

## HOUSE AMENDMENTS TO HOUSE BILL 2666

By COMMITTEE ON RURAL COMMUNITIES, LAND USE, AND WATER

April 24

1 On page 1 of the printed bill, delete lines 5 through 29 and delete page 2 and insert:

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

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

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

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

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

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

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

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

30 **“(3) If the local governing body or its designee imposes conditions of approval under**  
31 **subsection (1)(a) of this section and finds substantial and objective evidence in the record**  
32 **that the proposed surface mining, processing or associated uses would not meet the condi-**  
33 **tions of approval:**

34 **“(a) The local governing body or its designee shall specify the impact area within which**  
35 **the conflicts between surface mining, processing or associated uses and accepted farm or**

1 forest practices would occur on surrounding land; and

2       “(b) The applicant or its agent may present evidence to the local governing body or its  
3 designee demonstrating that the proposed surface mining, processing or associated uses can  
4 be made to meet the conditions of approval.”.

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