

House Bill 3213

Sponsored by Representative BARNHART (at the request of John Tyler, John Bauguess, Nena Lovinger)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits roads in certain areas from being used for transportation purposes related to mining or processing of rock, aggregate or minerals during certain hours.

A BILL FOR AN ACT

1
2 Relating to noise control; amending ORS 467.120.

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

4 **SECTION 1.** ORS 467.120 is amended to read:

5 467.120. (1) Except as provided in subsection (3) of this section, agricultural operations and
6 forestry operations are exempt from the provisions of this chapter.

7 (2) As used in this section:

8 (a) "Agricultural operations" means the current employment of land and buildings on a farm for
9 the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding,
10 breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals,
11 vermiculture products or honeybees or for dairying and the sale of dairy products or any other ag-
12 ricultural or horticultural operations or any combination thereof including the propagation and
13 raising of nursery stock and the preparation and storage of the products raised for human use and
14 animal use and disposal by marketing or otherwise by a farmer on such farm.

15 (b) "Forestry operations" means an activity related to the growing or harvesting of forest tree
16 species on forestland as defined in ORS 526.324 (1).

17 (c) "**Resort community**" means an **unincorporated community that is used primarily for**
18 **recreation or resort purposes.**

19 (d) "**Rural community**" means an **unincorporated community that:**

20 (A) **Consists primarily of permanent residential dwellings; and**

21 (B) **Has at least two other land uses that provide commercial, industrial or public uses,**
22 **including but not limited to those provided by schools, churches, grange halls and post of-**
23 **fices, to the community, to the surrounding rural area or to persons traveling through the**
24 **rural community.**

25 (e) "**Urban unincorporated community**" means an **unincorporated community that:**

26 (A) **Includes at least 150 permanent residential dwelling units;**

27 (B) **Contains a mixture of land uses, including three or more commercial, industrial or**
28 **public uses;**

29 (C) **Includes areas served by a community sewer system; and**

30 (D) **Includes areas served by a community water system.**

31 (3) The following operations are not exempt from the provisions of subsections (1) and (2) of this

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 section:

2 (a) The mining or processing of rock, aggregate or minerals within one-half mile of a noise
3 sensitive area, if:

4 (A) The operation operates more than nine hours per day during the period subject to the day-
5 time standards established by the Environmental Quality Commission under ORS 467.030; or

6 (B) The operation operates more than five days per week.

7 (b) Any mining or processing of rock, aggregate or minerals within one-half mile of a noise
8 sensitive area during the period subject to the nighttime noise emission standards established by the
9 Environmental Quality Commission under ORS 467.030.

10 (4) **A road in a residential zone, a road in a resort community, a road in a rural com-**
11 **munity or a road in an urban unincorporated community may not be used for transportation**
12 **purposes related to mining or processing of rock, aggregate or minerals between the hours**
13 **of 7 p.m. and 6 a.m.**

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