

# House Bill 2201

Sponsored by Representative CLEM (at the request of Oregon Farm Bureau) (Presession filed.)

## 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**.

Establishes conditions for approval of reclamation plan for surface mining operation on land zoned for exclusive farm use.

## A BILL FOR AN ACT

1 Relating to mining in exclusive farm use zones; creating new provisions; and amending ORS 215.298.

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

3 **SECTION 1.** ORS 215.298 is amended to read:

4 215.298. (1) For purposes of ORS 215.213 (2) and 215.283 (2)[,]:

5 (a) A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre. A county may set standards for a lower volume or smaller surface area than that set forth in this *[subsection]* **paragraph**.

6 (2) (b) A permit for mining of aggregate *[shall]* **may** be issued only for a site included on an inventory in an acknowledged comprehensive plan.

7 (c) **When a permit is issued for mining a site 25 percent or more of which is composed of any one or a combination of prime, unique, Class I and Class II soils, the reclamation plan required in ORS 517.790:**

8 (A) **Must provide for concurrent reclamation so that no more than 40 acres of land are unreclaimed at any one time; and**

9 (B) **May be approved only if the site will be reclaimed to the same quality farmland that was present before the permit was approved.**

10 [(3)] (2) For purposes of ORS 215.213 (2) and 215.283 (2) and this section[,]:

11 (a)(A) "Mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads.

12 (B) "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines.

13 (b) **"Same quality farmland" means the structure, texture and organic matter of the top eight feet of soils on the site are substantially the same before and after reclamation.**

14 **SECTION 2.** The amendments to ORS 215.298 by section 1 of this 2013 Act apply to per-

15 **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 **mits issued on or after the effective date of this 2013 Act.**

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