

# Chapter 191

## 1973 REPLACEMENT PART

(1975 reprint)

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**SURVEYS**

**191.010 Entry on land by persons acting for United States.** Any person employed in the execution of any survey authorized by the Congress of the United States may enter upon lands within this state for the purpose of exploring, triangulating, leveling, surveying, and of doing any work necessary to carry out the objects of existing laws, and may establish permanent station marks and erect the necessary signals and temporary observatories, doing no unnecessary injury thereby, having first paid or tendered to the owner thereof the compensation or damages as prescribed in ORS 191.020 and 191.030.

**191.020 Tender of damages.** The person entering upon land as authorized by ORS 191.010 may tender to the injured party damages therefor.

**191.030 Determination of damages.** If the parties interested cannot agree upon the amount to be paid for damages caused by an entry authorized by ORS 191.010, either of them may petition the county court in the county in which the land is situated. The court shall appoint a time for a hearing as soon as may be, order at least 14 days' notice to be given to all parties interested, and with or without a view of the premises, as the court may determine, hear the parties and their witnesses and assess damages.

**191.040 Costs.** (1) In case of appeal to the county court, if the damages finally assessed do not exceed the amount tendered, the person entering shall recover costs; otherwise the prevailing party shall recover costs.

(2) The costs to be allowed in all such cases shall be the same as allowed according to the rules of the court.

191.050 [Repealed by 1971 c.743 s.432]

**COASTAL ZONES**

**191.110 Policy.** The Legislative Assembly finds and declares that:

(1) The coastal zone in this state is an important and valuable part of the natural resources of this state and that because of its value there exists a need for its protection through the development and maintenance of a balance between conservation and developmental interests with respect to such natural resources.

(2) There exists a conflict in the development and use of the natural resources of the coastal zone among industrial interests, commercial and residential development interests, recreational interests, power resource interests, transportation and other navigational interests, waste disposal interest and fish and other marine resource interests.

(3) To further the policy of this state in the protection, preservation, development and, where practicable, the restoration of the natural resources of the coastal zone, a commission should be established to develop and prepare a comprehensive plan for the conservation and development of the natural resources of the coastal zone that will provide the necessary balance between conflicting public and private interests in the coastal zone.

(4) For the purpose of ORS 191.110 to 191.180 the coastal zone is defined as that area lying between the Washington border on the north to the California border on the south, bounded on the west by the extent of the state's territorial jurisdiction, and on the east by the crest of the coastal mountain range, with the exception of:

(a) The Umpqua River basin, where the coastal zone shall extend to Scottsburg.

(b) The Rogue River basin, where the coastal zone shall extend to Agness.

(c) The Columbia River basin, where the coastal zone shall extend to the downstream end of Puget Island.

[1971 c.608 s.1]

**191.120 Oregon Coastal Conservation and Development Commission; qualifications; rules; executive director.** (1) The Oregon Coastal Conservation and Development Commission is created. The commission shall consist of 30 members appointed as follows:

(a) The Governor shall appoint one person who has demonstrated an interest in the protection, conservation and orderly development of the environmental quality of life in this state to serve on each coordinating committee established as provided by subsection (2) of ORS 191.130. Each of the four persons appointed by the Governor pursuant to this paragraph shall be appointed from the state at large. Each appointment by the Governor is subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570.

(b) The Governor shall appoint two persons who have demonstrated an interest in the protection, conservation and orderly

development of the environmental quality of life in this state to serve at large on the commission. Each of the two persons appointed by the Governor pursuant to this paragraph shall be appointed from the state at large. Each appointment by the Governor is subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570.

(c) The members of the coordinating committees established as provided by subsection (2) of ORS 191.130 for the four districts of the coastal zone described in subsection (1) of ORS 191.130.

(2) The commission shall adopt rules relating to its administration, the terms of its members and other matters.

(3) A majority of the members of the commission may appoint an executive director who shall carry out the duties assigned to him by the commission. The executive director shall, subject to the approval of a majority of the members of the commission, appoint such administrative and clerical employes as he may consider necessary in carrying out ORS 191.110 to 191.180.

[1971 c.608 s.2; 1973 c.792 s.5]

#### **191.130 Description of coastal zones.**

(1) For the purposes of ORS 191.110 to 191.180, the coastal zone is divided into the following districts:

(a) District 1 which is composed of Clatsop and Tillamook Counties.

(b) District 2 which is composed of Lincoln County.

(c) District 3 which is composed of the coastal portions of Lane and Douglas Counties.

(d) District 4 which is composed of Coos and Curry Counties.

(2) There is established a coordinating committee for each of the districts described in subsection (1) of this section. Each such coordinating committee shall consist of the member appointed by the Governor to the committee pursuant to paragraph (a) of subsection (1) of ORS 191.120 and the members appointed to the committee by the designating body set forth in subsection (3) of this section for each such district; but the membership of each such committee appointed by the designating body set forth in subsection (3) of this section for each such district shall be composed of two elective county officials from the district, two elective city officials from the district and two elective port district officials from the district. However, the two members in each

classification appointed to the committee by the designating body set forth in subsection (3) of this section for each such district may not be appointed from the same local governmental body, except in District 2, two of the members may be county commissioners.

(3) The designating bodies of the districts established by subsection (1) of this section are:

(a) For District 1, the Clatsop-Tillamook Intergovernmental Council.

(b) For District 2, the Lincoln County Sub-Council of Governments.

(c) For District 3, the Board of Commissioners for Lane County and the Umpqua Regional Council of Governments, each of which shall appoint three of the members of the coordinating committee for District 3.

(d) For District 4, the Coos-Curry Council of Governments.

[1971 c.608 s.3]

**191.140 Functions of commission and coordinating committees.** The commission and the four coordinating committees shall:

(1) Study the natural resources of the coastal zone and recommend the highest and best use of such resources.

(2) Not later than January 17, 1975, prepare and submit a report, including the findings of its study, a proposed comprehensive plan for the preservation and development of the natural resources of the coastal zone and any maps, charts and other information and materials that are considered by them to be necessary in such report, to the Governor and to the Fifty-eighth Legislative Assembly of the State of Oregon.

(3) Not later than January 12, 1973, prepare and submit a preliminary and, if possible, a final report of their progress in the study and formulation of the comprehensive plan described by subsection (2) of this section to the Governor and the Fifty-seventh Legislative Assembly of the State of Oregon.

(4) Advise the Governor from time to time on the findings being made by them and propose policies and interim measures for implementation by the Governor and state agencies that they consider to be necessary for the proper preservation and development of the coastal zone prior to completion of its comprehensive plan for the coastal zone.

[1971 c.608 s.4]

**191.150 Plan content.** (1) The plan described by subsection (2) of ORS 191.140 shall reflect a balancing of the conservation

of the natural resources of the coastal zone and the orderly development of the natural resources of the coastal zone. Such plan shall be prepared in a form designed to be used as a standard against which proposed uses of the natural resources of the coastal zone may be evaluated. In the event of conflicting uses of the natural resources of the coastal zone, the plan shall establish a system of preferences between such conflicting uses that are consistent with the control of pollution and the prevention of irreversible damage to the ecological and environmental qualities of the coastal zone.

(2) In preparing the plan described by subsection (2) of ORS 191.140, the commission and its coordinating committees shall consider:

(a) The quality, quantity and movement of estuarine and other coastal waters, whether tidal or nontidal in character.

(b) The ecological balance of estuarine and marine resources.

(c) The economic interests in the coastal zone, including but not limited to commercial and recreational fishing interests.

(d) The projected population growth and employment needs within the coastal zone.

(e) Scientific information regarding the hydrology, geology, topography, ecology and other relevant scientific data relating to the coastal zone as provided by state agencies.

(f) Plans, surveys and inventions that have been or are being made with respect to the coastal zone by federal, state and local governmental agencies.

(g) Comprehensive land use plans and local zoning ordinances administered by local governmental agencies having jurisdiction over lands within the coastal zone.

[1971 c.608 s.5]

**191.160 Duties of commission.** The commission may:

(1) Accept grants, contributions and assistance from any federal, state or local governmental agency, any private foundation and any individuals.

(2) Appoint, from among its members, committees to carry out specified portions of its duties.

(3) Appoint advisory committees composed of persons selected from interested private organizations and the public at large to assist in carrying out its study and the preparation of its plan.

(4) Employ administrative, clerical and professional personnel considered by it to be necessary in carrying out its duties under ORS 191.110 to 191.180.

(5) Contract for the services of and consultation with professional persons or organizations, not otherwise available through federal, state and local governmental agencies, in carrying out its duties under ORS 191.110 to 191.180.

(6) Perform other duties considered by it to be necessary in carrying out the purposes of ORS 191.110 to 191.180.

[1971 c.608 s.6]

**191.170 Assistance of state and local governments.** (1) All state and local governmental agencies shall cooperate, assist and participate with the commission and its coordinating committees in carrying out the purposes of ORS 191.110 to 191.180.

(2) The Governor shall designate members of state agencies that are affected by or interested in the studies and planning conducted by the commission and coordinating committees pursuant to ORS 191.140 to assist the commission and coordinating committees in the performance of their duties set forth in ORS 191.140.

[1971 c.608 s.7]

**191.180 Review of plans by state natural resource agencies.** The state natural resources agencies shall review any preliminary or final comprehensive plans referred to in ORS 191.140 and shall incorporate comments and recommendations in a report to the Governor and to the Fifty-seventh and Fifty-eighth Legislative Assemblies.

[1971 c.180 s.8]

**191.990**[Repealed by 1971 c.743 s.432]

**CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,  
November 1, 1973.

Thomas G. Clifford  
Legislative Counsel

