



ALEX CUYLER

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DATE: February 25, 2015
TO: Senate Committee on Judiciary
RE: Senate Bill 360, relating to seller's property disclosures

Chairman Prozanski and Members of the Committee:

Lane County sought the introduction of SB 360, and established the concept contained within it as one of their legislative priorities beginning in 2013. The measure would require that sellers of residential Oregon property disclose to potential buyers of that property the existence, within one mile, of lands designated under land use laws as being included in an inventory of significant mineral and aggregate resources. The Board of Commissioners believes that this measure would be a tool in reducing conflicts between those that choose to live nearby designated mining lands and the mining operators themselves.

Lane County, like most of Oregon, has compact urbanized centers which are surrounded by larger parcels designed to preserve farm and forest uses. While this system was designed to preserve rural lands for farming purposes, there are many Oregonians that seek an idyllic rural home site within commuting distance from their city-based jobs. This works out fine until the new owner is confronted with nuisances which may be part and parcel of country living. Some of these nuisances have gained protection under Oregon law, specifically within the right to farm statutes.

What SB 26 attempts to do is to provide an early signal to potential buyers of land in Oregon that a mining site may be within a mile of the home they are interested in purchasing. That site may or may not be currently active. Under Oregon land use law, certain lands have been long identified and preserved for mining activities. SB 26 ensures that buyers are aware of this nearby potential use, and thus serves to protect both the potential buyer of the site and the potential operator of the mining site.

The Lane County Board of Commissioners has seen many conflicts between neighbors of mining sites and the operators of those sites. Unfortunately, many of these conflicts arise when a neighbor is taken aback by the appearance of a mining operation on what they'd assumed was a butte that would naturally remain a butte. SB 26 would allow for a more informed citizenry, and is in line with the Legislative Assembly's policy on mining resource lands found in ORS 215.299 which clearly states:

- (a) The extraction of aggregate, other minerals and other subsurface resources is an essential contribution to Oregon's economic well-being.
- (b) Oregon has an economic and social interest in locating and providing affordable aggregate, other minerals and other subsurface resources in close proximity to the end user of the materials.
- (c) Oregon has an interest in balancing competing land use demands for lands identified as farmlands or forestlands in a manner that protects the economic viability of mining and other resource uses.
- (d) To balance competing resource uses, Oregon has an interest in providing significant volumes of high-quality aggregate, other minerals and other subsurface resources that are critical to building Oregon's communities and infrastructure while preserving farmland for agricultural production.

SUBMITTED ELECTRONICALLY