

A-Engrossed
House Bill 2666

Ordered by the House April 24
Including House Amendments dated April 24

Sponsored by Representatives HOYLE, DAVIS (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.

Establishes process for county to evaluate whether proposed mining use causes significant change or significant increase in cost when federal or state agency has not issued permit authorizing proposed mining use.

Requires county to find that proposed mining use does not force significant change in accepted farm or forest practice or significantly increase cost of accepted farm or forest practices if mining use complies with applicable federal, state and local environmental standards.

A BILL FOR AN ACT

1
2 Relating to mining on resource lands.

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

4 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 215.**

5 **SECTION 2. (1) When determining under ORS 215.296 whether proposed surface mining,**
6 **processing or associated uses will not force a significant change in accepted farm or forest**
7 **practices on surrounding lands devoted to farm or forest use or significantly increase the**
8 **cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use,**
9 **the local governing body or its designee:**

10 (a) **May impose conditions of approval that are intended to resolve conflicts between**
11 **surface mining, processing or associated uses and accepted farm or forest practices on sur-**
12 **rounding lands devoted to farm or forest use, including the use of specific technology or**
13 **methods of mitigation that are reasonable and cost- effective and would not adversely affect**
14 **the economic viability of the proposed surface mining, processing or associated uses.**

15 (b) **Shall consider evidence from persons or agents of persons engaged in accepted farm**
16 **or forest practices on surrounding lands, relating to the standards for approval described in**
17 **ORS 215.296.**

18 (c) **May not consider potential conflicts from transporting mining materials or products**
19 **on a public road unless the conflict is associated with safe ingress to or egress from the site.**

20 (d) **Shall consider a demonstration by the applicant or its agent that the proposed surface**
21 **mining, processing and associated uses comply with federal, state and local air, noise, water**
22 **quality and other environmental standards as proof of compliance with the standards for**
23 **approval described in ORS 215.296.**

24 (2) **If the local governing body or its designee finds substantial and objective evidence in**
25 **the record that the proposed surface mining, processing or associated uses would violate the**
26 **standards for approval described in ORS 215.296:**

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 **(a) The local governing body or its designee shall specify the impact area within which**
2 **the standards would be violated on surrounding land from the proposed surface mining,**
3 **processing or associated uses; and**

4 **(b) The applicant or its agent may present evidence to the local governing body or its**
5 **designee demonstrating that the proposed surface mining, processing or associated uses will**
6 **not violate the standards described in ORS 215.296.**

7 **(3) If the local governing body or its designee imposes conditions of approval under sub-**
8 **section (1)(a) of this section and finds substantial and objective evidence in the record that**
9 **the proposed surface mining, processing or associated uses would not meet the conditions**
10 **of approval:**

11 **(a) The local governing body or its designee shall specify the impact area within which**
12 **the conflicts between surface mining, processing or associated uses and accepted farm or**
13 **forest practices would occur on surrounding land; and**

14 **(b) The applicant or its agent may present evidence to the local governing body or its**
15 **designee demonstrating that the proposed surface mining, processing or associated uses can**
16 **be made to meet the conditions of approval.**

17
