

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
<b>Vote:</b>	4 - 3 - 0
<b>Yeas:</b>	Cameron, Frederick, Unger, Clem
<b>Nays:</b>	Davis, Holvey, Thatcher
<b>Exc.:</b>	0
<b>Prepared By:</b>	Lynn Beaton, Administrator
<b>Meeting Dates:</b>	2/26, 2/28, 3/28, 4/18

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**WHAT THE MEASURE DOES:** Prohibits issuing permit for aggregate mining in Willamette Valley on any tract of land that includes five acres or more of combination of Class I and Class II soils unless applicant demonstrates that the use cannot be accommodated reasonably on land that is: identified in comprehensive plan as exception or nonresource land; irrevocably committed to nonresource use; within urban growth boundary; or is tract of land that does not include five acres or more of combination of Class I and Class II soils. Prohibits Act from applying to any land owned by applicant and operator of mining operation on January 1, 2013, and from affecting authority to continue or alter mining operation, or restore or expand mining area, on tract of land on which mining operation was permitted on effective date of Act.

**ISSUES DISCUSSED:**

- Concern over loss of top quality farm land
- Question of impact of aggregate mining on Class I and Class II soils
- Short-term work group effort to resolve issues

**EFFECT OF COMMITTEE AMENDMENT:** Prohibits Act from applying to any land owned by applicant and operator of mining operation on January 1, 2013, and from affecting authority to continue or alter mining operation, or restore or expand mining area, on tract of land on which mining operation was permitted on effective date of Act.

**BACKGROUND:** Class I and Class II soils are the best farm lands in the Willamette Valley and typically yield high value crops such as vegetables, berries, filberts, nursery stock, and orchard fruits. Rock aggregate is essential for construction of highways, buildings, bridges and railroads. Quarrying aggregate from the Willamette Valley is less labor intensive and expensive than quarrying the material from the surrounding hills. Nearly half of Willamette Valley aggregate comes from sand and gravel pits on the floodplain of the Willamette River and its tributaries.

Statewide Planning Goal 5 requires local governments to inventory and protect, among other natural resources, mineral and aggregate resources. In 1996, gravel companies, farmers and the state came to a compromise allowing mining on Willamette Valley agricultural land. That compromise was codified in a Land Conservation and Development Commission rule (OAR 660-023). Specifically, local governments are required to determine whether an aggregate resource site is “significant” before adding that site to its inventory. “Significant” is defined by certain quality and quantity determinations set by the Oregon Department of Transportation for sites in the Willamette Valley. Further restrictions are in place if more than 35 percent of the proposed mining area consists of Class I or Class II soils.

House Bill 2202 A prohibits mining on any five or more acre tract of Class I and Class II soil in the Willamette Valley unless the applicant can show the proposed mining could not be accommodated on other sites. House Bill 2202 A does not affect a mining operation owned by the applicant and mine operator on January 1, 2013, or a mining operation that was permitted on the effective date of the Act.

4/25/2013 11:52:00 AM

*This summary has not been adopted or officially endorsed by action of the committee.*