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REVISED 1990

STATE AGENCY COORDINATION

PROGRAM

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SECTION I

INTRODUCTION

A. Background

The Oregon State Parks and Recreation Department (Department) is a state agency that carries out the programs and policies of the State Parks and Recreation Commission (Commission). The Commission consists of seven members appointed by the Governor. It is the function of the State Parks and Recreation Commission to promote the policy of this state toward outdoor recreation resources identified in ORS 390.010 and to establish the policies for the operation of the State Parks and Recreation Department in a manner consistent with the policies and purposes of its primary statute, ORS 390. In addition, the Commission performs any other duties vested in it by law.

B. Parks and Recreation Department's State Agency Coordination Program (SAC)

Oregon law (ORS 197.180) requires each state agency to prepare a coordination program for review and certification by the state Land Conservation and Development Commission (LCDC).

The 1987 legislature amended the requirements for SAC in ORS 197.180. The LCDC adopted two rules to implement the SAC statute, OAR Chapter 660, Division 30 and Division 31. These requirements were established to coordinate and support the appropriate use and development of lands, resources and facilities; to minimize and resolve land use conflicts involving local governments and state agencies; and to promote the coordinated implementation and revision of acknowledged comprehensive plans.

The law requires state agencies to :

- 1. provide an overview of all department programs and identify which programs or actions can reasonably be expected to significantly affect land use;**
- 2. establish rules and procedures for assuring such programs or actions comply with the statewide planning goals and are compatible with acknowledged local comprehensive land use plans;**

3. **adopt procedures for coordination with state and federal agencies and special districts; and**
4. **cooperate with and provide technical assistance to local governments.**

An underlying intent of Oregon's comprehensive land use legislation is the principle that many of the state's land use, resource management, and economic development goals can be achieved through local comprehensive planning. Although the law requires that the state agencies comply with the statewide goals, the emphasis of the program is clearly on local plans. Cities and counties are expected to take state needs into account when developing their plans, but the burden is on state agencies to make their needs known during plan preparation and revision.

While the state relies on local plans to meet many state objectives, state law does recognize the separate authority of state agencies in managing certain resources, and the several statewide goals give specific direction to some agencies.

Without necessary funds to staff sufficiently, the ability to participate and follow through with "making the agency's needs known" to cities and counties and to implement to the level required during the plan development process and periodic review becomes a less than desirable planning process.

The Department recognizes that education, information and technical assistance are the keys to understanding and supporting the finite resources that are the foundation for Outdoor Recreation. However, there are few funds available to implement that goal. No State funds have replaced the loss of federal funds that enabled the Department to provide some technical assistance ten years ago. This is particularly important to the state because statutory obligations and interests of a state agency in managing resources may be different from the interests of a city or a county. Resources which were plentiful, or taken for granted, incompletely inventoried or not planned for at all during the time of acknowledgement, become even more important at the time of periodic review. Resolving complex zoning issues, providing for an adequate resource base and developing cooperative partnerships to implement sometimes very visionary plans are very difficult for inadequately financed state and local planning efforts.

To ease the problems of a lack of funds, it is essential to have as well coordinated of a planning process as possible. It is only through these developed partnerships that the state's missions, policies and goals will be fully realized.

C. The Division becomes a Department

In 1983 the Department, as a Division under the Department of Transportation (ODOT), adopted a revised State Agency Coordination Program. Since that time the greatest change was the creation in the 1989 legislature of an independent Parks and Recreation Department from a division of ODOT.

This updated SAC Program reflects the recent changes in the Department's enabling statutes and administrative rules governing the SAC Program development. When certified by LCDC, this revised program will supersede the 1983 SAC Program. This program will be updated as necessary as reorganization and procedures are finalized to meet the new Department's needs.

SECTION II

OVERVIEW OF DEPARTMENT PROGRAMS

As the agency reorganizes to assume the responsibilities of a department, it can be expected that there will be changes in the description of the existing Department units. The purpose of this section is to identify the current principal functions of the Department, an overview of those work units that carry out those functions, and a description of the program responsibilities of those units.

These descriptions and the following evaluations of programs will serve as general interim guidelines that will be updated as changes occur. The Department organization by function chart is on page 25.

The primary statute and rule authorities for the Department are in ORS 390 and OAR Chapter 736. The entire list of applicable statutes and administrative rules are in Appendix A. Full sets of all statutes and administrative rules are available for review at the Department's Salem and Regional Offices. A set is also available for public use at the Department of Land Conservation and Development, Salem office.

The Department's work units are organized under the following three primary functions:

1. **Overall department administrative support and operations**
2. **State park property, planning, development, and management**
3. **State outdoor recreation resource programs and planning**

The agency work units are headquartered in Salem with Region Operation offices in Portland, Tillamook, Coos Bay, LaGrande and Bend. The work units include the following:

A. OVERALL DEPARTMENT ADMINISTRATIVE AND SUPPORT AND OPERATION

1. **GENERAL ADMINISTRATION AND ADMINISTRATIVE SUPPORT SERVICES UNIT**

Administration is responsible for policy direction and management control over all of

the Department's activities. Administration is responsible for the direction in management of the Department's lands and statewide programs. This unit provides administrative support services to the department's other programs. This includes clerical services, personnel management, civil rights management, training, budget and financial management, program analysis and evaluation, fiscal statistics, and data processing.

2. PUBLIC AFFAIRS UNIT

- a. The Public Information Office is responsible for providing accurate information about State Parks programs to the public and the media. It also functions as the information liaison between the public, other agencies, the Legislature and other interested parties regarding State Park activities.
- b. The Volunteer Services program coordinates the activities of State Park Cooperating Associations. These are private, non-profit scientific, historic or educational associations organized solely for the purpose of providing interpretive services to recreational facilities in Oregon (See OAR 736-02-010).

B. STATE PARK PROPERTY PLANNING, DEVELOPMENT AND MANAGEMENT

This includes responsibilities for the planning, development and management of state park properties.

1. RESOURCES AND DEVELOPMENT UNIT

a. Master Planning Section

The principal activity of this section is the preparation and updating of Master Plans for each of the State's 224 park sites. Master planning involves: research, analysis and evaluation of the natural, cultural, recreational and scenic values of existing parks, and of the facility and management needs for those parks, to determine the most suitable use and development of park lands for recreation, interpretation and management.

STATE PARKS AND RECREATION ORGANIZATION PRIMARY FUNCTIONS

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| Overall Department Administrative Support and Operations |
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| State Parks Property, Planning Development and Management |
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| Statewide Outdoor Recreation Resource Programs and Planning |
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| PUBLIC AFFAIRS UNIT | ADMINISTRATIVE SERVICES UNIT |
|------------------------|------------------------------------|
| Public Information | Fiscal and Budget |
| Volunteer Program | Support Services |
| | |
| | |
| | |

| RESOURCES & DEVELOPMENT UNIT | OPERATION SUPPORT UNIT | REGION OFFICES UNIT |
|------------------------------------|--------------------------------------|---------------------------|
| Master Planning | Operation Support for Region Offices | Maintenance and Operation |
| Design & Engineering | Overall Department Personnel Support | Program Support |
| Property Management | | |
| Forest Management | | |
| | | |

| PROGRAMS & PLANNING UNIT | STATE HISTORIC PRESERVATION UNIT | |
|--|--|--|
| Statewide Outdoor Recreation Resource Planning | National Historic Resources | |
| Grants | Grants | |
| Rivers | Archaeological Resources | |
| Ocean Shores | | |
| Trails | | |

The Master planning section also investigates and evaluates potential park sites and makes recommendations for acquisition. In conjunction with design and engineering and other Department programs, this section coordinates with local jurisdictions to address relevant land use requirements.

This section provides master planning, site investigation, special studies and other resource information for the region park offices, public agencies and interested groups.

b. Design and Engineering Section

This section oversees the preparation and design implementation of recreation facilities for state park properties. This includes: engineering support, designs for improvements, specifications and cost estimates for construction or rehabilitation projects, technical design assistance to special programs of the department, planning and engineering of utility systems and coordination of these plans with appropriate agencies. The design and engineering section ensures that park structures meet all state and local building codes and other development permit and compliances including suitable handicap accessibility. The survey crew, in this section, is responsible for gathering base data for park boundaries, park base maps, and utility system mapping. This section provides computer mapping, graphics support, and the development of an information system about park properties.

c. Forest Management Office

The forestry management office is responsible for the forest resource on park properties. Specific duties include: reforestation, stand improvement, and protection against fires, insects and disease. An analysis of forest resource values at individual parks is included in each applicable state park master plan. There is ongoing evaluation and analysis for hazard trees. Timber contracts are awarded for hazard tree removal, thinning and salvage logging. This program is coordinated with the Oregon Department of Forestry and follows the Forest Practices Act and all city and county permitting processes within the UGB's as applicable. The standards for forest management on park properties are in OAR 736 Division 18.

d. Property Management Office

This office is responsible for the acquisition and disposition of state park land resources. As with any real estate transaction in the state, the department proceeds under the guidelines of ORS 93.040 (see appendix B) which makes it the buyer's responsibility to meet all land use requirements. The Department

addresses this requirement in the Master Planning process for undeveloped park properties. Concessions, rentals and sales contracts are managed by this office, also.

2. OPERATIONS SUPPORT UNIT

The Operations unit includes the activities necessary and resources used by the Region Operations Offices to operate, maintain and rehabilitate the system of state parks and all Department personnel support.

Activities performed by the Operations Section include:

- 1) Management, personnel and accounting activities;
- 2) Employee training and safety programs

3. REGION OPERATIONS UNIT

This unit includes five Region offices and twenty-five district park headquarters. See map Appendix C. The five Regions are:

Region 1 - Willamette Valley and Columbia Gorge, headquarters in Portland;

Region 2 - North Coast, headquarters in Tillamook;

Region 3 - South Coast, headquarters in Coos Bay;

Region 4 - Central Oregon, headquarters in Bend; and

Region 5 - Eastern and Southeastern Oregon, headquarters in La Grande.

The tasks for these regions are distributed into two general categories:

a. Maintenance and operation activities of state park properties

The primary functions of the Region Operations Unit are maintenance and operation activities for the state's 224 recreational areas and parks. This also includes a planned rehabilitation program for the repair, restoration or replacement of existing park facilities; and

b. Overall Department Coordination

In addition, the Region staff work with the Salem office on the following:

- 1) Coordination of park operations with public and local, state, and federal agencies with the Resources and Development unit;
- 2) Review of local comprehensive plans for compliance with the statewide planning goals and compatibility with acknowledged comprehensive plans in coordination with the Salem Program and Planning Unit;
- 3) Periodic field inspections for local agencies' Land and Water Conservation Fund projects in coordination with the Grant Administration section;
- 4) Coordination and operation of park volunteer programs with the Public Affairs Office, Volunteer Program.

c. Region staff support for statewide recreation programs

Region support is provided for programs such as the Willamette River Greenway parks property and trails; maintenance of the Deschutes Heritage park and a twenty mile river segment in the Deschutes River Scenic Waterway Recreation Area; maintenance of 301 miles of trails including 76 miles of designated segments of the Oregon Coast Trail System; maintenance of 28 areas of major State Historical significance; regional administration of the ocean shore safety rules and regulations and performance of special maintenance tasks such as disposal of dead animals, signing, visitor information and emergency aid in the Ocean Shores Recreation Area. The Region offices often assist in the review of development proposals within the State Scenic Waterway's boundaries. Regions 2 and 3 share considerable responsibilities with the Salem office's Ocean Shores Program Coordinator in the processing of applications for the Ocean Shore Improvement Permit.

C. STATEWIDE OUTDOOR RECREATION RESOURCE PROGRAMS AND PLANNING

This includes all statewide programs and planning for the Statewide Outdoor Recreation System. These programs often include either resources, planning or management concerns of state parks property, also. Technical assistance is provided to the Parks Property, Planning and Management Unit and there are many areas of shared responsibilities.

1. PROGRAMS AND PLANNING UNIT

a. State Outdoor Recreation Planning Program Section

This section provides overall coordination, evaluation and support for all of the Department's programs regarding land use planning and state outdoor recreation resource planning. See page 60 for the list of state and federal agencies which the Department coordinates with in planning and development in addition to coordination with all city and county jurisdictions.

Planning responsibilities for this section cover three general areas:

1) LAND USE PLANNING

As time and the availability of personnel allows, this section participates, in conjunction with the Region Offices, in local jurisdiction comprehensive plan periodic reviews; reviews local government proposed amendments, ordinances, and development proposals approved by local government that may affect state parks properties or programs; participates in overall state agency coordination, such as Basin Planning; and reviews federal agency land use plans, such as US Forest Service Plans, BLM Resource Management Plans and the Columbia River Gorge National Scenic Area Management Plan.

2) GENERAL OUTDOOR RECREATION PLANNING AND TECHNICAL ASSISTANCE FOR THE STATE

This section produces the recreation supply, demand, and needs assessment and recreation issues and trends analysis that are the basis of the State Comprehensive Outdoor Recreation Plan (SCORP). The SCORP is a requirement for the federal Land and Water Conservation Fund (LWCF) program. The primary guidelines for performing this planning process are Parts 630 and 635 of the US Department of the Interior, Heritage Conservation and Recreation Service Manual. The SCORP provides a general overview of the state's supply inventory, demand assessment and needs analysis for outdoor recreation facilities and the resource base. This information is used primarily in the LWCF grant process. It is also available for local government's background information in their Goal 8, Recreation Comprehensive Planning efforts. This information is also available for use by other state agencies for their comprehensive planning processes such as: Strategic Water Planning, River Basin Planning, and hydroelectric siting permit reviews.

3) STRATEGIC PLANNING AND RESEARCH FOR THE STATE PARKS SYSTEM AND RECREATION PROGRAMS

To help the department form policy direction for advocacy and priorities for State Park and Outdoor Recreation Resources, this section produces several planning tools as they are needed. This includes documents such as the 2010 Plan, the State Park Visitor Survey Analysis, the Six Year State Park System Plan, and the Deschutes River Management Area Program surveys and analysis. These documents provide an overview to be used by: administration for a general needs assessment and funding recommendations; by the master planning unit as general guidelines; by other programs as background information; and for identification of trends or problems that may be recommended for further research. These advisory documents are useful for local governments as background information for the local comprehensive planning process.

b. Grant Administration Program Section

There are three grant programs that this section manages. Responsibilities include: scheduling, inspection and auditing of all current and past grant projects in these programs. OAR 736, Division's 6-8 explain the specific procedures for these grant programs.

The three programs are:

- 1) Land and Water Conservation Fund (LWCF) - The major responsibility is the management for the State of Oregon of the federal LWCF administered by the Department of Interior, National Park Service. The grant funds are provided for the acquisition, rehabilitation and development of public outdoor recreation areas and facilities. The State's Oregon Outdoor Recreation Committee makes the recommendations to the National Parks Service for the Grant Selection Process. This committee is appointed by the Director.
- 2) State Grant-in-Aid (GIA) - Funds are appropriated biennially by the State Legislature to assist those jurisdictions with minimal resources for recreation projects. These funds are typically provided for minor projects such as gates, signs, kiosks, etc.
- 3) County Park and Recreation Site Grant - This grant program is funded by recreation vehicle registration fees to provide grants for the acquisition, development and rehabilitation of county park and recreation sites that provide overnight camping. Projects are eligible only for county sponsored projects. These funds are also typically provided for minor

projects such as upgrading of campspurs, road improvement, upgrading of water systems, new roofs on picnic shelters, etc. The Campground Assistance Advisory Committee makes the recommendations for this Grant Selection process. This committee is selected by the Director.

c. River Programs Section

There are three statutorily mandated (ORS 390.310-390.368 and 390.805-390.940) river programs managed by the Department. They are the Scenic Waterway Program, the Deschutes River Scenic Waterway Recreation Area Program and the Willamette River Greenway Program.

1) State Scenic Waterway Program

This program is designed to help protect and preserve State designated rivers that have outstanding scenic and recreational value. Under the law, individual development proposals (e.g., new homes, remodels, satellite dish installation, etc.) are reviewed by the Department's River Program Coordinator to determine if the scenic and recreational values can be maintained within the river, shoreline, and all the land and tributaries within one quarter mile of its banks (the statutory boundary for scenic waterways). The scenic waterways system now includes 1,165.7 miles on segments of 21 rivers and 1 lake. See Appendix D for complete list of State Scenic Waterways. The Oregon Scenic Waterways Advisory Committee is appointed by the Governor and advises the Commission on matters relating to the program.

2) Deschutes River Scenic Waterway Recreation Area Management Program

In 1987, the Oregon Legislature passed HB3019 that created a special advisory committee for the newly designated Deschutes River Scenic Waterway Recreation Area (as outlined in ORS 390.930-390.940). The Deschutes River Management Committee (DRMC) was appointed by the Governor). The Committee works in cooperation with the river's eleven managing agencies, on developing a river recreation management plan for the area. This state scenic waterway is also a National Wild and Scenic River. The management plan is currently being developed with the addition of the Federal guidelines and boundaries.

A unique boater pass program for the area provides funds for protection and enhancement of the river, information to recreation users about the river, and enforcement of the area's recreational use rules.

3) The Willamette River Greenway Program

This program was created in 1973 to develop and maintain a natural, scenic, historical, and recreational greenway upon lands along the Willamette River. LCDC's State Goal 15 explains the coordinated effort by the state, local governments, and federal agencies to rely on local land use planning processes to protect the Greenway's scenic and recreational values and to regulate development along the river. The Department's primary roles in the Greenway Program are:

- a) Acquisition and development of those designated properties identified in the Greenway Plan and management of those properties; and
- b) Monitoring of development proposal applications submitted to local governments and participation in the local planning process either as an interested party or at the local government's request for technical assistance.

In 1975, the Willamette River Greenway Plan was forwarded by the former Division of Parks and Recreation, to the Land Conservation and Development Commission for adoption. The plan delineates: 1) the boundaries of the Greenway, 2) the boundaries of lands acquired or to be acquired by the State for parks and recreation areas within the Greenway, 3) the lands and interests acquired or to be acquired by units of local government, 4) lands for scenic easements, and 5) the location of all surface mineral deposits. The segment of the Willamette River covered by the Greenway plan is that portion, including all channels, from the confluence with the Columbia River upstream to Dexter Dam and the Coast fork of the river upstream to Cottage Grove dam.

The Department's role in the Greenway program includes acquisition, development and maintenance of state parks and other areas with potential to preserve and enhance the values consistent with the adopted Greenway Plan. There are presently 3 regional state parks and 43 state maintained recreation sites along the Greenway. These areas are master planned and developed (if appropriate) under the same guidelines as all other State Park properties (see land use actions: master plans page 40 and construction of major park facilities page 41). The Department also monitors land use development and assists federal, state and local governments by reviewing land use applications and permit requests for compliance with local comprehensive land use plans when notified by local governments of the proposal. The Greenway Conditional Use permit process is implemented by local governments (See OAR 660-20-025). Greenway boundary amendments are adopted by the Department of Land Conservation and Development. Recommendations to LCDC for

amendments can be made by the Department in conjunction with local jurisdictions.

d. RECREATION TRAILS PROGRAM SECTION

The purpose of the Recreation Trails program is to plan for and aid in the development of a system of hiking, horseback riding and bicycle trails which link urban centers, rural areas, and major recreation facilities in Oregon. The Department's Trails Coordinator works with an eight member Recreation Trails advisory Council appointed by the Governor to accomplish this mission.

Program activities include: designation and implementation of Oregon Recreation Trails; coordination of right of way acquisition; construction of trails and trail easement negotiations by Federal and State agencies as well as by organized volunteers; provision of primitive campsites for hikers/bicyclists; and development and implementation of public information on the state's trails system. The Recreation Trails Advisory Council provides trail development advice to federal, state and local governments.

ORS 390.050-390.990, the Oregon Recreation Trails System Act, describes the criteria for designating state trails. State Designated Recreation Trails is one of the resource categories listed in the Statewide Planning Goal 5.

e. OCEAN SHORES RECREATION AREA SECTION

The Beach Bill of 1967, created the Ocean Shores State Recreation Area that is 362 miles long and includes all sands seaward of the statutorily delineated vegetation line. The bill recognized the State's ownership established in Thornton v. Hay. The beaches are managed by the Department through a permit program for the protection of public access, scenic and recreation values. This includes development actions, such as construction and utility installation, that could impact the recreational area; management of the removal of minor amounts of natural products from the recreation area (permits for sand removal of over 50 yards are also processed by the Division of State Lands); and management of the motor vehicle use zones and its designation (as described in ORS 390.605-390.770). The Department has coordinated the development of a Coastal Access Plan with local government, for their use in complying with the beach access requirements of State Goal 17. Amendment of the statutory vegetation line can only be made by the state legislature.

The Ocean Shore program's activities include: evaluating construction permit applications jointly with the Division of State Lands, regulating installation of utilities,

and removal of sand and other natural resource products; managing motor vehicle use and evaluating proposals to change or amend vehicle use zones; disbursing Ocean Shore Lifesaving Grant-In-Aid Funds; coordinating the beach cleanup and safety education programs; and participating with local, state, and federal agencies in the state's coastal management program, see pages 67 and 68.

2. STATE HISTORIC PRESERVATION OFFICE

The State Historic Preservation Office (SHPO) of the Parks and Recreation Department administers the federally-mandated historic preservation program and historic programs in the State Parks system authorized by state legislation.

a. Federal Historic and Archaeological Preservation

The federal program was established by the National Historic Preservation Act of 1966 (Public Law 89-665). Under this program, Oregon receives matching grant-in-aid funds. A large portion of money is distributed as sub-grants to non-profit or private agencies (e.g., universities, neighborhood organizations, etc.) for acquisition, rehabilitation, or professional assistance with historical and archaeological properties. These funds are also to be used for historic or archaeological surveys, and to assist local governments in developing comprehensive plans and community programs for the identification, analysis and protection of those resources. The remainder of the federal funds support national register nominations, educational programs and a five-person staff. The staff, by federal regulation, consists of professionally qualified historians, architects and archaeologists.

The Advisory Committee on Historic Preservation is appointed by the Governor. The committee reviews nominations to the National Register of Historic Places from the State of Oregon and recommends approved nominations to the State Historic Preservation Office pursuant to the National Historic Preservation Act of 1966. The committee also reviews the Statewide Plan for Historic Preservation as a part of the federal program. This document is available to local government as an information source regarding the federal program and also as background information to assist the development of the local government's Goal 5 Historic and Archaeological Resources comprehensive plan elements.

The Oregon Lewis and Clark Trail Committee is appointed at the discretion of the Governor to continue the work of the Congressional Committee in determining the exact routes and locations of campsites along the expedition's route by land and water.

2. State Historic and Archaeological Preservation

The state responsibilities include:

- 1) administration of the state property tax abatement program for national register properties (non-archaeological);
- 2) technical assistance for the implementation of State Parks historical programs, such as interpretation;
- 3) special assignments, such as archaeological investigations, assisting in the development of work plans for local government historic site inventories and technical assistance review of local government historic and archaeological resource policies and implementing ordinances.
- 4) processing State Archaeological Excavation Permits.

SECTION III

DEPARTMENT ACTIONS AFFECTING LAND USE, COMPLIANCE with STATEWIDE GOALS and COMPATIBILITY with ACKNOWLEDGED COMPREHENSIVE PLANS

This section identifies those program actions in the Department that have a significant effect on Land Use in Oregon and Department Rules and Procedures for assuring compliance with the statewide goals and compatibility with acknowledged comprehensive plans. There are no units or programs that impact land use by all of that unit's or programs activities. Specific actions are organized in this section under the unit or program that performs that function. The procedures of Statewide Goal Compliance and compatibility with Acknowledged Comprehensive Plans are explained in greater detail.

A. CRITERIA FOR THE DETERMINATION OF DEPARTMENT RULES AND PROGRAMS THAT AFFECT LAND USE

State agency coordination programs must assure that state agency rules and programs which affect land use comply with the statewide goals and are compatible with acknowledged city and county comprehensive plans. Administrative rule (OAR 660, Division 30 and Division 31) provide the qualifying criteria for agency land use programs. OAR 660-30-005(2)(a) defines a state agency's rules and programs which affect land use as one which is:

1. specifically referenced in the statewide planning goals; or
2. reasonably expected to have significant effects on:
 - a. resources, objectives or areas identified in the statewide planning goals; or
 - b. present or future land uses identified in acknowledged comprehensive plans.

B. CRITERIA for the DETERMINATION of DEPARTMENT RULES and PROGRAMS that DO NOT AFFECT LAND USE

OAR 660-30-005(2)(b) states that an action or function does not qualify as a land use program if it is:

1. Expressly exempt from compliance and compatibility requirements by statute, constitutional provision or appellate court decision;
2. The rule, program or activity is not reasonably expected to have a significant effect on:
 - a. Resources, objectives or areas identified in statewide goals;
 - b. Present or future land uses identified in acknowledged comprehensive plans; or
3. A state agency transfers or acquires ownership or an interest in real property without making any changes in the use or area of the property.

C. PERMITS THAT REQUIRE CONSIDERATION OF STATEWIDE PLANNING GOALS AND ACKNOWLEDGED COMPREHENSIVE PLANS

For LCDC's State Agency's Permit Compliance and Compatibility, OAR 660-31-010, establishes procedures and standards which require consideration of Goals and Acknowledged Plans prior to approval of state permits. The rule establishes a process for state agencies to rely on a local determination of compliance with the State Planning Goals and the Acknowledged Comprehensive Plan when issuing certain permits. State permit classification is based on public notice and public hearing requirements and the list in OAR 660-31-012 identifies those State agency permits that affect land use.

Under OAR 660-31-02, the Department has responsibility for only one Class A permit: the Ocean Shore Improvement Permit. The Department has newly assumed the administration of the State Archaeological Excavation Permit. No renewals are approved for either the ocean shore or archaeological permits.

D. DEPARTMENT ACTIONS AFFECTING LAND USE

The following Department actions have been determined to affect land use in accord with OAR 660-30-005 by being reasonably expected to have significant effects as noted in A. above. There are no Department land use programs that are statutorily exempt for goal compliance or comprehensive plan compatibility.

1. Adoption or amendment of a master plan for each state park by administrative rule.

2. Construction of major developments or major park facilities.
3. Tree removal on Department property within the Urban Growth boundaries.
4. Award of federal Land and Water Conservation Funds for major development projects.
5. Approval of development proposals within the State Scenic Waterway boundaries.
6. Adoption or amendment of State Scenic Waterway Management Plans by administrative rule.
7. Designation of State Recreation Trails.
8. Construction of Recreation Trails not on State Park properties.
9. Issuance of a Ocean Shore Improvement Permit.
10. Issuance of a State Archaeological Excavation Permit.

Each one of these actions has a defined process and procedures to assure statewide goals compliance and compatibility with city and county acknowledged comprehensive plans. The Department will achieve goal compliance by taking actions that are compatible with the acknowledged comprehensive plans of the applicable local governing body, except where it has been determined necessary for the Department to adopt findings for compliance with the statewide planning goals. The chart on page 39 lists the compatibility procedures used for these actions. Each action is then described with a summary of the following:

- 1) The resultant final action.
- 2) The Department's authority to act.
- 3) A brief analysis of the action and the applicable SAC rule provision.
- 4) The particular compatibility process which will be used.

Procedures for Assuring Statewide Goal Compliance and Compatibility with Acknowledged Comprehensive Plans

The Department prefers to assure Statewide Goal compliance and compatibility with acknowledged comprehensive plans by participation in the state and federal agency review process, response to DLCD Notifications of plan amendments and periodic reviews, and routine contact with local governments.

The Department routinely reviews proposed plans or action to avoid adverse impact to Department programs, policies and plans.

In addition, the following chart explains the three types of Compatibility Procedures that will be used for coordinating the Department actions and programs determined to affect land use:

| Compatibility Procedure | Park and Recreation Department Actions that impact land use. |
|--|--|
| <p>Type 1</p> <p>Department applies and obtains local land use approvals or compatibility determination. If the Department applies and is informed that a pending action is incompatible with local comprehensive plan this may result in no action, modification of the action or initiation of dispute resolution procedures.</p> | <p>Construction of park facilities - Excluding construction activities not considered to have a significant land use impact.</p> <p>Tree removal on Department property within UGB's.</p> <p>Construction of recreation trails not on Department property.</p> |
| <p>Type 2</p> <p>The Department shall rely on land use information supplied by applicants and confirmed by local planning jurisdictions that the requested use is compatible with acknowledged comprehensive plan.</p> | <p>Award Land and Water Conservation Fund Development Grants</p> <p>Issue Ocean Shores Development Permit</p> |
| <p>Type 3</p> <p>Rely on local government response to Department's written notification of pending action. The Department will presume compatibility if no response is received based on period of review established by administrative rule of affected program. Local indication of incompatibility may result in no action, modification of action or initiation of dispute resolution procedures.</p> | <p>Amend or adopt State Parks Master Plan.</p> <p>Designation of State Recreation Trails</p> <p>Adopt or amend State Scenic Waterway Management Plan</p> <p>Approve development proposals within the State Scenic Waterway's boundaries.</p> <p>Issue Archaeological Excavation Permit.</p> |

RESOURCES AND DEVELOPMENT UNIT

a. Master Planning

Action: Adoption or amendment by administrative rule of a master plan for each state park by the Parks and Recreation Commission.

Authorities: ORS 390.180 (2) Park Master Plans, OAR 736-18-000, State Parks Master Plan.

Analysis: State Parks assesses local government and regional recreation plans as part of the master plan process statewide. Goal 8, Recreational Needs states: "State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans." This program produces the recreation plans for the State Parks lands that may have a significant land use impact and must comply with Goal 8 through compatibility with comprehensive plans. Acquisition and disposition are not considered actions that have an impact on land use unless there is a change of use, which includes development for recreational purposes. It is during this time of planning for other changes of use or development when compliance and compatibility needs are to be addressed. Compliance and compatibility procedures are followed when the parks property undergoes master planning and the resultant implementation.

As of June 30, 1989 State Parks acreage totalled 89,934.51 acres. This included 224 park sites, plus the parcels owned in the Willamette River Greenway and Scenic Waterway river segment areas. See Appendix E for parks acreage by county. Sixty - eight master plans have been adopted by rule under the Administrative Procedures Act (A.P.A. September 26, 1983 edition).

Compatibility

Process: As per administrative rule 736-18-000, the master plan document includes an assessment of resources, land use and development plans and a determination of the capacity for the public use and enjoyment for each site. See appendix F for the Standards for State Park Master Plans. This program will also follow the Type 3 procedure for plan compatibility per SAC rule 736-70-040. It is the intent of the Department to work with local jurisdictions to achieve the adoption of the state park's master plans into the local comprehensive plans by plan amendment or during periodic review. When local concerns can be addressed at the master plan level, this will often enable the Department to implement the proposed developments in a more timely process. Many times the development

proposals can be regulated by the local jurisdiction as permitted outright uses.

As described in the Standards for Master Plans, compliance and compatibility issues are part of the components addressed during the master planning process. Community work sessions, hearings and other forms are provided on both the statewide and local levels for all master plans. The final action relies on the response from the local jurisdiction to determine if the proposed master plan is compatible with the acknowledged comprehensive plan.

b. Design and Engineering

Action: Construction of major park facilities by the Design and Engineering section at the request of the Parks and Recreation Commission.

Authorities: ORS 390.10, Policy of the State of Oregon to provide outdoor recreation areas, facilities and opportunities and ORS 390.121, Powers of the Commission to construct, improve, develop, manage, operate and maintain facilities and areas, including but not limited to roads, trails, campgrounds, picnic areas, boat ramps and nature study areas.

Analysis: By statute, the commission in carrying out its responsibilities may: construct, improve, develop, manage, operate and maintain facilities and areas, including but not limited to roads, trails, campgrounds, picnic areas, boat ramps and nature study areas named in subsection (1) of ORS 390.121. It is the responsibility of the design and engineering unit to ensure that all construction projects meet all applicable building codes, permits and compliances. Refer to project management guideline procedures checklist in Appendix G. This action can be reasonably expected to have a significant impact on land use by changing the land use.

It is the Department's objective to encourage local governments to consider construction projects that are part of an adopted master plan to be allowed outright uses. All construction activities will follow the applicable jurisdiction's permitting process for significant land use activities.

At the local level, issues that are often addressed to determine the significance of the impact of the project are: major increase in traffic flow and impact on adjacent land uses.

Construction activities not considered to have a significant land use impact are those that do not have any relationship to a change of land use or intensification of land use, and are not on property that is an existing non-conforming use. These include: facility maintenance, rehabilitation, replacements, minor betterment and repair and improvements, and other similar construction activities.

Minor betterment includes such items as but are not limited to: directional/informational signs and kiosks, traffic control devices and turn refuges, drinking fountains, catch-basins, campspurs, paint sheds, well houses, overlay of pedestrian/bike trails, fencing, and gates. These activities are not subject to OAR 736 Division 70 procedures.

Compatibility

Process: For all projects that have a significant Land Use impact, the Department applies and obtains local land use approval (See project management guidelines check list in Appendix G) for all permit processes. This action will follow Type 1 procedures for compatibility as outlined in SAC rule 736-70-040.

c. Forestry Management

Action: Conduct tree removal within the Urban Growth Boundaries.

Authorities: OAR 736-18-050 - 736-18-090 - Management of State Parks Forests

Analysis: The Department manages forest resources to provide for the public's safe enjoyment and to protect the health of this natural resource. The objectives of this management are:

1. Protect the natural qualities of sensitive forest resources.
2. Manage forests to control fire and destructive pests, improve growth and vigor, rehabilitate damaged areas, and create desirable conditions.
3. Manage forests for safe, attractive, and compatible recreation opportunities.

All forest management outside of the Urban Growth Boundaries is subject to the Forest Practices Act administered by the Oregon Department of

Forestry. Forest practices outside Urban Growth Boundaries cannot be regulated by local government. ORS 527.722(1) prohibits local governments from adopting any rules, regulations or ordinances or "taking any other actions that prohibit, limit, regulate, subject to approval or in any way affect forest practices on forest land outside of an acknowledged urban growth boundary." However, ORS 527.722(3) allows counties to prohibit (emphasis added) forest practices on land for which an acknowledged exception to Goal 3 or Goal 4 has been taken.

Therefore, outside UGBs, prior to conducting forest operations, the Department will confirm that forest practices are an allowed use in the zone. If forest practices are an allowed use, the Department will assure compatibility with local comprehensive plans by coordinating with the Oregon Department of Forestry and follow the standards of the Oregon Forest Practices Act.

Local government has jurisdiction over forest management within the Urban Growth Boundaries (ORS 527.722). The Department will apply for a tree removal permit from local government (requirements differ for each jurisdiction) when conducting tree removal that fall under the jurisdiction's regulations. In the absence of applicable local government regulation, the Department will follow the standards of the Forest Practices Act.

Significant timber management actions will likely have an impact on State Parks and other agency's (federal, state, and local) resource management plans within Urban Growth Boundaries. Such timber management action can also reasonably be expected to have significant effects on resources and objectives of State Goal 4 - Forest Resources.

Compatibility

Process: To comply with State Goal 4 guidelines for tree removal within the Urban Growth Boundaries, the Department will apply and obtain local permits that implement the urban area acknowledged comprehensive plan as applicable. State Parks forest management is incorporated into park master plans. This action will use the Type 1 compatibility procedure as outlined in OAR 736-70-040.

2. PROGRAMS AND PLANNING

a. Grants Administration

Action: Award of Land and Water Conservation Fund Grants (LWCF) for acquisition, rehabilitation and development of public outdoor recreation areas and facilities.

Authorities: P.L. 88-578, the federal Land and Water Conservation Fund Act of 1965, and ORS 390.180, requires the Director to adopt rules establishing procedures the Department will use when allocating money to local governments or other state agencies. OAR 736-08-005 -736-08-50 establishes those procedures.

Analysis: Grant project funds are sometimes distributed for major developments that may change the land use of a property, increase visitation or have a significant impact on adjacent property owners. A major development may reasonably be expected to have a significant effect on other agencies comprehensive plans.

Compatibility

Process: The department follows the process outlined in Section 2.4 of the Oregon Application Procedures - Land and Water Conservation Fund manual to assure compliance with statewide goals and compatibility with local acknowledged comprehensive plans. Section 2.4 includes the following requirement:

Sub-section 5, procedures for filing an application, defines a required local jurisdiction sign -off; "all projects must be submitted by the sponsor to both the local COG and the state clearinghouse (handled by the State Executive Department) for reviews. Copies of the clearing house responses must be included in the application package for the application to be complete."

The State of Oregon Project Notification & Review System form is used in this process. Sections I-III require confirmation that the project is consistent with the city or county comprehensive plan, zoning and subdivision ordinance, statewide land use goals, or state and regional plans. See Project Notification & Review System Form appendix H. This application process will use Type 2 compatibility procedure as outlined in OAR 736-70-040.

b. RIVERS PROGRAM

Scenic Waterways Program

The two actions that affect land use in this program are: 1. Adoption or amendment of a State Scenic Waterway Management Plan; and 2. Approval of development proposals within the boundaries of a State Scenic Waterway.

Action 1: Management Plan Adoption or Amendment by the Commission in Concurrence with the Water Resources Department Commission

Authorities: ORS 390.845 provides that with few exceptions (ORS390.835) scenic waterways shall be administered by the department, each in such a manner as to protect and enhance the values which caused such scenic waterway to be included in the system. In such administration primary emphasis shall be given to protecting the esthetic, scenic, fish and wildlife, scientific and recreation features, based on the special attributes of each area. Management plans for each scenic waterway designation are developed to assist in that administration. ORS 390.934 provides the guidelines for management and development of the Deschutes River Scenic Waterway Recreation Area.

Analysis: General Rules of Land Management for all Scenic Waterways are described in OAR 736-40-035. In addition to these rules and regulations governing the use of related adjacent lands and improvements made on or to the adjacent lands, classifications by each river and segment and general administrative criteria are developed for each river and segment. The general rules and the adopted criteria for the management of the waterway are used in the review and recommendation of action for the notification to the Department of development proposals and other activities within the Scenic Waterway boundary.

Designated State Scenic Waterways are a State Goal 5 resource. Adoption or amendment of a scenic waterway management plan may reasonably be expected to have a significant effect on this resource identified in the statewide planning goals and/or present or future land uses identified in acknowledged comprehensive plans.

As of September 27, 1989, the State Parks and Recreation Department has the primary management responsibility for the State of Oregon to manage the State Deschutes River Scenic Waterway

Recreation Area. In 1989, the Department was to work with the Deschutes River Management Committee(DRMC), in cooperation with all managing agencies, to develop a comprehensive plan. In November, 1989, the Deschutes River (as part of the Federal Omnibus Wild & Scenic Rivers Bill) was designated a Wild & Scenic River also. This changed the format only by the additional overlay of the federal planning process. The Deschutes River Management should be incorporated into the appropriate jurisdictions plan to assist them with their Goal 5 implementation strategies for the protection of State Scenic Waterways in their jurisdiction.

Compatibility

Process:

The Department, in coordination with other state agencies and the federal government, develop management plans for each scenic waterway to meet the mandate of the designation. Landowners, recreational users, local governments and other interested citizens also are included in the planning process.

City and county officials are an integral part of the coordination with state and federal agencies in the development of the river management plan. During periodic review or another plan amendment process, this information is provided to the local government for inclusion into the appropriate comprehensive land use planning and zoning strategies of that jurisdiction's comprehensive plan.

In addition to the opportunity for coordination during the management plan process, the Department will rely on local government response to notification of rule making for adoption of the master plan. If no response is received the department will presume compatibility. Each State Scenic Waterway file includes a mailing list of all local jurisdictions that are impacted by the designation. This action will use the Type 3 compatibility procedure as outlined in OAR 736-70-040.

Action 2: Approval of a proposed development or action within the State Scenic Waterway boundaries.

Authorities: ORS 390.845, and OAR 736-40-030 - 736-40-095 describe the Department's responsibilities and rules of land management within the Scenic Waterways through the notification process.

Analysis: The Department operates the program through a notification and review

process. The program is designed to maintain the status quo, not to turn back time. Most existing land uses, constructed developments and water rights within the designated waterways are recognized and permitted. The Oregon Scenic Waterways Act does not allow public use of private property without the landowner's consent.

Construction of dams, development of impoundments and placer mining are the only activities prohibited within the boundary of a scenic waterway. Public and private property owners with proposals to build roads, houses, develop mines, cut timber or make other proposed changes within one-quarter mile of each side of a designated river must notify the Department in advance. Within one year of notification, the Department, relying on rules established for each designated waterway, must decide if a proposed change will affect the scenic beauty of the river. If a proposal is denied by the Department, a landowner may modify a proposal and again seek approval. The Scenic Waterways Act allows the Park and Recreation Commission to purchase land if impairment of a river's scenic qualities cannot be prevented by any other means.

Management responsibilities are also assigned under the Act to other state agencies. These particular regulatory functions are established by the responsible agency's administrative rules. Filling in rivers, removing soil and gravel from rivers, or changing riverbanks in any way, regardless of the amount of soil and rock involved, requires special approval of the Division of State Lands. The Water Resources Department is required to insure that new instream water rights issued within a scenic waterway will be used only for fish, wildlife and recreation. Other uses may be permitted if flow is found sufficient to satisfy the fish, wildlife and recreation needs along with existing uses.

The Act is administered by the Park and Recreation Commission in such a manner as to protect and enhance the values which caused a scenic waterway to be included in the system. This action could be reasonably expected to have an impact on this Statewide Goal 5 resource, State Scenic Waterways.

Compatibility

Process: OAR 736-40-020 states: agreements entered into and approvals given by the Commission in no way relieve persons or entities affected thereby of requirements established by other governmental agencies, local, state or federal. Notification forms and supplementary forms for timber harvest and salvage activities must be completed. When a complete notification

form is received, a request for response is mailed to all applicable agencies and local governments. See appendix J for that form. The local government, at that time, has the opportunity to explain the local regulations and what permits are needed. Local regulations vary from jurisdiction to jurisdiction and can be more stringent than scenic waterways requirements. The local government also informs the applicant for any development proposals within the State Scenic Waterway boundaries that the applicant must meet State Parks Scenic Waterway notification requirements. Obtaining a local land use or building permit is not the same as getting scenic waterway approval for improvements or changes. This action uses the Type 3 compatibility procedure as outlined in OAR 736-70-040.

Additional review procedures are currently being developed and will be adopted by the Commission.

c. Recreation Trails Program

Action: Designation of State Recreation Trails by the Commission

Authorities: ORS 390.950 - 390.990 (The Oregon Recreation Trails System Act, 1971) established that Recreation Trails should be established both near the urban areas of this state and within, adjacent to, or connecting highly scenic areas more remotely located.

Analysis: The Department is encouraged and empowered by ORS 390.956 to establish and designate Oregon recreation trails:

1. Over lands owned by the State of Oregon, by the Federal Government or by any county, municipality or other local governmental body, with that jurisdiction's consent.
2. Over lands owned by private persons, in special cases.

Designated Oregon Recreation Trails are a Goal 5 resource and the action of designating is reasonably expected to have a significant effect on the statewide goal and affected acknowledged comprehensive plans that identify this important resource .

Compatibility

Process: The program will follow the Type 3 compatibility procedure as outlined in OAR 736-70-040.

Action: Construction of Recreation Trails not on State Park property.

Authorities: ORS 390.971 - Department Duties and Powers regarding State Recreation Trails.

Analysis: Construction of State Recreation trails on State Park Property will be included in the other master planning and construction actions. State Recreation trails construction projects managed by the Department on other lands, can reasonably have an impact on acknowledged comprehensive plans.

Compatibility

Process: This action will follow the Type 1 procedure as outlined in OAR 736-70-040.

PERMITS PROCESSED BY THE DEPARTMENT

1. Ocean Shores Recreation Area Section

Action: Issuance Ocean Shore Improvement Permit (includes placement of pipelines and conduits).

Authorities: ORS 390.635 - 390.658, 390.705 - .725, 390.750 - .770. This statute declares the Pacific shore as a state recreation area and describes the regulation of use along the Ocean Shore. OAR 736 Division 20 outlines the policies and procedures for implementing the program.

Analysis: The Department issues a permit for an ocean shore improvement, meaning any structure, appurtenance, or other addition constructed or placed on the ocean shore. This action is concurrent with the Division of State Lands (DSL) jurisdiction and coordinated with affected local governments. Local land use information must be complete before the application will be processed. This is the only Class A permit processed by the Department as listed in OAR 660-31.

Compatibility

Process: This process uses a joint application form, "Ocean Shore Protection for State of Oregon permit for OSP&R and the Division of State Lands, in all cases. Included on the form is section #6 which is the city/county planning department affidavit which includes the local government determination of compatibility with the local comprehensive plan and zoning ordinance. A new revised form that will include permitting for pipelines, cable lines or other conduits, is currently in draft. See appendix J for the Department procedure followed for processing this application and the current application form. This action will use the Type 2 compatibility procedure outlined in OAR 736-70-040.

2. State Historic Preservation Office

Action: Issuance of State Archaeological Excavation Permit

Authorities: ORS 390.235 - Permits and conditions for excavation or removal of archaeological or historical material.

Analysis: A person may not excavate or alter an archaeological site on public lands, make an exploratory excavation on public lands to determine the presence of an archaeological site or systematically remove from public lands any material of an archaeological, historical, prehistorical or

anthropological nature without first obtaining a permit issued by the department.

Compatibility

Process: This is a new program for the department and the Permit form is currently in rulemaking. See Appendix K for the draft application form. This action will use the Type 3 compatibility procedure as outlined in OAR 736-70-040.

E. PROCEDURES FOR ASSURING STATEWIDE GOAL COMPLIANCE AND COMPATIBILITY WITH ACKNOWLEDGED COMPREHENSIVE PLANS

The following provides an overview of the Department's SAC procedures adopted in OAR 736 Division 70 and outlined on page 39, for assuring that its land use programs comply with statewide land use planning goals and are compatible with acknowledged city and county comprehensive plans.

These procedures apply to the following department actions:

1. **Adoption or amendment of a master plan for each state park by administrative rule.**
2. **Construction of major park facilities.**
3. **Conduct tree removal within the Urban Growth boundaries.**
4. **Award federal Land and Water Conservation Funds for major development projects.**
5. **Approval of development proposals within the State Scenic Waterway boundaries.**
6. **Adoption or amendment of Scenic Waterway Management Plans by administrative rule.**
7. **Designation of State Recreation Trails.**
8. **Construction of State Recreation Trails not on State Park property.**
9. **Issuance of an Ocean Shore Improvement Permit.**
10. **Issuance of a State Archaeological Excavation Permit.**

A. Procedures to Assure Compliance with Statewide Planning Goals

Except where it is necessary for the Department to adopt findings for compliance with the statewide planning goals, the Department shall achieve goal compliance by

acting compatibly with acknowledged comprehensive plans and land use regulations.

The Parks and Recreation Commission has adopted administrative rules 736-7-010 through 736-70-080, to implement the State agency goal compliance and comprehensive plan compatibility requirements in ORS 197.180 and OAR 660, Division 30 and Division 31 for the Department actions determined to have a significant impact on land use. OAR 736-70-040 implements the state agency goal requirement. OAR 736-70-030 requires the Department to find the activities and projects taken under the listed actions that significantly affect land use are in compliance with statewide goals.

Prior to undertaking any action or program listed in OAR 736-70-030, the Department will use the following procedure:

Based upon the fact that comprehensive plans are acknowledged to be in compliance with statewide goals, it is the position of the Department that when it acts compatibly with an acknowledged comprehensive plan, it is acting in compliance with the goals.

Consistent with this position the Parks & Recreation Commission has adopted specific procedures in 736-70-040 to assure compliance of the Department's significant land use activities with the statewide planning goals.

Department Rules and Procedures for Assuring Compatibility with Acknowledged Comprehensive Plans

To assure compatibility of Department land use programs with acknowledged comprehensive plans, the Parks and Recreation Commission has adopted OAR 736-70-040.

The Department will use three types of procedures to assure compatibility in its actions with Acknowledged Comprehensive Plans and Land Use Regulations.

Type 1 Procedure

The Department shall apply and obtain local land use approvals or a compatibility determination before proceeding with an action. If more than one local government has jurisdiction related to a Department action a review will be required from each affected local government. Or if the Department applies and is informed that a pending action is incompatible with local acknowledged comprehensive plans, this may result in no action taken, a modified action or the initiation of the dispute resolution procedures in OAR 736-70-050.

Type 2 Procedure

The Department shall rely on land use information supplied by applicants and confirmed by local government that the requested use is compatible with acknowledged comprehensive plan. If it is, the Department make final determination for action based on other program requirements.

Type 3 Procedure

The Department shall provide notice to local governments prior to initiating actions of statewide, regional or site-specific application. The Department will presume compatibility if no response is received based on period of review established by administrative rule for each identified program. Dispute resolution procedure, OAR 736-70-050 are applied when the Department and local government disagree on plan compatibility.

F. Dispute Resolution

It is the intent of the Department to achieve compatibility between Department land use programs and acknowledged comprehensive plans and land use regulations. However, a situation may occur where the Department believes its statutory mandates, including but not limited to ORS 390, may prevent the Department from meeting its land use compatibility responsibility under ORS 197.180. To address such a situation, the Parks and Recreation Commission has adopted OAR 736-70-050. The rule requires the Department to attempt to resolve all disputes regarding land use issues, including conflicting statutory obligations, by direct contact with the affected cities and counties. However, if no agreement can be reached, the procedures in OAR 736-70-050 will be followed to resolve land use disputes concerning approval of a Department program or action. There are two types of disputes that could arise in the land use process:

1. The Department is informed that a pending action is incompatible with a local comprehensive plan. The Department will:
 - a. Request the local agency to provide applicable plan policies and provisions.
 - b. Cite and explain reasons for the action(s).
 - c. Suggest alternatives or modified actions.
 - d. Offer to meet and discuss solutions.

As a result of the previous actions the Department will do one or more of the following:

- a. Select an alternative or modified action (may include no action)
 - b. Apply for local land use approvals or plan amendment.
 - c. Request mediation or a compatibility determination from LCDC.
 - d. Proceed with action after adopting appropriate findings (i.e. direct compliance with statewide goals, and any necessary statutory obligation) that the action complies with the statewide planning goals.
2. The Department determines that a pending local land use approval does not conform with state outdoor recreation resources, program policies or plans. The Department will:
- a. Notify the appropriate local jurisdiction of the potential conflict.
 - b. Cite applicable statutes and rules.
 - c. Suggest possible alternatives or modification to the proposal.
 - d. Offer to meet and discuss solutions.

As a result of the previous actions the Department may pursue local government conformance with Department policies, plans or programs by applying for comprehensive plan amendments, or participating in Periodic Review.

If the dispute is not resolved for either types, the Department may request informal mediation or a compatibility determination from the LCDC in accordance with OAR 660-30-070.

If the Department's statutory obligation remains in conflict after exhausting the appropriate procedures, the Parks and Recreation Commission (or its designated representative) shall adopt findings in writing explaining why it cannot act compatibly with applicable city or county acknowledged comprehensive plans and land use regulations **and then, adopt goal findings to assure compliance with the statewide goals in accord with OAR 660-30-065(3).**

G. Compliance and compatibility of New or Amended Department Land Use Programs

OAR 736-70-060 assures that new or amended agency rules and programs affecting land use will comply with the statewide planning goals and be compatible with acknowledged comprehensive plans and land use regulation. The Department will use the procedures in the rule to assure that new or amended agency rules and programs significantly affecting land use will comply with the statewide goals and be compatible with acknowledged comprehensive plans and land use regulations.

Except as provided in section (2) of this rule, the Department shall assure that new rules and programs which qualify as significant land use programs or activities, or amendments to existing land use programs or activities, comply with the statewide planning goals and are compatible with acknowledged comprehensive plans.

- (2) The Commission may choose not to apply this rule to the adoption of temporary rules and programs.
- (3) The Department shall examine new rules or programs to determine if they qualify as significant land use programs or activities as defined by OAR 660-30-005(2).
- (4) If new rules or programs are found to be significant land use programs or activities, the Department or Commission shall amend OAR 736-70-030, and other sections of existing rule divisions pertinent to the program as needed to assure goal compliance and compatibility with acknowledged comprehensive plans.
- (5) Amendments to existing land use programs shall be examined to determine if:
 - (a) They affect land use as determined by the criteria established; and
 - (b) Provisions of OAR Chapter 736, Chapter 70 are sufficient for assuring that actions allowed by the amendments comply with the goals and are compatible with comprehensive plans; or
 - (c) They modify the program so that it no longer qualifies as a land use program.
- (6) If needed as determined after completing the examination prescribed in section (5), the Department or Commission shall amend administrative

rules to assure goal compliance and compatibility with acknowledged comprehensive plans.

- (7) The Department shall provide written notice of any new rule or amendment determined to be a new land use program or affect the land use status of an existing land use program to the Department of Land Conservation and Development, persons on any Department mailing lists established for land use coordination purposes, and any local governments relying on the Department for goal compliance as described in OAR 660-30-085. The notice shall include:
 - (a) The date, time, and location of the Department's proposed action;
 - (b) The manner in which written and oral comment on the proposed action can be submitted to the Department;
 - (c) An explanation of how the new rule or amendment qualifies as, or affects the land use status of, a land use program; and,
 - (d) A description of any actions taken, or to be taken, pursuant to sections (3) through (6) of this rule.
- (8) If no comment is received from the Department of Land Conservation and Development within the period specified in the notice described in section (7) of this rule, the Department may presume that the Department of Land Conservation and Development finds the new or amended rule or program to have satisfied requirements of ORS 197.180 and OAR Chapter 660 Divisions 30 and 31.

SECTION IV

COORDINATION with STATE and FEDERAL AGENCIES and SPECIAL DISTRICTS

This section describes in general terms the Department's coordination of land use activities with potentially affected state and federal agencies and special districts. Currently the Department coordinates on a regular basis with state agencies as a normal part of the Department's programs. This coordination is an integral component of existing program land use activities and is part of the total coordination procedures as described in Sections III of this document. All agencies that the Department regularly coordinates with are shown on page 60.

A. State Agencies

The Department coordinates with other state agencies where appropriate, in carrying out program land use activities. Typically all other natural resource agencies are involved in our planning processes and provide the department with valuable technical assistance and review of our program activities.

Coordination is provided through several other forums other than the daily program functions. These include: the Governor's office federal forest (USFS) plan and resource management (BLM) plan state response team, the newly formed Oregon Outdoor Recreation Council, the Strategic Water Management Group (SWMG), the Heritage Trust fund Committee, the METRO Coordination team, the Deschutes Recreation Area Committee, and the Lower Willamette Resource Management Plan team. In addition the Department reviews and comments, as much as staffing will allow, all other agency plans as provided. This includes such planning efforts as the Water Resources Department's Basin Planning Program and the Columbia River Gorge National Scenic Area Management Planning Process (the Columbia River Gorge National Scenic Area includes a special Commission, the USFS and state counties).

B. Federal Agencies

The Department coordinates with the Federal resource based agencies. The Department depends on the federal agencies for much technical assistance and works cooperatively on research and planning projects. The chart on page 60 illustrates (by Department Program) all of the agencies that are part of that program's coordinating process.

C. Special Districts

The Department coordinates in the same manner as local governments with Special Recreation Districts, Portland METRO, Eugene/Springfield METRO and the County Council of Governments.

D. Department Interagency Coordination Contact

The Program and Planning Section has a regular coordination process developed with the Department of Land Conservation and Development. The Salem office is the primary contact for inter-agency coordination. All land use issues may be coordinated with the assistant administrator of the Program and Planning section.

Refer to the chart on page 60 for total list of agencies coordinates with on land use issues.

Programs that require specific state or federal coordination include:

Master planning - with all applicable agencies who have jurisdiction over potentially impacted natural resources. Typically this would include, but is not limited to: ODFW, DSL, DOF and WRD. Technical assistance is often requested from USFS and USFW.

Forestry Management - with the Oregon Department of Forestry regarding the Forest Practices Act for all properties outside of Urban Growth Boundaries.

Scenic Waterways - with all agencies who may be impacted by a development proposal. This includes, but is not limited to: USFS, BLM, DOF, ODFW, DEQ, DOA, DOGAMI and DSL.

Ocean Shores Recreation Area - with all resource agencies including DSL, ODFW, USFS, USFS, DOF

Instream Water Rights - instream water rights can be applied for and held by the State. The Department, the Oregon Department of Fish and Wildlife and the Department of Environmental Quality may apply for instream water rights for public benefit. These rights are to be held in trust by the Water Resources Department. The methodology and procedure for this process are currently in draft rule. This is an action affecting land use for the Water Resources Department (WRD) and the procedures are defined in the 1989 WRD State Agency Coordination Program.

Willamette Greenway - with the Department of Land Conservation and Development and local governments for Willamette River Greenway revision recommendations.

State and Federal Agency Coordination

| Unit Program | State Agency | Federal Agency |
|------------------------------------|--|--|
| Master Planning Section | ODF&W, DSL, DOA, DEQ | USFS, BLM, ACOE, USFW |
| Design and Engineering | Extensive, see Appendix G. | |
| Forestry Management Office | DOF, ODFW | USFW, USFS, BLM |
| Property Management Office | All agencies as applicable. | All agencies as applicable. |
| <u>Planning and Grants</u> | | |
| SCORP | All resource agencies | National Parks, USFS, BLM, Bureau of Rec., ACOE, USFW, |
| Grant Administration | | National Parks (LWCF) |
| <u>River Programs</u> | | |
| Scenic Waterways | All resource agencies Oregon State Police | USFW, BLM |
| Willamette River Greenway | All resource agencies | ACOE |
| <u>Recreation Trails</u> | DSL, ODF, ODF&W, DOT | USFW, BLM, USFS, NPS |
| <u>Ocean Shores</u> | DSL, ODFW, DOA, DOF | USFW, USFS |
| <u>State Historic Preservation</u> | | National Parks, USFS |

- ACOE - Army Corps of Engineers
- USFS - U.S. Forest Service
- USFW - U.S. Fish & Wildlife
- BLM - Bureau of Land Management
- DEQ - Department of Environmental Quality
- DOT - Oregon Department of Transportation
- DOA - Oregon Department of Agriculture
- ODFW - Oregon Department of Fish & Wildlife
- DOF - Oregon Department of Forestry
- DSL - Division of State Lands

- Resource Agencies Include:
- Department of Agriculture
 - Department of Environmental Quality
 - Department of Forestry
 - Department of Fish and Wildlife
 - Department of Geology & Mineral Industries
 - Oregon Marine Board
 - Water Resources Department
 - Division of State Lands

V. COOPERATION and TECHNICAL ASSISTANCE for LOCAL GOVERNMENT

The Department has enjoyed a long history of active participation with local government in land use planning issues. Technical assistance has been provided by the Department when there has been adequate funding and staff for the various programs. At one time, there was a specific program funded by the federal government, to provide local outdoor recreation technical assistance. That funding was lost in the '80's along with the use of highway funds for the Department.

The Department would enjoy nothing more than to achieve and surpass the excellence and quality of the services and programs provided for the State in the past and is actively seeking funding to accomplish this goal. The Department is proud of its contribution to the quality of life in Oregon and would like to ensure this same quality of available outdoor recreation resources for generations to come.

A. Participation in and Coordination with City and County Land Use Planning.

The Parks and Recreation Department coordinates on a regular basis with local government planning programs. This includes participating in the review of development proposals that may affect our programs, lands or resources, periodic review or plan amendments.

The Department currently uses the following methods of informing and cooperating with Local Government on State Park Issues:

- 1) Local citizen work sessions on Outdoor Recreation Issues.
- 2) Work sessions with affected local planning departments and/or their commissions and appropriate citizen advisory committees about on-going or upcoming resource assessments, and studies. This includes opportunity for review of the results, interpretation and discussion.
- 3) Copies of all reports, survey evaluations and studies are available at the Department's Salem Office at 378-6378 on request. Many are available at libraries throughout the state.
- 4) Planning departments of affected counties and cities are notified of pending actions related to the Department's land use programs.
- 5) Local planning officials, outdoor recreation providers, resource professionals and interested parties are invited to participate in department work groups and

advisory committees which deal with issues that have significant land use implications.

- 6) Radio announcements and newspaper articles are regularly submitted by the Department informing the public of activities that have significant land use implications.
- 7) Model policies for Historic Preservation Resources and ordinance language for other programs (Scenic Waterways, park development, master plans) appropriate for inclusion in comprehensive plans are continually being refined for distribution. These models are designed to promote appropriate management and protection of the Department's programs and properties through the Land Use planning process.

B. Department Contact for Assistance to Local Government

For land use specific information or assistance contact the Department's Program and Planning Assistant Administrator at 378-6378. For coordination assistance contact the Department's Outdoor Recreation Planner at 378-5003. The following programs may be contacted for information about the program or for technical assistance on a program related issue:

| | | |
|-----------------------------|--|----------|
| SALEM OFFICE | 525 Trade Street S.E. Salem, OR 97310 | |
| PUBLIC AFFAIRS | | |
| Public Information - | General Information Commission Agenda | 378-2796 |
| Volunteer Coordinator - | Groups to Join Park Specific Volunteers | 373-1360 |
| Program and Planning | Assistant Administrator | 378-6378 |

Contact this unit for information on the State Comprehensive Outdoor Recreation Plan (SCORP), Parks Visitor Survey, Grants, Scenic Waterway information and notification forms, Willamette Greenway information, Ocean Shore Recreation Area information and information about the State Recreation Trails program.

| | | |
|--|----------------------|----------|
| | Outdoor Rec. Planner | 378-5003 |
| | Grants Information | 378-5006 |
| | Rivers Program | 378-6500 |

Ocean Shores/
Trails Coordinator 378-5012

Resources and Development

Master Planning - Information on adopted
or current studies 378-6308

Property Management 378-5010

Property Development 378-6821

State Historic Preservation Office

Salem Office 378-5001
This office can assist with the following:

National Registrar Resources Program

Certified Local Governments Program

Technical Assistance and Information
about State Goal 5 Historic Resources

Technical Review of Policies and Ordinance
Assistance for Goal 5 Historic Resources

Grant Program

State Archaeological Program
Review and Permit

STATE PARKS REGION OFFICES

Region 1 Office Supervisor/Region Coordinator 238-7491
3554 S.E. 82nd Ave.
Portland, OR 97266

This region manages State park properties in the east Coast Range, Willamette River Valley and Columbia River Gorge to the Deschutes River.

resources.

- 2) Providing technical assistance relating to proposed new or amended policies or implementing ordinances.
- 3) Providing program information for the following:

Goal 5 - Historic Resources

State Designated Recreation Trails

Scenic Waterways

Goal 8 - Supply, demand and need data for outdoor recreation

State Comprehensive Outdoor Recreation Plan interpretation.

State Park Master Plans

Goal 15- Willamette Greenway - review and coordination of proposed changes within the Greenway by local government. This typically includes such decisions as setback line determinations, and land use zone changes.

Goal 17- Coordination with local governments on Coastal Access Planning.

Goal 18- Coordination of revised or new policies and implementation that may have an impact on the Ocean Shores Recreation Area.

D. Cooperation and Technical Assistance to Coastal Cities and Counties

Three principal elements comprise the Department's program of cooperation and technical assistance to coastal cities and counties. They are:

1. The Department's direct involvement in the planning activities of coastal jurisdictions.
2. Department participation in the Oregon Coastal Zone Management Program.
3. The Department's coordination with coastal jurisdictions and the Ocean Shores Recreation Area.

Involvement in Coastal City and County Planning

The Department shall provide, upon request, technical assistance and planning information to coastal jurisdictions. Requests for assistance from coastal jurisdictions should be made through the Ocean Recreation Area Program.

The Department will work with DLCD and other affected state and federal agencies to minimize conflicts of duplication in providing assistance to coastal cities and counties.

Department Participation in Coastal Management Program

The Oregon Coastal Management Program (OCMP) is part of the statewide program for coordinated land use planning. The OCMP is a partnership between local governments and state and federal agencies to resolve general and often competing interests and issues through acknowledged comprehensive plans and land use regulations for all land in Oregon's coastal zone.

The OCMP is based on Oregon's Land Use Planning Act (ORS 197) and its three principal elements: the Statewide Planning Goals, acknowledged comprehensive plans, and the specific authorities and responsibilities of state agencies contained in the Oregon Revised Statutes.

Federal Consistency with State Coastal Zone Management

Working in close coordination with DLCD and other affected state and federal agencies, the Department, when requested, will advise DLCD on the consistency of proposed federal actions and activities related to the Department which may affect Oregon's coastal zone. In carrying out its responsibilities under the federal

consistency process, the Department will adhere to the extent it is legally permitted to the procedures and requirements contained in LCDC's federal consistency rule (OAR Chapter 660, Division 35).

OCMP Strategic Plan

The Department will participate with DLCD and other OCMP agencies, as resources and staff allow, in the development and updating of a five-year strategic plan for Oregon's coastal zone.

Technical assistance pursuant to ORS 197.712(2) (F) and 197.717(1) and (2) - local facility planning, permit issuance and economic development

These requirements do not apply to the Department or its programs.