



Long Range Planning Work Program

Community Gas Station Setback Request



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for an EV World**

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Our Mission

We provide research and resources to help Citizens and City/County/State officials prepare their Land Use and Zoning codes for an electric vehicle future.

In particular, we advocate for municipalities to use Land Use and Zoning to protect themselves from the environmental and economic risks from gas/fuel/service stations becoming bankrupt/insolvent/abandoned as electric vehicles remove the need for these businesses. In the worst case cleaning up fuel/gas stations can cost municipalities/taxpayers hundreds of thousands to millions of dollars.

Risks to Municipalities

- Underground storage tanks frequently leak and are expensive to cleanup ([source](#))
- Cost recovery for fuel/gas station cleanup is complex and rarely

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resources for gas station land use and zoning

Our Request in Long Range Planning 2022-2023

Require that new gas stations be setback a minimum of 1,500 feet from

public parks, school, public library or building for public assembly;

hospital, church, theater, dwelling unit

any wetland, stream, river, flood plain, or environmentally sensitive area

We want to see this applied to all zones across the County without an option for variance to ensure equitable and objective application of this requirement.

Request in Long Range Planning 2021-2022

- March 2021 LRP Work Program Staff Report included three community letters requesting limits on gas stations in Neighborhood Commercial zoning.
- Three letters cited concerns included traffic impacts, toxic air emissions, threat of environmental harm from fuel pumps and storage tanks.

How this request is different?

1. Setback regardless of the zoning
2. Modeled after municipal codes from across the Country
3. Supported by 150 Washington County citizens (and growing) across all districts
4. Support from Treekeepers of Washington County, Tualatin Riverkeepers, 350 Washington County
5. Primary concerns: economic, environmental, and health concerns

Why a setback?

- Setbacks limit the damage to public investments and community features from expensive cleanup
- Other municipal codes have gas station setbacks to model
- Setbacks are recommended by various government institutions and research

Other Municipal Codes

Gas station setbacks from 1,500 to 300 feet

Rocky Hill, Connecticut; Harper Woods, Michigan; Clarkston, Georgia; Montgomery County, Maryland; Borough of Bergenfield, New Jersey; many others

Bans on new gas stations full stop

Calistoga, California; Sebastopol, California; Rohnert Park, California; Petaluma, California

Isn't this regulated elsewhere?

Does the EPA regulate fuel/gas station location? No, the EPA only regulates and enforces technical UST requirements, release/leak tracking, financial responsibility (insurance), and operator training (40 CFR Part 281).

Do local water districts regulate fuel/gas station location? No, in Washington County Oregon neither the storm water regulator (Clean Water Service) nor the drinking water utility (Tualatin Valley Water District) regulate siting of fuel/gas stations.

Does the U.S. Army Corps of Engineers regulate fuel/gas station location? No, not unless the site is directly inside a wetland, which is an unlikely scenario.

Does Oregon DEQ? No, not under UST, Stormwater, or Drinking water programs

Isn't this regulated elsewhere? Oregon DEQ

Underground Storage Tank (UST) Program

In ORS 466.706-466.882 and 466.994 has details on how to install and license a compliant underground petroleum tank but *no details on where to install a petroleum tank to avoid introducing economic, health, or environmental risks to a community.*

Stormwater Regulations Regulated via the 1200-Z industrial stormwater permit

However, retail gas stations are not subject to 1200-Z requirements. And, notably, motor vehicle parts and storage are required to get permits because of the risk spills and leaks:

E.M.1.1 Spill and Leak Prevention Procedures. Drain vehicles intended to be dismantled of all fluids upon arrival at the site (or as soon thereafter as feasible), or employ some other equivalent means to prevent spills and leaks.

Drinking Water Protection

The rules do have minimal 25-50ft setback requirements for petroleum storage. Notably, hazardous waste storage has a 500ft setback requirement.

Washington County Process so Far

- CPO 1 and CPO 7 Support
- Discussions with Commissioners: Fai, Harrington, and Treece
- Long Range Planning backlog item for gas station setback
- This meeting



Cleanup and Leak Stories

Clatskanie, Oregon



Columbia County acquired the property through foreclosure in 2007.

15 years of County and City effort to make site clean enough for redevelopment

Clackamas County, Oregon

Clackamas fuel company hit with state and federal fines for 2020 oil spill into North Santiam River

BY: ALEX BAUMHARDT - JUNE 1, 2022 5:07 PM



Space Age Fuel Inc. of Clackamas, agreed to pay the EPA \$135,000 for violating the federal Clean Water Act by contaminating waters that flow into the Columbia River.

Space Age will also pay a fine of \$70,000 to the Oregon Department of Environmental Quality and develop an “inclement weather safety program,” according to the [final agreement](#) between the company and the state and federal environmental agencies. By entering into the agreement, the company agrees to pay the fines, but does not admit guilt, according to EPA spokesperson Alice Corcoran.

A similar accident involving another fuel truck occurred in the same spot three years earlier, in 2017. That accident caused a fire and ultimately killed the truck’s driver. Thousands of gallons of fuel went onto the highway and into the river, costing more than \$1 million in cleanup, according to news reports following the accident.



Washington State

Environment | Local News | Local Politics | Northwest | Traffic Lab

Aging gasoline storage tanks in WA pose environmental hazard, but many owners can't afford cleanup

May 16, 2022 at 6:00 am | Updated May 16, 2022 at 9:55 am

Regulations in Washington have become more stringent in recent years and some money from the state is available. But Mark Dunec, a real estate consultant with FTI Consulting, said the scope of the problem across the country demands broader recognition from both government and private industry.



"Everyone's an ostrich," he said. "Everyone's ignoring, ignoring and then they're going to have to deal with it. It's avoidance. The more they avoid, the more expensive it's going to be down the road."

When Sea Mar Community Health Centers was developing its property in South Park, it discovered the site was once a gas station. Staff believed it would be a limited cleanup, said Michael Leong, Sea Mar's senior vice president of corporate and legal affairs. But the more they dug, the more they found. "It was like a never-ending pit," said Leong.

Sea Mar hired a firm to help it locate the former gas station's last owner, but found only one family member still alive and she was not in a position to engage with a cleanup effort. The final cost was "north of a million dollars," said Leong. It took Sea Mar nearly six years to get the all-clear from Ecology.

<https://www.seattletimes.com/seattle-news/transportation/aging-gasoline-storage-tanks-in-wa-a-serious-threat-to-human-health-and-the-environment/>

Summary of Our Request

- In the absence of other protections municipalities are increasingly exercising their land use authority to separate gas station use from public investments, and community features
- Setbacks for gas stations follow an emerging best practice across the Country
- Gas station insolvency in the face of changing consumer habits is beginning to be understood as a public economic risk



Questions for Staff?

- Are there past community requested land use updates that have been successful that we should be modeling?
 - We have done quite a bit of groundwork between Commissioners, Boards, CPOs, and developing our resource website. But, if we are missing a step we would appreciate the direction.
- Are there other reports or data that would be helpful to gather?
- Outside of Long Range Planning are there other forums for the County to consider this sort of land use code update?
- One Commissioner said a LRP backlog item is like a lotto ticket- how do we get this prioritized?