

A-Engrossed
House Bill 2202

Ordered by the House April 25
Including House Amendments dated April 25

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.

Prohibits conditional approval of mining permits for mining of tracts of land in Willamette Valley that are zoned for exclusive farm use and include five acres or more composed of Class I and Class II soils. Creates exceptions.

A BILL FOR AN ACT

1
2 Relating to mining on land zoned for exclusive farm use; amending ORS 215.298.

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

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

5 215.298. (1) For purposes of ORS 215.213 (2) and 215.283 (2), a land use permit is required for
6 mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface
7 area of more than one acre. A county may set standards for a lower volume or smaller surface area
8 than that set forth in this subsection.

9 (2) A permit for mining of aggregate shall be issued only for a site included on an inventory in
10 an acknowledged comprehensive plan.

11 **(3) A permit may not be issued under ORS 215.213 (2) or 215.283 (2) for mining on a tract**
12 **of land in the Willamette Valley that includes five acres or more of land composed of a**
13 **combination of Class I and Class II soils unless the applicant demonstrates that the proposed**
14 **use cannot be accommodated reasonably on:**

15 **(a) Land identified in an acknowledged comprehensive plan as exception land or**
16 **nonresource land;**

17 **(b) Resource land that is irrevocably committed to nonresource use;**

18 **(c) Land within an urban growth boundary; or**

19 **(d) A tract of land that does not include five acres or more of land composed of a com-**
20 **bination of Class I and Class II soils.**

21 **(4) Subsection (3) of this section does not apply to any land that was owned by the ap-**
22 **plicant and operator of a mining operation on January 1, 2013.**

23 **(5) Subsection (3) of this section does not affect the authority under subsections (1) and**
24 **(2) of this section to continue or alter a mining operation, or to restore or expand a mining**
25 **area, on a tract on which the mining operation was permitted on the effective date of this**
26 **2013 Act.**

27 [(3)] **(6) For purposes of ORS 215.213 (2) and 215.283 (2) and this section[,]:**

28 **(a) "Mining" includes all or any part of the process of mining by the removal of overburden and**

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 the extraction of natural mineral deposits thereby exposed by any method including open-pit mining
2 operations, auger mining operations, processing, surface impacts of underground mining, production
3 of surface mining refuse and the construction of adjacent or off-site borrow pits except those con-
4 structed for use as access roads.

5 **(b)** “Mining” does not include excavations of sand, gravel, clay, rock or other similar materials
6 conducted by a landowner or tenant on the landowner or tenant’s property for the primary purpose
7 of reconstruction or maintenance of access roads and excavation or grading operations conducted
8 in the process of farming or cemetery operations, on-site road construction or other on-site con-
9 struction or nonsurface impacts of underground mines.

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