



CITY OF SALEM

Revisions to the Agenda #3

City Council

555 Liberty St SE
Salem, OR 97301

Monday, October 12, 2020

6:00 PM

Virtual Meeting

5.c.

[20-408](#)

Declaration of State of Emergency related to the Santiam canyon wildfires response.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community; Safe, Reliable and Efficient Infrastructure.

Add - New Report Added.



Staff Report

File #: 20-408

Version: 1

Date: 10/12/2020

Item #: 5.c.

TO: Mayor and City Council

THROUGH:

FROM: Steve Powers, City Manager

SUBJECT:

Declaration of State of Emergency related to the Santiam canyon wildfires response.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community; Safe, Reliable and Efficient Infrastructure.

ISSUE:

Shall City Council adopt Resolution No. 2020-48 declaring a state of emergency related to the Santiam canyon wildfire response?

RECOMMENDATION:

Adopt Resolution No. 2020-48 declaring a state of emergency related to the Santiam canyon wildfire response.

SUMMARY:

Resolution No. 2020-48 declares a state of emergency related to the Santiam canyon wildfire response and waives land use regulations to allow a State of Oregon and federal hazardous and non-hazardous material staging location to be established within the city of Salem.

FACTS AND FINDINGS:

On September 8, 2020 the Marion County Board of Commissioners declared a state of emergency in Marion County in regard to the wildfires in the Santiam canyon and other areas of Marion County. In addition to the tragic loss of life, the wildfires caused substantial damage to the environment and property. The Oregon Department of Environmental Quality (DEQ) and U.S. Environmental Protection

Agency (EPA) have responded with clean-up efforts, including the removal of hazardous and non-hazardous material from the affected communities. DEQ and EPA have requested the use of the state fairgrounds in Salem as a staging area for the material clean-up operations for approximately three months. The staging would include the temporary delivery, staging, sorting, preparing, and transportation for final disposal of hazardous and non-hazardous material recovered from the areas affected by the wildfires.

The presence of these materials is a potential threat to human health and safety and potential threat to the safety of the Salem community's drinking water, due to the location of the City's Geren Island Water Treatment Facility on the Santiam River.

The state fairgrounds is zoned Public Amusement. The staging activity is likely not a permitted use in the zone. Therefore, in order to address the emergency conditions and allow the staging facility within Salem, it is necessary to declare a state of emergency and take the emergency action of waiving applicable land use regulations for the staging use.

All other applicable laws, including the City's building code and state and federal law relating to hazardous material handling will apply to the use. The staging activity will employ various safety measures as required by state and federal law to ensure that the use does not create environmental, health or safety issues in Salem.

BACKGROUND:

Salem Revised Code chapter 2 authorizes the City Council to declare a state of emergency within Salem and authorize appropriate actions to address the emergency.

Dan Atchison
City Attorney

Attachments:

1. Resolution No 2020-48.

RESOLUTION NO. 2020-48

A RESOLUTION DECLARING A STATE OF EMERGENCY RELATING TO WILDFIRE RESPONSE AND RECOVERY

Whereas, on September 8, 2020, the Marion County Board of Commissioners declared a state of emergency in Marion County due to multiple wildfires throughout the Santiam canyon area and other areas within Marion County;

Whereas, the wildfires caused extensive damage to the environment and property damage throughout the Santiam canyon area;

Whereas, resources from the State of Oregon and United States have responded to the impacted communities to assist in the clean up and removal of material recovered from the wildfires;

Whereas, the Oregon Department of Environmental Quality and the U.S. Environmental Protection Agency have requested that Salem host a temporary site for staging of materials recovered from the affected communities;

Whereas, the staging would include the temporary delivery, staging, sorting, preparing, and transportation for final disposal of hazardous and non-hazardous materials recovered from the wildfires (“Staging”);

Whereas, potential locations for the Staging activity may not have zoning that is appropriate for the use;

Whereas, Staging would be conducted pursuant to all state and federal laws and rules relating to this activity;

Whereas, ensuring the safe removal and disposal of material recovered from the affected communities benefits the city of Salem by assisting in the protection of the Salem community’s drinking water;

Whereas, in order to assist our neighbors during their time in need, and to help protect the Salem community’s drinking water, hosting a temporary Staging location for this activity is in the best interests of the City of Salem.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SALEM, OREGON, RESOLVES AS FOLLOWS:

Section 1. A state of emergency is declared within the city of Salem related to the Santiam canyon wildfires, pursuant to Salem Revised Code (SRC) 2.660-2.680.

Section 2. The emergency or threatened conditions are:

- a) Existence of hazardous and non-hazardous material as a result of the Santiam canyon wildfires that may contaminate water sources and present a threat to human health and safety.
- b) Environmental damage to the affected communities within Marion County, and
- c) Potential for damage to the City's water treatment facility located within the Santiam canyon and negative impacts on the Salem community's drinking water.

Section 3. The damage or potential damage is:

- a) Environmental damage to the affected communities within Marion County, and
- b) Potential for damage to the City's water treatment facility located within the Santiam canyon and negative impacts on the Salem community's drinking water.

Section 4. The location or geographic area affected is: Marion County.

Section 5. The actions initiated by the City are:

- a) Applicable sections of the City's Unified Development Code, including use restrictions, standards, and requirements for land use approval or land use permits, are hereby waived and not required or applicable for the Staging use conducted by the State of Oregon, the United States, or their officers, employees, agents or contractors.
- b) The City's building code, and applicable state and federal law continue to apply.

Section 6. The City Manager, acting as the City's Emergency Program Manager, is authorized to issue orders and take other necessary steps to implement this Declaration, including emergency procurement of goods and services, execution of agreements and other measures necessary for the protection of life, property, and the economy.

Section 8. This declaration shall terminate, unless expressly extended by the Salem City Council, on **January 25, 2021**.

Section 9. This resolution is effective upon adoption.

ADOPTED by the City Council this ____ day of _____, 2020.

ATTEST:


City Recorder


Approved by City Attorney: _____

Proposed Staging Area

EPA North Staging Area

Legend

 EPA Preferred Area

 Proposed Staging Area

