

# House Bill 2974

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

## 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**.

Creates additional exemptions to requirements for scenic highways.

## A BILL FOR AN ACT

Relating to scenic highways exemptions; amending ORS 527.755.

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

**SECTION 1.** ORS 527.755 is amended to read:

527.755. (1) The following highways are hereby designated as scenic highways for purposes of the Oregon Forest Practices Act:

(a) Interstate Highways 5, 84, 205, 405; and

(b) State Highways 6, 7, 20, 18/22, 26, 27, 30, 31, 34, 35, 36, 38, 42, 58, 62, 66, 82, 97, 101, 126, 138, 140, 199, 230, 234 and 395.

(2) The purpose of designating scenic highways is to provide a limited mechanism that maintains roadside trees for the enjoyment of the motoring public while traveling through forestland, consistent with ORS 527.630, safety and other practical considerations.

(3) The State Board of Forestry, in consultation with the Department of Transportation, shall establish procedures and regulations as necessary to implement the requirements of subsections (4), (5) and (6) of this section, consistent with subsection (2) of this section, including provisions for alternate plans. Alternate plans that modify or waive the requirements of subsection (4), (5) or (6) of this section may be approved when, in the judgment of the State Forester, circumstances exist such as:

(a) Modification or waiver is necessary to maintain motorist safety, protect improvements such as dwellings and bridges, or protect forest health;

(b) Modification or waiver will provide additional scenic benefits to the motoring public, such as exposure of distant scenic vistas;

(c) Trees that are otherwise required to be retained will not be visible to motorists;

(d) The operation involves a change of land use that is inconsistent with maintaining a visually sensitive corridor; or

(e) The retention of timber in a visually sensitive corridor will result in severe economic hardship for the owner because all or nearly all of the owner's property is within the visually sensitive corridor.

(4)(a) For harvest operations within a visually sensitive corridor, at least 50 healthy trees of at least 11 inches DBH, or that measure at least 40 square feet in basal area, shall be temporarily left on each acre.

(b) Overstory trees initially required to be left under paragraph (a) of this subsection may be

**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 removed when the reproduction understory reaches an average height of at least 10 feet and has  
 2 at least the minimum number of stems per acre of free to grow seedlings or saplings required by the  
 3 board for reforestation, by rule.

4 (c) Alternatively, when the adjacent stand, extending from 150 feet from the outermost edge of  
 5 the roadway to 300 feet from the outermost edge of the roadway, has attained an average height  
 6 of at least 10 feet and has at least the minimum number of stems per acre of free to grow seedlings  
 7 or saplings required by the board for reforestation, by rule, or at least 40 square feet of basal area  
 8 per acre, no trees are required to be left in the visually sensitive corridor, or trees initially required  
 9 to be left under paragraph (a) of this subsection may be removed. When harvests within the visually  
 10 sensitive corridor are carried out under this paragraph, the adjacent stand, extending from 150 feet  
 11 from the outermost edge of the roadway to 300 feet from the outermost edge of the roadway, shall  
 12 not be reduced below the minimum number of stems per acre of free to grow seedlings or saplings  
 13 at least 10 feet tall required by the board for reforestation, by rule, or below 40 square feet of basal  
 14 area per acre until the adjacent visually sensitive corridor has been reforested as required under  
 15 subsection (6) of this section and the stand has attained an average height of at least 10 feet and  
 16 has at least the minimum number of stems per acre.

17 (5) Harvest areas within a visually sensitive corridor shall be cleared of major harvest debris  
 18 within 30 days of the completion of the harvest, or within 60 days of the cessation of active har-  
 19 vesting activity on the site, regardless of whether the harvest operation is complete.

20 (6) Notwithstanding the time limits established in ORS 527.745 (1)(a), when harvesting within a  
 21 visually sensitive corridor results in a harvest type 1 or harvest type 3, reforestation shall be com-  
 22 pleted by the end of the first planting season after the completion of the harvest. All other pro-  
 23 visions of ORS 527.745 shall also apply to harvest type 1 or harvest type 3 within visually sensitive  
 24 corridors.

25 (7) Landowners and operators shall not be liable for injury or damage caused by trees left within  
 26 the visually sensitive corridor for purposes of fulfilling the requirements of this section, when car-  
 27 ried out in compliance with the provisions of the Oregon Forest Practices Act.

28 **(8) The following are exempt from this section:**

29 **(a)** Harvest on single ownerships less than five acres in size; *[are exempt from this section.]*

30 **(b)** Harvest within an urban growth boundary, as defined in ORS 195.060; and

31 **(c)** Harvest within zones designated for rural residential development pursuant to an  
 32 exception adopted to the statewide land use planning goals under ORS 197.732.

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