## Green, Mitch

**From:** Oliveira, Donnie
**Sent:** Thursday, December 12, 2024 2:52 PM
**To:** 'candaceforportland@gmail.com'; Jamie Dunphy; 'lorettajsmith9@gmail.com'; 'sameer@kanalforportland.com'; 'eguiney@gmail.com'; Ryan, Dan; 'tiffany@teachertiffanyforportland.com'; 'info@angelitaforportland.com'; 'stevenovick96@gmail.com'; 'onclark@gmail.com'; 'mitch.r.green@gmail.com'; 'zimmermanpdx@gmail.com'; Avalos, Candace; Dunphy, Jamie; Koyama Lane, Tiffany; Morillo, Angelita; Clark, Olivia; Green, Mitchell; Novick, Steve; Clark, Olivia; Zimmerman, Eric; Kanal, Sameer; Smith, Loretta; Pirtle-Guiney, Elana
**Cc:** King, Lauren; Brocker, Lori; Jordan, Michael; Wilson, Keith; Brown, Kelly
**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.

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