

HOUSE COMMITTEE ON AGRICULTURE & FORESTRY

March 06, 2001
3:30 PM

Hearing Room 50
Tapes 39 - 40

MEMBERS PRESENT: Rep. Jeff Kropf, Chair
Rep. Al King, Vice-Chair
Rep. Robert Ackerman
Rep. Dan Doyle
Rep. Elaine Hopson
Rep. Mary Nolan
Rep. Tootie Smith

MEMBER EXCUSED: Rep. Donna Nelson, Vice-Chair
Rep. Wayne Krieger

STAFF PRESENT: Ray Kelly, Committee Administrator
Michael Reiley, Committee Assistant

MEASURE/ISSUES HEARD: HB 3003 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 39, A		
003	Chair Kropf	Calls meeting to order at 3:35 p.m. Opens public hearing on HB 3003.
<u>HB 3003 – PUBLIC HEARING</u>		
013	Ray Kelly	Committee Administrator. Reads summary of HB 3003.
033	Ray Wilkeson	Oregon Forest Industries Council (OFIC). Testifies in support of HB 3003. Gives background of relevant statute and history of legislation. Explains provisions of HB 3003.
117	Representative Al King	House District 44. Testifies in support of HB 3003.
165	Chair Kropf	Asks what effect scenic highway designation would have on logging operations.
169	Wilkeson	Answers that there should not be a significant effect on logging operations.
190	Chair Kropf	Asks for clarification for which roads are affected by legislation.
192	Wilkeson	Clarifies.
195	Chair Kropf	Asks how many landowners are affected along Route 42.
197	Rep. King	Answers that it is not many. Estimates that there is a small community of around 30-40 people with 10 or so parcels of land that would be affected.
209	Patricia Gainsforth	Bend, Oregon. Testifies in support of HB 3003.
231	Rep. T. Smith	Asks if Ms. Gainsforth is a timber landowner.
232	Gainsforth	Answers that she owns some juniper land.
247	Ted Lorenson	Forest Practices Program Director, Oregon Department of Forestry (ODF). Testifies in support of HB 3003. Submits and summarizes (EXHIBIT A). Gives clarification of provisions of Scenic Highway Act and its relationship to HB 3003.

291	Gregg Cline	Policy Unit Manager, Forest Practices Program, ODF. Gives further explanation of acreage affected by legislation.
311	Chair Kropf	Asks what the experience of ODF has been administering scenic highways.
317	Lorensen	Answers that requirements for scenic highway protection exist regardless of zoning. Addresses safety issues and other issues that require attention. Discusses requirements for buffer zones. Describes it as a “no win” situation from their perspective.
346	Chair Kropf	Asks if buffer zone issue creates controversy.
350	Lorensen	Answers yes. Explains pros and cons of leaving or removing buffer zones.
363	Rep. T. Smith	Asks what further restrictions a scenic highway would impose on ownership rights.
369	Lorensen	Answers that they would be same requirements as other scenic highways. Offers further clarification.
386	Rep. T. Smith	Asks if private landowners will be compensated for temporary hardship.
391	Lorensen	Answers no.
395	Rep. T. Smith	Asks why not.
398	Lorensen	Answers that ODF has not been directed by the legislature to do so.
402	Rep. T. Smith	Asks for clarification about land ownership.
404	Lorensen	Clarifies.
406	Rep. T. Smith	Asks Mr. Lorensen if he thinks private landowners will be upset at the taking of their land without compensation.
408	Lorensen	Answers that he feels some of them will be, while others are involved in the scenic highway project. Explains that it is the responsibility of the legislature to determine if the highways are properly designated.
412	Rep. T. Smith	Expresses the opinion that highway is not properly designated.
TAPE 40, A		
008	Rep. Hopson	Asks what process would be undertaken with regard to private landowners and would it be done prior to passage or afterward.
013	Lorensen	Answers that it can be done either way. Explains the effect that the statute would have and explains the process by which ODF would comply with it.
020	Chair Kropf	Asks about ODF staff issues and conflict issues in urban areas.
027	Lorensen	Answers and explains legislative history of the issue.
055	Chair Kropf	Asks why there is not an exemption in statute with regard to urban growth boundaries since policies are often suspended to allow an exemption anyway.
058	Lorensen	Answers that there should be an exemption because ODF is in a difficult position with regard to buffer zones and protecting scenic qualities of designated areas.
069	Chair Kropf	Asks what problems exempting urban growth boundaries and certain rural residential areas where conflict exists would create.
075	Lorensen	Answers that there would not be changes for ODF, but it would get them out of the situation of being in constant conflict.
091	Chair Kropf	Asks if changes to statute would not be inconsistent with what ODF is currently doing, but would “save the hassle” and put it in statute.
097	Lorensen	Answers that it is correct.
106	Kristina McNitt	Oregon Small Woodlands Association (OSWA). States that OSWA does not have position on HB 3003 since they have not

		had adequate time to analyze it. Explains provisions of HB 3003.
137	Rep. Doyle	Asks if OSWA would share same concerns as Rep. T. Smith regarding the taking of land.
141	McNitt	Answers that Rep. T. Smith's comments are relevant. Points out that Columbia River Gorge Highway has a federal designation that preempts any state designation, but it is still considered a taking of land.
153	Chair Kropf	Asks if OSWA favors exemptions from urban growth boundaries in rural residential areas resulting from the scenic highway portion of the Forest Practices Act.
158	McNitt	Answers that OSWA would respond favorably, but they would question why regulations exist to begin with, regarding consistency between urban and rural areas.
171	Chair Kropf	Asks Mr. Wilkeson about exemptions and possible amendments.
178	Wilkeson	Answers that OFIC recognizes the difficulty agencies have had administering the program and they would not have problem with amendments.
189	Chair Kropf	Closes public hearing on HB 3003. Adjourns meeting at 4:14 p.m.

Submitted By,

Reviewed By,

Michael Reiley,
Committee Assistant

Ray Kelly,
Committee Administrator

EXHIBIT SUMMARY

A – HB 3003, Proposed Scenic Highway Addition maps and written information, Gregg Cline, 3 pp