

Date: 16 September 2016

To: City of Portland Planning & Sustainability Commission

Subject: Bulk Fossil Fuel Terminal Zoning Amendments – Additional Testimony

Esteemed Commissioners:

Thank you for the opportunity to submit testimony on the proposed Zoning Code amendments covering Bulk Fossil Fuel Terminal (BFFT) Zoning amendments submitted by the City of Portland Bureau of Planning and Sustainability (BPS) on 12 August 2016, with suggested revisions per Memorandum dated 9 September 2016.

This testimony is an addition to the testimony I submitted on 12 September, and is in response to concerns raised by several of you at the public hearing held on 13 September.

- **BPS's recommendation that the original Zoning amendment proposal be revised to "*allow limited expansion of existing terminals to not exceed 10 percent of the total terminal capacity*" should be rejected because it gives preferential treatment to a single class of Uses – Bulk Fossil Fuel Terminals.**

This assertion was part of my original testimony on the 12th, and is repeated for emphasis. The 10 percent expansion threshold is completely arbitrary on the part of the City and has no basis in any other legally adopted standard; it is based solely on the reluctance of BDS to see an increase in work load. Adoption of this revision could expose the City to a LUBA challenge.

- **Additional review criteria for BFFTs would incentivize seismic upgrades for existing facilities**

Included with my testimony on the 12th were suggested additional review criteria to which BFFT expansion applications should be subjected. These criteria include evaluations of climate change impacts, impacts of potential fire and/or explosion, and impacts of potential release of fossil fuels into the Columbia River. It is clear that the City of Portland takes very seriously the hazard posed by the existing location of fossil fuel storage facilities on liquefaction soils.

One way to address this existing risk is by the establishment of the proposed additional review criteria. Risk of fire and explosion and also risk of release of fossil fuels into the Columbia River could both be ameliorated by upgrading the facilities to higher seismic construction standards. If an Owner of a BFFT desires to expand a facility, under the additional criteria there would be a strong incentive to reduce these risks in order to compensate for the negative impacts on climate change by the increased GHG emissions. Approval of expansion proposals could be predicated upon reducing the risk of catastrophic fires, explosions, and spills that could occur in the event of a large earthquake. Under the existing review criteria, approval does not depend on decreasing these risks and thus there would be no incentive for the applicant to propose the additional work of seismic upgrades.

This concludes my written testimony. Please feel free to contact me with any questions or concerns. Thank you for your attention to this issue.

Cordially

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