

**PROPOSED AMENDMENTS TO
SENATE BILL 462**

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

3 **“SECTION 1. (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**
7 **174.116.**

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

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

15 **“(b) Hold a preapplication community meeting described in sub-**
16 **sections (7) to (9) of this section.**

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

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

20 **“(b) Allow an existing disposal site for composting that sells or of-**
21 **fers product for sale to:**

22 **“(A) Accept as feedstock nonvegetative materials, including dead**

1 animals, meat, dairy products and mixed food waste; or

2 “(B) Change operations in a manner that triggers a requirement for
3 a new land use approval.

4 “(4) During the preapplication conference:

5 “(a) The applicant shall provide information about the proposed
6 disposal site for composting and proposed operations for composting
7 and respond to questions about the site and operations.

8 “(b) The county with land use jurisdiction over the proposed dis-
9 posal site for composting and the other representatives described in
10 subsection (5) of this section shall inform the applicant of permitting
11 requirements to establish and operate the proposed disposal site for
12 composting and provide all application materials to the applicant.

13 “(5) The applicant shall submit a written request to the county with
14 land use jurisdiction to request a preapplication conference with a
15 representative of the planning department of the county, a represen-
16 tative of the Department of Environmental Quality and, as necessary
17 or appropriate, representatives of:

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

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

24 “(A) Water systems.

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

27 “(C) Transportation systems or transit services.

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

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

1 “(e) The State Department of Agriculture.

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

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

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

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

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

16 “(a) Hold a community meeting within 60 days after the preappli-
17 cation conference:

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

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

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

23 “(A) The owners of record, on the most recent property tax assess-
24 ment roll, of real property located within one-half mile of the real
25 property on which the proposed disposal site for composting would be
26 located;

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

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

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

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

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

8 “(8) During the community meeting, the applicant shall provide
9 information about the proposed disposal site for composting and pro-
10 posed operations for composting and respond to questions about the
11 site and operations.

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

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

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

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

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

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

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

20 “(c) ‘Local government’ has the meaning given that term in ORS
21 174.116.

22 “(2) Before an applicant may submit an application under ORS
23 227.160 to 227.186 for land use approval to establish or modify a disposal
24 site for composting that requires a permit issued by the Department
25 of Environmental Quality, as provided in subsection (3) of this section,
26 the applicant shall:

27 “(a) Request and attend a preapplication conference described in
28 subsections (4) to (6) of this section; and

29 “(b) Hold a preapplication community meeting described in sub-
30 sections (7) to (9) of this section.

1 **“(3) Subsection (2) of this section applies to an application to:**
2 **“(a) Establish a disposal site for composting that sells or offers**
3 **product for sale; or**
4 **“(b) Allow an existing disposal site for composting that sells or of-**
5 **fers product for sale to:**
6 **“(A) Accept as feedstock nonvegetative materials, including dead**
7 **animals, meat, dairy products and mixed food waste; or**
8 **“(B) Change operations in a manner that triggers a requirement for**
9 **a new land use approval.**
10 **“(4) During the preapplication conference:**
11 **“(a) The applicant shall provide information about the proposed**
12 **disposal site for composting and proposed operations for composting**
13 **and respond to questions about the site and operations.**
14 **“(b) The city with land use jurisdiction over the proposed disposal**
15 **site for composting and the other representatives described in sub-**
16 **section (5) of this section shall inform the applicant of permitting re-**
17 **quirements to establish and operate the proposed disposal site for**
18 **composting and provide all application materials to the applicant.**
19 **“(5) The applicant shall submit a written request to the city with**
20 **land use jurisdiction to request a preapplication conference with a**
21 **representative of the planning department of the city, a representative**
22 **of the Department of Environmental Quality and, as necessary or ap-**
23 **propriate, representatives of:**
24 **“(a) Any other state agency or local government that has authority**
25 **to approve or deny a permit, license or other certification required to**
26 **establish or operate the proposed disposal site for composting.**
27 **“(b) A state agency, a local government or a private entity that**
28 **provides or would provide to the proposed disposal site for composting**
29 **one or more of the following:**
30 **“(A) Water systems.**

1 **“(B) Wastewater collection and treatment systems, including storm**
2 **drainage systems.**

3 **“(C) Transportation systems or transit services.**

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

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

7 **“(e) The State Department of Agriculture.**

8 **“(6) The city with land use jurisdiction may use preapplication**
9 **procedures, if any, in the acknowledged land use regulations of the**
10 **city, consistent with the requirements that the city shall:**

11 **“(a) Provide notice of the preapplication conference to the entities**
12 **described in subsection (5) of this section by mail and, as appropriate,**
13 **in any other manner that ensures adequate notice and opportunity to**
14 **participate;**

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

17 **“(c) Provide preapplication notes to each attendee of the conference**
18 **and the other entities described in subsection (5) of this section for**
19 **which a representative does not attend the preapplication conference.**

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

22 **“(a) Hold a community meeting within 60 days after the preappli-**
23 **cation conference:**

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

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

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

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

1 located;

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

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

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

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

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

13 “(8) During the community meeting, the applicant shall provide
14 information about the proposed disposal site for composting and pro-
15 posed operations for composting and respond to questions about the
16 site and operations.

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

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

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

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

22 “SECTION 3. Sections 1 and 2 of this 2013 Act apply to applications
23 for permits that are submitted on or after the effective date of this
24 2013 Act.

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

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