

**From:** KNOTTS Bradley A [bradley.a.knotts@state.or.us]  
**Sent:** Wednesday, August 12, 2009 1:46 PM  
**To:** Rogalin, Ellen  
**Cc:** CLINE Gregg L; RIES Paul; LANE Russell K  
**Subject:** RE: Materials for Aug. 13 Trees Task Force Meeting

**Attachments:** TreesTFAgenda081309.doc; TreesTFMtgSmry072309erjh.doc;  
DraftSubsections080609.pdf

Ellen:

Thanks for keeping ODF on the distribution list for the Tree Task Force. ODF has not been able to attend the last several task force meetings. However, we have tracked progress of the task force through your email messages, and we offer the following comments in review of the draft ordinance subsections. We recognize that the task force may already be aware of these items; if so, please accept the comments as constructive input as the task force moves forward.

1. The Purpose section notes that one of the reasons for adopting the regulation is to protect wildlife habitat and air and water quality, and to control surface water runoff. However, it is difficult to pinpoint how the current draft sections do that. Section 1020.06 provides the approval criteria for a tree removal permit. That section outlines the conditions under which removal may be approved, e.g., needed for development or solar access, but does not positively state the measures needed to protect wildlife habitat and air and water quality, and control surface runoff. Although the County is not required to duplicate the measures in the Forest Practices Act (FPA), the Act does provide a good starting point or road map for measures that should be considered. Much of the FPA is devoted to minimizing erosion during and after operations, and retaining trees and other vegetation for protection of waters and specific wildlife sites through specific measures or defined outcomes.

2. The Purpose section also notes that the regulation will implement the FPA inside the UGB. It appears that ODF will administer the FPA on parcels taxed as forestland. If there is an intent for the county to administer FPA measures on other portions of the unincorporated area inside the UGB, it does not yet show up in the draft ordinance subsections.

3. Section 1020.02: Should the area of application be "unincorporated areas inside the UGB"? Some cities in the county already have or are working on their own local forest practice regulations.

4. Section 1020.02.B: The intent here appears to be to exempt lands taxed as forestland from the county ordinance, leaving them subject to ODF's administration of the FPA. For this purpose, the "the phrase "forest property tax deferral" is probably not accurate. The base forestland tax program does not involve deferral of taxes; instead, forestlands are taxed at a reduced rate compared to lands for which the highest and best use is urban development. Owners of small forestland tracts may opt into a program where the annual property tax rate is reduced further, and then a tax on harvested timber is paid in the year of harvest. This could be considered a sort of deferral, but across the state, only a small percentage of small landowners have taken this option. Until recently, one of ODF's budget managers was the manager of the Oregon Department of Revenue's forest tax program. He suggests that the term "specially assessed forestland" will more accurately describe the lands that are taxed and used as forestland. ODF does not have information on what the equivalent terminology for farmland would be. This is probably a minor issue, but it might be worthwhile checking with the county assessor, if county staff have not done that already.

5. Section 1020.02.B.2.: It seems important to inform forest landowners of the requirement for the deed restriction after harvesting. Otherwise, it is uncertain how they would find this out.

6. Regarding discussions of exemptions for trees in yards or utility corridors, ODF considers that these areas have been converted to a non-forest use and that they are no longer subject to the FPA. ORS 527.722 would not forbid or condition the actions the county could take to regulate tree removal on those areas. Of course, other regulations may apply.

As far as I know, no ODF personnel will be able to attend tomorrow's task force meeting, but we do want to stay on your email distribution list. Thanks again and please let me know if more information is needed.

Bradley A. Knotts

Private Forests Program

Oregon Department of Forestry

503-945-7484

[bknotts@odf.state.or.us](mailto:bknotts@odf.state.or.us)

<http://egov.oregon.gov/ODF/>