

A-Engrossed
Senate Bill 462

Ordered by the Senate April 23
Including Senate Amendments dated April 23

Sponsored by Senators STARR, OLSEN, ROBLAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Provides that composting facility that composts certain type of feedstocks may not be located within specified distance of boundary of incorporated city. Provides exception for composting facility located on land in exclusive farm use zone.]

Establishes requirements that must be met before applicant for land use approval to establish or modify certain disposal sites for composting may submit application. Requires city or county with land use jurisdiction over proposed disposal site for composting to inform applicant of permitting requirements.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to composting; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Compost" has the meaning given that term in ORS 459.005.**

6 (b) **"Disposal site" has the meaning given that term in ORS 459.005.**

7 (c) **"Local government" has the meaning given that term in ORS 174.116.**

8 (2) **Before applicant may submit an application under ORS 215.402 to 215.438 for land use**
9 **approval to establish or modify a disposal site for composting that requires a permit issued**
10 **by the Department of Environmental Quality, as provided in subsection (3) of this section,**
11 **the applicant shall:**

12 (a) **Request and attend a preapplication conference described in subsections (4) to (6) of**
13 **this section; and**

14 (b) **Hold a preapplication community meeting described in subsections (7) to (9) of this**
15 **section.**

16 (3) **Subsection (2) of this section applies to an application to:**

17 (a) **Establish a disposal site for composting that sells or offers product for sale; or**

18 (b) **Allow an existing disposal site for composting that sells or offers product for sale to:**

19 (A) **Accept as feedstock nonvegetative materials, including dead animals, meat, dairy**
20 **products and mixed food waste; or**

21 (B) **Change operations in a manner that triggers a requirement for a new land use ap-**
22 **proval.**

23 (4) **During the preapplication conference:**

24 (a) **The applicant shall provide information about the proposed disposal site for**
25 **composting and proposed operations for composting and respond to questions about the site**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 and operations.

2 (b) The county with land use jurisdiction over the proposed disposal site for composting
3 and the other representatives described in subsection (5) of this section shall inform the
4 applicant of permitting requirements to establish and operate the proposed disposal site for
5 composting and provide all application materials to the applicant.

6 (5) The applicant shall submit a written request to the county with land use jurisdiction
7 to request a preapplication conference with a representative of the planning department of
8 the county, a representative of the Department of Environmental Quality and, as necessary
9 or appropriate, representatives of:

10 (a) Any other state agency or local government that has authority to approve or deny a
11 permit, license or other certification required to establish or operate the proposed disposal
12 site for composting.

13 (b) A state agency, a local government or a private entity that provides or would provide
14 to the proposed disposal site for composting one or more of the following:

15 (A) Water systems.

16 (B) Wastewater collection and treatment systems, including storm drainage systems.

17 (C) Transportation systems or transit services.

18 (c) A city or county with territory within its boundaries that may be affected by the
19 proposed disposal site for composting.

20 (d) The Department of Land Conservation and Development.

21 (e) The State Department of Agriculture.

22 (6) The county with land use jurisdiction may use preapplication procedures, if any, in
23 the acknowledged land use regulations of the county, consistent with the requirements that
24 the county shall:

25 (a) Provide notice of the preapplication conference to the entities described in subsection
26 (5) of this section by mail and, as appropriate, in any other manner that ensures adequate
27 notice and opportunity to participate;

28 (b) Hold the preapplication conference at least 20 days and not more than 40 days after
29 receipt of the applicant's written request; and

30 (c) Provide preapplication notes to each attendee of the conference and the other entities
31 described in subsection (5) of this section for which a representative does not attend the
32 preapplication conference.

33 (7) After the preapplication conference and before submitting the application for land use
34 approval, the applicant shall:

35 (a) Hold a community meeting within 60 days after the preapplication conference:

36 (A) In a public location in the county with land use jurisdiction; and

37 (B) On a business day, or Saturday, that is not a holiday, with a start time between the
38 hours of 6 p.m. and 8 p.m.

39 (b) Provide notice of the community meeting to:

40 (A) The owners of record, on the most recent property tax assessment roll, of real
41 property located within one-half mile of the real property on which the proposed disposal site
42 for composting would be located;

43 (B) The resident or occupant that receives mail at the mailing address of the real prop-
44 erty described in subparagraph (A) of this paragraph if the mailing address of the owner of
45 record is not the mailing address of the real property;

1 (C) Neighborhood and community organizations recognized by the governing body of the
2 county if a boundary of the organization is within one-half mile of the proposed disposal site
3 for composting;

4 (D) A newspaper that meets the requirements of ORS 193.020 for publication;

5 (E) Local media in a press release; and

6 (F) The entities described in subsection (5) of this section.

7 (8) During the community meeting, the applicant shall provide information about the
8 proposed disposal site for composting and proposed operations for composting and respond
9 to questions about the site and operations.

10 (9) The applicant's notice provided under subsection (7)(b) of this section must include:

11 (a) A brief description of the proposed disposal site for composting;

12 (b) The address of the location of the community meeting; and

13 (c) The date and time of the community meeting.

14 **SECTION 2. (1) As used in this section:**

15 (a) "Compost" has the meaning given that term in ORS 459.005.

16 (b) "Disposal site" has the meaning given that term in ORS 459.005.

17 (c) "Local government" has the meaning given that term in ORS 174.116.

18 (2) Before an applicant may submit an application under ORS 227.160 to 227.186 for land
19 use approval to establish or modify a disposal site for composting that requires a permit is-
20 sued by the Department of Environmental Quality, as provided in subsection (3) of this sec-
21 tion, the applicant shall:

22 (a) Request and attend a preapplication conference described in subsections (4) to (6) of
23 this section; and

24 (b) Hold a preapplication community meeting described in subsections (7) to (9) of this
25 section.

26 (3) Subsection (2) of this section applies to an application to:

27 (a) Establish a disposal site for composting that sells or offers product for sale; or

28 (b) Allow an existing disposal site for composting that sells or offers product for sale to:

29 (A) Accept as feedstock nonvegetative materials, including dead animals, meat, dairy
30 products and mixed food waste; or

31 (B) Change operations in a manner that triggers a requirement for a new land use ap-
32 proval.

33 (4) During the preapplication conference:

34 (a) The applicant shall provide information about the proposed disposal site for
35 composting and proposed operations for composting and respond to questions about the site
36 and operations.

37 (b) The city with land use jurisdiction over the proposed disposal site for composting and
38 the other representatives described in subsection (5) of this section shall inform the appli-
39 cant of permitting requirements to establish and operate the proposed disposal site for
40 composting and provide all application materials to the applicant.

41 (5) The applicant shall submit a written request to the city with land use jurisdiction to
42 request a preapplication conference with a representative of the planning department of the
43 city, a representative of the Department of Environmental Quality and, as necessary or ap-
44 propriate, representatives of:

45 (a) Any other state agency or local government that has authority to approve or deny a

1 permit, license or other certification required to establish or operate the proposed disposal
2 site for composting.

3 (b) A state agency, a local government or a private entity that provides or would provide
4 to the proposed disposal site for composting one or more of the following:

5 (A) Water systems.

6 (B) Wastewater collection and treatment systems, including storm drainage systems.

7 (C) Transportation systems or transit services.

8 (c) A city or county with territory within its boundaries that may be affected by the
9 proposed disposal site for composting.

10 (d) The Department of Land Conservation and Development.

11 (e) The State Department of Agriculture.

12 (6) The city with land use jurisdiction may use preapplication procedures, if any, in the
13 acknowledged land use regulations of the city, consistent with the requirements that the city
14 shall:

15 (a) Provide notice of the preapplication conference to the entities described in subsection
16 (5) of this section by mail and, as appropriate, in any other manner that ensures adequate
17 notice and opportunity to participate;

18 (b) Hold the preapplication conference at least 20 days and not more than 40 days after
19 receipt of the applicant's written request; and

20 (c) Provide preapplication notes to each attendee of the conference and the other entities
21 described in subsection (5) of this section for which a representative does not attend the
22 preapplication conference.

23 (7) After the preapplication conference and before submitting the application for land use
24 approval, the applicant shall:

25 (a) Hold a community meeting within 60 days after the preapplication conference:

26 (A) In a public location in the city with land use jurisdiction; and

27 (B) On a business day, or Saturday, that is not a holiday, with a start time between the
28 hours of 6 p.m. and 8 p.m.

29 (b) Provide notice of the community meeting to:

30 (A) The owners of record, on the most recent property tax assessment roll, of real
31 property located within one-half mile of the real property on which the proposed disposal site
32 for composting would be located;

33 (B) The resident or occupant that receives mail at the mailing address of the real prop-
34 erty described in subparagraph (A) of this paragraph if the mailing address of the owner of
35 record is not the mailing address of the real property;

36 (C) Neighborhood and community organizations recognized by the governing body of the
37 city if a boundary of the organization is within one-half mile of the proposed disposal site for
38 composting;

39 (D) A newspaper that meets the requirements of ORS 193.020 for publication;

40 (E) Local media in a press release; and

41 (F) The entities described in subsection (5) of this section.

42 (8) During the community meeting, the applicant shall provide information about the
43 proposed disposal site for composting and proposed operations for composting and respond
44 to questions about the site and operations.

45 (9) The applicant's notice provided under subsection (7)(b) of this section must include:

- 1 **(a) A brief description of the proposed disposal site for composting;**
- 2 **(b) The address of the location of the community meeting; and**
- 3 **(c) The date and time of the community meeting.**

4 **SECTION 3. Sections 1 and 2 of this 2013 Act apply to applications for permits that are**
5 **submitted on or after the effective date of this 2013 Act.**

6 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
8 **on its passage.**

9
