

OREGON STATE BOARD OF FORESTRY

December 14, 2006 Conference Call Minutes

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held via telephone conference call at the State Forester's Headquarters, 2600 State Street, Salem, Oregon. Chair Hobbs convened the meeting at 3:31 p.m.

Board Members Present via telephone port:

Steve Hobbs, Chair Larry Giustina Diane Snyder
Bill Hutchison Jennifer Phillippi

Absent:

Barbara Craig
Chris Heffernan

Present at the State Forester's Headquarters:

Ray Wilkeson, Oregon Forest Industries Council
Richard Whitman, Department of Justice
Marvin Brown, State Forester
Ted Lorensen, Assistant State Forester
Lanny Quackenbush, ODF
Sandy Middleton, ODF
Dan Postrel, ODF
Gayle Birch, ODF

Present via telephone port:

Laura Oppenheimer, The Oregonian

1. Final Orders Regarding Avison Lumber Co. Measure 37 Claims Nos. M129548 and M129549

Richard Whitman, Department of Justice summarized the details of two claims made by Avison Lumber Co. requesting compensation or waiver of land use regulations, including Forest Practices Act requirements (Attachment 1). Avison Lumber Co. asserted land use regulations prevent or affect their plans to divide two tracts in Clackamas County and develop it for residential use. Mr. Whitman noted there were two final orders for claim M129549 as most of the tax lots are zoned for forest use, but one lot is zoned for farm use. The Department of Land Conservation and Development LCD prepared two staff reports, A and B, to address the difference in applicable regulations, which required two final orders for that claim.

Both claims failed to establish that state land use regulations administered by the Department or the Board applied to or restricted the claimant's desired use of the property. The Forest Practices Act cannot restrict a change in land use. Avison Lumber

Co. did not establish that any listed statutes or rules had the effect of reducing the fair market value of the property.

As a result, the Department recommends the claims be denied as Avison Lumber Co. was not entitled to relief from the Department or Board under ORS 197.352.

Following discussion, and with Board consensus, Chair Hobbs ordered:

The final orders shown in Attachments 2, 3 and 4 are adopted.

The State Forester is delegated the authority to sign the final orders on behalf of the Board.

There being no further business before the Board, Chair Hobbs adjourned the conference call at 4:03 p.m.

Respectfully submitted,

/s/ Marvin Brown

Marvin Brown, State Forester and
Secretary to the Board

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*Attachments are available on the web @ <http://egov.oregon.gov/ODF/Board>
March 7, 2007 Agenda, December 14, 2006 Conference Call*

Attachments:

- (1) Staff Report, including attachments
- (2) Final Order Claim No. M129548
- (3) Final Order A Claim No. M129549
- (4) Final Order B Claim No. M129549

Approved by the Board at its March 7, 2007 meeting in Salem.