

**ADDRESSING BOARD OF COUNTY COMMISSIONERS' CONCERN regarding
COMPLYING WITH THE FOREST PRACTICES ACT***

Question: *Section 1020.02 Purpose:* Does the Ordinance address regulations to protect wildlife habitat, air and water quality, and control surface water runoff?

Answer: Yes. See definition of “practicable” under Section 1020.04. In Section 1020.08, language has been added to show that the County will take over responsibility of the Forest Practices Act (FPA) within the UGB. The Oregon Department of Forestry (ODF) encourages local governments to regulate forest practices in order to better address local and urban concerns and conditions. They serve as willing partners in helping local governments draft language to ensure that proposed regulations address provisions of the FPA (e.g. recently, Sandy). This Majority/Urban Green/Audubon Draft is ready to be submitted to ODF for any further comments.

Question: *Section 1020.02 Purpose:* Is there an intent for the County to administer FPA measures on other portions of the unincorporated area inside the UGB?

Answer: Yes, the County would likely adopt the regulation of parcels taxed as forestland, unless further consultation with ODF indicates efficacy of exempting these parcels from the ordinance. The Task Force requested data from Staff regarding how many parcels would be involved, but the data was never presented.

Question: *Section 1020.03 Area of Application:* Should the Area of Application be “unincorporated areas inside the UGB”?

Answer: Language added to Section 1020.03 and specifically uses this phrase.

Question: *Section 1020.03 Area of Application:* A deed restriction needs to be put on forestland should the moratorium be in place.

Answer: Language was added to require a recorded deed restriction acknowledging the development limitations due to ordinance violation.

Question: *Section 1020.05 Exempt Trees:* If the purpose is to exempt lands taxed as forestland from the county ordinance, the phrase “forest property tax deferral” is not accurate; recommends changing to “specially assessed forestland.”

Answer: Language changed per recommendation

Question: *Section 1020.05 Exempt Trees:* ORS 527.722 would not prohibit County from regulating tree removal in areas of public right-of-way or utility lines.

Answer: Ordinance grants a qualifying exemption to utilities, requiring permits and mitigation.

*Compiled from Bradley Knott’s (consultant to Task Force from the Oregon Department of Forestry) e-mail of Wednesday, August 12, 2009 to Ellen Rogalin