



Oregon

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TO: House Land Use Committee

FROM: Michael Morrissey, Policy Analyst

RE: HB2201 and 2202 – Response to Committee question

We apologize that we are unable to attend the hearing today.

Regarding the proposed alternatives test, it is likely that a mining application could expect difficulty demonstrating compliance with the “reasonably accommodate” requirement. Additional guidance could be considered on what would be needed to demonstrate what is “reasonable”, including distance from the proposed site and other parameters. The alternatives test in the bill is similar to the existing alternatives test in the statutes and rules applying to a “reasons exception.” A reasons exception allows a local government to designate land that would otherwise be defined as farm or forest land for some other use, based on a reason other than prior commitment of the land. Those rules provide more guidance on what an acceptable analysis contains.

We will be pleased to provide any additional input the committee may need after this hearing.