Date: Mon, 16 Dec 2024 4:58:57 PM (UTC)
Sent: Mon, 16 Dec 2024 4:58:55 PM (UTC)
Subject: Meeting Forward Notification: Zenith Energy Briefing - Option 1
From: Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@portlandoregongov.onmicrosoft.com >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Your meeting was forwarded

Brown, Kelly has forwarded your meeting request to additional recipients.

Meeting

Zenith Energy Briefing - Option 1

Meeting Time

Tuesday, December 17, 2024 10:00 AM-11:00 AM.

Recipients

Wilson, Keith

Taft, Kristopher

Kris Taft

All times listed are in the following time zone: (UTC-08:00) Pacific Time (US & Canada)

Sent by Microsoft Exchange Online

Date: Mon, 16 Dec 2024 4:59:36 PM (UTC)
Sent: Mon, 16 Dec 2024 4:59:34 PM (UTC)
Subject: Meeting Forward Notification: Zenith Energy Briefing - Option 1
From: Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@portlandoregongov.onmicrosoft.com >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Your meeting was forwarded

Brown, Kelly has forwarded your meeting request to additional recipients.

Meeting

Zenith Energy Briefing - Option 1

Meeting Time

Tuesday, December 17, 2024 10:00 AM-11:00 AM.

Recipients

Engstrom, Eric

Armstrong, Tom

All times listed are in the following time zone: (UTC-08:00) Pacific Time (US & Canada)

Sent by Microsoft Exchange Online

Sent:	Mon, 16 Dec 2024 4:59:36 PM (UTC)
Subject:	Zenith Energy Briefing - Option 1
From:	Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
To:	Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >; King, Lauren <Lauren.King@portlandoregon.gov >; Brocker, Lori <Lori.Brocker@portlandoregon.gov >; Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >; Chase, Sam <Sam.Chase@portlandoregon.gov >; Morillo, Angelita <councilor.morillo@portlandoregon.gov >; Avalos, Candace <councilor.avalos@portlandoregon.gov >; Evenstar, Jamey <Jamey.Evenstar@portlandoregon.gov >; Beyer, Megan <Megan.Beyer@portlandoregon.gov >;
CC:	Jordan, Michael <Michael.Jordan@portlandoregon.gov >; Wilson, Keith <Mayor.Wilson@portlandoregon.gov >; Taft, Kristopher <Kristopher.Taft@portlandoregon.gov >; Kris Taft <kris@keithwilsonformayor.com > <kris@keithwilsonformayor.com >; Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Armstrong, Tom <Tom.Armstrong@portlandoregon.gov >; Miller, Andre <Andre.Miller3@portlandoregon.gov >;
BCC:	PB LG 20 ppl - AV & Video Camera - Rm 500 <PBRM500@portlandoregon.gov >;
Location:	Microsoft Teams Meeting; PB LG 20 ppl - AV & Video Camera - Rm 500
Start Time:	Tue, 17 Dec 2024 6:00:00 PM (UTC)
End Time:	Tue, 17 Dec 2024 7:00:00 PM (UTC)
Duration:	60
Timezone:	(UTC-08:00) Pacific Time (US & Canada)

-----Original Appointment-----
From: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Sent: Thursday, December 12, 2024 2:42 PM
To: Oliveira, Donnie; King, Lauren; Brocker, Lori; Kuhnhausen, David; Chase, Sam; Morillo, Angelita; Avalos, Candace; Evenstar, Jamey; Wilson, Keith; Taft, Kristopher; Kris Taft <kris@keithwilsonformayor.com >
Cc: Jordan, Michael
Subject: Zenith Energy Briefing - Option 1
When: Tuesday, December 17, 2024 10:00 AM-11:00 AM (UTC-08:00) Pacific Time (US & Canada).
Where: Microsoft Teams Meeting; PB LG 20 ppl - AV & Video Camera - Rm 500

Hold one of two options for background information on Zenith Energy Title V air permit and city related processes.

Microsoft Teams Need help?

Join the meeting now

[redacted]

tland

For organizers: Meeting options | Reset dial-in PIN
Org help | Privacy and security

Date: Mon, 16 Dec 2024 5:00:42 PM (UTC)
Sent: Mon, 16 Dec 2024 5:00:39 PM (UTC)
Subject: Meeting Forward Notification: Zenith Energy Briefing - Option 2
From: Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@portlandoregongov.onmicrosoft.com >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Your meeting was forwarded

Brown, Kelly has forwarded your meeting request to additional recipients.

Meeting

Zenith Energy Briefing - Option 2

Meeting Time

Wednesday, December 18, 2024 10:00 AM-11:00 AM.

Recipients

Armstrong, Tom

Engstrom, Eric

All times listed are in the following time zone: (UTC-08:00) Pacific Time (US & Canada)

Sent by Microsoft Exchange Online

Sent:	Mon, 16 Dec 2024 5:00:42 PM (UTC)
Subject:	Zenith Energy Briefing - Option 2
From:	Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
To:	Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >; King, Lauren <Lauren.King@portlandoregon.gov >; Brocker, Lori <Lori.Brocker@portlandoregon.gov >; Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >; Chase, Sam <Sam.Chase@portlandoregon.gov >; Green, Mitchell <councilor.green@portlandoregon.gov >; Koyama Lane, Tiffany <councilor.koyamalane@portlandoregon.gov >;
CC:	Jordan, Michael <Michael.Jordan@portlandoregon.gov >; Armstrong, Tom <Tom.Armstrong@portlandoregon.gov >; Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Kris Taft <kris@keithwilsonformayor.com > <kris@keithwilsonformayor.com >; Taft, Kristopher <Kristopher.Taft@portlandoregon.gov >; Wilson, Keith <Mayor.Wilson@portlandoregon.gov >; Rozzell, Matt <Matthew.Rozzell@portlandoregon.gov >;
BCC:	PB LG 20 ppl - AV & Video Camera - Rm 500 <PBRM500@portlandoregon.gov >;
Location:	Microsoft Teams Meeting; PB LG 20 ppl - AV & Video Camera - Rm 500
Start Time:	Wed, 18 Dec 2024 6:00:00 PM (UTC)
End Time:	Wed, 18 Dec 2024 7:00:00 PM (UTC)
Duration:	60
Timezone:	(UTC-08:00) Pacific Time (US & Canada)

-----Original Appointment-----
From: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Sent: Thursday, December 12, 2024 2:42 PM
To: Oliveira, Donnie; King, Lauren; Brocker, Lori; Kuhnhausen, David; Chase, Sam; Green, Mitchell; Koyama Lane, Tiffany
Cc: Jordan, Michael
Subject: Zenith Energy Briefing - Option 2
When: Wednesday, December 18, 2024 10:00 AM-11:00 AM (UTC-08:00) Pacific Time (US & Canada).
Where: Microsoft Teams Meeting; PB LG 20 ppl - AV & Video Camera - Rm 500

Hold one of two options for background information on Zenith Energy Title V air permit and city related processes.

Microsoft Teams Need help?

Join the meeting now

[redacted]

For organizers: Meeting options | Reset dial-in PIN
Org help | Privacy and security

Date: Mon, 16 Dec 2024 5:00:52 PM (UTC)
Sent: Mon, 16 Dec 2024 5:00:47 PM (UTC)
Subject: Accepted: Zenith Energy Briefing - Option 1
From: Armstrong, Tom <Tom.Armstrong@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Date: Mon, 16 Dec 2024 5:01:47 PM (UTC)
Sent: Mon, 16 Dec 2024 5:01:45 PM (UTC)
Subject: Accepted: Zenith Energy Briefing - Option 2
From: Armstrong, Tom <Tom.Armstrong@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Date: Mon, 16 Dec 2024 5:12:41 PM (UTC)
Sent: Mon, 16 Dec 2024 5:12:39 PM (UTC)
Subject: Declined: Zenith Energy Briefing - Option 1
From: Taft, Kristopher <Kristopher.Taft@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Date: Mon, 16 Dec 2024 5:12:50 PM (UTC)
Sent: Mon, 16 Dec 2024 5:12:46 PM (UTC)
Subject: Declined: Zenith Energy Briefing - Option 1
From: Taft, Kristopher <Kristopher.Taft@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Date: Mon, 16 Dec 2024 5:14:45 PM (UTC)
Sent: Mon, 16 Dec 2024 5:14:39 PM (UTC)
Subject: Meeting Forward Notification: Zenith Energy Briefing - Option 2
From: Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@portlandoregongov.onmicrosoft.com >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Your meeting was forwarded

Brown, Kelly has forwarded your meeting request to additional recipients.

Meeting

Zenith Energy Briefing - Option 2

Meeting Time

Wednesday, December 18, 2024 10:00 AM-11:00 AM.

Recipients

Kris Taft
Taft, Kristopher
Wilson, Keith

All times listed are in the following time zone: (UTC-08:00) Pacific Time (US & Canada)

Sent by Microsoft Exchange Online

Date:	Mon, 16 Dec 2024 6:07:53 PM (UTC)
Sent:	Mon, 16 Dec 2024 6:07:51 PM (UTC)
Subject:	FW: NEW PUBLIC RECORDS REQUEST RECEIVED
From:	Ocken, Julie <Julie.Ocken@portlandoregon.gov >
To:	Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >; Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;
CC:	Reed, Magan <Magan.Reed@portlandoregon.gov >;

Well… not really surprising at all, but two Zenith record requests this morning, which I've condensed into this one email.

I'm checking in with Janet Storm who does PRRs for Mike's office who forwarded them to me to work on. Not sure why. But… I'll check in with her and see what we do with this. At least this is a short time frame for messages between Mike and Donnie.

Julie Ocken
she/her
Strategic Projects
City of Portland
Community & Economic Development Service Area
503-307-9261

The City of Portland is committed to providing meaningful access. To request translation, interpretation, modifications, accommodations, or other auxiliary aids or services, contact 311 (503-823-4000), for Relay Service & TTY: 711.

From: Portland Public Records Request Center <portlandor@govqa.us >
Sent: Monday, December 16, 2024 9:51 AM
To: Ocken, Julie <Julie.Ocken@portlandoregon.gov >
Subject: NEW PUBLIC RECORDS REQUEST RECEIVED

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

This is notification that the system received a new public records request or a request has been reassigned to you.

Below is the link to the specific request.

https://portlandor.govqa.us/WEBAPP/zAdmin/ServiceRequests/Details.aspx?id=373502

Overview of the Request

Create Date: 12/12/2024 8:52:42 AM

Reference # C373502-121224

Type of Record: City Administrator's Office

Customer : Jeremiah Hayden

Description of Record Requested: Under the Oregon Public Records Law, §192.410 et seq., I am requesting an opportunity to inspect or obtain copies of all correspondence, including emails and attachments, SMS texts, and iMessages to or from City Administrator Michael Jordan to or from Deputy City Administrator Donnie

Oliviera from December 1 to present, and including the terms “Zenith” or “LUCS” or “DEQ” or “renewable” or “piping”

And I am requesting an opportunity to inspect or obtain copies of all correspondence, including emails and attachments, SMS texts, and iMessages to or from City Administrator Michael Jordan to or from Deputy City Administrator Donnie Oliviera from December 12 to December 15, 2024, and including the terms “Zenith” or “LUCS” or “DEQ” or “renewable” or “piping”

In order to help determine fees, you should know that I am a representative of a 501(c)(3) nonprofit newspaper. I request a waiver of any applicable fees as the respondent records are being used for noncommercial purposes in the process of newsgathering in the public interest.

The requested records will give the public insight into Zenith Energy and the City of Portland’s ongoing efforts to transition to renewable fuels.

If you decline to release these records or any portion thereof, I request that you cite the specific provision of state law in connection with redacted/withheld records that allows your agency to redact or withhold that material despite the evident presence of high public interest.

Please release all segregable portions of the documents responsive to this request as they become available. If possible, please provide records in electronic format and email them to jeremiah@streetroots.org.
Thank you for your time and attention to this request.

Best,
Jeremiah Hayden
reporter, Street Roots
971-420-1030

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

Date:	Mon, 16 Dec 2024 6:10:00 PM (UTC)
Sent:	Mon, 16 Dec 2024 6:10:41 PM (UTC)
Subject:	RE: NEW PUBLIC RECORDS REQUEST RECEIVED
From:	Oliveira, Donnie
To:	Ocken, Julie <Julie.Ocken@portlandoregon.gov >; Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >;
CC:	Reed, Magan <Magan.Reed@portlandoregon.gov >;

I am pretty sure the answer is none.

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

From: Ocken, Julie <Julie.Ocken@portlandoregon.gov >
Sent: Monday, December 16, 2024 10:08 AM
To: Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >; Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Cc: Reed, Magan <Magan.Reed@portlandoregon.gov >
Subject: FW: NEW PUBLIC RECORDS REQUEST RECEIVED

Well… not really surprising at all, but two Zenith record requests this morning, which I've condensed into this one email.

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Julie Ocken
she/her
Strategic Projects
City of Portland
Community & Economic Development Service Area
503-307-9261

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Best,
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reporter, Street Roots
971-420-1030

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Date:	Mon, 16 Dec 2024 6:11:38 PM (UTC)
Sent:	Mon, 16 Dec 2024 6:11:35 PM (UTC)
Subject:	RE: NEW PUBLIC RECORDS REQUEST RECEIVED
From:	Ocken, Julie <Julie.Ocken@portlandoregon.gov >
To:	Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >; Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >;
CC:	Reed, Magan <Magan.Reed@portlandoregon.gov >;

Well that's good. I will put in the requests for records to be pulled today.

Julie Ocken
she/her
Strategic Projects
City of Portland
Community & Economic Development Service Area
503-307-9261

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From: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Sent: Monday, December 16, 2024 10:11 AM
To: Ocken, Julie <Julie.Ocken@portlandoregon.gov >; Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >
Cc: Reed, Magan <Magan.Reed@portlandoregon.gov >
Subject: RE: NEW PUBLIC RECORDS REQUEST RECEIVED

I am pretty sure the answer is none.

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

From: Ocken, Julie <Julie.Ocken@portlandoregon.gov >
Sent: Monday, December 16, 2024 10:08 AM
To: Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >; Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Cc: Reed, Magan <Magan.Reed@portlandoregon.gov >
Subject: FW: NEW PUBLIC RECORDS REQUEST RECEIVED

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she/her
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City of Portland
Community & Economic Development Service Area
503-307-9261

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From: Portland Public Records Request Center <portlandor@govqa.us>
Sent: Monday, December 16, 2024 9:51 AM
To: Ocken, Julie <Julie.Ocken@portlandoregon.gov >
Subject: NEW PUBLIC RECORDS REQUEST RECEIVED

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Overview of the Request

Create Date: 12/12/2024 8:52:42 AM

Reference # C373502-121224

Type of Record: City Administrator's Office

Customer : Jeremiah Hayden

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Please release all segregable portions of the documents responsive to this request as they become available. If possible, please provide records in electronic format and email them to jeremiah@streetroots.org .
Thank you for your time and attention to this request.

Best,

Jeremiah Hayden
reporter, Street Roots
971-420-1030

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

Date:	Mon, 16 Dec 2024 6:15:00 PM (UTC)
Sent:	Mon, 16 Dec 2024 6:15:02 PM (UTC)
Subject:	RE: NEW PUBLIC RECORDS REQUEST RECEIVED
From:	Oliveira, Donnie
To:	Ocken, Julie <Julie.Ocken@portlandoregon.gov >; Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >;
CC:	Reed, Magan <Magan.Reed@portlandoregon.gov >;

There are a couple emails that I sent to a bunch of people, but again, nothing of issue.

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

From: Ocken, Julie <Julie.Ocken@portlandoregon.gov >
Sent: Monday, December 16, 2024 10:12 AM
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >; Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >
Cc: Reed, Magan <Magan.Reed@portlandoregon.gov >
Subject: RE: NEW PUBLIC RECORDS REQUEST RECEIVED

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Julie Ocken
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Strategic Projects
City of Portland
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To: Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >; Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Cc: Reed, Magan <Magan.Reed@portlandoregon.gov >
Subject: FW: NEW PUBLIC RECORDS REQUEST RECEIVED

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she/her
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From: Portland Public Records Request Center <portlandor@govqa.us>
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Overview of the Request

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Reference # C373502-121224

Type of Record: City Administrator's Office

Customer : Jeremiah Hayden

Description of Record Requested: Under the Oregon Public Records Law, §192.410 et seq., I am requesting an opportunity to inspect or obtain copies of all correspondence, including emails and attachments, SMS texts, and iMessages to or from City Administrator Michael Jordan to or from Deputy City Administrator Donnie Oliviera from December 1 to present, and including the terms "Zenith" or "LUCS" or "DEQ" or "renewable" or "piping"

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Thank you for your time and attention to this request.

Best,
Jeremiah Hayden
reporter, Street Roots
971-420-1030

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

Date: Mon, 16 Dec 2024 6:16:04 PM (UTC)
Sent: Mon, 16 Dec 2024 6:16:01 PM (UTC)
Subject: Re: NEW PUBLIC RECORDS REQUEST RECEIVED
From: Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >; Ocken, Julie <Julie.Ocken@portlandoregon.gov >;
CC: Reed, Magan <Magan.Reed@portlandoregon.gov >;

Thank you, Julie! Please let me know if I can support you. This reporter recently reached out to Donnie and PP &D on this topic with a fast deadline, but he published his most recent story before we could get back to him.

Elliott Kozuch | *He/Him* or *They/Them*
Public Information Manager
City of Portland
Community and Economic Development Service Area
Call/Text: 971-480-0551
Email: elliott.kozuch@portlandoregon.gov

The City of Portland ensures meaningful access to City programs, services, and activities to comply with Civil Rights Title VI and ADA Title II laws and reasonably provides: translation, interpretation, modifications, accommodations, alternative formats, auxiliary aids and services. To request these services, contact Housing Bureau (503-823-2375) or 311 (503-823-4000), for Relay Service & TTY: 711.

503-823-2375 Traducción e Interpretación | Biên Dịch và Thông Dịch | 口笔译服务 | Устный и письменный перевод | Turjumaad iyo Fasiraad | Письмовий і усний переклад | Traducere și interpretariat | Chiaku me Awewen Kapas | अनुवादन तथा व्याख्या

From: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Sent: Monday, December 16, 2024 10:15 AM
To: Ocken, Julie <Julie.Ocken@portlandoregon.gov >; Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >
Cc: Reed, Magan <Magan.Reed@portlandoregon.gov >
Subject: RE: NEW PUBLIC RECORDS REQUEST RECEIVED

There are a couple emails that I sent to a bunch of people, but again, nothing of issue.

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

From: Ocken, Julie <Julie.Ocken@portlandoregon.gov >
Sent: Monday, December 16, 2024 10:12 AM
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >; Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >
Cc: Reed, Magan <Magan.Reed@portlandoregon.gov >
Subject: RE: NEW PUBLIC RECORDS REQUEST RECEIVED

Well that's good. I will put in the requests for records to be pulled today.

Julie Ocken
she/her
Strategic Projects

City of Portland
Community & Economic Development Service Area
503-307-9261

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From: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Sent: Monday, December 16, 2024 10:11 AM
To: Ocken, Julie <Julie.Ocken@portlandoregon.gov >; Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >
Cc: Reed, Magan <Magan.Reed@portlandoregon.gov >
Subject: RE: NEW PUBLIC RECORDS REQUEST RECEIVED

I am pretty sure the answer is none.

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

From: Ocken, Julie <Julie.Ocken@portlandoregon.gov >
Sent: Monday, December 16, 2024 10:08 AM
To: Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >; Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Cc: Reed, Magan <Magan.Reed@portlandoregon.gov >
Subject: FW: NEW PUBLIC RECORDS REQUEST RECEIVED

Well… not really surprising at all, but two Zenith record requests this morning, which I've condensed into this one email.

I'm checking in with Janet Storm who does PRRs for Mike's office who forwarded them to me to work on. Not sure why. But… I'll check in with her and see what we do with this. At least this is a short time frame for messages between Mike and Donnie.

Julie Ocken
she/her
Strategic Projects
City of Portland
Community & Economic Development Service Area
503-307-9261

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From: Portland Public Records Request Center <portlandor@govqa.us>
Sent: Monday, December 16, 2024 9:51 AM
To: Ocken, Julie <Julie.Ocken@portlandoregon.gov >
Subject: NEW PUBLIC RECORDS REQUEST RECEIVED

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

This is notification that the system received a new public records request or a request has been reassigned to you.

Below is the link to the specific request.

https://portlandor.govqa.us/WEBAPP/zAdmin/ServiceRequests/Details.aspx?id=373502

Overview of the Request

Create Date: 12/12/2024 8:52:42 AM

Reference # C373502-121224

Type of Record: City Administrator's Office

Customer : Jeremiah Hayden

Description of Record Requested: Under the Oregon Public Records Law, §192.410 et seq., I am requesting an opportunity to inspect or obtain copies of all correspondence, including emails and attachments, SMS texts, and iMessages to or from City Administrator Michael Jordan to or from Deputy City Administrator Donnie Oliviera from December 1 to present, and including the terms "Zenith" or "LUCS" or "DEQ" or "renewable" or "piping"

And I am requesting an opportunity to inspect or obtain copies of all correspondence, including emails and attachments, SMS texts, and iMessages to or from City Administrator Michael Jordan to or from Deputy City Administrator Donnie Oliviera from December 12 to December 15, 2024, and including the terms "Zenith" or "LUCS" or "DEQ" or "renewable" or "piping"

In order to help determine fees, you should know that I am a representative of a 501(c)(3) nonprofit newspaper. I request a waiver of any applicable fees as the respondent records are being used for noncommercial purposes in the process of newsgathering in the public interest.

The requested records will give the public insight into Zenith Energy and the City of Portland's ongoing efforts to transition to renewable fuels.

If you decline to release these records or any portion thereof, I request that you cite the specific provision of state law in connection with redacted/withheld records that allows your agency to redact or withhold that material despite the evident presence of high public interest.

Please release all segregable portions of the documents responsive to this request as they become available. If possible, please provide records in electronic format and email them to jeremiah@streetroots.org .
Thank you for your time and attention to this request.

Best,
Jeremiah Hayden
reporter, Street Roots
971-420-1030

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

Date: Mon, 16 Dec 2024 6:17:10 PM (UTC)
Sent: Mon, 16 Dec 2024 6:17:08 PM (UTC)
Subject: Scrum notes
From: Brown, Kelly <Kelly.Brown@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Hi Donnie,

Here are the notes from this morning's scrum. I've highlighted some questions about the swearing in ceremony.

- Monday
  - Eric flagged 6pm DEQ Public Zenith meeting
- Tuesday
  - I highlighted the two Zenith briefings on Tuesday and Wednesday
  - Prosper Community Budget Committee Meeting – discussing how cuts will be allocated/split among different business lines.
    - Prosper Board will also be touring PAM to not renovation and building updates; some Prosper staff will also attend
  - Eric will attend the MHCRC retreat
  - PHB will be touring shelter some sites and welcome anyone outside their bureau who would like to attend
- Wednesday
  - I highlighted our Council items
  - Prosper has a Board meeting
- Thursday
  - Swearing In Ceremony
    - Shea and Chabre attending
    - Helmi would like to attend but never received an invitation
    - David and Elshad will attend if possible but are unsure of which link to use (see below – the link Shea shared is the public link)
    - Eric not attending
- Friday
  - I highlighted OGR check in, Mayor-elect Climate briefing, and Directors check in

Other things people noted:

- This is Helmi's last week before she's OOO for 2 weeks; she will send Kelly a list of delegations of authority for while she's away
- Prosper office is fully closed 12/25-1/1; Shea noted that many staff (including he and Lisa) take 12/23 and 12/24 off as well
- 12/27 Directors' meeting:
  - David has forwarded the invite to Elshad who can attend in his absence
  - All agree that text message is the most reliable way to notify the group if the meeting goes forward

Thanks!
Kelly

Kelly Brown (she/her)
Executive Assistant to DCA Donnie Oliveira

City of Portland
Community & Economic Development
971-610-7111
kelly.brown@portlandoregon.gov

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From: Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >
Sent: Monday, December 16, 2024 9:49 AM
To: Brown, Kelly <Kelly.Brown@portlandoregon.gov >; Hajiyev, Elshad <Elshad.Hajiyev@portlandoregon.gov >
Cc: Poole, Colleen <Colleen.Poole@portlandoregon.gov >
Subject: FW: Ticket Instructions: City of Portland swearing-in ceremony on Dec. 19

Hi Kelly,

Can you please let me know if we should use link below, or the link Shea provided? I am almost certain both are general admission, so it may not make a difference.

@Hajiyev, Elshad including you in the event that you'd like to attend.

Thanks,
David

From: City of Portland <CityofPortland@info.portland.gov >
Sent: Wednesday, December 4, 2024 3:34 PM
To: Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >
Subject: Ticket Instructions: City of Portland swearing-in ceremony on Dec. 19

Don't forget – join the City of Portland for a

special swearing-in ceremony!

The City of Portland's 14 newly elected officials will hold their first city council meeting on Jan. 2, 2025. However, we have to swear them in first. Please join us at their Dec. 19, 2024 swearing-in ceremony to formally welcome them to the City of Portland.

Date: Thursday, Dec. 19, 2024

Time: 1 to 3 p.m.

Venue: Newmark Theater

Reserve your ticket: general seating

Keep in mind, you will need to make an account with Portland5 or sign in using an existing account. Once you make an account or sign in, scroll to the bottom or click next to complete the ticketing process. If you have issues accessing the link after signing in, come back to this email and click this ticket link.



I hope to see you there and celebrate this milestone in the City of Portland's transition together.

City Administrator Michael Jordan

Ticketing Reminders

- This link is for the **general admission section**, which will be seated in the balconies. These seats are first come, first served. We'll have ushers to help with questions but recommend checking the Newmark's seating map ahead of time.
- You will receive an email confirming your reservation with a link to your mobile ticket. The sender is Portland5@paciolan.com and will have a link to download your ticket. This ticket can be added to Google Pay or Apple Wallet and will need to be presented on your mobile device for scanning at the event.
- If you have any issues with your ticket on the day of the event, please come to the check-in table.
- Ticket orders are capped to 1 ticket per order. Please contact transition@portlandoregon.gov if you have any issues with the ticketing process.

Save the Event to your Calendar

- Outlook invitation: On desktop, click "open" and on mobile click "add to calendar."

Accessibility

The City of Portland is working with the Newmark theater to ensure all guests are able to enjoy the ceremony. Please review the Newmark's accessibility pages if you have any requests and email transition@portlandoregon.gov if your request isn't covered below.

- For Patrons and Visitors with Mobility Disabilities
- For Patrons and Visitors who are Deaf or Hard of Hearing
- For Patrons and Visitors who are Blind or have Low Vision
- For Patrons and Visitors with Sensory Needs
- For Patrons and Visitors Using a Service Animal
- For Patrons and Visitors with a Disability Discrimination Complaint

Can't make it? We will livestream this event on our City Council YouTube channel. Follow along there!

Questions? Email transition@portlandoregon.gov.

Traducción e Interpretación | Biên Dịch và Thông Dịch | अनुवादन तथा व्याख्या
口笔译服务 | Устный и письменный перевод | Turjumaad iyo Fasiraad
Письмовий і усний переклад | Traducere şi interpretariat | Chiaku me
Awewen Kapas

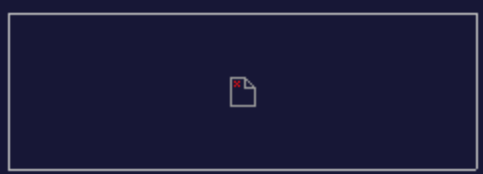
Translation and Interpretation: 311

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City of Portland, Oregon
1120 SW Fifth Avenue
Portland, OR 97204

Phone: 503-823-4000





This email was sent to david.kuhnhausen@portlandoregon.gov using govDelivery Communications Cloud on behalf of: City of Portland, Ore. · 1221 SW 4th Avenue · Portland, OR 97204





Date: Mon, 16 Dec 2024 6:21:19 PM (UTC)
Sent: Mon, 16 Dec 2024 6:21:16 PM (UTC)
Subject: Meeting Forward Notification: Zenith Energy Briefing - Option 1
From: Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@portlandoregongov.onmicrosoft.com >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Your meeting was forwarded

Miller, Andre has forwarded your meeting request to additional recipients.

Meeting

Zenith Energy Briefing - Option 1

Meeting Time

Tuesday, December 17, 2024 10:00 AM-11:00 AM.

Recipients

Miller, Andre

All times listed are in the following time zone: (UTC-08:00) Pacific Time (US & Canada)

Sent by Microsoft Exchange Online

Date: Mon, 16 Dec 2024 6:21:20 PM (UTC)
Sent: Mon, 16 Dec 2024 6:21:18 PM (UTC)
Subject: Accepted: Zenith Energy Briefing - Option 1
From: Miller, Andre <Andre.Miller3@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Date: Mon, 16 Dec 2024 6:24:48 PM (UTC)
From: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
To: Brown, Kelly <Kelly.Brown@portlandoregon.gov >;

he just got invited to zenith meeting

Date: Mon, 16 Dec 2024 6:35:49 PM (UTC)
Sent: Mon, 16 Dec 2024 6:35:46 PM (UTC)
Subject: Accepted: Zenith Energy Briefing - Option 2
From: Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Date: Mon, 16 Dec 2024 6:35:59 PM (UTC)
Sent: Mon, 16 Dec 2024 6:35:57 PM (UTC)
Subject: Meeting Forward Notification: Zenith Energy Briefing - Option 2
From: Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@portlandoregongov.onmicrosoft.com >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Your meeting was forwarded

Kuhnhausen, David has forwarded your meeting request to additional recipients.

Meeting

Zenith Energy Briefing - Option 2

Meeting Time

Wednesday, December 18, 2024 10:00 AM-11:00 AM.

Recipients

Rozzell, Matt

All times listed are in the following time zone: (UTC-08:00) Pacific Time (US & Canada)

Sent by Microsoft Exchange Online

Date: Mon, 16 Dec 2024 6:45:02 PM (UTC)
Sent: Mon, 16 Dec 2024 6:44:58 PM (UTC)
Subject: Accepted: Zenith Energy Briefing - Option 2
From: Rozzell, Matt <Matthew.Rozzell@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Date:	Mon, 16 Dec 2024 7:38:16 PM (UTC)
Sent:	Mon, 16 Dec 2024 7:38:12 PM (UTC)
Subject:	FW: Aaron Richardson Mentioned you on Request C373502-121224
From:	Ocken, Julie <Julie.Ocken@portlandoregon.gov >
To:	Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >; Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >;

FYI… surprising number of records (~ 300), but there could be many duplicates given Donnie's note that there isn't going to be a there-there (here).

Julie Ocken
she/her
Strategic Projects
City of Portland
Community & Economic Development Service Area
503-307-9261

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From: Portland Public Records Request Center <portlandor@govqa.us >
Sent: Monday, December 16, 2024 11:34 AM
To: Ocken, Julie <Julie.Ocken@portlandoregon.gov >
Subject: Aaron Richardson Mentioned you on Request C373502-121224

This is an email to let you know you have been mentioned.

Aaron Richardson Mentioned you.
Mention: Julie Ocken
Email Estimate - 25-206PR C373502 Req 1 [City]

Date: 12/01/2024 - 12/16/2024
Accounts: donald.oliveira@portlandoregon.gov ; michael.jordan@portlandoregon.gov
Query: "Zenith" OR "LUCS" OR "DEQ" OR "renewable" OR "piping"

Email record search estimate = 297 item(s) (195.37 MB)

Keyword Breakdown
Condition & Items
("Zenith") 213
("LUCS") 115
("DEQ") 128
("renewable") 82
("piping") 25

-=-=-

Text Estimate - 25-206PR C373502 Req 2 [City]

Date: 12/01/2024 - 12/15/2024
Accounts: donald.oliveira@portlandoregon.gov ; michael.jordan@portlandoregon.gov
Query: "Zenith" OR "LUCS" OR "DEQ" OR "renewable" OR "piping"

Text record search estimate = 2 messages

Reference No.: C373502-121224

Assigned Staff: Julie Ocken

Request Summary: Under the Oregon Public Records Law, §192.410 et seq., I am requesting an opportunity to inspect or obtain copies of all correspondence, including emails and attachments, SMS texts, and iMessages to or from City Administrator Michael Jordan to or from Deputy City Administrator Donnie Oliviera from December 1 to present, and including the terms "Zenith" or "LUCS" or "DEQ" or "renewable" or "piping" In order to help determine fees, you should know that I am a representative of a 501(c)(3) nonprofit newspaper. I request a waiver of any applicable fees as the respondent records are being used for noncommercial purposes in the process of newsgathering in the public interest. The requested records will give the public insight into Zenith Energy and the City of Portland's ongoing efforts to transition to renewable fuels. If you decline to release these records or any portion thereof, I request that you cite the specific provision of state law in connection with redacted/withheld records th

Request Status: Active - Processing Request

Create Date: 12/12/2024 8:52:42 AM

Update Date: 12/16/2024 11:33:51 AM

Customer Name: Jeremiah Hayden

https://portlandor.govqa.us/WEBAPP/zAdmin/ServiceRequests/Details.aspx?id=373502

Notes:

On 12/16/2024 11:33:00 AM, Aaron Richardson wrote:

Julie Ocken
Email Estimate - 25-206PR C373502 Req 1 [City]

Date: 12/01/2024 - 12/16/2024
Accounts: donald.oliveira@portlandoregon.gov ; michael.jordan@portlandoregon.gov
Query: "Zenith" OR "LUCS" OR "DEQ" OR "renewable" OR "piping"

Email record search estimate = 297 item(s) (195.37 MB)

Keyword Breakdown
Condition & Items
("Zenith") 213
("LUCS") 115
("DEQ") 128
("renewable") 82
("piping") 25

-=-=-

Text Estimate - 25-206PR C373502 Req 2 [City]

Date: 12/01/2024 - 12/15/2024
Accounts: donald.oliveira@portlandoregon.gov ; michael.jordan@portlandoregon.gov
Query: "Zenith" OR "LUCS" OR "DEQ" OR "renewable" OR "piping"

Text record search estimate = 2 messages

Communications:

Date:	Mon, 16 Dec 2024 7:39:24 PM (UTC)
Sent:	Mon, 16 Dec 2024 7:39:21 PM (UTC)
Subject:	RE: Public records request no: D373345
From:	Wren, Meg <meg.wren@portlandoregon.gov >
To:	Ocken, Julie <Julie.Ocken@portlandoregon.gov >; Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

No, I haven't received anything similar to this one. I'm sorry for the radio silence last week – I was out and forgot to turn on my OOO message.

Meg Wren (she/her)
File & Records Specialist
City of Portland Bureau of Planning & Sustainability
971.469.5918
www.portland.gov/bps

From: Ocken, Julie <Julie.Ocken@portlandoregon.gov >
Sent: Wednesday, December 11, 2024 12:35 PM
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >; Wren, Meg <meg.wren@portlandoregon.gov >
Subject: RE: Public records request no: D373345

Haven't seen anything at the service area level. Meg is now receiving all BPS PRRs… @Wren, Meg have you seen one similar to this come through (probably yesterday or today)?

Julie Ocken
she/her
Strategic Projects
City of Portland
Community & Economic Development Service Area
503-307-9261

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From: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Sent: Wednesday, December 11, 2024 12:33 PM
To: Ocken, Julie <Julie.Ocken@portlandoregon.gov >
Subject: Fwd: Public records request no: D373345

Did I or BPS get one of these?

Donnie Oliveira | he/him
Deputy City Administrator
Community and Economic Development
503.593.1869
Begin forwarded message:

> **From:** "Ray, Ken" <Ken.Ray@portlandoregon.gov >
> **Date:** December 11, 2024 at 11:25:08 AM PST
> **To:** "Oliveira, Donnie" <Donald.Oliveira@portlandoregon.gov >, "Kozuch, Elliott" <Elliott.Kozuch@portlandoregon.gov >, "Kuhnhausen, David" <David.Kuhnhausen@portlandoregon.gov >
> **Cc:** "Reed, Magan" <Magan.Reed@portlandoregon.gov >, "Caron, Ross" <Ross.Caron@portlandoregon.gov >, "Fahey, Brenda" <Brenda.Fahey@portlandoregon.gov >, "Poole, Colleen" <Colleen.Poole@portlandoregon.gov >
> **Subject: Public records request no: D373345**

Portland Permitting & Development received this public records request this morning, the response to which I am managing.

My intended approach is to:

1. Work with PP&D's Land Use Services team and director's office to compile the requested documents, if we have any that meet the parameters of this request during the time period specified (since July 1, 2024)
2. Prepare a cost estimate if review time is expected to exceed one hour
3. Consult with the City Attorney's office, as needed, on review of any documents that might merit exemptions to disclosure under Oregon law
4. Provide PP&D leadership and the DCA's office with a brief overview of the contents of the responsive documents before their disclosure

Please respond with any questions, concerns or further direction on this matter. Thanks.

From: Portland Public Records Request Center <portlandor@govqa.us>
Sent: Wednesday, December 11, 2024 11:12 AM
To: Ray, Ken <Ken.Ray@portlandoregon.gov >
Subject: NEW PUBLIC RECORDS REQUEST RECEIVED

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

This is notification that the system received a new public records request or a request has been reassigned to you.

Below is the link to the specific request.

https://portlandor.govqa.us/WEBAPP/zAdmin/ServiceRequests/Details.aspx?id=373345

Overview of the Request

Create Date: 12/11/2024 9:51:28 AM

Reference # D373345-121124

Type of Record: [typeinfo]

Customer : Nick Caleb

Description of Record Requested: (1) All documents sent, received, created, or maintained by PP&D about Zenith Energy, including notes from or about any meetings with Zenith Energy, Pac/West Communications, or Stoel Rives.

(2) All notes (handwritten, typewritten, audio, or otherwise) of PP&D regarding any meeting or meetings with Zenith Energy, Pac/West Communications, or Stoel Rives created or modified.

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

Date: Mon, 16 Dec 2024 7:47:00 PM (UTC)
Sent: Mon, 16 Dec 2024 7:47:30 PM (UTC)
Subject: CM: Declined: Zenith Energy Briefing - Option 1
From: Jordan, Michael
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Date: Mon, 16 Dec 2024 7:47:32 PM (UTC)
Sent: Mon, 16 Dec 2024 7:47:30 PM (UTC)
Subject: Declined: Zenith Energy Briefing - Option 1
From: Jordan, Michael <Michael.Jordan@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Date: Mon, 16 Dec 2024 7:47:00 PM (UTC)
Sent: Mon, 16 Dec 2024 7:47:36 PM (UTC)
Subject: CM: Declined: Zenith Energy Briefing - Option 2
From: Jordan, Michael
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Date: Mon, 16 Dec 2024 7:47:00 PM (UTC)
Sent: Mon, 16 Dec 2024 7:47:36 PM (UTC)
Subject: Declined: Zenith Energy Briefing - Option 2
From: Jordan, Michael
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Date: Mon, 16 Dec 2024 7:55:13 PM (UTC)
Sent: Mon, 16 Dec 2024 7:54:59 PM (UTC)
Subject: Questions about petitions to city government
From: Bill Cassidy <ordinaryacorn@gmail.com >
To: Jordan, Michael <Michael.Jordan@portlandoregon.gov >;
CC: annie.vonburg@eportlandoregon.gov;

Hi Michael,

I have two different questions about petitions I would like to deliver to the Portland city government. The petitions concern the Land Use Compatibility Statement (LUCS) for the Zenith's Portland Terminal.

Firstly, I already have petitions signed by twenty-six residents of Portland that are addressed to the mayor-elect and all twelve councilors-elect. The petitions are on paper, but I could scan them and email them, if needed. My question is, how can I deliver these existing petitions to the mayor-elect and councilors-elect?

Secondly, I would like to collect more petitions about the LUCS for Zenith's Portland Terminal. The people I am gathering petitions from would like to influence whether a LUCS is issued, and what it contains. What city agencies can I address these petitions to?

Any help you can provide would be greatly appreciated.

Thanks,
Bill Cassidy

(619) 770-9073
3312 NE Holman St, Portland, OR 97211
ordinaryacorn@gmail.com

Date: Mon, 16 Dec 2024 8:07:23 PM (UTC)
From: Von Burg, Annie <Annie.VonBurg@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Hey if we receive petitions for Zenith who at BPS should we send those to?

Date: Mon, 16 Dec 2024 8:13:12 PM (UTC)
Sent: Mon, 16 Dec 2024 8:13:11 PM (UTC)
Subject: FW: Trevor Byrd Mentioned you on Request C373502-121224
From: Ocken, Julie <Julie.Ocken@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Just FYI on the two different readings of the request. I've sent a message back to the requestor to clarify intent of the search, and he just confirmed he wants **all** messages, not just btwn you and Mike.

I would usually charge for 2.5 hours of my time for this many emails to review. I don't want to do free work, but I'm guessing he may come back with the note he entered about a fee waiver request, which would need your approval.

Thoughts? I know this isn't what you're wanting to deal with today in sickness!

Julie Ocken
she/her
Strategic Projects
City of Portland
Community & Economic Development Service Area
503-307-9261

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From: Portland Public Records Request Center <portlandor@govqa.us >
Sent: Monday, December 16, 2024 11:55 AM
To: Ocken, Julie <Julie.Ocken@portlandoregon.gov >
Subject: Trevor Byrd Mentioned you on Request C373502-121224

This is an email to let you know you have been mentioned.

Trevor Byrd Mentioned you.
Mention: Julie Ocken Austin Axelrod Aaron Richardson As phrased, the request seems to capture any communications to/from Michael Jordan and to/from Donnie Oliviera with those phrases. If the intention was messages between Donnie and Michael, you can submit another request with those search terms, date, and specify that--I'll approve it.

Reference No.: C373502-121224

Assigned Staff: Julie Ocken

Request Summary: Under the Oregon Public Records Law, §192.410 et seq., I am requesting an opportunity to inspect or obtain copies of all correspondence, including emails and attachments, SMS texts, and iMessages to or from City Administrator Michael Jordan to or from Deputy City Administrator Donnie Oliviera from December 1 to present, and including the terms "Zenith" or "LUCS" or "DEQ" or "renewable" or "piping" In order to help determine fees, you should know that I am a representative of a 501(c)(3) nonprofit newspaper. I request a waiver of any applicable fees as the respondent records are being used for noncommercial purposes in the process of newsgathering in the public interest. The requested records will give the public insight into Zenith Energy and the City of Portland's ongoing efforts to transition to renewable fuels. If you decline to release these records or any portion thereof, I request that you cite the specific provision of state law in connection with redacted/withheld records th

Request Status: Active - Processing Request

Create Date: 12/12/2024 8:52:42 AM

Update Date: 12/16/2024 11:55:07 AM

Customer Name: Jeremiah Hayden

https://portlandor.govqa.us/WEBAPP/zAdmin/ServiceRequests/Details.aspx?id=373502

Notes:

On 12/16/2024 11:55:00 AM, Trevor Byrd wrote:

Julie Ocken Austin Axelrod Aaron Richardson As phrased, the request seems to capture any communications to/from Michael Jordan and to/from Donnie Oliviera with those phrases. If the intention was messages between Donnie and Michael, you can submit another request with those search terms, date, and specify that--I'll approve it.

On 12/16/2024 11:48:00 AM, Julie Ocken wrote:

Aaron Richardson Trevor Byrd this request should include messages that were sent only between Donnie and Mike... not any/all that either of them set.
what is the best way to update this request? Donnie thinks it really should be just like 10 messages total max.
thanks,
julie

On 12/16/2024 11:33:00 AM, Aaron Richardson wrote:

Julie Ocken
Email Estimate - 25-206PR C373502 Req 1 [City]

Date: 12/01/2024 - 12/16/2024
Accounts: donald.oliveira@portlandoregon.gov ; michael.jordan@portlandoregon.gov
Query: "Zenith" OR "LUCS" OR "DEQ" OR "renewable" OR "piping"

Email record search estimate = 297 item(s) (195.37 MB)

Keyword Breakdown
Condition & Items
("Zenith") 213
("LUCS") 115
("DEQ") 128
("renewable") 82
("piping") 25

-=-=-

Text Estimate - 25-206PR C373502 Req 2 [City]

Date: 12/01/2024 - 12/15/2024
Accounts: donald.oliveira@portlandoregon.gov ; michael.jordan@portlandoregon.gov
Query: "Zenith" OR "LUCS" OR "DEQ" OR "renewable" OR "piping"

Text record search estimate = 2 messages

Communications:

Date: Mon, 16 Dec 2024 8:52:06 PM (UTC)
Sent: Mon, 16 Dec 2024 8:52:04 PM (UTC)
Subject: RE: Questions about petitions to city government
From: Von Burg, Annie <Annie.VonBurg@portlandoregon.gov >
To: Bill Cassidy <ordinaryacorn@gmail.com >;
CC: Jordan, Michael <Michael.Jordan@portlandoregon.gov >;

Hello Bill,

Thanks for reaching out. You can send those petitions directly to Bureau of Planning and Sustainability at 1900 SW 4th Ave Portland or 97201. For the mayor-elect and all twelve councilors-elect, since we are in the middle of office moves, you can drop those at the front desk at the Portland Building—1120 SW Fifth Avenue (addressed to the City Administrators office) and we can deliver those for you.

Thanks,

Annie

Annie Von Burg
Interim Assistant City Administrator
City of Portland
1120 SW Fifth Avenue, Room 526
Portland, Oregon 97204
Ph: (971) 438-9763

From: Bill Cassidy <ordinaryacorn@gmail.com >
Sent: Monday, December 16, 2024 11:58 AM
To: Von Burg, Annie <Annie.VonBurg@portlandoregon.gov >
Subject: Fwd: Questions about petitions to city government

Hi,
I CC'd you in the original email, but made a typo in the address. Here's the email.
Thanks,
Bill Cassidy

---------- Forwarded message ---------
From: **Bill Cassidy** <ordinaryacorn@gmail.com >
Date: Mon, Dec 16, 2024 at 11:54 AM
Subject: Questions about petitions to city government
To: <michael.jordan@portlandoregon.gov >
Cc: <annie.vonburg@eportlandoregon.gov >

Hi Michael,

I have two different questions about petitions I would like to deliver to the Portland city government. The petitions concern the Land Use Compatibility Statement (LUCS) for the Zenith's Portland Terminal.

Firstly, I already have petitions signed by twenty-six residents of Portland that are addressed to the mayor-elect and all twelve councilors-elect. The petitions are on paper, but I could scan them and email them, if needed. My

question is, how can I deliver these existing petitions to the mayor-elect and councilors-elect?

Secondly, I would like to collect more petitions about the LUCS for Zenith's Portland Terminal. The people I am gathering petitions from would like to influence whether a LUCS is issued, and what it contains. What city agencies can I address these petitions to?

Any help you can provide would be greatly appreciated.

Thanks,
Bill Cassidy

(619) 770-9073
3312 NE Holman St, Portland, OR 97211
ordinaryacorn@gmail.com

Date: Mon, 16 Dec 2024 9:07:29 PM (UTC)
Sent: Mon, 16 Dec 2024 9:07:25 PM (UTC)
Subject: Annie sent a message
From: Von Burg, Annie in Teams <noreply@gcc-email.teams.microsoft.com >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Hi,

Your teammates are trying to reach you in **Microsoft Teams**.

AB

Annie sent a message in chat

Hey if we receive petitions for Zenith who at BPS should we send those to?

Reply in Teams

Install Microsoft Teams now

iOS Android

This email was sent from an unmonitored mailbox. Update your email preferences in Teams. Activity > Settings (Gear Icon) > Notifications.

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Microsoft

Date: Mon, 16 Dec 2024 9:24:52 PM (UTC)
Sent: Mon, 16 Dec 2024 9:24:48 PM (UTC)
Subject: Questions from enviro community members
From: Beyer, Megan <Megan.Beyer@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Hey Donnie,

Commissioner Rubio met with some community members to discuss climate policy moving forward and some questions came that I offered to gather some information for them.

1. Do you know what is happening with Zenith, process moving forward? They are concerned about fast tracking permits, etc.
    a. Related, did we have any knowledge of the issues that came up from the state denial? Also, do we regularly do unannounced check of those facilities?
2. The state planning grant that came in around fossil fuel infrastructure, what is the timeline and are we bringing on new staff, they are curious if any of the work will be open to a public process.

Happy to chat through any of these questions if you want to give me a ring.

Best,
Megan

OFFICE OF COMMISSIONER CARMEN RUBIO

Megan Beyer
Senior Policy Advisor
(she/her/hers)
1900 SW Fourth Avenue
Portland, OR 97201
503-865-6667 (cell)
megan.beyer@portlandoregon.gov
www.portland.gov/rubio

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Письмовий і усний переклад | Traducere şi interpretariat | Chiaku me Awewen Kapas
Translation and Interpretation: 503-823-4000

Date: Mon, 16 Dec 2024 10:00:00 PM (UTC)
Sent: Mon, 16 Dec 2024 10:00:10 PM (UTC)
Subject: FW: OFFER: Zenith Energy Background Briefing (two options)
From: Oliveira, Donnie
To: Beyer, Megan <Megan.Beyer@portlandoregon.gov >;

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

From: Oliveira, Donnie
Sent: Thursday, December 12, 2024 2:52 PM
[redacted]>;
[redacted]and.com
[redacted]Avalos, Candace <councilor.avalos@portlandoregon.gov >; Dunphy, Jamie <councilor.dunphy@portlandoregon.gov >; Koyama Lane, Tiffany <councilor.koyamalane@portlandoregon.gov >; Morillo, Angelita <councilor.morillo@portlandoregon.gov >; Clark, Olivia <councilor.clark@portlandoregon.gov >; Green, Mitchell <councilor.green@portlandoregon.gov >; Novick, Steve <councilor.novick@portlandoregon.gov >; Clark, Olivia <councilor.clark@portlandoregon.gov >; Zimmerman, Eric <councilor.zimmerman@portlandoregon.gov >; Kanal, Sameer <councilor.kanal@portlandoregon.gov >; Smith, Loretta <councilor.smith@portlandoregon.gov >; Pirtle-Guiney, Elana <councilor.pirtle-guiney@portlandoregon.gov >
Cc: King, Lauren <Lauren.King@portlandoregon.gov >; Brocker, Lori <Lori.Brocker@portlandoregon.gov >; Jordan, Michael <Michael.Jordan@portlandoregon.gov >; Wilson, Keith <Mayor.Wilson@portlandoregon.gov >; Brown, Kelly <Kelly.Brown@portlandoregon.gov >
Subject: OFFER: Zenith Energy Background Briefing (two options)

Dear Councilors,

While the Transition and Council Operations teams have a robust onboarding plan and continue to work on developing a briefing calendar with you all, items will sometimes arise that require more immediate situational awareness. Given the high level of public interest on activities related to Zenith Energy LLC, on behalf of the City Attorney's Office and Community and Economic Development, we are making two options available next week to provide background information and answer your questions if you are interested.

Please let me know if you can join us. A quick reply with a selection will suffice. Note, both sessions will review the same info so you only need to attend one, and both sessions will be hybrid.

OPTIONS

Option 1: Tuesday, December 17th, 10:00a-11:00a
Option 2: Wednesday, December 18th, 10:00a-1100a

And for those that can't join or are only interested in a high-level information, please see below for context.

Regarding Land Use Compatibility Statements

A Land Use Compatibility Statement is a City response to a State Agency as to whether or not a proposed activity or use is allowed outright, requires additional approval under adopted City ordinance, or is prohibited. Neither Oregon law nor Portland Code require, or provide for, a hearing or public process prior to completing a

LUCS. It is unlawful for the City to apply a different procedural process for an individual applicant. The City reviews and issues LUCS based on zoning regulations and comprehensive plan that have been adopted and acknowledged.

Regarding Zenith Energy's Request for a Title V Air Permit

It is the city's understanding that DEQ determined the LUCS is insufficient because it failed to include adjacent properties that are a part of Zeniths operations. Separately, DEQ fined Zenith for its operation of the McCall dock without authorization under its air quality permit. Zenith's failure to comply with DEQ rules regarding Zenith's operations is outside the scope of the city's LUCS review. However, the city will evaluate whether Zenith failed to comply with any of the city's adopted regulations and if enforcement action is necessary.

At this time, the City has not received any request for a new or revised LUCS from Zenith. If and/or when the City receives a request, it will be processed by Portland Permitting & Development in the same manner as all other applicants.

Donnie Oliveira, he/him/his
Deputy City Administrator
Community and Economic Development
Phone: 503.593.1869
portland.gov/transition

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Date: Mon, 16 Dec 2024 10:05:20 PM (UTC)
Sent: Mon, 16 Dec 2024 10:01:23 PM (UTC)
Subject: RE: Questions from enviro community members
To: Beyer, Megan <Megan.Beyer@portlandoregon.gov >;

Hi Megan,

I am very up to speed on what is happening with Zenith. I am briefing newly electeds this week (I forwarded you the email).

I can't speak to the pace at which the state is going to permit (or not

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

From: Beyer, Megan <Megan.Beyer@portlandoregon.gov >
Sent: Monday, December 16, 2024 1:25 PM
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Subject: Questions from enviro community members

Hey Donnie,

Commissioner Rubio met with some community members to discuss climate policy moving forward and some questions came that I offered to gather some information for them.

1. Do you know what is happening with Zenith, process moving forward? They are concerned about fast tracking permits, etc.
    a. Related, did we have any knowledge of the issues that came up from the state denial? Also, do we regularly do unannounced check of those facilities?
2. The state planning grant that came in around fossil fuel infrastructure, what is the timeline and are we bringing on new staff, they are curious if any of the work will be open to a public process.

Happy to chat through any of these questions if you want to give me a ring.

Best,
Megan

OFFICE OF COMMISSIONER CARMEN RUBIO

Megan Beyer
Senior Policy Advisor
(she/her/hers)
1900 SW Fourth Avenue
Portland, OR 97201
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Письмовий і усний переклад | Traducere şi interpretariat | Chiaku me Awewen Kapas
Translation and Interpretation: 503-823-4000

Date: Mon, 16 Dec 2024 10:08:00 PM (UTC)
Sent: Mon, 16 Dec 2024 10:08:36 PM (UTC)
Subject: RE: Questions from enviro community members
From: Oliveira, Donnie
To: Beyer, Megan <Megan.Beyer@portlandoregon.gov >;

Hi Megan,

I am very up to speed on what is happening with Zenith. I am briefing newly electeds this week (I forwarded you the email).

I can't speak to the pace at which the state is going to permit (or not) the facility, but we are going to move through our LUCS process at the standard pace.

We were not aware of the tax lot issue, but we understood that Zenith had been using the docks in question.

I don't believe a project plan has been finalized, but I believe the intent is to hire new staff.

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

From: Beyer, Megan <Megan.Beyer@portlandoregon.gov >
Sent: Monday, December 16, 2024 1:25 PM
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Subject: Questions from enviro community members

Hey Donnie,

Commissioner Rubio met with some community members to discuss climate policy moving forward and some questions came that I offered to gather some information for them.

1. Do you know what is happening with Zenith, process moving forward? They are concerned about fast tracking permits, etc.
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Megan

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Translation and Interpretation: 503-823-4000

Date:	Mon, 16 Dec 2024 10:11:29 PM (UTC)
Sent:	Mon, 16 Dec 2024 10:11:20 PM (UTC)
Subject:	Letter from environmental community to City of Portland on Zenith Energy - Dec 16
From:	Dineen Crowe <dineen@350pdx.org>
To:	Wheeler, Mayor <MayorWheeler@portlandoregon.gov>; Wilson, Keith <Mayor.Wilson@portlandoregon.gov>; Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov>; King, Lauren <Lauren.King@portlandoregon.gov>; Jordan, Michael <Michael.Jordan@portlandoregon.gov>;
CC:	Pirtle-Guiney, Elana <councilor.pirtle-guiney@portlandoregon.gov>; Morillo, Angelita <councilor.morillo@portlandoregon.gov>; Green, Mitchell <councilor.green@portlandoregon.gov>; Kanal, Sameer <councilor.kanal@portlandoregon.gov>; councilor.ryan@portlandoregon.gov; Koyama Lane, Tiffany <councilor.koyamalane@portlandoregon.gov>; Novick, Steve <councilor.novick@portlandoregon.gov>; Clark, Olivia <councilor.clark@portlandoregon.gov>; Zimmerman, Eric <councilor.zimmerman@portlandoregon.gov>; Avalos, Candace <councilor.avalos@portlandoregon.gov>; Dunphy, Jamie <councilor.dunphy@portlandoregon.gov>; Smith, Loretta <councilor.smith@portlandoregon.gov>; LOCH Michael * DEQ <Michael.LOCH@deq.oregon.gov>; Leah.FELDON@deq.oregon.gov;
Attachments:	12.16.2024 Letter to City re_ Zenith.pdf

Hi there,

I am writing to share a letter, written to you all from the Linnton Neighborhood Association, Tank the Tanks, the Northwest Environmental Defense Center, 350PDX, Oregon Physicians for Social Responsibility, and Breach Collective.

We look forward to your response. Thank you!

--

Dineen Crowe (she/her)
Campaign Manager, 350PDX
dineen@350pdx.org
(631) 830-7478

December 16, 2024

TO: Mayor Ted Wheeler and Mayor-elect Keith Wilson
CC: Michael Jordan, Donnie Oliveira, Lauren King, incoming members of Portland City Council, and DEQ

As you are likely aware, the Oregon Department of Environmental Quality ("DEQ") just issued a $372,600 fine to Zenith Energy for the unauthorized use of a leased dock.[1] In conjunction with this penalty, it appears that DEQ will be requiring Zenith to obtain a new Land Use Compatibility Statement ("LUCS") from the City of Portland before considering a new air permit.[2] DEQ has set a deadline of February 4, 2025 for Zenith to obtain new land use permissions.

We write to put you on notice that environmental and community groups will be watching closely to ensure that the City complies with state law and does not attempt another backroom deal[3] with Zenith. Importantly, advocates are watching to make sure that the community is not once again shut out of important decisions that impact the health and safety of Portland residents and the environment. Zenith's repeated law breaking and dishonesty, in combination with the ever-increasing danger its operations pose to the public, call for decisive action from City officials to protect the public. Not only should the City refuse to fast track new land use permissions for Zenith, the City should withdraw Zenith's existing LUCSs[4] and land use permissions. This must be done to carefully consider Zenith's operations as a whole with a deliberative, robust, and public process that Portland residents have been repeatedly denied.

I. City code and state law call for public involvement and input in any future Zenith LUCS processes

City assertions that it may only handle a LUCS as a routine administrative matter without the opportunity for public input and involvement are contrary to state law and the City's own code. These assertions are also at odds with the City's far-from-routine handling of Zenith's previous

[1] Oregon Department of Environmental Quality, "Notice of Civil Penalty Assessment and Order Case no. AQ-V-NWR-2024-635" (Dec. 6, 2024). Link.
[2] Oregon Department of Environmental Quality, "Request for Information regarding Zenith Energy Terminal Holdings, LLC ("Zenith") air quality Title V Permit renewal and Air Contaminant Discharge Permit (ACDP) applications" (Dec. 6, 2024). Link.
[3] Nick Cunningham, "Portland City Government Compromised with Oil Industry in Private, Documents Suggest," Desmog (Aug. 23, 2023), Link; Jeremiah Hayden, "Newly obtained records show Portland officials' private interactions with Zenith Energy," Streetroots (Aug. 23, 2023), Link.
[4] State administrative law is unequivocal that a local government may withdraw a LUCS: "A local government may withdraw or modify its compatibility determination any time prior to the issuance of a permit." OAR 340-018-0050(2)(E). More generally, the legislative delegation of power to decide a matter includes an inherent authority to withdraw and reconsider a decision, absent any express legislative limitation. *In the Matter of the Compensation of Boydston*, 166 Or. App. 336, 340 (Or. Ct. App. 2000). As such the City may withdraw a prior LUCS decision if there are no statutory or local limitations.

LUCS. Indeed, nothing limits the City's ability to allow for further process, and the City's denial of process prejudices the rights of the public.

In 2021, LUBA unequivocally characterized the City's decision to deny Zenith's LUCS as a quasi-judicial decision, citing *Strawberry Hill's* three-factor test, specifically that it is "clear" that the decision is quasi-judicial in nature:

> In Strawberry Hill 4 Wheelers v. Benton Co. Bd. of Comm., the Supreme Court established a three-factor test to determine whether a land use matter is quasi-judicial or legislative:
>
> > 1. Is the process bound to result in a decision?
> >
> > 2. Is the making of the decision bound to apply preexisting criteria to concrete facts?
> >
> > 3. Is the matter directed at a closely circumscribed factual situation or a small number of persons? 287 Or 591, 602-03, 601 P2d 769 (1979).
>
> No factor is determinative, but answering two or three of those questions in the affirmative suggests that the matter is quasi-judicial in nature. See *id.* Here, there is no dispute that the city could not decline to reach a decision on the LUCS application or that the city applied existing criteria to the specific facts regarding petitioner's operation (though it is disputed which criteria the city was allowed to apply). It is also clear that the LUCS is directed only at the petitioner's operation. Accordingly, we conclude that, under state law, the city's decision must be viewed as a quasi-judicial decision.[5]

This analysis mandates higher levels of public involvement and scrutiny. The Oregon Court of Appeals affirmed this decision.[6] Zenith appealed to no avail, as the Oregon Supreme Court denied review on October 6, 2022.[7] Neither the City nor Zenith appealed LUBA's findings on the procedural questions. LUBA never even contemplated that this LUCS *could* be an administrative decision,[8] and explicitly recognized that assessing a facility's operational compatibility with local land use laws, including the Comprehensive Plan, is fundamentally different from a routine administrative decision. Current City Code does not require a LUCS to be treated as an administrative decision. To the contrary, the City must acknowledge the discretion involved in evaluating Zenith's LUCS and

---

[5] *Zenith Energy Terminals Holdings LLC v. City of Portland*, LUBA No. 2021-083, 25-26, aff'd 319 Or App 538, 509 P3d 120 (2022), rev. den. 370 Or 303, 518 P3d 128 (2022).
[6] *Zenith Energy Terminals Holdings LLC v. City of Portland*, LUBA No. 2021-083, aff'd 319 Or App 538, 509 P3d 120 (2022), rev. den. 370 Or 303, 518 P3d 128 (2022).
[7] *Id.*
[8] *Id.* at 23-29.

ensure higher levels of public notice and involvement articulated in City Code.[9] Inherent in Zenith's 2022 LUCS was a level of City discretion that illustrates that this process is anything but a routine administrative matter. By inviting and then accepting Zenith's (apparently unprecedented) proposal of a conditional LUCS, the City implicitly acknowledged that Zenith's use requires conditions, prompting a discretionary review process to condition Zenith's use into compliance. Development and application of these conditions imparted a subjective, value laden analysis that is not consistent with an administrative decision. Under City Code, "[d]iscretionary reviews *must* provide opportunities for public involvement."[10]

The City should have provided opportunities for public involvement in Zenith's 2022 LUCS decision. The failure to do so effectively precluded the opportunity for community groups to seek review of the decision. These groups will not be caught off-guard this time around. The City must include a code-compliant public process in its evaluation of any future LUCS applications for this facility.

II. Public scrutiny of Zenith and the City's actions warrant elevated safeguards on process

Public records, which have come under scrutiny by local media, advocacy organizations, and the City's Auditor, illustrate a pattern of backroom dealings that undermine city and state policies regarding land use decisions. In 2022, City elected officials, staff, and attorneys colluded to hold extensive behind-closed-doors meetings with Zenith and usher in a new LUCS without opportunity for public comment or involvement. Subsequent records requests revealed undisclosed communications with Zenith employees, including a closed-door meeting at the Zenith terminal where they discussed all of the major conditions that would, months later, appear in the 2022 conditional LUCS.[11] Not only did the City fail to disclose these communications on the record, evidence suggests that City officials attempted to hide communications and notes, including the notes from the meeting at Zenith's terminal.[12] Ultimately, this pattern resulted in a deliberate exclusion of environmental organizations—including Columbia and Willamette Riverkeeper, who at the time were intervenors supporting the City in an ongoing lawsuit filed by Zenith over the City's 2021 LUCS denial—from learning about and interfering with the City's scheme.

---

[9] For example, Under Portland City Code, all quasi-judicial decisions require notice to neighborhood associations and neighbors within a certain distance of the subject property. Portland City Code §33.730.014 et seq. The City failed to send notice to the Linnton Neighborhood Association in its 2022 LUCS process.
[10] PCC 33.800.020 (emphasis added). "A discretionary review is one that involves judgment or discretion in determining compliance with the approval requirements. The review is discretionary because not all of the approval requirements are objective. That is, they are not easily definable or measurable." Id.
[11] Columbia Riverkeeper, Northwest Environmental Defense Center, Breach Collective, Willamette Riverkeeper, and the Linnton Neighborhood Association catalogued the City's procedural failings in the 2022 LUCS process in an April 8, 2024 petition to the Environmental Quality Commission. Link.
[12] *Id.*

Despite active pending litigation, the City Attorney and officials simply ignored LUBA's decision and rushed through a separate, negotiated LUCS with Zenith in a secretive process riddled with *ex parte* communications and prejudgement bias.[13] The City never offered a rationale as to why they thought they could just ignore rulings from LUBA and the Oregon Court of Appeals. Instead, City officials consistently and falsely told advocacy organizations and the public that Zenith's LUCS was an administrative matter with no required notice or hearing and was "reviewed in the same manner as every other such application the City receives."[14]

The City Auditor's investigation of Zenith's dealings again highlights the needs for higher levels of procedural safeguards and public involvement. Despite repeated assertions from City officials that they had followed a standard administrative process, the City Auditor, in her investigation of Zenith's 2022 lobbying practices found, "[d]uring our interviews with BDS Director Esau and BPS Director Oliveira, it was made clear that the communications involved in this specific LUCS went beyond what they considered the standard process."[15] The Auditor's findings contradict the City's own attempts to characterize the dealings. These scandalous actions were reported on by multiple investigative news outlets resulting in serious embarrassment for City officials, distrust from residents and advocates, as well as substantial harm to the community.[16] The City must not continue to exclude community voices from its processes and continue to run interference on behalf of a fossil fuel company that habitually breaks the law. The City has the discretion and an obligation to involve the public, including tribal organizations, in LUCS processes and must do so to begin to remedy past harms and rebuild trust.

Moreover, DEQ's new regulatory action invites new scrutiny over the City's past actions in response to Zenith's rule breaking and dishonesty. This recent action explicitly penalizes Zenith's illegal construction and use of the McCall dock. Indeed, this behavior is on its own a reason to revoke Zenith's existing land use permissions and deny any future requests. In a quote to *The Oregonian* on Nov. 14, 2024, BPS spokesperson Magan Reed suggested that City officials were aware of Zenith's illegal construction and use of a leased dock, and in response, both failed to disclose this

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[13] *Id.*

[14] See Statement by TJ McHugh, Representative of Commissioner Dan Ryan, Link ("Consistent with Oregon law and the Zoning Code, Zenith's LUCS application was reviewed in the same manner as every other such application the City receives. There is no required notice or hearing on a LUCS application. The City does not establish new processes and procedures based on individual applications."); see also Attachment A.7, Letter from Rebecca Esa, Director, BDS to Breach Collective et al. (Nov. 21, 2022), Link, ("A LUCS is a form developed by state agencies to determine whether a state agency permit or approval, sought by a business, will be consistent with a local government's comprehensive plan and land use regulations. The applicable state agency determines when the LUCS is required. The City completes the LUCS as an administrative matter. Consistent with Oregon law and the City of Portland's Zoning Code, there is no required notice or hearing on a LUCS.").

[15] Portland City Auditor, Notice of Final Determination on Zenith Lobbying Violations, Mar. 26, 2024 at 6. Link.

[16] Cunningham and Hayden, supra footnote 3.

information to state regulators and the public while quietly granting Zenith new permissions.[17] If this characterization is correct, the City's record of failing to hold Zenith accountable is even more egregious than the public is currently aware. The public deserves a thorough audit of the City's knowledge of Zenith's illegal uses and a plan to remedy these systematic procedural and substantive failures.

III. The City must not continue to reward Zenith's bad behavior, contradict state law, and facilitate more opportunities for Zenith to mislead regulators and the public

The City must consider any future land use decisions in a manner that is informed by Zenith's history of evading public scrutiny, disregarding legal obligations imparted by local, state, and federal law, and lying to regulators. Indeed, many of the promises to local and state officials that premised the issuance of the 2022 LUCS are ill-founded. Put simply: Zenith cannot and will not act in a manner that brings their operations in compliance with the local Comprehensive Plan or state law. For instance, Zenith's "renewable fuels" claims have been overhyped by the company and City officials alike, both of whom have used these pretenses to hide the reality that Zenith intends to massively expand its fossil fuel operations. Specifically, Zenith's Air Contaminant Discharge Permit ("ACDP") application to DEQ shows that Zenith plans to construct four new railcar racks, handle highly volatile substances like renewable naphtha (not disclosed in Zenith's 2022 LUCS), and holds open of the possibility of constructing new storage tanks.[18] Plainly, even if Zenith were to phase out crude oil (the enforceability of such a promise is unlikely), the company will continue to increase its material danger to Portland residents via dangerous transport of dangerous liquid fuels (including fossil fuels) through our neighborhoods, and storage and transloading at a seismically vulnerable site.

Nothing in Zenith's ACDP application or its conditional 2022 LUCS places any limitation on the continued growth of fossil fuel storage and transloading operations. Even under the best circumstances, which are unlikely to ever exist with a company like Zenith, the storage and transfer of "renewable fuels" is dangerous to the community in nearly identical ways to fossil fuels and their greenhouse gas emissions reduction potential is asserted without adequate supporting evidence.[19]

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[17] Gosia Wozniacka, State puts hold on Zenith Energy's controversial air permit process in surprise move, The Oregonian (Nov. 15, 2024) ("Magan Reed, a spokesperson for the Portland Bureau of Planning and Sustainability, said the city did not know about the dock's use when it first began but became aware of it some time later, prior to issuing its stamp of approval for Zenith's continued operations in the city in October 2022. 'The City did not have specific details regarding the dock's or pipeline's use for diesel or renewable diesel in 2021,' Reed said via email. But in 2022, she added, it was 'generally aware of Zenith's operations and transition to renewable fuels through high-level discussions and ongoing coordination.'"). Link.

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Any purported benefits of Zenith's so-called "renewable fuels" operations do not suddenly transform the company's fossil fuel activities into compatibility with the Comprehensive Plan.

Beyond Zenith's extensive and continuous record of illegality and dishonesty,[20] the company is massively unpopular with the public. Despite Zenith's intensive marketing and the City of Portland uncritically supporting its branding, in October, new polling showed that:

- 59% of Portland voters oppose new fossil fuel developments within Portland city limits;
- A plurality (49%) of Portlanders support revoking Zenith's LUCS and shutting down the oil-by-rail facility, versus only 26% who would oppose this action; and
- 58% of voters do not trust Zenith to follow through on its "renewable fuels" plans.[21]

Continuing to run administrative interference for a disreputable fossil fuel company against the will of Portland voters is unconscionable.

The City of Portland must refuse to grant a new LUCS to Zenith *and* the City should withdraw Zenith's existing LUCSs[22] and land use permissions. This must be done to carefully consider Zenith's operations as a whole with a deliberative, robust, and public process. Advocates have been calling on the city for this action since 2022 and DEQ's recent regulatory action demonstrates that we were correct at the time and should have been listened to. Now is the time for the City to work with advocates and the public, to serve the community that lives here and will bear the brunt of impacts from Zenith's haphazard and dishonest operations.

Thank you for your consideration. We are happy to talk about these issues in more detail.

Signed,

Edward Jones, Chair of the Linnton Neighborhood Association

Nancy Hiser, Tank the Tanks

Mary Stites, Staff Attorney, Northwest Environmental Defense Center

Dineen Crowe, Campaign Manager, 350PDX

Samantha Hernandez, Healthy Climate Program Director, Oregon Physicians for Social Responsibility

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[20] Columbia Riverkeeper, Zenith Energy's Legacy of Violations and Lies. Link.
[21] Data for Progress, *Portland Voters Are Ready to Vote Climate Leaders Into Office This November* (Oct. 29, 2024). Link.
[22] OAR 340-018-0050(2)(E). Supra, note 4.

Nick Caleb, Climate and Energy Attorney, Breach Collective

Date: Mon, 16 Dec 2024 10:40:06 PM (UTC)
Sent: Mon, 16 Dec 2024 10:18:23 PM (UTC)
Subject: RE: OFFER: Zenith Energy Background Briefing (two options)
To: Elana Pirtle-Guiney <eguiney@gmail.com >;
CC: Pirtle-Guiney, Elana <councilor.pirtle-guiney@portlandoregon.gov >;

Hi Councilor Pirtle-Guiney,

I apologize for the lag in responding. Happy to find time in future to brief you on the issue. Answers below:

1. There was a City Council action on Zenith previously. What differed in the previous process that required that it went before Council for review? Was it a different process? An appeal of the LUCS? An Administrative power Council had which now lies with the Executive branch?
   A: There actually wasn't any council action on the LUCS. In 2019, Mayor Wheeler and Commissioner Hardesty hosted a town hall, but any action related to Zenith, their LUCS, and any operational permits related to the site have gone through standard administrative procedures. Nothing has changed from that perspective. Even when our LUCS denial was appealed to the state and remanded back to us, the Bureau of Development Services were the responsive group. Of course, bureaus at that time were reporting to commissioners-in-charge, but there wasn't a council decision related to the LUCS. The one exemption was the effort to get Zenith to voluntary offer conditions to their LUCS, which is not a standard requirement. If we were going to follow normal procedures, we would not include any of their additional operation commitments.

2. Will Council receive an update about the review of Zenith's compliance with regulations? When do you expect that review to be complete?
   A: We can certainly ask DEQ to provide an update of Zenith's compliance with their regulations, assuming they ultimately approve their permit. When we issue a land use compatibility statement, we are affirming that our existing land use and comprehensive plan allow the use that the applicant is requesting to permit through the state. It is not a City policy tool per se. In regard to the fossil fuel transition and seismic retrofits Zenith committed to in the LUCS, those are obligations they have committed to with the state in terms of reporting. As far as their compliance with the Renewable Fuels Standard, the policy has a codified reporting schedule, the first being in 2025. Assuming Zenith provides renewable fuels in Portland, they would be required to report their fuel sales.

3. If Council (or a Committee of Council) were to request a briefing on these topics who would be the best people to invite to receive both a general overview and also be able to ask technical questions?
   A: **David Kuhnhausen, Matt Rozzell, Eric Engstrom, Tom Armstrong, Lauren King and I have the most history and technical knowledge of the project. We are the group presenting tomorrow and Wednesday.**

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

From: Elana Pirtle-Guiney <eguiney@gmail.com >
Sent: Thursday, December 12, 2024 10:59 PM
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Cc: Pirtle-Guiney, Elana <councilor.pirtle-guiney@portlandoregon.gov >
Subject: Re: OFFER: Zenith Energy Background Briefing (two options)

Donie -

I'm not able to make either of these times but do have a few process questions. I'll lay them out here in the hopes that we can find fifteen or twenty minutes in the coming weeks to check in.

1. There was a City Council action on Zenith previously. What differed in the previous process that required that it went before Council for review? Was it a different process? An appeal of the LUCS? An Administrative power Council had which now lies

with the Executive branch?
2. Will Council receive an update about the review of Zenith's compliance with regulations? When do you expect that review to be complete?
3. If Council (or a Committee of Council) were to request a briefing on these topics who would be the best people to invite to receive both a general overview and also be able to ask technical questions?

Thanks so much.

Elana

(transferring this to what I think will be my new email, which I should have access to moving forward!)

On Thu, 12 Dec 2024 at 14:51, Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov > wrote:

> Dear Councilors,
>
> While the Transition and Council Operations teams have a robust onboarding plan and continue to work on developing a briefing calendar with you all, items will sometimes arise that require more immediate situational awareness. Given the high level of public interest on activities related to Zenith Energy LLC, on behalf of the City Attorney's Office and Community and Economic Development, we are making two options available next week to provide background information and answer your questions if you are interested.
>
> Please let me know if you can join us. A quick reply with a selection will suffice. Note, both sessions will review the same info so you only need to attend one, and both sessions will be hybrid.
>
> **OPTIONS**
>
> Option 1: Tuesday, December 17th, 10:00a-11:00a
> Option 2: Wednesday, December 18th, 10:00a-1100a
>
> And for those that can't join or are only interested in a high-level information, please see below for context.
>
> ## Regarding Land Use Compatibility Statements
>
> A Land Use Compatibility Statement is a City response to a State Agency as to whether or not a proposed activity or use is allowed outright, requires additional approval under adopted City ordinance, or is prohibited. Neither Oregon law nor Portland Code require, or provide for, a hearing or public process prior to completing a LUCS. It is unlawful for the City to apply a different procedural process for an individual applicant. The City reviews and issues LUCS based on zoning regulations and comprehensive plan that have been adopted and acknowledged.
>
> ## Regarding Zenith Energy's Request for a Title V Air Permit
>
> It is the city's understanding that DEQ determined the LUCS is insufficient because it failed to include adjacent properties that are a part of Zeniths operations. Separately, DEQ fined Zenith for its operation of the McCall dock without authorization under its air quality permit. Zenith's failure to comply with DEQ rules regarding Zenith's operations is outside the scope of the city's LUCS review. However, the city will evaluate whether Zenith failed to comply with any of the city's adopted regulations and if enforcement action is necessary.
>
> At this time, the City has not received any request for a new or revised LUCS from Zenith. If and/or when the City receives a request, it will be processed by Portland Permitting & Development in the same manner as all other applicants.
>
> Donnie Oliveira, he/him/his

Deputy City Administrator
Community and Economic Development
Phone: 503.593.1869
portland.gov/transition

The City of Portland is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact at 503.823.7700 or use City TTY 503.823.7700

Date:	Mon, 16 Dec 2024 10:32:36 PM (UTC)
Sent:	Mon, 16 Dec 2024 10:32:39 PM (UTC)
Subject:	FW: Letter from environmental community to City of Portland on Zenith Energy - Dec 16
Attachments:	12.16.2024 Letter to City re_ Zenith.pdf

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

From: Dineen Crowe <dineen@350pdx.org>
Sent: Monday, December 16, 2024 2:11 PM
To: Wheeler, Mayor <MayorWheeler@portlandoregon.gov>; Wilson, Keith <Mayor.Wilson@portlandoregon.gov>; Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov>; King, Lauren <Lauren.King@portlandoregon.gov>; Jordan, Michael <Michael.Jordan@portlandoregon.gov>
Cc: Pirtle-Guiney, Elana <councilor.pirtle-guiney@portlandoregon.gov>; Morillo, Angelita <councilor.morillo@portlandoregon.gov>; Green, Mitchell <councilor.green@portlandoregon.gov>; Kanal, Sameer <councilor.kanal@portlandoregon.gov>; councilor.ryan@portlandoregon.gov; Koyama Lane, Tiffany <councilor.koyamalane@portlandoregon.gov>; Novick, Steve <councilor.novick@portlandoregon.gov>; Clark, Olivia <councilor.clark@portlandoregon.gov>; Zimmerman, Eric <councilor.zimmerman@portlandoregon.gov>; Avalos, Candace <councilor.avalos@portlandoregon.gov>; Dunphy, Jamie <councilor.dunphy@portlandoregon.gov>; Smith, Loretta <councilor.smith@portlandoregon.gov>; LOCH Michael * DEQ <Michael.LOCH@deq.oregon.gov>; Leah.FELDON@deq.oregon.gov
Subject: Letter from environmental community to City of Portland on Zenith Energy - Dec 16

Hi there,

I am writing to share a letter, written to you all from the Linnton Neighborhood Association, Tank the Tanks, the Northwest Environmental Defense Center, 350PDX, Oregon Physicians for Social Responsibility, and Breach Collective.

We look forward to your response. Thank you!

--

Dineen Crowe (she/her)
Campaign Manager, 350PDX
dineen@350pdx.org
(631) 830-7478

December 16, 2024

TO: Mayor Ted Wheeler and Mayor-elect Keith Wilson
CC: Michael Jordan, Donnie Oliveira, Lauren King, incoming members of Portland City Council, and DEQ

As you are likely aware, the Oregon Department of Environmental Quality ("DEQ") just issued a $372,600 fine to Zenith Energy for the unauthorized use of a leased dock.[1] In conjunction with this penalty, it appears that DEQ will be requiring Zenith to obtain a new Land Use Compatibility Statement ("LUCS") from the City of Portland before considering a new air permit.[2] DEQ has set a deadline of February 4, 2025 for Zenith to obtain new land use permissions.

We write to put you on notice that environmental and community groups will be watching closely to ensure that the City complies with state law and does not attempt another backroom deal[3] with Zenith. Importantly, advocates are watching to make sure that the community is not once again shut out of important decisions that impact the health and safety of Portland residents and the environment. Zenith's repeated law breaking and dishonesty, in combination with the ever-increasing danger its operations pose to the public, call for decisive action from City officials to protect the public. Not only should the City refuse to fast track new land use permissions for Zenith, the City should withdraw Zenith's existing LUCSs[4] and land use permissions. This must be done to carefully consider Zenith's operations as a whole with a deliberative, robust, and public process that Portland residents have been repeatedly denied.

I. City code and state law call for public involvement and input in any future Zenith LUCS processes

City assertions that it may only handle a LUCS as a routine administrative matter without the opportunity for public input and involvement are contrary to state law and the City's own code. These assertions are also at odds with the City's far-from-routine handling of Zenith's previous

[1] Oregon Department of Environmental Quality, "Notice of Civil Penalty Assessment and Order Case no. AQ-V-NWR-2024-635" (Dec. 6, 2024). Link.
[2] Oregon Department of Environmental Quality, "Request for Information regarding Zenith Energy Terminal Holdings, LLC ("Zenith") air quality Title V Permit renewal and Air Contaminant Discharge Permit (ACDP) applications" (Dec. 6, 2024). Link.
[3] Nick Cunningham, "Portland City Government Compromised with Oil Industry in Private, Documents Suggest," Desmog (Aug. 23, 2023), Link; Jeremiah Hayden, "Newly obtained records show Portland officials' private interactions with Zenith Energy," Streetroots (Aug. 23, 2023), Link.
[4] State administrative law is unequivocal that a local government may withdraw a LUCS: "A local government may withdraw or modify its compatibility determination any time prior to the issuance of a permit." OAR 340-018-0050(2)(E). More generally, the legislative delegation of power to decide a matter includes an inherent authority to withdraw and reconsider a decision, absent any express legislative limitation. *In the Matter of the Compensation of Boydston*, 166 Or. App. 336, 340 (Or. Ct. App. 2000). As such the City may withdraw a prior LUCS decision if there are no statutory or local limitations.

LUCS. Indeed, nothing limits the City's ability to allow for further process, and the City's denial of process prejudices the rights of the public.

In 2021, LUBA unequivocally characterized the City's decision to deny Zenith's LUCS as a quasi-judicial decision, citing *Strawberry Hill's* three-factor test, specifically that it is "clear" that the decision is quasi-judicial in nature:

> In Strawberry Hill 4 Wheelers v. Benton Co. Bd. of Comm., the Supreme Court established a three-factor test to determine whether a land use matter is quasi-judicial or legislative:
>
> > 1. Is the process bound to result in a decision?
> >
> > 2. Is the making of the decision bound to apply preexisting criteria to concrete facts?
> >
> > 3. Is the matter directed at a closely circumscribed factual situation or a small number of persons? 287 Or 591, 602-03, 601 P2d 769 (1979).
>
> No factor is determinative, but answering two or three of those questions in the affirmative suggests that the matter is quasi-judicial in nature. See *id.* Here, there is no dispute that the city could not decline to reach a decision on the LUCS application or that the city applied existing criteria to the specific facts regarding petitioner's operation (though it is disputed which criteria the city was allowed to apply). It is also clear that the LUCS is directed only at the petitioner's operation. Accordingly, we conclude that, under state law, the city's decision must be viewed as a quasi-judicial decision.[5]

This analysis mandates higher levels of public involvement and scrutiny. The Oregon Court of Appeals affirmed this decision.[6] Zenith appealed to no avail, as the Oregon Supreme Court denied review on October 6, 2022.[7] Neither the City nor Zenith appealed LUBA's findings on the procedural questions. LUBA never even contemplated that this LUCS *could* be an administrative decision,[8] and explicitly recognized that assessing a facility's operational compatibility with local land use laws, including the Comprehensive Plan, is fundamentally different from a routine administrative decision. Current City Code does not require a LUCS to be treated as an administrative decision. To the contrary, the City must acknowledge the discretion involved in evaluating Zenith's LUCS and

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[5] *Zenith Energy Terminals Holdings LLC v. City of Portland*, LUBA No. 2021-083, 25-26, aff'd 319 Or App 538, 509 P3d 120 (2022), rev. den. 370 Or 303, 518 P3d 128 (2022).
[6] *Zenith Energy Terminals Holdings LLC v. City of Portland*, LUBA No. 2021-083, aff'd 319 Or App 538, 509 P3d 120 (2022), rev. den. 370 Or 303, 518 P3d 128 (2022).
[7] *Id.*
[8] *Id.* at 23-29.

ensure higher levels of public notice and involvement articulated in City Code.[9] Inherent in Zenith's 2022 LUCS was a level of City discretion that illustrates that this process is anything but a routine administrative matter. By inviting and then accepting Zenith's (apparently unprecedented) proposal of a conditional LUCS, the City implicitly acknowledged that Zenith's use requires conditions, prompting a discretionary review process to condition Zenith's use into compliance. Development and application of these conditions imparted a subjective, value laden analysis that is not consistent with an administrative decision. Under City Code, "[d]iscretionary reviews *must* provide opportunities for public involvement."[10]

The City should have provided opportunities for public involvement in Zenith's 2022 LUCS decision. The failure to do so effectively precluded the opportunity for community groups to seek review of the decision. These groups will not be caught off-guard this time around. The City must include a code-compliant public process in its evaluation of any future LUCS applications for this facility.

II. Public scrutiny of Zenith and the City's actions warrant elevated safeguards on process

Public records, which have come under scrutiny by local media, advocacy organizations, and the City's Auditor, illustrate a pattern of backroom dealings that undermine city and state policies regarding land use decisions. In 2022, City elected officials, staff, and attorneys colluded to hold extensive behind-closed-doors meetings with Zenith and usher in a new LUCS without opportunity for public comment or involvement. Subsequent records requests revealed undisclosed communications with Zenith employees, including a closed-door meeting at the Zenith terminal where they discussed all of the major conditions that would, months later, appear in the 2022 conditional LUCS.[11] Not only did the City fail to disclose these communications on the record, evidence suggests that City officials attempted to hide communications and notes, including the notes from the meeting at Zenith's terminal.[12] Ultimately, this pattern resulted in a deliberate exclusion of environmental organizations—including Columbia and Willamette Riverkeeper, who at the time were intervenors supporting the City in an ongoing lawsuit filed by Zenith over the City's 2021 LUCS denial—from learning about and interfering with the City's scheme.

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[9] For example, Under Portland City Code, all quasi-judicial decisions require notice to neighborhood associations and neighbors within a certain distance of the subject property. Portland City Code §33.730.014 et seq. The City failed to send notice to the Linnton Neighborhood Association in its 2022 LUCS process.
[10] PCC 33.800.020 (emphasis added). "A discretionary review is one that involves judgment or discretion in determining compliance with the approval requirements. The review is discretionary because not all of the approval requirements are objective. That is, they are not easily definable or measurable." Id.
[11] Columbia Riverkeeper, Northwest Environmental Defense Center, Breach Collective, Willamette Riverkeeper, and the Linnton Neighborhood Association catalogued the City's procedural failings in the 2022 LUCS process in an April 8, 2024 petition to the Environmental Quality Commission. Link.
[12] *Id.*

Despite active pending litigation, the City Attorney and officials simply ignored LUBA's decision and rushed through a separate, negotiated LUCS with Zenith in a secretive process riddled with *ex parte* communications and prejudgement bias.[13] The City never offered a rationale as to why they thought they could just ignore rulings from LUBA and the Oregon Court of Appeals. Instead, City officials consistently and falsely told advocacy organizations and the public that Zenith's LUCS was an administrative matter with no required notice or hearing and was "reviewed in the same manner as every other such application the City receives."[14]

The City Auditor's investigation of Zenith's dealings again highlights the needs for higher levels of procedural safeguards and public involvement. Despite repeated assertions from City officials that they had followed a standard administrative process, the City Auditor, in her investigation of Zenith's 2022 lobbying practices found, "[d]uring our interviews with BDS Director Esau and BPS Director Oliveira, it was made clear that the communications involved in this specific LUCS went beyond what they considered the standard process."[15] The Auditor's findings contradict the City's own attempts to characterize the dealings. These scandalous actions were reported on by multiple investigative news outlets resulting in serious embarrassment for City officials, distrust from residents and advocates, as well as substantial harm to the community.[16] The City must not continue to exclude community voices from its processes and continue to run interference on behalf of a fossil fuel company that habitually breaks the law. The City has the discretion and an obligation to involve the public, including tribal organizations, in LUCS processes and must do so to begin to remedy past harms and rebuild trust.

Moreover, DEQ's new regulatory action invites new scrutiny over the City's past actions in response to Zenith's rule breaking and dishonesty. This recent action explicitly penalizes Zenith's illegal construction and use of the McCall dock. Indeed, this behavior is on its own a reason to revoke Zenith's existing land use permissions and deny any future requests. In a quote to *The Oregonian* on Nov. 14, 2024, BPS spokesperson Magan Reed suggested that City officials were aware of Zenith's illegal construction and use of a leased dock, and in response, both failed to disclose this

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[15] Portland City Auditor, Notice of Final Determination on Zenith Lobbying Violations, Mar. 26, 2024 at 6. Link.

[16] Cunningham and Hayden, supra footnote 3.

information to state regulators and the public while quietly granting Zenith new permissions.[17] If this characterization is correct, the City's record of failing to hold Zenith accountable is even more egregious than the public is currently aware. The public deserves a thorough audit of the City's knowledge of Zenith's illegal uses and a plan to remedy these systematic procedural and substantive failures.

III. The City must not continue to reward Zenith's bad behavior, contradict state law, and facilitate more opportunities for Zenith to mislead regulators and the public

The City must consider any future land use decisions in a manner that is informed by Zenith's history of evading public scrutiny, disregarding legal obligations imparted by local, state, and federal law, and lying to regulators. Indeed, many of the promises to local and state officials that premised the issuance of the 2022 LUCS are ill-founded. Put simply: Zenith cannot and will not act in a manner that brings their operations in compliance with the local Comprehensive Plan or state law. For instance, Zenith's "renewable fuels" claims have been overhyped by the company and City officials alike, both of whom have used these pretenses to hide the reality that Zenith intends to massively expand its fossil fuel operations. Specifically, Zenith's Air Contaminant Discharge Permit ("ACDP") application to DEQ shows that Zenith plans to construct four new railcar racks, handle highly volatile substances like renewable naphtha (not disclosed in Zenith's 2022 LUCS), and holds open of the possibility of constructing new storage tanks.[18] Plainly, even if Zenith were to phase out crude oil (the enforceability of such a promise is unlikely), the company will continue to increase its material danger to Portland residents via dangerous transport of dangerous liquid fuels (including fossil fuels) through our neighborhoods, and storage and transloading at a seismically vulnerable site.

Nothing in Zenith's ACDP application or its conditional 2022 LUCS places any limitation on the continued growth of fossil fuel storage and transloading operations. Even under the best circumstances, which are unlikely to ever exist with a company like Zenith, the storage and transfer of "renewable fuels" is dangerous to the community in nearly identical ways to fossil fuels and their greenhouse gas emissions reduction potential is asserted without adequate supporting evidence.[19]

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[17] Gosia Wozniacka, State puts hold on Zenith Energy's controversial air permit process in surprise move, The Oregonian (Nov. 15, 2024) ("Magan Reed, a spokesperson for the Portland Bureau of Planning and Sustainability, said the city did not know about the dock's use when it first began but became aware of it some time later, prior to issuing its stamp of approval for Zenith's continued operations in the city in October 2022. 'The City did not have specific details regarding the dock's or pipeline's use for diesel or renewable diesel in 2021,' Reed said via email. But in 2022, she added, it was 'generally aware of Zenith's operations and transition to renewable fuels through high-level discussions and ongoing coordination.'"). Link.

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[19] See, i.e., Gosia Wozniacka, *Zenith likely to expand, continue to store volatile fuels in Portland even as it cuts crude oil*, The Oregonian (April 8, 2024) ("'We really can't put a precise number on the climate effects of each biofuel... I'm not confident that they are helping us mitigate climate change and they might be making matters worse,' said Richard Plevin, a research scientist who has spent years modeling the climate impacts of biofuels as a consultant for the U.S. Environmental Protection Agency and California's Air Resources Board." Link.

Any purported benefits of Zenith's so-called "renewable fuels" operations do not suddenly transform the company's fossil fuel activities into compatibility with the Comprehensive Plan.

Beyond Zenith's extensive and continuous record of illegality and dishonesty,[20] the company is massively unpopular with the public. Despite Zenith's intensive marketing and the City of Portland uncritically supporting its branding, in October, new polling showed that:

- 59% of Portland voters oppose new fossil fuel developments within Portland city limits;
- A plurality (49%) of Portlanders support revoking Zenith's LUCS and shutting down the oil-by-rail facility, versus only 26% who would oppose this action; and
- 58% of voters do not trust Zenith to follow through on its "renewable fuels" plans.[21]

Continuing to run administrative interference for a disreputable fossil fuel company against the will of Portland voters is unconscionable.

The City of Portland must refuse to grant a new LUCS to Zenith *and* the City should withdraw Zenith's existing LUCSs[22] and land use permissions. This must be done to carefully consider Zenith's operations as a whole with a deliberative, robust, and public process. Advocates have been calling on the city for this action since 2022 and DEQ's recent regulatory action demonstrates that we were correct at the time and should have been listened to. Now is the time for the City to work with advocates and the public, to serve the community that lives here and will bear the brunt of impacts from Zenith's haphazard and dishonest operations.

Thank you for your consideration. We are happy to talk about these issues in more detail.

Signed,

Edward Jones, Chair of the Linnton Neighborhood Association

Nancy Hiser, Tank the Tanks

Mary Stites, Staff Attorney, Northwest Environmental Defense Center

Dineen Crowe, Campaign Manager, 350PDX

Samantha Hernandez, Healthy Climate Program Director, Oregon Physicians for Social Responsibility

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[20] Columbia Riverkeeper, Zenith Energy's Legacy of Violations and Lies. Link.
[21] Data for Progress, *Portland Voters Are Ready to Vote Climate Leaders Into Office This November* (Oct. 29, 2024). Link.
[22] OAR 340-018-0050(2)(E). Supra, note 4.

Nick Caleb, Climate and Energy Attorney, Breach Collective

Date:	Mon, 16 Dec 2024 10:33:00 PM (UTC)
Sent:	Mon, 16 Dec 2024 10:33:17 PM (UTC)
Subject:	FW: Letter from environmental community to City of Portland on Zenith Energy - Dec 16
From:	Oliveira, Donnie
To:	Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >; Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Armstrong, Tom <Tom.Armstrong@portlandoregon.gov >; Rozzell, Matt <Matthew.Rozzell@portlandoregon.gov >; Tallant, Kimberly <Kimberly.Tallant@portlandoregon.gov >;
CC:	King, Lauren <Lauren.King@portlandoregon.gov >;
Attachments:	12.16.2024 Letter to City re_ Zenith.pdf

See attached.

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

From: Dineen Crowe <dineen@350pdx.org >
Sent: Monday, December 16, 2024 2:11 PM
To: Wheeler, Mayor <MayorWheeler@portlandoregon.gov >; Wilson, Keith <Mayor.Wilson@portlandoregon.gov >; Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >; King, Lauren <Lauren.King@portlandoregon.gov >; Jordan, Michael <Michael.Jordan@portlandoregon.gov >
Cc: Pirtle-Guiney, Elana <councilor.pirtle-guiney@portlandoregon.gov >; Morillo, Angelita <councilor.morillo@portlandoregon.gov >; Green, Mitchell <councilor.green@portlandoregon.gov >; Kanal, Sameer <councilor.kanal@portlandoregon.gov >; councilor.ryan@portlandoregon.gov; Koyama Lane, Tiffany <councilor.koyamalane@portlandoregon.gov >; Novick, Steve <councilor.novick@portlandoregon.gov >; Clark, Olivia <councilor.clark@portlandoregon.gov >; Zimmerman, Eric <councilor.zimmerman@portlandoregon.gov >; Avalos, Candace <councilor.avalos@portlandoregon.gov >; Dunphy, Jamie <councilor.dunphy@portlandoregon.gov >; Smith, Loretta <councilor.smith@portlandoregon.gov >; LOCH Michael * DEQ <Michael.LOCH@deq.oregon.gov >; Leah.FELDON@deq.oregon.gov
Subject: Letter from environmental community to City of Portland on Zenith Energy - Dec 16

Hi there,

I am writing to share a letter, written to you all from the Linnton Neighborhood Association, Tank the Tanks, the Northwest Environmental Defense Center, 350PDX, Oregon Physicians for Social Responsibility, and Breach Collective.

We look forward to your response. Thank you!

--

Dineen Crowe (she/her)
Campaign Manager, 350PDX
dineen@350pdx.org
(631) 830-7478

December 16, 2024

TO: Mayor Ted Wheeler and Mayor-elect Keith Wilson
CC: Michael Jordan, Donnie Oliveira, Lauren King, incoming members of Portland City Council, and DEQ

As you are likely aware, the Oregon Department of Environmental Quality ("DEQ") just issued a $372,600 fine to Zenith Energy for the unauthorized use of a leased dock.[1] In conjunction with this penalty, it appears that DEQ will be requiring Zenith to obtain a new Land Use Compatibility Statement ("LUCS") from the City of Portland before considering a new air permit.[2] DEQ has set a deadline of February 4, 2025 for Zenith to obtain new land use permissions.

We write to put you on notice that environmental and community groups will be watching closely to ensure that the City complies with state law and does not attempt another backroom deal[3] with Zenith. Importantly, advocates are watching to make sure that the community is not once again shut out of important decisions that impact the health and safety of Portland residents and the environment. Zenith's repeated law breaking and dishonesty, in combination with the ever-increasing danger its operations pose to the public, call for decisive action from City officials to protect the public. Not only should the City refuse to fast track new land use permissions for Zenith, the City should withdraw Zenith's existing LUCSs[4] and land use permissions. This must be done to carefully consider Zenith's operations as a whole with a deliberative, robust, and public process that Portland residents have been repeatedly denied.

I. City code and state law call for public involvement and input in any future Zenith LUCS processes

City assertions that it may only handle a LUCS as a routine administrative matter without the opportunity for public input and involvement are contrary to state law and the City's own code. These assertions are also at odds with the City's far-from-routine handling of Zenith's previous

[1] Oregon Department of Environmental Quality, "Notice of Civil Penalty Assessment and Order Case no. AQ-V-NWR-2024-635" (Dec. 6, 2024). Link.
[2] Oregon Department of Environmental Quality, "Request for Information regarding Zenith Energy Terminal Holdings, LLC ("Zenith") air quality Title V Permit renewal and Air Contaminant Discharge Permit (ACDP) applications" (Dec. 6, 2024). Link.
[3] Nick Cunningham, "Portland City Government Compromised with Oil Industry in Private, Documents Suggest," Desmog (Aug. 23, 2023), Link; Jeremiah Hayden, "Newly obtained records show Portland officials' private interactions with Zenith Energy," Streetroots (Aug. 23, 2023), Link.
[4] State administrative law is unequivocal that a local government may withdraw a LUCS: "A local government may withdraw or modify its compatibility determination any time prior to the issuance of a permit." OAR 340-018-0050(2)(E). More generally, the legislative delegation of power to decide a matter includes an inherent authority to withdraw and reconsider a decision, absent any express legislative limitation. *In the Matter of the Compensation of Boydston*, 166 Or. App. 336, 340 (Or. Ct. App. 2000). As such the City may withdraw a prior LUCS decision if there are no statutory or local limitations.

LUCS. Indeed, nothing limits the City's ability to allow for further process, and the City's denial of process prejudices the rights of the public.

In 2021, LUBA unequivocally characterized the City's decision to deny Zenith's LUCS as a quasi-judicial decision, citing *Strawberry Hill's* three-factor test, specifically that it is "clear" that the decision is quasi-judicial in nature:

> In Strawberry Hill 4 Wheelers v. Benton Co. Bd. of Comm., the Supreme Court established a three-factor test to determine whether a land use matter is quasi-judicial or legislative:
>
> > 1. Is the process bound to result in a decision?
> >
> > 2. Is the making of the decision bound to apply preexisting criteria to concrete facts?
> >
> > 3. Is the matter directed at a closely circumscribed factual situation or a small number of persons? 287 Or 591, 602-03, 601 P2d 769 (1979).
>
> No factor is determinative, but answering two or three of those questions in the affirmative suggests that the matter is quasi-judicial in nature. See *id.* Here, there is no dispute that the city could not decline to reach a decision on the LUCS application or that the city applied existing criteria to the specific facts regarding petitioner's operation (though it is disputed which criteria the city was allowed to apply). It is also clear that the LUCS is directed only at the petitioner's operation. Accordingly, we conclude that, under state law, the city's decision must be viewed as a quasi-judicial decision.[5]

This analysis mandates higher levels of public involvement and scrutiny. The Oregon Court of Appeals affirmed this decision.[6] Zenith appealed to no avail, as the Oregon Supreme Court denied review on October 6, 2022.[7] Neither the City nor Zenith appealed LUBA's findings on the procedural questions. LUBA never even contemplated that this LUCS *could* be an administrative decision,[8] and explicitly recognized that assessing a facility's operational compatibility with local land use laws, including the Comprehensive Plan, is fundamentally different from a routine administrative decision. Current City Code does not require a LUCS to be treated as an administrative decision. To the contrary, the City must acknowledge the discretion involved in evaluating Zenith's LUCS and

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[5] *Zenith Energy Terminals Holdings LLC v. City of Portland*, LUBA No. 2021-083, 25-26, aff'd 319 Or App 538, 509 P3d 120 (2022), rev. den. 370 Or 303, 518 P3d 128 (2022).
[6] *Zenith Energy Terminals Holdings LLC v. City of Portland*, LUBA No. 2021-083, aff'd 319 Or App 538, 509 P3d 120 (2022), rev. den. 370 Or 303, 518 P3d 128 (2022).
[7] *Id.*
[8] *Id.* at 23-29.

ensure higher levels of public notice and involvement articulated in City Code.[9] Inherent in Zenith's 2022 LUCS was a level of City discretion that illustrates that this process is anything but a routine administrative matter. By inviting and then accepting Zenith's (apparently unprecedented) proposal of a conditional LUCS, the City implicitly acknowledged that Zenith's use requires conditions, prompting a discretionary review process to condition Zenith's use into compliance. Development and application of these conditions imparted a subjective, value laden analysis that is not consistent with an administrative decision. Under City Code, "[d]iscretionary reviews *must* provide opportunities for public involvement."[10]

The City should have provided opportunities for public involvement in Zenith's 2022 LUCS decision. The failure to do so effectively precluded the opportunity for community groups to seek review of the decision. These groups will not be caught off-guard this time around. The City must include a code-compliant public process in its evaluation of any future LUCS applications for this facility.

II. Public scrutiny of Zenith and the City's actions warrant elevated safeguards on process

Public records, which have come under scrutiny by local media, advocacy organizations, and the City's Auditor, illustrate a pattern of backroom dealings that undermine city and state policies regarding land use decisions. In 2022, City elected officials, staff, and attorneys colluded to hold extensive behind-closed-doors meetings with Zenith and usher in a new LUCS without opportunity for public comment or involvement. Subsequent records requests revealed undisclosed communications with Zenith employees, including a closed-door meeting at the Zenith terminal where they discussed all of the major conditions that would, months later, appear in the 2022 conditional LUCS.[11] Not only did the City fail to disclose these communications on the record, evidence suggests that City officials attempted to hide communications and notes, including the notes from the meeting at Zenith's terminal.[12] Ultimately, this pattern resulted in a deliberate exclusion of environmental organizations—including Columbia and Willamette Riverkeeper, who at the time were intervenors supporting the City in an ongoing lawsuit filed by Zenith over the City's 2021 LUCS denial—from learning about and interfering with the City's scheme.

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[9] For example, Under Portland City Code, all quasi-judicial decisions require notice to neighborhood associations and neighbors within a certain distance of the subject property. Portland City Code §33.730.014 et seq. The City failed to send notice to the Linnton Neighborhood Association in its 2022 LUCS process.
[10] PCC 33.800.020 (emphasis added). "A discretionary review is one that involves judgment or discretion in determining compliance with the approval requirements. The review is discretionary because not all of the approval requirements are objective. That is, they are not easily definable or measurable." Id.
[11] Columbia Riverkeeper, Northwest Environmental Defense Center, Breach Collective, Willamette Riverkeeper, and the Linnton Neighborhood Association catalogued the City's procedural failings in the 2022 LUCS process in an April 8, 2024 petition to the Environmental Quality Commission. Link.
[12] *Id.*

Despite active pending litigation, the City Attorney and officials simply ignored LUBA's decision and rushed through a separate, negotiated LUCS with Zenith in a secretive process riddled with *ex parte* communications and prejudgement bias.[13] The City never offered a rationale as to why they thought they could just ignore rulings from LUBA and the Oregon Court of Appeals. Instead, City officials consistently and falsely told advocacy organizations and the public that Zenith's LUCS was an administrative matter with no required notice or hearing and was "reviewed in the same manner as every other such application the City receives."[14]

The City Auditor's investigation of Zenith's dealings again highlights the needs for higher levels of procedural safeguards and public involvement. Despite repeated assertions from City officials that they had followed a standard administrative process, the City Auditor, in her investigation of Zenith's 2022 lobbying practices found, "[d]uring our interviews with BDS Director Esau and BPS Director Oliveira, it was made clear that the communications involved in this specific LUCS went beyond what they considered the standard process."[15] The Auditor's findings contradict the City's own attempts to characterize the dealings. These scandalous actions were reported on by multiple investigative news outlets resulting in serious embarrassment for City officials, distrust from residents and advocates, as well as substantial harm to the community.[16] The City must not continue to exclude community voices from its processes and continue to run interference on behalf of a fossil fuel company that habitually breaks the law. The City has the discretion and an obligation to involve the public, including tribal organizations, in LUCS processes and must do so to begin to remedy past harms and rebuild trust.

Moreover, DEQ's new regulatory action invites new scrutiny over the City's past actions in response to Zenith's rule breaking and dishonesty. This recent action explicitly penalizes Zenith's illegal construction and use of the McCall dock. Indeed, this behavior is on its own a reason to revoke Zenith's existing land use permissions and deny any future requests. In a quote to *The Oregonian* on Nov. 14, 2024, BPS spokesperson Magan Reed suggested that City officials were aware of Zenith's illegal construction and use of a leased dock, and in response, both failed to disclose this

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[13] *Id.*

[14] See Statement by TJ McHugh, Representative of Commissioner Dan Ryan, Link ("Consistent with Oregon law and the Zoning Code, Zenith's LUCS application was reviewed in the same manner as every other such application the City receives. There is no required notice or hearing on a LUCS application. The City does not establish new processes and procedures based on individual applications."); see also Attachment A.7, Letter from Rebecca Esa, Director, BDS to Breach Collective et al. (Nov. 21, 2022), Link, ("A LUCS is a form developed by state agencies to determine whether a state agency permit or approval, sought by a business, will be consistent with a local government's comprehensive plan and land use regulations. The applicable state agency determines when the LUCS is required. The City completes the LUCS as an administrative matter. Consistent with Oregon law and the City of Portland's Zoning Code, there is no required notice or hearing on a LUCS.").

[15] Portland City Auditor, Notice of Final Determination on Zenith Lobbying Violations, Mar. 26, 2024 at 6. Link.

[16] Cunningham and Hayden, supra footnote 3.

information to state regulators and the public while quietly granting Zenith new permissions.[17] If this characterization is correct, the City's record of failing to hold Zenith accountable is even more egregious than the public is currently aware. The public deserves a thorough audit of the City's knowledge of Zenith's illegal uses and a plan to remedy these systematic procedural and substantive failures.

III. The City must not continue to reward Zenith's bad behavior, contradict state law, and facilitate more opportunities for Zenith to mislead regulators and the public

The City must consider any future land use decisions in a manner that is informed by Zenith's history of evading public scrutiny, disregarding legal obligations imparted by local, state, and federal law, and lying to regulators. Indeed, many of the promises to local and state officials that premised the issuance of the 2022 LUCS are ill-founded. Put simply: Zenith cannot and will not act in a manner that brings their operations in compliance with the local Comprehensive Plan or state law. For instance, Zenith's "renewable fuels" claims have been overhyped by the company and City officials alike, both of whom have used these pretenses to hide the reality that Zenith intends to massively expand its fossil fuel operations. Specifically, Zenith's Air Contaminant Discharge Permit ("ACDP") application to DEQ shows that Zenith plans to construct four new railcar racks, handle highly volatile substances like renewable naphtha (not disclosed in Zenith's 2022 LUCS), and holds open of the possibility of constructing new storage tanks.[18] Plainly, even if Zenith were to phase out crude oil (the enforceability of such a promise is unlikely), the company will continue to increase its material danger to Portland residents via dangerous transport of dangerous liquid fuels (including fossil fuels) through our neighborhoods, and storage and transloading at a seismically vulnerable site.

Nothing in Zenith's ACDP application or its conditional 2022 LUCS places any limitation on the continued growth of fossil fuel storage and transloading operations. Even under the best circumstances, which are unlikely to ever exist with a company like Zenith, the storage and transfer of "renewable fuels" is dangerous to the community in nearly identical ways to fossil fuels and their greenhouse gas emissions reduction potential is asserted without adequate supporting evidence.[19]

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[17] Gosia Wozniacka, State puts hold on Zenith Energy's controversial air permit process in surprise move, The Oregonian (Nov. 15, 2024) ("Magan Reed, a spokesperson for the Portland Bureau of Planning and Sustainability, said the city did not know about the dock's use when it first began but became aware of it some time later, prior to issuing its stamp of approval for Zenith's continued operations in the city in October 2022. 'The City did not have specific details regarding the dock's or pipeline's use for diesel or renewable diesel in 2021,' Reed said via email. But in 2022, she added, it was 'generally aware of Zenith's operations and transition to renewable fuels through high-level discussions and ongoing coordination.'"). Link.

[18] Zenith Energy Air Contaminant Discharge Application (Nov. 11, 2022). Link.

[19] See, i.e., Gosia Wozniacka, *Zenith likely to expand, continue to store volatile fuels in Portland even as it cuts crude oil*, The Oregonian (April 8, 2024) ("'We really can't put a precise number on the climate effects of each biofuel... I'm not confident that they are helping us mitigate climate change and they might be making matters worse,' said Richard Plevin, a research scientist who has spent years modeling the climate impacts of biofuels as a consultant for the U.S. Environmental Protection Agency and California's Air Resources Board." Link.

Any purported benefits of Zenith's so-called "renewable fuels" operations do not suddenly transform the company's fossil fuel activities into compatibility with the Comprehensive Plan.

Beyond Zenith's extensive and continuous record of illegality and dishonesty,[20] the company is massively unpopular with the public. Despite Zenith's intensive marketing and the City of Portland uncritically supporting its branding, in October, new polling showed that:

- 59% of Portland voters oppose new fossil fuel developments within Portland city limits;
- A plurality (49%) of Portlanders support revoking Zenith's LUCS and shutting down the oil-by-rail facility, versus only 26% who would oppose this action; and
- 58% of voters do not trust Zenith to follow through on its "renewable fuels" plans.[21]

Continuing to run administrative interference for a disreputable fossil fuel company against the will of Portland voters is unconscionable.

The City of Portland must refuse to grant a new LUCS to Zenith *and* the City should withdraw Zenith's existing LUCSs[22] and land use permissions. This must be done to carefully consider Zenith's operations as a whole with a deliberative, robust, and public process. Advocates have been calling on the city for this action since 2022 and DEQ's recent regulatory action demonstrates that we were correct at the time and should have been listened to. Now is the time for the City to work with advocates and the public, to serve the community that lives here and will bear the brunt of impacts from Zenith's haphazard and dishonest operations.

Thank you for your consideration. We are happy to talk about these issues in more detail.

Signed,

Edward Jones, Chair of the Linnton Neighborhood Association

Nancy Hiser, Tank the Tanks

Mary Stites, Staff Attorney, Northwest Environmental Defense Center

Dineen Crowe, Campaign Manager, 350PDX

Samantha Hernandez, Healthy Climate Program Director, Oregon Physicians for Social Responsibility

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[20] Columbia Riverkeeper, Zenith Energy's Legacy of Violations and Lies. Link.
[21] Data for Progress, *Portland Voters Are Ready to Vote Climate Leaders Into Office This November* (Oct. 29, 2024). Link.
[22] OAR 340-018-0050(2)(E). Supra, note 4.

Nick Caleb, Climate and Energy Attorney, Breach Collective

Date: Mon, 16 Dec 2024 10:33:23 PM (UTC)
Sent: Mon, 16 Dec 2024 10:33:22 PM (UTC)
Subject: Automatic reply: Letter from environmental community to City of Portland on Zenith Energy - Dec 16
From: King, Lauren <Lauren.King@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

Hello,

I am out of the office today. Please contact Allison McCoppen at allison.mccoppen@portlandoregon.gov for immediate assistance.

Thank you.

Date: Mon, 16 Dec 2024 10:40:00 PM (UTC)
Sent: Mon, 16 Dec 2024 10:41:00 PM (UTC)
Subject: RE: OFFER: Zenith Energy Background Briefing (two options)
From: Oliveira, Donnie
To: Elana Pirtle-Guiney <eguiney@gmail.com >;
CC: Pirtle-Guiney, Elana <councilor.pirtle-guiney@portlandoregon.gov >;

Hi Councilor Pirtle-Guiney,

I apologize for the lag in responding. Happy to find time in future to brief you on the issue. Answers below:

1. There was a City Council action on Zenith previously. What differed in the previous process that required that it went before Council for review? Was it a different process? An appeal of the LUCS? An Administrative power Council had which now lies with the Executive branch?
   A: There actually wasn't any council action on the LUCS. In 2019, Mayor Wheeler and Commissioner Hardesty hosted a town hall, but any action related to Zenith, their LUCS, and any operational permits related to the site have gone through standard administrative procedures. Nothing has changed from that perspective. Even when our LUCS denial was appealed to the state and remanded back to us, the Bureau of Development Services were the responsive group. Of course, bureaus at that time were reporting to commissioners-in-charge, but there wasn't a council decision related to the LUCS. The one exemption was the effort to get Zenith to voluntary offer conditions to their LUCS, which is not a standard requirement. If we were going to follow normal procedures, we would not include any of their additional operation commitments.

2. Will Council receive an update about the review of Zenith's compliance with regulations? When do you expect that review to be complete?
   A: We can certainly ask DEQ to provide an update of Zenith's compliance with their regulations, assuming they ultimately approve their permit. When we issue a land use compatibility statement, we are affirming that our existing land use and comprehensive plan allow the use that the applicant is requesting to permit through the state. It is not a City policy tool per se. In regard to the fossil fuel transition and seismic retrofits Zenith committed to in the LUCS, those are obligations they have committed to with the state in terms of reporting. As far as their compliance with the Renewable Fuels Standard, the policy has a codified reporting schedule, the first being in 2025. Assuming Zenith provides renewable fuels in Portland, they would be required to report their fuel sales.

3. If Council (or a Committee of Council) were to request a briefing on these topics who would be the best people to invite to receive both a general overview and also be able to ask technical questions?
   A: **David Kuhnhausen, Matt Rozzell, Eric Engstrom, Tom Armstrong, Lauren King and I have the most history and technical knowledge of the project. We are the group presenting tomorrow and Wednesday.**

Please let me know when you would like to set up a briefing.

Best,

Donnie Oliveira, he/him/his
Deputy City Administrator
Community and Economic Development
Phone: 503.593.1869
portland.gov/transition

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From: Elana Pirtle-Guiney <eguiney@gmail.com >
Sent: Thursday, December 12, 2024 10:59 PM

To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Cc: Pirtle-Guiney, Elana <councilor.pirtle-guiney@portlandoregon.gov >
Subject: Re: OFFER: Zenith Energy Background Briefing (two options)

Donie -

I'm not able to make either of these times but do have a few process questions. I'll lay them out here in the hopes that we can find fifteen or twenty minutes in the coming weeks to check in.

1. There was a City Council action on Zenith previously. What differed in the previous process that required that it went before Council for review? Was it a different process? An appeal of the LUCS? An Administrative power Council had which now lies with the Executive branch?
2. Will Council receive an update about the review of Zenith's compliance with regulations? When do you expect that review to be complete?
3. If Council (or a Committee of Council) were to request a briefing on these topics who would be the best people to invite to receive both a general overview and also be able to ask technical questions?

Thanks so much.

Elana

(transferring this to what I think will be my new email, which I should have access to moving forward!)

On Thu, 12 Dec 2024 at 14:51, Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov > wrote:

> Dear Councilors,
>
> While the Transition and Council Operations teams have a robust onboarding plan and continue to work on developing a briefing calendar with you all, items will sometimes arise that require more immediate situational awareness. Given the high level of public interest on activities related to Zenith Energy LLC, on behalf of the City Attorney's Office and Community and Economic Development, we are making two options available next week to provide background information and answer your questions if you are interested.
>
> Please let me know if you can join us. A quick reply with a selection will suffice. Note, both sessions will review the same info so you only need to attend one, and both sessions will be hybrid.
>
> **OPTIONS**
>
> Option 1: Tuesday, December 17th, 10:00a-11:00a
> Option 2: Wednesday, December 18th, 10:00a-1100a
>
> And for those that can't join or are only interested in a high-level information, please see below for context.
>
> ## Regarding Land Use Compatibility Statements
>
> A Land Use Compatibility Statement is a City response to a State Agency as to whether or not a proposed activity or use is allowed outright, requires additional approval under adopted City ordinance, or is prohibited. Neither Oregon law nor Portland Code require, or provide for, a hearing or public process prior to completing a LUCS. It is unlawful for the City to apply a different procedural process for an individual applicant. The City reviews and issues LUCS based on zoning regulations and comprehensive plan that have been adopted and acknowledged.
>
> ## Regarding Zenith Energy's Request for a Title V Air Permit

It is the city's understanding that DEQ determined the LUCS is insufficient because it failed to include adjacent properties that are a part of Zeniths operations. Separately, DEQ fined Zenith for its operation of the McCall dock without authorization under its air quality permit. Zenith's failure to comply with DEQ rules regarding Zenith's operations is outside the scope of the city's LUCS review. However, the city will evaluate whether Zenith failed to comply with any of the city's adopted regulations and if enforcement action is necessary.

At this time, the City has not received any request for a new or revised LUCS from Zenith. If and/or when the City receives a request, it will be processed by Portland Permitting & Development in the same manner as all other applicants.

Donnie Oliveira, he/him/his
Deputy City Administrator
Community and Economic Development
Phone: 503.593.1869
portland.gov/transition

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Date: Mon, 16 Dec 2024 11:22:22 PM (UTC)
Sent: Mon, 16 Dec 2024 11:22:19 PM (UTC)
Subject: Flag: Street Roots / Zenith Press Request
From: Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >; Reed, Magan <Magan.Reed@portlandoregon.gov >;
CC: Ocken, Julie <Julie.Ocken@portlandoregon.gov >;

Good afternoon, all!

Jeremiah Hayden from Street Roots reached out to me with the following request. Using previously approved language from Magan, I put together the following email for review. I am happy to incorporate any thoughts from this team — including running this response past additional parties. I also checked in with PP&D, which hasn't seen this LUCS request hit its dashboard.

With appreciation,
Elliott

--

Good afternoon, Jeremiah,

Thank you again for reaching out. I wanted to share a quote below, which you may attribute to **Deputy City Administrator Donnie Oliveira**:

"We are aware of the state's determination that Zenith Energy will need to obtain another Land Use Compatibility Statement (LUCS) from the City. At this time, we are reviewing the details of the state's findings and their implications. We will provide any additional information as it becomes available."

I recommend contacting Zenith directly for questions concerning where they are in their process. Also, for your background, a LUCS verifies that the use or activity being requested is allowed by local zoning and land-use regulations. An approved LUCS effectively means that the requested activity is compatible with the Zoning Code and the 2035 Comprehensive Plan.

Please let me know if I can be of additional support!

Best,

Elliott

--

With appreciation,

Elliott

Elliott Kozuch | *He/Him* or *They/Them*
Public Information Manager
City of Portland

Community and Economic Development Service Area
Call/Text: 971-480-0551
Email: elliott.kozuch@portlandoregon.gov

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503-823-2375 Traducción e Interpretación | Biên Dịch và Thông Dịch | 口笔译服务 | Устный и письменный перевод | Turjumaad iyo Fasiraad | Письмовий і усний переклад | Traducere și interpretariat | Chiaku me Awewen Kapas | अनुवादन तथा व्याख्या

From: Jeremiah Hayden <jeremiah@streetroots.org >
Sent: Monday, December 16, 2024 2:54 PM
To: Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >
Subject: Fwd: Zenith - LUCS

Hi Elliot,

I'm hoping you can answer this for me by an end of day deadline for a story I'm working on for Street Roots. As you know, DEQ fined Zenith Energy nearly $375k on December 6 and requested the company provide a new Land Use Compatibility Statement from the city of Portland within 60 days.

Can you tell me where Zenith is in that process as of today?
Has Zenith received the new LUCS from the city?
If not, what is the public process in determining the new LUCS?

Thank you! Feel free to call or email with any other questions.

Jeremiah Hayden (he/him)
Reporter at streetroots.org

Date:	Mon, 16 Dec 2024 11:29:27 PM (UTC)
Sent:	Mon, 16 Dec 2024 11:29:26 PM (UTC)
Subject:	RE: Flag: Street Roots / Zenith Press Request
From:	Ocken, Julie <Julie.Ocken@portlandoregon.gov >
To:	Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >; Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >; Reed, Magan <Magan.Reed@portlandoregon.gov >;

Thanks, Elliott.

Adding to this: a big of back-and-forth on his PRR. I just spoke with him as there would be about 300 records from the initial request, so he is updating his record request to just use Zenith as the key word (still with Donnie and Mike as the senders/receivers, and not just emails between them).

Julie Ocken
she/her
Strategic Projects
City of Portland
Community & Economic Development Service Area
503-307-9261

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From: Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >
Sent: Monday, December 16, 2024 3:22 PM
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >; Reed, Magan <Magan.Reed@portlandoregon.gov >
Cc: Ocken, Julie <Julie.Ocken@portlandoregon.gov >
Subject: Flag: Street Roots / Zenith Press Request

Good afternoon, all!

Jeremiah Hayden from Street Roots reached out to me with the following request. Using previously approved language from Magan, I put together the following email for review. I am happy to incorporate any thoughts from this team — including running this response past additional parties. I also checked in with PP&D, which hasn't seen this LUCS request hit its dashboard.

With appreciation,
Elliott

--

Good afternoon, Jeremiah,

Thank you again for reaching out. I wanted to share a quote below, which you may attribute to **Deputy City Administrator Donnie Oliveira**:

"We are aware of the state's determination that Zenith Energy will need to obtain another Land Use Compatibility Statement (LUCS) from the City. At this time, we are reviewing the details of the state's findings and their implications. We will provide any additional information as it becomes available."

I recommend contacting Zenith directly for questions concerning where they are in their process. Also, for your background, a LUCS verifies that the use or activity being requested is allowed by local zoning and land-use regulations. An approved LUCS effectively means that the requested activity is compatible with the Zoning Code and the 2035 Comprehensive Plan.

Please let me know if I can be of additional support!

Best,

Elliott

--

With appreciation,

Elliott

Elliott Kozuch | *He/Him* or *They/Them*

Public Information Manager

City of Portland

Community and Economic Development Service Area

Call/Text: 971-480-0551

Email: elliott.kozuch@portlandoregon.gov

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503-823-2375 Traducción e Interpretación | Biên Dịch và Thông Dịch | 口笔译服务 | Устный и письменный перевод | Turjumaad iyo Fasiraad | Письмовий і усний переклад | Traducere și interpretariat | Chiaku me Awewen Kapas | अनुवादन तथा व्याख्या

From: Jeremiah Hayden <jeremiah@streetroots.org>
Sent: Monday, December 16, 2024 2:54 PM
To: Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov>
Subject: Fwd: Zenith - LUCS

Hi Elliot,

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Jeremiah Hayden (he/him)
Reporter at streetroots.org

Date: Mon, 16 Dec 2024 11:40:55 PM (UTC)
Subject: Zenith Energy Briefing - Option 1
From: Brown, Kelly
To: Beyer, Megan <Megan.Beyer@portlandoregon.gov >;

Hold one of two options for background information on Zenith Energy Title V air permit and city related processes.

Microsoft Teams Need help?

Join the meeting now

[redacted]

For organizers: Meeting options | Reset dial-in PIN
Org help | Privacy and security

Date: Mon, 16 Dec 2024 11:51:32 PM (UTC)
Sent: Mon, 16 Dec 2024 11:51:28 PM (UTC)
Subject: Accepted: Zenith Energy Briefing - Option 1
From: Beyer, Megan <Megan.Beyer@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;