

**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 **proposed surface mining, processing or associated uses will not force**  
5 **a significant change in accepted farm or forest practices on sur-**  
6 **rounding lands devoted to farm or forest use or significantly increase**  
7 **the cost of accepted farm or forest practices on surrounding lands**  
8 **devoted to farm or forest use, the local governing body or its designee:**

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

16 **“(b) Shall consider evidence from persons or agents of persons en-**  
17 **gaged in accepted farm or forest practices on surrounding lands, re-**  
18 **lating to the standards for approval described in ORS 215.296.**

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

22 **“(d) Shall consider a demonstration by the applicant or its agent**

1 that the proposed surface mining, processing and associated uses  
2 comply with federal, state and local air, noise, water quality and other  
3 environmental standards as proof of compliance with the standards for  
4 approval described in ORS 215.296.

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

9 “(a) The local governing body or its designee shall specify the im-  
10 pact area within which the standards would be violated on surrounding  
11 land from the proposed surface mining, processing or associated uses;  
12 and

13 “(b) The applicant or its agent may present evidence to the local  
14 governing body or its designee demonstrating that the proposed sur-  
15 face mining, processing or associated uses will not violate the stan-  
16 dards described in ORS 215.296.

17 “(3) If the local governing body or its designee imposes conditions  
18 of approval under subsection (1)(a) of this section and finds substantial  
19 and objective evidence in the record that the proposed surface mining,  
20 processing or associated uses would not meet the conditions of ap-  
21 proval:

22 “(a) The local governing body or its designee shall specify the im-  
23 pact area within which the conflicts between surface mining, process-  
24 ing or associated uses and accepted farm or forest practices would  
25 occur on surrounding land; and

26 “(b) The applicant or its agent may present evidence to the local  
27 governing body or its designee demonstrating that the proposed sur-  
28 face mining, processing or associated uses can be made to meet the  
29 conditions of approval.”.

30