Portland, Oregon 97204.

Sent via email to: fossilfuelzoning@portlandoregon.gov

Re: Comments in Support of Strong Fossil Fuel Zoning Code Amendments

Dear Mayor Hales and Portland City Council Commissioners,

Thank you for the opportunity to offer our comments on the recommended draft of the City of Portland's Fossil Fuel Terminal Zoning Amendments ("amendments"). We appreciate and support several of the revisions put forward by the Planning and Sustainability Commission (PSC). Still, the City must make further adjustments to the proposed code amendments in order to fully implement Portland's Fossil Fuel Policy Resolution #37168 ("resolution"). The resolution stated that the City would **"actively oppose expansion of infrastructure whose primary purpose is transporting or storing fossil fuels in or through Portland or adjacent waterways."** The bold intent and plain language of the resolution provide clear guidance to the City Council as it considers proposals to further strengthen – or further weaken – the City's proposed fossil fuel zoning code amendments.

The City Council made a landmark statement in November 2015, and it should honor this statement by ensuring existing fossil fuel terminals do not expand; prohibiting all new fossil fuel terminals; and, resisting pressure to exempt certain fossil fuel companies such as NW Natural.

On behalf of Columbia Riverkeeper, 350 PDX, Sierra Club, Friends of the Columbia Gorge, Center for Sustainable Economy, Oregon Physicians for Social Responsibility, Climate Action Coalition and Portland Audubon Society we offer the following suggestions to improve rather than weaken the proposed fossil fuel zoning code amendments.

I. Prohibit Expansion of Existing Fossil Fuel Terminals

Public testimony overwhelmingly supports prohibiting the expansion of existing fossil fuel terminals. In contrast, PSC recommends allowing for a 10 percent expansion of capacity for replaced tanks. The PSC recommendation was driven by a desire to streamline seismic upgrades. Notably, a revision to remove the "plus 10 percent"¹ allowable expansion in the recommended

¹ See Recommended Draft Fossil Fuel Zoning Code Amendments. October 2016. P. 49.

draft failed narrowly during the PSC's discussion. The PSC's recommendation conflicts with the City's fossil fuel resolution, and it conflicts with the City's oil train ordinance. We urge the City to improve the proposed fossil fuel code amendments.

- City Council should amend PSC's recommendation by removing the proposed allowance for a 10 percent expansion of existing fossil fuel terminals. City Council should simply remove the words "plus 10 percent" in Sections 33.140.100-B.17.a-(1)-(2), on page 49 of PSC's recommendation. This change would still allow seismic improvements of fossil fuel tanks to move forward in a streamlined fashion without a discretionary land use process.
- The following code concepts are slightly amended from the PSC's recommendation, and they could accomplish the City's goal of allowing seismic safety upgrades in fossil fuel terminals by allowing a straightforward limited review process for existing terminals, while not incentivizing new fossil fuel infrastructure:
 - Identify "Fossil Fuel Terminals" as a regulated land use, characterized by (a) marine, railroad, or pipeline transport access and (b) either transloading facilities for transferring a shipment between transport modes (such as from rail to ship) or facilities that store fossil fuels.
 - Prohibit Fossil Fuel Terminals in all base zones.
 - Classify existing Fossil Fuel Terminals in industrial and general employment zones as "limited uses" that can continue to operate. Expansion of fossil fuel storage at these existing terminals is prohibited.
 - The following use limitations apply to existing Fossil Fuel Terminals:
 - 1] Fossil Fuel Terminals that existed on [insert effective date] are allowed, but the total amount of fossil fuel that can be stored on the site is limited to the fossil fuel storage capacity that existed on [insert effective date]. Total fossil fuel storage capacity on the site in excess of the capacity that existed on [insert effective date] is prohibited; and
 - 2] New fossil fuel storage structures are prohibited unless a new fossil fuel storage structure is replacing an existing fossil fuel storage structure that does not meet current building codes standards for seismic safety, and in that case, the capacity of the

new fossil fuel storage structure is prohibited from being greater than the storage capacity of the existing structure that is being replaced.²

- Allowing expanded fossil fuel infrastructure could create more demand for unit trains in Portland, conflicting with the City’s Oil Train Resolution # 37164. Unfortunately, PSC recommended allowing a 10 percent expansion of existing terminals as a limited use. For the ten facilities capable of handling oil that are listed on p. 17, Figure 7 of PSC’s recommended draft, a 10 percent across-the-board increase in terminal capacity would result in additional storage of 38,848,740 gallons of oil – a volume equivalent to 13 unit trains of explosive Bakken crude oil.³ The City Council should disallow expansions at existing facilities to bring the code language into alignment with the City’s original fossil fuel policy and oil train resolution.
- For large terminals such as the Chevron, Kinder Morgan, and NuStar facilities, a 10 percent increase would exceed the volume of a single unit train, 2.5 to 3 million gallons of oil. Portland’s Resolution # 37164 called for the City to oppose any project that would increase oil train traffic through Portland, a standard that conflicts with new 10 percent increases in oil terminals with large existing capacities.
- The PSC’s recommendation is very likely to result in a 10 percent increase in fossil fuel storage in Portland because Portland is beginning a parallel process to increase seismic safety of its fossil fuel tanks. When coupled with a requirement for seismic upgrades, PSC’s recommendation to allow a 10 percent increase is very likely to spur additional fossil fuel infrastructure in Portland. Specifically, if the City requires facilities to upgrade (as it should) for seismic safety and simultaneously allows for expansion, the City will likely see expanded fossil fuel infrastructure. As a result, the City Council should amend the resolution to remove the words “plus 10 percent,” thereby not promoting over 38 million gallons of new crude oil storage infrastructure.



Oil train derails, punctures, spills, and burns in Mosier on June 3, 2016.

² This second use limitation may be redundant, because replacement structures will automatically be required to meet new updated seismic standards. It’s included for clarity to parallel the PSC’s recommended draft.

³ Assumes roughly 3 million gallons of oil per unit train. Unit trains typically carry 2.5 to 3 million gallons of crude oil, depending on the length of the train and size of the cars in the train.

- The PSC’s recommended amendments correctly acknowledge that “derailment risks to natural resources, especially along rivers, and to rural communities appear to be significant.” Oregonians learned first-hand during the June 3, 2016, derailment in Mosier that oil trains are dangerous, and the City Council should use its fossil fuel zoning code amendments to diminish their use rather than create space for many more. The City of Mosier is still dealing with groundwater and surface water pollution from the derailment, evidence that Portland’s fossil fuel zoning code amendments should be sculpted to reduce oil train risks however possible.
- A proposal to expand rail traffic through the Columbia River Gorge shows that Portland should make its fossil fuel zoning code amendments as restrictive as possible on future oil or coal unit trains. The Port of Portland recently supported a proposal by Union Pacific to dramatically expand its rail capacity through the town of Mosier – the same location as the oil train derailment, spill, and fire on June 3rd, 2016. In supporting the Mosier rail expansion, the Port of Portland stated that the rail expansion could increase unit train delivery of bulk goods to Portland, which could include the bulk shipment of oil. In November, the Wasco County Commission voted to deny the rail expansion in large part because of the impacts of increased train traffic on treaty-protected tribal fishing resources, a decision that may be appealed by Union Pacific. The Mosier rail expansion controversy shows that the City of Portland should take clear steps to restrict any future developments that could increase oil train traffic through the Columbia River Gorge.

II. Prohibit New Fossil Fuel Facilities

The Planning Commission recommended prohibiting new bulk fossil fuel facilities, consistent with the resolution’s direction to “**actively oppose expansion of infrastructure whose primary purpose is transporting or storing fossil fuels in or through Portland or adjacent waterways.**” However, the PSC included an exception that would allow new fossil fuel facilities with a storage capacity of up to 2 million gallons. PSC opted for 2 million gallons as a lower threshold for defining a bulk fossil fuel terminal because it was less than the volume of a single unit train of oil. We urge City Council to eliminate or reduce any allowance for new fossil fuel terminals that may create increased use or shipment of polluting, dangerous fossil fuels through Portland.

- Staff explained that fossil fuel use may be flat or declining, negating the need for new or expanded fossil fuel terminals. The City’s landmark resolution directs Portland to “actively oppose” fossil fuel expansion and thereby curb demand – not perpetuate it. Portland must accelerate the trend of declining fossil fuel use in order to meet its 2050

carbon reduction goals. Globally, climate science is clear that we must keep fossil fuels in the ground to avoid catastrophe.⁴

- City Council should eliminate or reduce the 2 million gallon threshold for a “bulk fossil fuel terminal.” By defining a bulk fossil fuel terminal as a facility with storage capacity greater than 2 million gallons, the amendments leave open the possibility of facilities that can accept additional shipments of crude oil or other dangerous fuels.⁵ The amendments should be improved by eliminating or lowering the 2 million gallon threshold and preventing additional risks for Portland and uprail residents.
- City Council should reject the idea that new or expanded fossil fuel infrastructure is necessary to protect the health and safety of Portland residents and downstream communities. In the Council’s September 20th work session, BPS staff suggested that the City should offer the possibility of new or expanded infrastructure as a “sweetener” to encourage seismic and safety upgrades. The promise of expanded infrastructure, on its own, has not been adequate to induce the fossil fuel industry to improve the seismic readiness of tank infrastructure in the past. Looking forward, City Council should support other expected and recommended processes that will encourage seismic upgrades rather than weakening the City’s proposed amendments.

Encouraging Seismic Safety

PSC’s recommended draft works to address how the City of Portland can address seismic safety at existing fossil fuel terminals. We agree with staff that the City should explore options to require seismic safety upgrades through a program similar to the un-reinforced masonry buildings (URMs) program that is in process, or a property maintenance code. The City will more effectively enhance seismic safety through this Portland Bureau of Emergency Management (PBEM) process than through a clumsy, broad-brush incentive to build new fossil fuel infrastructure.

- The City should “develop proposals for State building code changes to improve seismic resilience and require seismic upgrades comparable to proposed requirements on unreinforced masonry buildings,” as stated on page 62 of the PSC’s recommendation.
- The Council should reject the idea that new or expanded fossil fuel infrastructure is necessary to protect the health and safety of Portland residents and downstream communities. As noted above, the historic availability of opportunities to expand or build

⁴ “The Sky Is the Limit: Why the Paris Climate Goals Require a Managed Decline of Fossil Fuel Production.” 2016. Oil Change International. http://priceofoil.org/content/uploads/2016/09/OCI_the_skys_limit_2016_FINAL_2.pdf.

⁵ Unit trains typically carry 2.5 to 3 million gallons each and are usually 90 cars and 1 mile or more in length.

new fossil fuel infrastructure has not been an adequate inducement for establishing safe, seismically-ready facilities.

- City Council should support Portland Bureau of Emergency Management’s (PBEM) expected and recommended process that will encourage seismic upgrades rather than weakening the City’s proposed amendments.

III. Include Regulated Utilities and NW Natural in Portland’s Fossil Fuel Policy

NW Natural has requested an exemption from Portland’s fossil fuel amendments. BPS’ October 5, 2016, memo offered potential language for this option, but it did not recommend for or against an exemption for NW Natural and other regulated utilities. Despite receiving additional testimony directly from NW Natural during its hearing in October, not a single member of the PSC recommended altering the fossil fuel zoning code amendments to exempt NW Natural. We urge City Council to adopt PSC’s approach to regulated utilities and reject NW Natural’s requested exemption.

- NW Natural should not receive special treatment. It is appropriate for large, potentially hazardous energy facilities to be regulated by multiple layers of government. The Planning Commission was comfortable with NW Natural receiving scrutiny from multiple layers of government. NW Natural’s role as a public utility should not afford it a special status with respect to meeting the City’s goal of prohibiting new fossil fuel infrastructure. Indeed, natural gas is specifically included as a carbon-intensive, dangerous fossil fuel in Portland’s 2015 resolution. NW Natural must be included because natural gas - primarily methane - is a powerful greenhouse gas and its combustion releases significant carbon pollution.
- NW Natural already owns and operates adequate storage facilities in the Pacific Northwest to meet its Portland load growth needs.⁶ At present, NW Natural is undergoing a seismic review of its existing Portland Gasco LNG facility. The City’s proposed amendments would allow NW Natural to improve the seismic readiness of its existing storage through a limited use review.
- New LNG infrastructure could serve non-utility and utility purposes, complicating the impact of NW Natural’s requested exemption. NW Natural seeks an exemption for facilities that fall within PUC-regulated operations. Staff’s October 5 memo stated, “If

⁶ See NW Natural Integrated Resource Plan. September 2016. See Section 7.2 - Gas storage relies on Mist, only new LNG storage considered is in Clark County. P. 3.35.

NW Natural established an unregulated subsidiary to supply wholesale LNG, for example, any infrastructure associated with these operations would still be subject to the Fossil Fuel Code.” In reality, gas utilities often mix the utility and non-utility purposes of gas storage facilities. For instance, NW Natural’s Mist Storage facility has undergone multiple site certificate changes, and now it is planned to operate both as storage for NW Natural’s gas utility customers, as well as a source of firm supplies to PGE’s gas-fired power plants at Port Westward.⁷ Additionally, Puget Sound Energy proposes a new LNG facility in Tacoma that may be used both as storage for its regulated utility customers and as a fueling station for LNG ships and trucks. Hence, the exemption NW Natural seeks may allow facilities that engage in both PUC-regulated and non-PUC-regulated activities.

- NW Natural’s Integrated Resource Plan (IRP) does not specify the need for new major LNG storage in Portland. In its long-range plans, NW Natural’s IRP discusses the potential for possible LNG storage to meet load growth in Clark County – not Portland. As a result, NW Natural does not appear to need new LNG storage in Portland to meet its core utility needs, and so the exemption it seeks is unnecessary.

IV. Take Bold Action for a Clean, Safe Energy Economy and a Stable Climate

Portland’s City Council will benefit Portland’s clean energy economy by undertaking the proposed amendments with the suggestions we have outlined. Just as importantly, the City can make significant strides towards improving the safety of neighborhoods by using the right tools to mandate seismic improvements for fossil fuel storage tanks in highly liquefiable soils near the Willamette and Columbia Rivers. Furthermore, the City’s fossil fuel code amendments need not impinge on the expansion of cleaner, non-fossil fuels: facilities handling 95% or greater non-fossil fuels are already exempted. And while the amendments should restrict fossil fuel terminals from expanding or building new facilities, they leave open the potential for Portland to continue to serve as a hub for fuels using existing infrastructure until the region moves further towards a managed decline of fossil fuel use.

Importantly, the PSC’s recommendation offers City staff both direction and flexibility in implementing the fossil fuel zoning code amendments. Specifically, Portland Bureau of Planning and Sustainability is directed to periodically monitor the effectiveness of these zoning code amendments “to implement underlying policies and consider code adjustments in response to regional fuel demand and market changes, product innovation, safety and climate action considerations, and related regulatory changes.” By directing BPS to evaluate the impacts of the

⁷ See recent story from Argus Media highlighting new PGE-NW Natural gas storage collaboration. <http://www.argusmedia.com/news/article/?id=1323500>.

policy, BPS is given a pathway to recommend new fossil fuel infrastructure on an “as-needed” basis if unforeseen conflicts arise.

A 2016 study from the Labor Network for Sustainability provides more detail on how Portland and the region will benefit from a transition to clean energy.⁸ Additionally, there is growing support for a renewable energy agenda in the City of Portland. Indeed, new fossil fuel infrastructure could be stranded assets in the foreseeable future.

Lastly, yet another new study from Oil Change International shows that time is of the essence to address climate change through reducing our use of fossil fuels.⁹ The study shows that, if we are to avoid a temperature rise of 2 degrees Celsius, we can build no new fossil fuel infrastructure. Indeed, much of our currently proven oil, gas, and coal reserves must go untapped. The Pacific Northwest – with Portland as its guiding light – can begin a managed decline of fossil fuel use, even as the region continues to grow its economy. Portland earned national praise for its 2015 Fossil Fuel Resolution, and the rest of the world is counting on cities like Portland to show how a managed decline of fossil fuel use can respond to the urgent challenge of reducing our dependence on climate-changing fossil fuels.

We look forward to the City Council voting to establish a code that reflects the bold, practical steps outlined in Portland’s landmark fossil fuel policy.

Sincerely,

Dan Serres
Conservation Director
Columbia Riverkeeper

Mia Reback
350 PDX

Also submitted on behalf of: Friends of the Columbia Gorge, Center for Sustainable Economy, Portland Audobon Society, Sierra Club, Oregon Physicians for Social Responsibility, Climate Action Coalition

⁸ The Economic Impact of Clean Energy Investments in the Pacific Northwest: Alternatives to Fossil Fuel Exports. 2016. Labor Network For Sustainability. Link to study: http://www.labor4sustainability.org/files/NorthPacific_final_03032016_.pdf

⁹ “The Sky Is the Limit: Why the Paris Climate Goals Require a Managed Decline of Fossil Fuel Production.” 2016. Oil Change International. http://priceofoil.org/content/uploads/2016/09/OCI_the_skys_limit_2016_FINAL_2.pdf.

Parsons, Susan

From: Washington, Mustafa
Sent: Tuesday, September 20, 2016 9:13 AM
To: Council Clerk – Testimony
Subject: FW: Audubon comments to Council on Bulk Fossil Fuel Facility Amendments
Attachments: 9-19-16 Audubon Comments to Council on Bulk Fossil Fuel Facility Amendments.pdf

Mustafa Washington

Constituent Services Specialist
 Office Of Mayor Charlie Hales
 P: 503-823-4120
 mustafa.washington@portlandoregon.gov

From: Micah Meskel [mailto:mmeskel@audubonportland.org]
Sent: Monday, September 19, 2016 4:48 PM
To: Hales, Mayor <mayorcharliehales@portlandoregon.gov>; Commissioner Fritz <amanda@portlandoregon.gov>; Commissioner Fish <nick@portlandoregon.gov>; Commissioner Novick <novick@portlandoregon.gov>; Commissioner Saltzman <dan@portlandoregon.gov>
Subject: Audubon comments to Council on Bulk Fossil Fuel Facility Amendments



September 19, 2016

Dear Mayor Hales and members of the Portland City Council,

Audubon Society of Portland (Audubon) appreciates the opportunity to comment on the draft Fossil Fuel Terminal Zoning Code Amendments (Amendments). We urge you adopt amendments that are strong, clear and fully meet the objectives laid out in the historic Fossil Fuel Resolution (Resolution #37168) that was passed unanimously by the Portland City Council last November. While this was an historic statement on the importance of preventing further expansion of our existing bulk fossil fuel infrastructure, it ultimately will only be as effective as the amendments that are adopted to implement it.

Audubon strongly supports that approach taken by the City in the draft amendments which would make bulk fossil fuel terminals a prohibited use and require that existing fossil fuel terminals be treated as a non-conforming use subject to a Type II nonconforming use review. We believe that prohibiting bulk fossil fuel facilities on the basis of the risk that they present public health and safety is one which is clearly supported by the science and also one which is clearly within the City's purview to regulate through the land-use process. It

utilizes well established designations (prohibited uses and non-conforming uses) that are clear, familiar and well tested in our community. Finally, and most importantly, with limited modifications delineated below, it substantially achieves the goals that were strongly supported by the community and adopted by the Portland City Council. We appreciate the work that the City has done to date to develop these amendments.

We strongly urge the City not to back away from this approach as is being advocated by some Fossil Fuel interests. Specifically we urge the City not to eliminate the Type II process that would be required for expansion of local facilities to meet local demand and instead replace it by either allow existing facilities a blanket allowance to expand up to 10% beyond the existing capacity on the date of adoption of these amendments or allow existing facilities a blanket allowance to expand up to 10% beyond the existing capacity on the date adoption plus additional expansions through the conditional use permitting process (options 2B and 2C in the September 9, 2016 Memo from Staff). Neither of these approaches is consistent with the City Council Resolution which would only allow expansion in order to meet regional demand. Options 2B and 2C would functionally allow existing facilities to expand for any reason at all, regardless of whether or not it is tied to regional demand.

We believe that this situation represents a textbook case for why we have the non-conforming use process in the first place. The expansion of existing facilities represents a real and significant threat to our communities and the non-conforming use process is the mechanism that the city in place to ensure that prohibited uses do not expand unnecessarily and that the public has adequate opportunity to engage in these decisions.

We do not believe that non-conforming use process would lead to excessively onerous work for the Bureau of Development Services (BDS). First, there are relatively few existing bulk fossil fuel facilities in Portland (11) so the number of non-conforming use applications would be limited. Second, most applications would be non-controversial and would simply result in a staff review. Third, those applications that are controversial deserve the extra scrutiny that a Type II process offers---again, these facilities pose serious risks to our communities and it is specifically for these types of situations that we have a public review process in place. We urge you to retain the Type II review process for non-conforming uses to address proposed expansions of existing fossil fuel terminal facilities—it provides an existing, understood and effective pathway that will allow expansions consistent with the objectives of the resolution and amendments, but provide the public with recourse in the event that those objectives are not achieved.

Additionally, we would recommend the following improvements to the proposed amendments which we believe will allow it to better achieve the objectives of the resolution:

1) **Significantly reduce or eliminate the new fossil fuel facility threshold of 5,000,000 gallons:** This threshold is meant to allow expansion of existing facilities or development of new facilities to meet regional fuel needs. However, the City provides no rational for setting the threshold at 5,000,000 gallons beyond simply asserting that a 5,000,000-gallon facility is too small to serve as a bulk terminal. We disagree. 5 million gallons represents almost 120,000 barrels of oils which is enough to fill nearly two unit trains. We believe that the threshold is set far above what is necessary to achieve this objective and creates significant opportunity for fossil fuel providers to create infrastructure to serve much broader objectives which go beyond the intent of the fossil fuel resolution. It could also promote significant expansion in the number of hazardous oil trains passing

through Portland placing our communities real and direct risk. We recommend eliminating this threshold altogether and simply relying upon the non-conforming use process in order to determine whether a new facility or expansion of an existing facility should be allowed. Alternatively, if the city is unwilling to eliminate this loophole in its entirety, it should lower it to under 2,000,000 gallons, which is less than the capacity of a single unit train (50,000 barrels/ 2.1 million gallons). This would still allow facilities to meet regional need but minimize the likelihood of fossil fuel providers gaming the system and triggering significant increases in the number of oil trains passing through our communities.

2) Add additional review criteria to the non-conforming use review for existing facilities by including criteria that address public safety and climate change impacts. We support the amendments that have been submitted by 350PDX to address these concerns.

We urge you to move forward with the draft amendments including the two recommended changes in this letter.

Thank you for your consideration of these comments.

Respectfully,



Bob Sallinger

Conservation Director

Audubon Society of Portland

Micah Meskel

Conservation Field Coordinator

Audubon Society of Portland

5151 NW Cornell Road

Portland, Oregon 97210

[\(971\) 222-6128](tel:(971)222-6128) | Direct

audubonportland.org



(Email attachment)

September 19, 2016

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Additionally, we would recommend the following improvements to the proposed amendments which we believe will allow it to better achieve the objectives of the resolution:

- 1) **Significantly reduce or eliminate the new fossil fuel facility threshold of 5,000,000 gallons:** This threshold is meant to allow expansion of existing facilities or development of new facilities to meet regional fuel needs. However, the City provides no rationale for setting the threshold at 5,000,000 gallons beyond simply asserting that a 5,000,000-gallon facility is too small to serve as a bulk terminal. We disagree. 5 million gallons represents almost 120,000 barrels of oils which is enough to fill nearly two unit trains. We believe that the threshold is set far above what is necessary to achieve this objective and creates significant opportunity for fossil fuel providers to create infrastructure to serve much broader objectives which go beyond the intent of the fossil fuel resolution. It could also promote significant expansion in the number of hazardous oil trains passing through Portland placing our communities real and direct risk. We recommend eliminating this threshold altogether and simply relying upon the non-conforming use process in order to determine whether a new facility or expansion of an existing facility should be allowed. Alternatively, if the city is unwilling to eliminate this loophole in its entirety, it should lower it to under 2,000,000 gallons, which is less than the capacity of a single unit train (50,000 barrels/ 2.1 million gallons). This would still allow facilities to meet regional need but minimize the likelihood of fossil fuel providers gaming the system and triggering significant increases in the number of oil trains passing through our communities.
- 2) Add additional review criteria to the non-conforming use review for existing facilities by including criteria that address public safety and climate change impacts. We support the amendments that have been submitted by 350PDX to address these concerns.

We urge you to move forward with the draft amendments including the two recommended changes in this letter.

Thank you for your consideration of these comments.

Respectfully,



Bob Sallinger
Conservation Director
Audubon Society of Portland

11/1/16

Mayor Hales and City Commissioners of Portland,

AUDITOR 11/03/16 04:21:43

My name is Elizabeth Gazeley. I am a senior at Lincoln High School and a student in the Environmental Justice and Sustainability class. I've been an Outdoor School student leader for the past three years. I've been a sustainability advocate since I could utter the words, "reduce, reuse, recycle." But the first step is to reduce.

I believe that the Fossil Fuel Terminal Zoning Amendments needs to *reduce* the two million gallon facility to zero. We need to reduce the 10% expansion allowance to 0%, because big companies like Chevron, NW Natural, Conoco Phillips, BP, Shell, and too many others will not back down from our beautiful river shores, if we don't force them to. If we give them the opportunity to expand, they will. What wealthy, powerful business wouldn't want to expand their fossil fuel reign? I believe that NW Natural should be no exception to this policy.

I was overjoyed at the prospect of Portland ending fossil fuel infrastructure, becoming a national leader in environmental policy. I have always been so proud and grateful for the Portland's environmental focus and dedication to the preservation of our state's natural resources. This amendment will become a pioneer of environmental policy. Other cities nationwide will look to Portland as a model of legislation. We need to put our feet down on fossil fuels now, before our carbon emissions shove us over 2°C and we reach the point of no return. The burning of fossil fuels, not only puts the lives of millions of individuals in jeopardy, but the future of everyone at risk. We need to take control of our future now. When I come back home, after I get my degree in environmental science, I want to see the same inspirational, gorgeous, revolutionary, and green city still thriving, free of fossil fuels. I want my children to grow up with clean air, clean water, sustainable energy, and the same natural resources that I have been blessed with throughout my childhood. Thank you so much for you work on the current Fossil Fuel Terminal Zoning draft!

Elizabeth Gazeley

November 1st, 2016

AUDITOR 11/05/16 PM12:13

Mayor Hales and City Commissioners of Portland,

I am a student in Lincoln High School's Environmental Justice and Sustainability class. My name is Emma Weightman, and I am a senior this year. I want to thank all of you for your support and understanding of the Fossil Fuel Terminal Zoning Amendment, and how powerful and important it is to the people of my generation, and those after me.

My introduction to climate justice was largely based off the fact that I wanted to take another elective class, and this one sounded interesting. I know that this seems unmotivated, but what happened after is something I never planned on happening. I found a love and appreciation for the beautiful community I have grown up in, through the fear that someday soon, all of it will be taken away. Luckily, I was able to cultivate this new passion through Environmental Justice class, thanks to the efforts of my school board and peers who fought to make sure this class could happen.

Portland is beautiful and unique, and without a doubt the best place to grow up. I am so thankful to be an hour or so drive from the coast, or the Gorge, and to be able to hike right around my backyard. Continuing the production of fossil fuels puts all of that at risk. Even worse, it puts our direct environment at risk. We are a city that is remarkably fortunate enough to be surrounded by rivers and hills. Those rivers are at extreme risk for pollution.

Being a senior and faced with the reality of leaving home, I would hate to come back and find it broken and destroyed. Thank you for your instrumental efforts for this fight, but the fight is far from finished. For my future, and the future of my friends, please continue your efforts to keep fossil fuel production to continue.

Sincerely,

Emma Weightman

November 3, 2016

To whom it concerns,

AUDITOR 11/03/16 PM12:13

My name is Nic Hofmann. I am a student at Lincoln High School, an athlete, a brother, a son, an environmentalist, and many more things, but everything I am depends on the environment in which I live. The success of our future, and most importantly our kids', and our grandkids' future depends on the condition we leave our environment in. As our city approaches this monumental moment you have the opportunity to change the future for our city, our state, our country, and even the world. Your decision will decide the future of those yet to come. In the words of Joshua Lawrence Chamberlain, Commander of the 20th Maine Infantry, at the battle of Gettysburg:

"...In a momentous struggle such as this, it is character that tells. I do not mean simply bravery. What I mean is a seasoned substance of soul. I mean such qualities as intelligence, thoughtfulness, conscientiousness, right-mindedness, patience, fortitude, and unconquerable resolve...."

We know not the future, and cannot plan for it. But we can hold our spirits and our bodies so pure and high, we may cherish such thoughts and ideals, and dream such dreams of lofty purpose, that we can determine what manner of men we will be whenever and wherever the hour strikes, that calls to noble action."

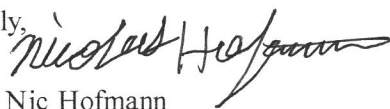
In this time, our city calls YOU to noble action, and we seek leadership. We ask of you to display the qualities that Chamberlain speaks of. Now more than ever your thoughtfulness, fortitude, and right-mindedness will change the world should you choose to.

OUR city needs to:

1. Enact a full ban on new terminals, large or small. A 2 million gallon facility is still too large.
2. Prohibit expansions at existing terminals and require them to make upgrades for Seismic Safety through State Building Codes.
3. Prevent NW Natural from getting an exemption. Allowing LNG storage in Portland is unnecessary and bad for our safety and climate. NW Natural has no current plans for more LNG storage in Portland and should be included in this policy just like the other fossil fuel terminal operators.

Intelligence, thoughtfulness, conscientiousness, right-mindedness, patience, fortitude, and unconquerable resolve, these qualities are what we ask of, these qualities are what will make history, these qualities are what will create a better world for those yet to come. These qualities will help you be for and of the people.

Sincerely,



Nic Hofmann