MEMORANDUM

To: Liz Fancher, Hearings Officer – T3-2022-16220

Date: *5/19/2025*

From: Lauren Courter, Ian Courter, Cottrell CPO and Pleasant Home Community Association

RE: Rebuttal to S.35, "Responses to AQ- and GHG-Related Testimony At or Prior to Hearing"

SUMMARY

Exhibit S.35 outlines responses to air quality and greenhouse gas concerns, whereby Phil Gleason of Environmental Science Associates (ESA) emphasizes that the project complies with relevant regulations and poses no significant risks to air quality and greenhouse gas emissions. Emissions from construction are considered short-term and minimal, while the site's post-construction state includes sustainable features to offset potential impacts. ESA claims that chemical use is managed safely, and air pollutant levels are expected to remain well below regulatory thresholds. Overall, the project is designed to minimize environmental harm and align with clean energy and sustainability goals.

RESPONSES TO TESTIMONY REGARDING N.43 PROVIDED IN S.35.

First Comment: pg 1-2

Mr. Gleason/ESA argues that CO_2 emissions from construction are irrelevant to this land use proceeding because construction is "not within the scope of the Proposed Use," citing county and LUBA decisions. However, the statement referenced in N.43 (page 5) and cited in S.35 was a general observation: that the project has caused a significant increase in CO_2 emissions compared to pre-construction conditions, resulting in an irreparable impact on natural resources.

Mr. Gleason/ESA mischaracterizes this point by suggesting we are arguing that construction-related CO_2 emissions are contributing to global climate change. That is not our claim. Our concern is the localized and irreversible harm to natural resources caused by the project's elevated emissions.

Furthermore, Mr. Gleason/ESA's claim that "the Project's CO_2 emissions would not separately affect natural resources in an adverse manner" is unsupported. He provides no data, analysis, or qualitative explanation to substantiate this assertion. As the burden of proof lies with the applicant, such an unsubstantiated expert opinion does not demonstrate that the area's significant rise in CO_2 emissions has no irreparable impact on natural resources.

Second Comment: pg 2-4

Point 1: Mr. Gleason/ESA states that in N.43, Cottrell CPO treats carbon sequestration as an air quality issue. He corrects this mischaracterization by clarifying that CO_2 is a greenhouse gas, not a criteria air pollutant regulated under current air quality standards.

Response: While CO_2 is technically classified as a greenhouse gas and not a DEQ-regulated quality air pollutant, both emissions directly affect environmental health and should be evaluated holistically in environmental reviews, particularly the effects of emissions on the localized natural resources. Oregon's land use planning framework and Multnomah County emphasize the

protection of natural resources and ecological function — not merely compliance with federal standards. Whether CO_2 is regulated like criteria pollutants is irrelevant to the question of whether the project harms natural resources through carbon loss.

Point 2: Mr. Gleason/ESA states that Cottrell CPO failed to provide evidence that (1) the site was a carbon sink, (2) the project would turn it into a carbon source, or (3) there would be adverse impacts to natural resources.
Response: The burden of proof lies with the applicant to demonstrate no significant adverse impact — not on the public to prove harm. The absence of definitive evidence from ESA that the project *would not* disrupt carbon balance means that ESA failed to establish that there will be no adverse effect. Additionally, land with perennial vegetation like trees and cover crops functions as a net carbon sink. ESA dismisses this possibility without transparent carbon accounting for either baseline or future conditions.

Point 3: Mr. Gleason/ESA asserts that pre-development agricultural activity produced emissions (e.g., tractors, irrigation) that offset any sequestration by plants and trees.
Response: While agricultural operations emit CO_2, they also involve continuous biomass growth and soil management that contributes to carbon storage. ESA provides no detailed net carbon analysis comparing emissions vs. sequestration, evidence that would be necessary to support the claim. Moreover, replacing a biologically active site with industrial development reduces total sequestration capacity, regardless of past emissions that were minimal by agricultural activity.

Point 4: Mr. Gleason/ESA asserts that the planting of over 3,000 trees and new vegetation will continue carbon sequestration under post-development conditions.
Response: Replanted trees, especially in landscaped or urban settings, rarely match the sequestration capacity of existing natural or semi-natural vegetated landscapes. It takes decades for young trees to accumulate the same biomass and carbon storage as mature vegetation. Additionally, the shift from agricultural or vegetated land to buildings and impervious surfaces contributes rather than reduces total sequestration potential, even with new plantings.

Point 5: Mr. Gleason/ESA asserts that the project minimizes its carbon footprint through gravity-fed water systems, renewable energy, and no natural gas use.
Response: Sustainable design elements do not eliminate the project's CO_2 emissions or offset the ecological loss from land conversion.

Point 6: Mr. Gleason/ESA asserts that the project is too small to meaningfully affect global climate change or natural resources.
Response: Cumulative impacts of many "small" projects are precisely what drive ecosystem degradation and climate change. Dismissing localized or incremental impacts undercuts the state and county sustainability and climate resilience goals. Also, natural resource impacts are not limited to global climate influence — localized carbon loss, biodiversity disruption, and hydrological changes are all relevant.

Point 7: Mr. Gleason/ESA asserts that the project is consistent with PWB's Net Zero strategy and poses no significant environmental threat.

Response: Alignment with a Net Zero strategy does not inherently mean the project is without environmental consequence — especially if carbon accounting is incomplete or based on assumptions rather than site-specific data.

CONCLUSION

While ESA presents a narrative of minimal impact and sustainable design, their arguments rely on assumptions rather than site-specific data. ESA ignores the likely reduction in carbon sequestration capacity and broader ecological consequences of land conversion. Dismissing these impacts as insignificant due to project scale sets a dangerous precedent, undermining the state and county land use goals. Without a rigorous, evidence-based analysis, ESA has not met the burden of proof to demonstrate that the project will avoid irreversible harm to natural resources.

Multnomah County

LUP Hearings <lup-hearings@multco.us>

#T3-2022-16220: Response to S.35

1 message

Cottrell CPO <cottrellcpo@gmail.com> Mon, May 19, 2025 at 10:22 AM
To: LUP Hearings <LUP-hearings@multco.us>

External Sender - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

LUP,

With regards to the remand of T3-2022-16220, attached is our response to S.35.

Please acknowledge receipt of this email.

Thank you,
Cottrell CPO

Courter-CPO-PHCA Response to S.35.pdf
135K