

HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 462

By COMMITTEE ON LAND USE

June 3

1 On page 1 of the printed A-engrossed bill, line 2, after “composting” insert “; creating new
2 provisions; amending ORS 268.318”.

3 In line 8, after “Before” insert “an”.

4 In line 17, delete “sells or offers product for sale” and insert “sells, or offers for sale, resulting
5 product”.

6 In line 18, delete “sells or offers product for sale” and insert “sells, or offers for sale, resulting
7 product”.

8 Delete lines 21 and 22 and insert:

9 “(B) Increase the permitted annual tonnage of feedstock used by the disposal site by an amount
10 that requires a new land use approval.”.

11 On page 2, delete lines 6 through 9 and insert:

12 “(5) The applicant shall submit a written request to the county with land use jurisdiction to
13 request a preapplication conference. A representative of the planning department of the county and
14 a representative of the Department of Environmental Quality shall attend the conference along with
15 representatives, as determined necessary by the county, of the following entities:”.

16 On page 3, line 27, delete “sells or offers product for sale” and insert “sells, or offers for sale,
17 resulting product”.

18 In line 28, delete “sells or offers product for sale” and insert “sells, or offers for sale, resulting
19 product”.

20 Delete lines 31 and 32 and insert:

21 “(B) Increase the permitted annual tonnage of feedstock used by the disposal site by an amount
22 that requires a new land use approval.”.

23 Delete lines 41 through 44 and insert:

24 “(5) The applicant shall submit a written request to the city with land use jurisdiction to request
25 a preapplication conference. A representative of the planning department of the city and a repre-
26 sentative of the Department of Environmental Quality shall attend the conference along with rep-
27 resentatives, as determined necessary by the city, of the following entities:”.

28 On page 5, after line 5, insert:

29 “**SECTION 4. Section 5 of this 2013 Act is added to and made a part of ORS 459.205 to**
30 **459.385.**

31 “**SECTION 5. (1) As used in this section:**

32 “(a) ‘Property line’ has the meaning given that term in ORS 92.010.

33 “(b) ‘School’ means:

34 “(A) A public or private institution of learning providing instruction in kindergarten
35 through grade 12, or any combination of those grade levels; and

1 **“(B) The surrounding buildings, other structures, playgrounds, athletic fields, parking**
2 **lots and any other areas of the institution that are accessed by students of the institution**
3 **on a regular basis.**

4 **“(2) The Department of Environmental Quality may not issue a disposal site permit under**
5 **ORS 459.245 to establish a commercial disposal site for composting if:**

6 **“(a) The property line of the proposed disposal site for composting is located within 1,500**
7 **feet of a property line of a school that is within an exception area for rural residential uses;**
8 **and**

9 **“(b) The proposed disposal site for composting requires approval from a metropolitan**
10 **service district under ORS 268.318.**

11 **“SECTION 6. ORS 268.318 is amended to read:**

12 **“268.318. (1) No public or private disposal, transfer or resource recovery site or facility in the**
13 **metropolitan service district shall be established, modified or extended without the prior approval**
14 **of the district. The district may deny an application for the establishment, modification or extension**
15 **of a site or facility if pursuant to its solid waste management plan the district has either:**

16 **“(a) Entered into contracts obligating the district to supply or direct minimum quantities of solid**
17 **wastes to sites or facilities designated in the contract in order that those sites or facilities will op-**
18 **erate economically and generate sufficient revenues to liquidate any bonded or other indebtedness**
19 **incurred by reason of those sites or facilities; or**

20 **“(b) Adopted a franchise system for the disposal of solid or liquid wastes.**

21 **“(2) In considering an application for the establishment, modification or extension of a site or**
22 **facility, the metropolitan service district may take into account the location and number of exist-**
23 **ing sites or facilities and their remaining capacities, whether the proposed establishment, modifica-**
24 **tion or extension complies with the district’s solid waste management plan and whether the**
25 **applicant has complied with all other applicable regulatory requirements.**

26 **“(3)(a) As used in this subsection:**

27 **“(A) ‘Compost’ has the meaning given that term in ORS 459.005.**

28 **“(B) ‘Disposal site’ has the meaning given that term in ORS 459.005.**

29 **“(C) ‘Property line’ has the meaning given that term in ORS 92.010.**

30 **“(D) ‘School’ has the meaning given that term in section 5 of this 2013 Act.**

31 **“(b) The metropolitan service district may not approve the establishment of a commer-**
32 **cial disposal site for composting if the property line of the proposed disposal site for**
33 **composting is located within 1,500 feet of a property line of a school that is within an ex-**
34 **ception area for rural residential uses.**

35 **“SECTION 7. Section 5 of this 2013 Act and the amendments to ORS 268.318 by section**
36 **6 of this 2013 Act apply to applications pending on or filed on or after January 1, 2013.”.**

37 In line 6, delete “4” and insert “8”.