

House Bill 3971

Sponsored by Representative FRAGALA, Senator PROZANSKI; Representatives FAHEY, NATHANSON, Senator MANNING JR

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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act requires counties in the valley to approve a land use application for a landfill. (Flesch Readability Score: 63.6).

Requires counties to approve a land use application to develop a mixed-waste facility on certain lands in the Willamette Valley.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to solid waste disposal in the Willamette Valley; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS 459.005 to**
5 **459.437.**

6 **SECTION 2. (1) The Legislative Assembly finds and declares that short-term and long-**
7 **term solid waste disposal in the Willamette Valley is a matter of statewide concern.**

8 **(2) Notwithstanding any provision of ORS chapter 92, 195, 197 or 215, any statewide land**
9 **use planning goal, rule of the Land Conservation and Development Commission or local land**
10 **use regulation, zoning ordinance, regional framework plan, functional plan or comprehensive**
11 **plan, or any county ordinance, a county shall approve a land use application for an integrated**
12 **materials and energy recovery facility if the facility will be sited on land that is:**

13 **(a) Owned by a local government unit;**

14 **(b) Located in the Willamette Valley, as defined in ORS 215.010;**

15 **(c) Located outside of any urban growth boundary; and**

16 **(d) Zoned to allow for industrial, light industrial or public facilities uses.**

17 **(3)(a) A local government may approve or deny an application for a facility under this**
18 **section without a hearing. Whether a hearing is held, the approval or denial is not a land**
19 **use decision and is subject to review only under ORS 34.010 to 34.100.**

20 **(b) A reviewing court shall award attorney fees to a county, and any intervening appli-**
21 **cant, that prevails on the appeal of a county's approval under this section.**

22 **(4) As used in this section, "integrated materials and energy recovery facility" means a**
23 **facility that includes equipment for mixed waste processing, sorting lines for processing**
24 **commingled recycling and an anaerobic digester to produce biogas from diverted organic**
25 **waste.**

26 **SECTION 3. Section 2 of this 2025 Act is repealed on January 2, 2028.**

27 **SECTION 4. This 2025 Act being necessary for the immediate preservation of the public**
28 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**

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 **on its passage.**

2
