

# House Bill 2666

Sponsored by Representatives HOYLE, DAVIS (Pre-session 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 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) As used in this section:**

6 (a) "Associated uses" includes transportation.

7 (b) "Force a significant change in accepted farm or forest practices on surrounding lands  
8 devoted to farm or forest use" means that a direct result of a use is to cause an ongoing  
9 farm or forest practice to be abandoned.

10 (c) "Processing" has the meaning given that term in ORS 517.750.

11 (d) "Significantly increase the cost of accepted farm or forest practices on surrounding  
12 lands devoted to farm or forest use" means that a direct result of a use is to cause an in-  
13 crease in the cost of a farm or forest practice that renders the farm or forest practice eco-  
14 nomically infeasible.

15 (e) "Surface mining" has the meaning given that term in ORS 517.750.

16 (f) "Surrounding lands" means land within 1,500 feet of the perimeter of the surface area  
17 to be disturbed in the proposed mining area.

18 (2) When determining under ORS 215.296 whether surface mining, processing or associ-  
19 ated uses force a significant change in accepted farm or forest practices on surrounding  
20 lands devoted to farm or forest use or significantly increase the cost of accepted farm or  
21 forest practices on surrounding lands devoted to farm or forest use:

22 (a) The local governing body, or its designee, may impose conditions of approval that are  
23 intended to resolve conflicts between surface mining, processing or associated uses and ac-  
24 cepted farm or forest practices on surrounding lands devoted to farm or forest use, including  
25 the use of specific technology or methods of mitigation that are reasonable, cost-effective  
26 and do not adversely affect the economic viability of the proposed surface mining, processing  
27 or associated uses.

28 (b) If the applicant demonstrates that the proposed surface mining, processing and as-  
29 sociated uses comply with applicable federal, state and local air quality, noise, water quality

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 and other environmental standards, the proposed use meets the standards for approval de-  
2 scribed in ORS 215.296, as the standards are defined in subsection (1)(b) and (d) of this sec-  
3 tion.

4 (c) For the purpose of transportation, the local governing body, or its designee, shall  
5 consider only whether the point of access between the proposed mine site and the closest  
6 state highway, county road or city street meets the standards set by the Department of  
7 Transportation.

8 (3) When making the determination described in subsection (2) of this section, the local  
9 governing body, or its designee, shall use the following process:

10 (a) The objecting party may present evidence of the significant change in accepted farm  
11 or forest practices on surrounding lands devoted to farm or forest use or the significantly  
12 increased cost of accepted farm or forest practices on surrounding lands devoted to farm or  
13 forest use.

14 (b) If the local governing body, or its designee, finds substantial and objective evidence  
15 in the record to support a conclusion that the proposed surface mining, processing or asso-  
16 ciated uses violates the standards for approval described in ORS 215.296, as the standards  
17 are defined in subsection (1)(b) and (d) of this section, the applicant may present evidence  
18 demonstrating to the county that the proposed use:

19 (A) Will not force a significant change in accepted farm or forest practices on sur-  
20 rounding lands devoted to farm or forest use or significantly increase cost of accepted farm  
21 or forest practices on surrounding lands devoted to farm or forest use; or

22 (B) Can be made to meet the standards for approval by compliance with conditions of  
23 approval described in subsection (2) of this section.

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