

**PROPOSED AMENDMENTS TO
HOUSE BILL 2666**

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

3 **“SECTION 2. (1) When determining under ORS 215.296 whether**
4 **surface mining, processing or associated uses force a significant**
5 **change in accepted farm or forest practices on surrounding lands de-**
6 **voted to farm or forest use or significantly increase the cost of ac-**
7 **cepted farm or forest practices on surrounding lands devoted to farm**
8 **or forest use:**

9 **“(a) The local governing body, or its designee, may impose condi-**
10 **tions of approval that are intended to resolve conflicts between surface**
11 **mining, processing or associated uses and accepted farm or forest**
12 **practices on surrounding lands devoted to farm or forest use, including**
13 **the use of specific technology or methods of mitigation that are rea-**
14 **sonable, cost-effective and do not adversely affect the economic vi-**
15 **ability of the proposed surface mining, processing or associated uses.**

16 **“(b) If the applicant demonstrates that the proposed surface min-**
17 **ing, processing and associated uses comply with applicable federal,**
18 **state and local air quality, noise, water quality and other environ-**
19 **mental standards, the proposed use meets the standards for approval**
20 **described in ORS 215.296.**

21 **“(c) For the purpose of transportation, the local governing body,**
22 **or its designee, shall consider only whether the point of access be-**

1 **tween the proposed mine site and the closest state highway, county**
2 **road or city street meets the standards set by the Department of**
3 **Transportation.**

4 **“(2) When making the determination described in subsection (1) of**
5 **this section, the local governing body, or its designee, shall use the**
6 **following process:**

7 **“(a) The local governing body, or its designee, shall consider evi-**
8 **dence from persons or agents of persons engaged in accepted farm or**
9 **forest practices on surrounding lands, relating to the standards for**
10 **approval described in ORS 215.296.**

11 **“(b) The local governing body, or its designee, may not consider**
12 **conflicts from transporting mining materials or products on a public**
13 **road unless the conflict is associated with safe ingress to or egress**
14 **from the site.**

15 **“(c) The local governing body, or its designee, shall consider a**
16 **demonstration by the applicant that the proposed surface mining,**
17 **processing and associated uses comply with federal, state and local air,**
18 **noise, water quality and other environmental standards as complying**
19 **with the standards for approval described in ORS 215.296.**

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

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

28 **“(B) The applicant, or its agent, may present evidence to the local**
29 **governing body, or its designee, demonstrating that the proposed sur-**
30 **face mining, processing or associated use:**

