

From: Brandon Philips brandon@ifup.org
Subject: Re: [EXTERNAL] Gas Station Siting Restrictions for Sensitive Areas
Date: Mar 16, 2022 at 8:19:15 AM
To: Theresa Cherniak Theresa_Cherniak@co.washington.or.us
Cc: Stephen Roberts Stephen_Roberts@co.washington.or.us, Andy Back Andy_Back@co.washington.or.us, Melissa De Lyser Melissa_De_Lyser@co.washington.or.us, Joel Cvetko Joel_Cvetko@co.washington.or.us, Pam Treece Pam_Treece@co.washington.or.us

Hello Theresa-

Thank you for the detailed response on the work program. I will let the folks who signed the letter know that this is the next step that LUT Staff will be taking.

If you don't mind can you help me with two procedural questions:

1. Is it possible to have a brief meeting with the folks writing the Staff Long Range Work Plan opinion on our letter? We have gathered quite a bit of knowledge on gas stations and setbacks and I want to ensure that any context we have isn't lost over these emails and letters.
2. Are there past community requested land use updates that have been successful that we should be modeling? As the FAQ states we have done quite a bit of groundwork between Commissioners, Boards, CPOs, and developing our resource website at <https://postpump.org>. But, if we are missing a step I would appreciate the direction.

Please let me know if there is anything else we can be doing. We have lots of folks that are eager to figure this out and improve our CDC.

Thank You,

Brandon

On Mar 10, 2022, at 5:47 PM, Theresa Cherniak
<Theresa_Cherniak@co.washington.or.us> wrote:

Mr. Philips –

Thank you for your email. Each year staff in Long Range Planning (LRP) get direction from the Board of Commissioners on the topics we are to work on over the coming year. Our time is limited and there are always more possible tasks than we have the staff to work on.

This past year, this general topic was raised during LRP Work Program discussions with the Board [see p. 13 of Revised Draft Report and p. 10 of Final Staff Report]. As you see, it was included as one of the potential sub-tasks as part of a planned broader review of the County's Community Development Code. That work, however, is not planned to happen in the immediate future.

We understand your concerns, and will treat your email as a request to include this topic as a standalone task in the next LRP Work Program. At this time we don't have a schedule for when that discussion will happen with the Board, but expect it to be in the summer.

We will include you on the email list to receive updates about the Work Program, including the schedule once that is known.

Theresa Cherniak, AICP, MLA | Principal Planner

theresa_cherniak@co.washington.or.us

Please continue to contact me via email or call me at [971-282-1676](tel:971-282-1676)

In an effort to mitigate the spread of COVID-19, I am working from home in accordance with County policy.

From: Brandon Philips <brandon@ifup.org>
Sent: Wednesday, February 23, 2022 2:07 PM
To: LUT Planning <lutplan@co.washington.or.us>
Cc: Pam Treece <Pam_Treece@co.washington.or.us>
Subject: [EXTERNAL] Gas Station Siting Restrictions for Sensitive Areas

Hello Washington County Land Use Staff and Commissioner Treece-

We are citizens and organizations that want to see Washington County put land use restrictions on gas stations near sensitive areas. Data from Oregon DEQ, Federal EPA, and other organizations clearly show the economic, health, and environmental risks that gas stations and their underground petroleum tanks pose ([see reports](#)). And land use restrictions are the right tool to reduce and isolate these risks from sensitive public and private lands.

In fact, many other municipalities have made similar land use code updates coast-to-coast from Petaluma, California to Montgomery County, Maryland ([see municipal codes](#)).

Our request: We want Washington County land use codes updated to require that gas stations, currently operating gas stations excluded, be a minimum of 1,500 feet from any public park or playground, school, hospital, church, theater, dwelling unit, public library or building for public assembly; or any wetland, stream, river, flood plain, or environmentally sensitive area. We also want to see this applied to all zones across the County without an option for variance to ensure equitable and objective application of this requirement.

We believe this is an urgent issue: here are just two catastrophic examples

from 2021 of how gas station storage can fail and endanger public lands and infrastructure:

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- 14,000 gallons were released under Highway 99 in Monmouth Oregon April 2021. This caused damage to public property, ground water, created traffic issues, and incalculable ecological damage. ([Oregon DEQ Blog](#))
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- 1,300 gallons of fuel leaked after a driver hit a gas pump in Pasadena California in December 2021.
- The fuel was pulled into the Alhambra wash where hazmat crews did their best to clean up the spill ([video](#), [news](#)).
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We have a shared belief that land use codes should both encourage economic development and “provide for the health, safety and general welfare of the citizens of Washington County” as the Washington County Community Development Code states ([municode](#)). And we believe that the data and reports we have provided supports the case for restricting gas station siting to promote the health, safety and welfare of the County.

Attached:

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- Frequently Asked Questions
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- 2 Letters from Tualatin Riverkeepers
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- 1 Letter from 350 PDX Washington County
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- 1 Letter from Washington County Treekeepers
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- Example gas station setback municipal codes
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- Summary of economic, environmental, and leak reports
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Thank You,

Brandon Philips
Lead Organizer
16822 NW Vetter Dr, Portland OR 97229

The attachment is also available at this URL <https://www.postpump.org/oregon/washington-county/land-use-letter.pdf>

FAQ

Q: How did you arrive at the 1,500ft setback requirement?

A: We chose 1,500 ft setback because it was the highest municipal restriction we had found in our research short of an outright ban on new gas stations. For example it is the setback in Rock Hill, CT. The minimum consensus amongst municipalities we researched seems to be around 500 ft. You can see a few examples and direct links to example codes on this page: <https://www.postpump.org/gas-station-land-use-codes>

Q: Is there Washington County Community Participation Organization (CPO) engagement?

A: Yes, presentations were made in Feb. 2022 to both CPO1 and CPO7. There was positive reception at both meetings and many members signed the letter after the meetings.

Q: Are County Commissioners aware of these requests?

A: Yes, a number of public comments have been made on the topic to both the Board of Commissioners and the Planning Commission.

Q: Do you understand that future changes to land use code will not affect accepted land use applications?

A: Yes. Although this campaign is an offshoot of the opposition to Land Use Case L2100244 we understand that any changes to code will not affect the outcome of this case. However, we are motivated to ensure that gas station developments with the potential negative economic, environmental, and health impacts of that development are not considered again in Washington County.

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