

SENATE AMENDMENTS TO SENATE BILL 462

By COMMITTEE ON RURAL COMMUNITIES AND ECONOMIC DEVELOPMENT

April 23

1 On page 1 of the printed bill, delete lines 4 through 30 and delete page 2 and insert:

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

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

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

5 **“(c) ‘Local government’ has the meaning given that term in ORS 174.116.**

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

10 **“(a) Request and attend a preapplication conference described in subsections (4) to (6)**
11 **of this section; and**

12 **“(b) Hold a preapplication community meeting described in subsections (7) to (9) of this**
13 **section.**

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

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

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

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

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

22 **“(4) During the preapplication conference:**

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

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

30 **“(5) The applicant shall submit a written request to the county with land use jurisdiction**
31 **to request a preapplication conference with a representative of the planning department of**
32 **the county, a representative of the Department of Environmental Quality and, as necessary**
33 **or appropriate, representatives of:**

34 **“(a) Any other state agency or local government that has authority to approve or deny**
35 **a permit, license or other certification required to establish or operate the proposed disposal**

1 site for composting.

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

4 “(A) Water systems.

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

6 “(C) Transportation systems or transit services.

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

9 “(d) The Department of Land Conservation and Development.

10 “(e) The State Department of Agriculture.

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

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

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

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

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

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

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

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

28 “(b) Provide notice of the community meeting to:

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

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

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

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

39 “(E) Local media in a press release; and

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

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

44 “(9) The applicant’s notice provided under subsection (7)(b) of this section must include:

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

1 **“(b) The address of the location of the community meeting; and**
2 **“(c) The date and time of the community meeting.**
3 **“SECTION 2. (1) As used in this section:**
4 **“(a) ‘Compost’ has the meaning given that term in ORS 459.005.**
5 **“(b) ‘Disposal site’ has the meaning given that term in ORS 459.005.**
6 **“(c) ‘Local government’ has the meaning given that term in ORS 174.116.**
7 **“(2) Before an applicant may submit an application under ORS 227.160 to 227.186 for land**
8 **use approval to establish or modify a disposal site for composting that requires a permit is-**
9 **sued by the Department of Environmental Quality, as provided in subsection (3) of this sec-**
10 **tion, the applicant shall:**
11 **“(a) Request and attend a preapplication conference described in subsections (4) to (6)**
12 **of this section; and**
13 **“(b) Hold a preapplication community meeting described in subsections (7) to (9) of this**
14 **section.**
15 **“(3) Subsection (2) of this section applies to an application to:**
16 **“(a) Establish a disposal site for composting that sells or offers product for sale; or**
17 **“(b) Allow an existing disposal site for composting that sells or offers product for sale**
18 **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**
26 **and operations.**
27 **“(b) The city with land use jurisdiction over the proposed disposal site for composting**
28 **and the other representatives described in subsection (5) of this section shall inform the**
29 **applicant of permitting requirements to establish and operate the proposed disposal site for**
30 **composting and provide all application materials to the applicant.**
31 **“(5) The applicant shall submit a written request to the city with land use jurisdiction**
32 **to request a preapplication conference with a representative of the planning department of**
33 **the city, a representative of the Department of Environmental Quality and, as necessary or**
34 **appropriate, representatives of:**
35 **“(a) Any other state agency or local government that has authority to approve or deny**
36 **a permit, license or other certification required to establish or operate the proposed disposal**
37 **site for composting.**
38 **“(b) A state agency, a local government or a private entity that provides or would provide**
39 **to the proposed disposal site for composting one or more of the following:**
40 **“(A) Water systems.**
41 **“(B) Wastewater collection and treatment systems, including storm drainage systems.**
42 **“(C) Transportation systems or transit services.**
43 **“(c) A city or county with territory within its boundaries that may be affected by the**
44 **proposed disposal site for composting.**
45 **“(d) The Department of Land Conservation and Development.**

1 “(e) The State Department of Agriculture.

2 “(6) The city with land use jurisdiction may use preapplication procedures, if any, in the
3 acknowledged land use regulations of the city, consistent with the requirements that the city
4 shall:

5 “(a) Provide notice of the preapplication conference to the entities described in sub-
6 section (5) of this section by mail and, as appropriate, in any other manner that ensures
7 adequate notice and opportunity to participate;

8 “(b) Hold the preapplication conference at least 20 days and not more than 40 days after
9 receipt of the applicant’s written request; and

10 “(c) Provide preapplication notes to each attendee of the conference and the other enti-
11 ties described in subsection (5) of this section for which a representative does not attend the
12 preapplication conference.

13 “(7) After the preapplication conference and before submitting the application for land
14 use approval, the applicant shall:

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

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

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

19 “(b) Provide notice of the community meeting to:

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

23 “(B) The resident or occupant that receives mail at the mailing address of the real
24 property described in subparagraph (A) of this paragraph if the mailing address of the owner
25 of record is not the mailing address of the real property;

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

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

30 “(E) Local media in a press release; and

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

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

35 “(9) The applicant’s notice provided under subsection (7)(b) of this section must include:

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

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

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

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

41 “SECTION 4. This 2013 Act being necessary for the immediate preservation of the public
42 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
43 on its passage.”.