

METRO
2019 LEGISLATIVE ISSUE IDENTIFICATION

Department: GAPD/PES

Date: August 20, 2018

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ISSUE: Disaster Debris Management Sites

BACKGROUND: In the aftermath of a large-scale and catastrophic disaster like the expected Cascadia seismic event, the volume of debris will overwhelm the solid waste infrastructure. Debris management sites (DMSs) will be required to temporarily stage and process debris. Identifying potential DMSs prior to a disaster will help to expedite debris removal and disposal.

Many criteria are used to select a DMS, but the greatest need is for large parcels (20 acres or more) that are easily accessible, as level as possible, and located outside of environmentally sensitive areas. Generally, areas inside the urban growth boundary and non-resource lands (rural residential exception areas) do not include parcels or tracts of land large enough to accommodate a DMS. Outside the UGB, the most likely sites for debris management, whether publicly or privately owned, are more likely to be in natural resource zones such as Exclusive Farm Use (EFU), Agriculture / Forest (AG/F) and Timber (TBR).

Land uses in EFU, AG/F and TBR zoning districts are expressly limited by state statute (ORS 215.213 and 215.283) and rule (OAR 660 Division 006). The statutes and rules do not allow debris management sites permanently or on a limited or temporary basis unless a goal exception to the Statewide Planning Goals is approved by the governing body. An exception will typically require a minimum of 5-6 months to process. In addition, an exception would be required for each individual debris management site. Any delay in opening a DMS will delay debris removal efforts and make debris more difficult to process.

Clackamas County is working on a legislative concept to help expedite the permitting and opening of a DMS following a disaster. They are proposing a path that would provide a quasi-supersiting authority which authorizes counties to provide DMSs on lands zoned EFU, AG/F and TBR.

One option for a proposed legislative concept for authorizing debris management sites in natural resource zones is:

1. Amend ORS 215.213 and 215.283 (EFU Statute) and OAR 660 Division 006 (OAR regulating land uses on forest land) to allow Debris Management Sites as an outright permitted use upon declaration of certain emergencies and;
2. Authorize immediate operation of an identified Debris Management Site in a Debris Management Plan upon a declaration of a natural disaster by FEMA, the county, DEQ or the Governor.

This concept was proposed during the April 2018 meeting of the Regional Disaster Preparedness Organization's Policy Committee. Metro had the opportunity to preview the concept before the meeting and made the following recommendation at the meeting.

RECOMMENDATION:

Support a legislative concept to pre-identify potential debris sites provided conditions and safeguards are included in the legislation that do not allow site use for purposes other than for temporary debris management. As proposed, the authority proposed by this legislative concept is fairly sweeping. As we are aware, farm and forestry land in Oregon are highly valued. Any discussion of the legislation should bring a range of interests to the table, including farm and forestry advocacy groups and state agencies responsible for agriculture and forestry to ensure that a reasonable framework can be established and that the legislation has general support once it is introduced.

Assist in the development of the legislation for further consideration by the Policy Committee. Staff also suggests considerations of other conditions:

- Clarify that sites can only be used for debris management in a state- or federally-declared disaster;
- Clarify the temporary and limited nature of the sites; and
- Include concurrence of the local Solid Waste Authority.

LEGISLATIVE HISTORY: None on this particular topic. Adding outright permitted uses to resource lands can be contentious, especially uses that are considered urban. However, the nature of this specific need (response to a catastrophic natural disaster) may mitigate some concerns if proper sideboards are included.

OTHER INTERESTED PARTIES: All counties and cities within the UGB are interested in order to pre-identify adequate numbers and locations of DMSs. Metro's recently approved disaster debris management plan puts Metro in a significant role in the identification and operation of DMSs. Other interested parties include land use interest groups like the Oregon Farm Bureau and 1000 Friends of Oregon.

IMPACT IF PROPOSED ACTION OCCURS: Metro and its jurisdictional partners will have more flexibility in the process for identifying and operating DMSs of adequate size and number. The region will be able to expedite removal of debris from transportation routes and other critical areas into DMSs for storage and processing before final disposal.