



**MARION COUNTY BOARD OF COMMISSIONERS
WORK SESSION**

**Solid Waste Land Use Code Amendments
Minutes**

Tuesday, March 3, 2026, 1:30 p.m. – 3:00 p.m.
Commissioners' Boardroom
Courthouse Square, 555 Court St. NE, Suite 5231
Salem, Oregon 97301

ATTENDANCE:

Commissioners: Danielle Bethell, Colm Willis, and Kevin Cameron.

Board's Office: Trevor Lane, Alvin Klausen Matt Lawyer, Toni Whitler, and Shannell Fuentes.

Legal Counsel: Steve Elzinga, and Andrew Mittendorf.

Public Works: Brandon Reich, Jill Ogden, Austin Barnes, and Brian Nicholas.

Commissioner Colm Willis called the meeting to order at 1:35 p.m.

1. Welcome & Introductions

-Commissioner Colm Willis

2. Discussion

-All

- Solid Waste Disposal Vs. Solid Waste Transfer Station:
 - Solid waste disposal:
 - Defined functionally where waste ultimately ends up and remains.
 - In code defined as land used for disposal or handling of solid waste.
 - Solid waste transfer station:
 - Intermediate facility between curbside collection and final disposal.
 - Sorting, repackaging, consolidation, and transferring to other sites.
 - Zoning context:
 - Existing disposal sites span multiple zones.
 - Transfer stations permitted under solid waste disposal site umbrella.
- Staff Recommended Amendments to Specific Criteria:
 - Original codes from 1980s, inconsistent with current and other code chapters:
 - Replace "Commission" with Board of Commissioners.
 - Replace "county engineer" with Public Works Director.
 - Replace "solid waste committee" with general agency language.
 - Chapter structure and alignment:
 - Chapter 17.120 (rural) has detailed standards and focus for updates.
 - Chapter 16.32 (urban) has minimal standards:
 - Propose aligning it more closely with 17.120 where possible.
 - Definitions and applicability:
 - Application of biosolids or reclaimed water in EFU zones under existing processes not considered solid waste disposal for this chapter.
 - Harmonize solid waste definitions between rural and urban chapters.

- Operational standards (rural):
 - Requiring all-weather surfaces for access/unloading.
 - Noise, litter, lighting, odor control, and trespass.
 - Surface water drainage to prevent flooding and pollution.
 - Reference noise code instead of embedding separate noise provisions.
- Rehabilitation and remediation:
 - Clarify mapping/contour requirements:
 - 100-foot contour detail rather than 400-foot.
 - Removal of below-ground items to at least six feet for future use:
 - Irrigation lines, nursery operations, etc.
 - Native perennial plants to protect soil and discourage invasive species.
 - Make rehabilitation planning mandatory regardless of site life:
 - Close loophole where plans for long-life sites avoided.
- Compliance and enforcement procedure:
 - Planning Director issues written notice of noncompliance.
 - Matter can be taken to a hearings officer.
 - Board decides if conditions and operating requirements are being met.
- Replace referral to single named advisory body with broad language:
 - Federal, state, and local input on applications and enforcement as appropriate.
- Handling of hazardous or special materials requires separate approval:
 - Uses are visible to the public and more carefully reviewed.
 - Conditional Use.
- Option to Remove Solid Waste Disposal from Zones:
 - Current situation - rural:
 - Legacy general allowance provision in rural code.
 - Make solid waste disposal conditional use in all rural zones.
 - Disposal sites in Acreage Residential (AR) and rural residential zones:
 - Even where it appears inconsistent with policy intent.
 - Proposed direction:
 - Remove general allowance:
 - Solid waste disposal is only allowed where specific zone permits.
 - Rely on zone-by-zone lists and related standards, not one size fits all.
 - Board concerns:
 - Removing general allowance in specific zones and/or adding stringent standards can trigger Measure 56 notice requirements.
 - Notice to go to significant number of affected property owners:
 - 1,400 in the urban transition zone.
 - Risk of confusion and opposition if changes are misunderstood.
 - Board preference is to:
 - Improve clarity and standards without triggering Measure 56.
 - Avoid changes that appear to add dumps to neighborhoods:
 - Real effect is to tighten standards.
- Option to Change Disposal Sites to Transfer Stations:
 - "Disposal site" broadly defined, transfer stations can be processed as "solid waste disposal sites" without introducing new use category:
 - Subject to conditional use.
 - Some facilities function primarily as transfer/processing, not final disposal:
 - Resource facilities, hauler yards with public drop-off
 - Explored formally distinguishing disposal from transfer in zoning tables:
 - While continuing to use shared standard set in Chapter 17.120.
 - Board direction:

- Continue treating with existing framework, especially rural areas, if:
 - Conditional use review remains robust.
 - Site-specific impacts are addressed:
 - Traffic, odor, noise, and litter.
 - Ensure transfer-type facilities can still be sited or modernized in appropriate industrial or public zones:
 - Including future technologies.
- Option to Add Transfer Stations to Zones:
 - Current allowance in urban zones:
 - Transfer stations are allowed in several urban industrial zones:
 - Often as outright permitted in heavy industrial.
 - May be considered under broad disposal site definition in some cases.
 - Not allowed in residential zones.
 - Not clearly addressed in all transitional or public urban zones.
 - Current allowance in rural zones:
 - Transfer station is not separately listed in rural zoning tables.
 - Facilities permitted by interpreting as solid waste disposal sites:
 - Where use allowed.
 - Urban zones:
 - Keep transfer stations in industrial zones.
 - Consider conditions where disposal is allowed and have impact controls.
 - Rural zones:
 - Add solid waste transfer station as conditional use in selected industrial zones:
 - Unincorporated community industrial and interchange districts.
 - Or rely on broad disposal definition and conditional process.
 - Board preference:
 - Maintain flexibility for:
 - Existing and potential future hauler transfer facilities.
 - Additional sites associated with regional recycling initiatives.
 - Avoid code barriers preventing sites in appropriate areas outside cities.
 - No operation creating unresolved nuisance for nearby resident areas.
- Update Resource Zones: EFU / Special Agriculture (SA) / Farm Timber (FT) / Timber Conservation (TC) to Meet Current Administrative Rule:
 - Relationship to state law:
 - State rules:
 - Allow expansion of existing sites on farm and forest lands:
 - Including high-value farm soils.
 - Allow new sites only on non-high-value farmland.
 - County's code is more restrictive than state:
 - Does not fully allow new sites on non-high-value farmland.
 - EFU / SA / FT:
 - About 97% of county farms are high value:
 - Eligible parcels for new sites on non-high-value soils limited.
 - Facilities on EFU are legacies before soil classing and current rules:
 - Existing uses can be expanded within state and local limits.
 - Options considered:
 - Option to add code provisions that:
 - Allow facilities on non-high-value farmland in EFU/SA/FT:
 - Consistent with state law.
 - Existing facilities on suitable farm/forest lands can expand.
 - Option to leave code and amend if a specific project proposal emerges:

- More restrictive than state law
- Board discussion:
 - Benefit in keeping options for regional solutions and new technologies:
 - Especially if large-scale facilities are proposed again.
 - Risk that liberalizing siting options could:
 - Attract unwanted proposals.
 - Forced to more contested processes with applicants and public.
 - General leaning:
 - Do not immediately open EFU/SA/FT to new sites by right.
 - If desirable, targeted code or zoning changes at that time:
 - With full public process.
- Timber Conservation (TC):
 - Code allows Oregon Department of Environmental Quality (DEQ) sites be permitted outright:
 - If DEQ orders a regional facility across multiple counties.
 - Staff and board view:
 - DEQ authority governed by state rule, not local land use code.
 - Do not need to provide “permitted outright” status for state.
 - Remove outright-permit disposal from TC for DEQ sites:
 - Requirement to be addressed under state authority.

3. Other

-All

- Public perception and communication:
 - Concern of changes to allowances or standards could be misinterpreted as:
 - Newly allowing dumps or hazardous facilities near homes.
 - Expanding solid waste activities in sensitive areas.
 - Notices required under Measure 56 can alarm residents:
 - Even changes making siting more restrictive or carefully controlled.
 - Using clear language to explain updates are tightening or clarifying regulations:
 - Not automatically adding dumps to neighborhoods.
- Unpermitted/unsanctioned activity:
 - Concerns regarding private businesses:
 - Collecting solid waste for a fee.
 - Storing long-term rural or agricultural properties without approval:
 - Effectively operating informal “solid waste sites”.
 - Cases are challenging to manage with existing code:
 - Rely on enforcement and standards.
- Emerging technologies and regional planning:
 - Potential for future solid waste technologies:
 - Smaller, cleaner processing/conversion facilities:
 - May not resemble traditional landfills or incinerators.
 - May be closer to waste generation to reduce transportation impacts.
 - Board wants:
 - Codes that do not foreclose beneficial new technologies.
 - Protections against high impact disposal uses in inappropriate areas.
- Jurisdictional boundaries:
 - Some high-profile facilities are outside county land use jurisdiction:
 - County may have franchise or flow control interests.
 - Distinction between:
 - Land use authority:

- City versus. county.
- Solid waste franchise/contract oversight.

4. Next Steps

-All

- Code drafting and alignment:
 - Revise Chapter 17.120 (rural) to:
 - Incorporate clarified operational standards:
 - Access, drainage, noise, odor, litter, and trespass.
 - Codify rehabilitation and remediation requirements:
 - 6 foot below-ground removal, native perennial vegetation.
 - Clarify enforcement and compliance procedures:
 - Planning Director notice.
 - Hearings officer role.
 - Board as final decision-maker.
 - Remove or update outdated references.
 - Adjust Chapter 16.32 (urban) only:
 - To extent possible without triggering Measure 56 notice requirements.
 - Focused on minor clarifications and consistency where safe to do so.
- Language Coordination:
 - Update instances referring to specific committees to broader referencing:
 - Federal, state, local, and other agencies for notification and comments.
- Zoning and mapping support:
 - Prepare parcel counts and mapping:
 - Zones where existing or proposed changes could trigger Measure 56.
 - Potential public parcels implicated by allowances, for board review.
- Policy questions to resolve in future work:
 - Explicitly allow new solid waste disposal sites on non-high-value farmland in EFU/SA/FT to match state law.
 - Explicitly add transfer stations as separate listed uses in selected zones versus continuing to interpret them under "disposal site."
 - Extend rural style specific standards to the urban code during a broader, countywide code update (where Measure 56 notices will already be required for multiple issues).
- Process and engagement:
 - Incorporate changes to future code amendment package:
 - Manage public notice and outreach efficiently.
 - Provide broader context so changes are not seen in isolation.
 - Circulate draft revisions to:
 - Internal stakeholders.
 - Key external partners for technical and operational feedback.
- Staff will return with:
 - Revised draft of Chapter 17.120 reflecting this work session's direction:
 - As well as selected 16.32 edit.
 - Clarification of any remaining policy choices:
 - EFU/SA/FT/TC allowances relative to state rules.
 - Treatment of hazardous/special waste in rural vs urban settings.
 - Treatment of transfer stations in specific industrial or transition zones.

Adjourned – time: 3:02 p.m.

Minutes by: Mary Vityukova

Reviewed by: Gary L. White