



Page from 1987 Oregon Forest Practices Act

Transcript

64th OREGON LEGISLATIVE ASSEMBLY-1987 Regular Session

Enrolled

House Bill 3396

Sponsored by Representatives, CEASE, ANDERSON, BARILLA, GILMAN, JOHNSON, PARKINSON, PETERSON, SOWA, BUTSCH, HAYDEN, JOLIN, McCARTY, MINNIS, VAN VLIET

CHAPTER.....

AN ACT

Relating to forestry land use practices; creating new provisions; amending ORS 197.180, 197.825, 215.050, 477.090, 477.440, 477.455, 477.460, 526.009, 526.016, 527.620, 527.630, 527.660, 527.670, 527.700, 527.710, 527.722 and 527.990; repealing ORS 526.010, 527.720 and 527.726 and sections 4 and 8, chapter ___, Oregon Laws 1987 (Enrolled Senate Bill 1040); and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this Act is added to and made a part of ORS chapter 197

SECTION 2. (1) The goals and rules established in this chapter do not apply to programs, rules, procedures, decisions, determinations or activities carried out under the Oregon Forest Practices Act administered under ORS 527.610 to 527.730 and 527.990 (1).

(2) No goal or rule shall be adopted, construed or administered in a manner to require or allow local governments to take any action prohibited by ORS 527.722.

(3) The commission shall amend goals and rules as necessary to implement this 1987 Act.

SECTION 3. ORS 197.180 is amended to read:

197.180. (1) Except as provided in [ORS 527.722] section 2 of this 1987 Act, state agencies shall carry out their planning duties, powers and responsibilities and take actions that are authorized by law with respect to programs affecting land use:

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- (a) In compliance with goals adopted or amended pursuant to ORS 197.005 to 197.855; and
- (b) Except when a finding is made under ORS 197.640 (3)(c), in a manner compatible with:
- (A) Comprehensive plans and land use regulations initially acknowledged under ORS 197.251; and
- (B) Amendments to acknowledge comprehensive plans or land use regulations or new land use regulations acknowledged under ORS 197.624.
- (2) Upon request by the commission, each state agency shall submit to the department the following information:
- (a) Agency rules and Summaries of programs affecting land use;
- (b) A program for coordination pursuant to ORS 197.040 (2)(e);
- (c) A program for coordination pursuant to ORS 197.090 (1)(b); and
- (d) A program for cooperation with and technical assistance to local governments.
- (3) Within 90 days of receipt, the director shall review the information submitted pursuant to subsection (2) of this section and shall notify each agency if the director believes the rules and programs submitted are insufficient to assure compliance with goals and compatibility with city and county comprehensive plans and land use regulations.
- (4) Within 90 days of receipt of notification specified in subsection (3) of this section, the agency may revise the rules or programs and resubmit them to the director.

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Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) The goals and rules established in this chapter do not apply to programs, rules, procedures, decisions, determinations or activities carried out under the Oregon Forest Practices Act administered under ORS 527.610 to 527.730 and 527.990 (1).

(2) No goal or rule shall be adopted, construed or administered in a manner to require or allow local governments to take any action prohibited by ORS 527.722.

(3) The commission shall amend goals and rules as necessary to implement this 1987 Act.

SECTION 3. ORS 197.180 is amended to read:

197.180. (1) Except as provided in [ORS 527.722] **section 2 of this 1987 Act**, state agencies shall carry out their planning duties, powers and responsibilities and take actions that are authorized by law with respect to programs affecting land use:

(a) In compliance with goals adopted or amended pursuant to ORS 197.005 to 197.855; and

(b) Except when a finding is made under ORS 197.640 (3)(c), in a manner compatible with:

(A) Comprehensive plans and land use regulations initially acknowledged under ORS 197.251; and

(B) Amendments to acknowledged comprehensive plans or land use regulations or new land use regulations acknowledged under ORS 197.625.

(2) Upon request by the commission, each state agency shall submit to the department the following information:

(a) Agency rules and summaries of programs affecting land use;

(b) A program for coordination pursuant to ORS 197.040 (2)(e);

(c) A program for coordination pursuant to ORS 197.090 (1)(b); and

(d) A program for cooperation with and technical assistance to local governments.

(3) Within 90 days of receipt, the director shall review the information submitted pursuant to subsection (2) of this section and shall notify each agency if the director believes the rules and programs submitted are insufficient to assure compliance with goals and compatibility with city and county comprehensive plans and land use regulations.

(4) Within 90 days of receipt of notification specified in subsection (3) of this section, the agency may revise the rules or programs and resubmit them to the director.