

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Study Session Worksheet

**Presentation Date:** February 12, 2013 **Approx Start Time:** 1:30 p.m. **Approx Length:** 1 hour

**Presentation Title:** Siting Compost Facilities

**Department:** Planning and Zoning / Solid Waste

**Presenters:** Mike McCallister, Planning Director  
Rick Winterhalter, Solid Waste Analyst

**Other Invitees:** Cam Gilmour, DTD Director  
Barb Cartmill, Deputy DTD Director  
Dan Johnson, Development Agency Manager  
Chris Lyons, PGA  
Jared Anderson, PGA

### WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

To consider alternatives for the location and disposal of yard debris and compost materials in Clackamas County.

### EXECUTIVE SUMMARY:

In December 2012 the Board of County Commissioners directed staff to schedule a study session to discuss alternatives to accommodate the siting of compost facilities in Clackamas County. The impetus of this policy discussion is the result of two controversial land use applications filed with the County in the last three years and more recently other controversial facilities located in the region. In 2010 a conditional use permit for a yard debris composting facility was submitted on property zoned Timber (TBR) on Redland Road, approximately 6 miles outside of Oregon City. Three public hearings were held before the Planning Commission to consider this proposal. Over 600 citizens in opposition to the proposal attended each of the last two public hearings (The application was withdrawn). More recently a conditional use permit was approved for a composting / mining facility in the Stafford area (Stafford and Borland Road). The two applications above involved the same operator.

With exception of the two applications mentioned above, the County has only received one application from property owners or private industry representatives to site compost facilities in Clackamas County over the last 20 years.

In 1990 there were two compost facilities in the region: Grimms Fuel in Tigard and McFarlane's Bark in Clackamas County. The County's solid waste plan included the recovery of yard debris through composting in 1991 and Scott's Hyponex opened the composting facility on Capps Road, providing the solid waste collectors a new option in the County for disposing of yard debris for composting.

Currently McFarlane's Bark and Clackamas Compost are the two largest industrial compost sites serving the collectors. These facilities minimize travel times for collectors serving much of the North Clackamas area. There are number of other small scale operators located throughout the County and addition to a number of on-farm composting operations.

From a solid waste system's planning view it is important to provide opportunities for recovering as much of the organic fraction of the waste stream as possible. When curbside yard debris collection service was provided significant strides were made to reaching recycling goals. The food scrap fraction is the next largest fraction of the waste stream to capture and put into productive use. If a suitable location for processing this material cannot be found in the County, where the material is generated, then other facilities will need to be utilized, which may result in increased transportation costs and make collection less efficient.

Regionally, there is an interest to increase recycling, composting of yard debris and residential and commercial food scraps. Other Counties in the Metro area are also facing challenges siting compost facilities due to real and perceived impacts such as noise, odor, traffic and environmental impacts.

#### **FINANCIAL IMPLICATIONS (current year and ongoing):**

At this point, the staff has not identified any increased costs to the public or to business that might result from this policy discussion.

#### **LEGAL/POLICY REQUIREMENTS:**

Current Siting Standards: Land use requirements for composting and yard debris facilities are codified Section 834 of the Clackamas County Zoning and Development Ordinance (ZDO). These types of facilities may be allowed upon submittal and approval of a conditional use permit in the following zoning districts:

1. Two Rural Residential Zoning Districts (RRFF-5 and FF-10).
2. Three Industrial Zoning Districts (Light Industrial, General Industrial and Rural Industrial)
3. All three Natural Resource Zoning Districts (EFU, TBR and AG/F). These facilities are not allowed on high value farmland in the EFU and Ag/F zoning districts.

The provisions allowing composting facilities in any of the above listed zoning districts or any other zoning districts is a County policy. The exception is that State law does not allow commercial / industrial composting facilities in EFU and Ag/F zoning districts on high value farmland. Composting is allowed on high value farmland where it is managed as a normal and accessory use to a farm operation. A farm may receive composting inputs from off the farm, but the finished compost must remain on the farm or surplus may be sold to neighboring farms. The County's authority to amend its zoning district (land use regulations) to further restrict compost facilities is not otherwise regulated by State or Regional law.

Land Use Policy Conflicts: The aforementioned land use regulations include inherent policy conflicts that require close consideration. For example, locating composting facilities in industrial zoning districts may be the best geographic location to reduce compatibility issues with residential and institutional uses. At the same time they may not be the best use of the

limited industrial land in the County because they are not labor intensive and will not result in a significant increase in assessed value or job creation. Conversely the siting of these facilities outside of Industrial areas will ensure industrial land is maintained for the highest and best use but will likely result in compatibility issues with residential and other uses. A large land base is available in the natural resource zoning districts (Timber, AG/F and EFU) where the density of residential uses is lower and may result in fewer compatibility issues but may not be the best geographic location to accommodate haulers. These are just a few issues to consider in the overall policy discussion.

Other Regulatory Review: Generally, the siting of yard debris and composting facilities already require significant scrutiny through a series of local, State and Regional regulations. These facilities are subject to local land use approval, review and approval by the Department of Environmental Quality (DEQ) and Metro (within the Metro Service District boundary). Outside the Metro district, in addition to the DEQ/ODA regulations the County has the authority to regulate composting and other disposal facilities. The local, State and Metro regulations all include a scope of review to consider a range of environmental impacts and compatibility of the operation with adjacent land uses.

On – Going Policy and Regulatory Efforts: Staff recently met with two representatives from Metro and one representative from DEQ who oversee permitting and franchising for composting and recycling facilities in the region. The purpose of the meeting was to discuss any on-going policy changes or legislative concepts being considered at this time. Representatives from both agencies recognized the on-going challenges associated with meeting regional recovery goals and finding suitable sites / locations for these types of facilities. However, neither Metro nor DEQ are currently pursuing any policy or regulatory changes relative to composting / yard debris facilities.

#### **PUBLIC/GOVERNMENTAL PARTICIPATION:**

County staff (Planning, Solid Waste and Public and Governmental Affairs) has discussed potential legislation with Senator Bruce Starr and Representative Julie Parrish regarding the siting of compost facilities. One or more bills are likely to be submitted by Senator Starr and Representative Parrish regarding the siting of compost facilities. We are continuing to monitor 2013 legislative concepts and legislative bills. An update of ongoing legislative action will be provided at the study session.

#### **OPTIONS:**

1. Take no action. Continue to allow these facilities to be reviewed on a case by case basis through the County conditional use permit process and other Metro and State agencies.
2. Coordinate with other local and regional governments and industry representatives to assess other siting alternatives and best management practices. Pursue alternatives to ship composting materials outside of the County or region.
3. Monitor bills submitted in the 2013 legislative session and offer testimony in coordination with Public and Government Affairs.
4. Amend ZDO to restrict the location of composting / yard debris facilities to certain zoning districts.

5. Amend the ZDO to include additional siting standards to address potential impacts to the environment and compatibility with adjacent land uses (buffer setbacks from residential uses, limit size and scale of facilities, etc.)

**RECOMMENDATION:**

Staff recommends that the Board direct us to monitor and participate in on-going legislative efforts addressing the siting of compost facilities. Reconsider this issue if new legislation is not adopted or does not adequately address the policy concerns in Clackamas County.

**ATTACHMENTS:**

None.

**SUBMITTED BY:**

Division Director/Head Approval Mike McCallister  
Department Director/Head Approval Ran Filmon  
County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Mike McCallister @ 503-742-4522

## Fiscal Impact Form

**RESOURCES:**

Is this item in your current work plan and budget? No.

**START-UP EXPENSES AND STAFFING (if applicable):** No

**ONGOING OPERATING EXPENSES/SAVINGS AND STAFFING (if applicable):** N/A

**ANTICIPATED RESULTS:** Unknown at this time.

**COSTS & BENEFITS:** N/A

<b>Costs:</b>							
	Item	Hours	Start-up Capital	Other Start-up	Annual Operations	Annual Capital	TOTAL
<b>Total Start-up Costs</b>							
<b>Ongoing Annual Costs</b>							
<b>Benefits/Savings:</b>							
	Item	Hours	Start-up Capital	Other Start-up	Annual Operations	Annual Capital	TOTAL
<b>Total Start-up Benefit/Savings</b>							
<b>Ongoing Annual Benefit/Savings</b>							