

Clackamas County Trees Task Force

Meeting Summary, January 8, 2009
Development Services Building, Oregon City

Attendance

Task Force members: Eileen Eakins, chair; Catherine Blosser, Bryon Boyce, Bill Howe, John Landon, Bob Murch, Ernie Platt, Eric Shawn, Dick Shook, James Wick, Ruth Toler

Staff: Doug McClain, Jennifer Hughes, Ellen Rogalin

Guest: Charlotte Lehan

Visitors: Lynn Vimont, Phil Lisac, Patricia L. Reinert, Carol Mastronarde, Joy Bottinelli, Jill McKenna Reed, Brad Knotts, Ed Riddle, Anatta Blackmarr, Pat Russell

Eileen welcomed task force members and visitors to the meeting, and asked task force members to introduce themselves.

Overview and Operating Principles

Ellen reviewed the proposed task force overview and operating principles. The document was approved, with the understanding that there would still be more discussion on public input guidelines. Eileen noted that there is a need to conduct meetings efficiently, effectively and stay on task, but we certainly want public input.

Eric: Would like amount of public input time to be flexible.

Bill: Amount of time will be at discretion of the chair.

James: I prefer that the public provide input in writing as much as possible.

Eileen: I will check how many people wish to comment and then determine time allotment for each.

Eric: I prefer correspondence from the public be sent to us as it comes in.

Ernie: I prefer it be assembled in one packet.

Dick: Suggested correspondence be assembled and provide last – minute.

Eileen: Agreed to assemble everything for the packet one week in advance, then anything additional will be added and sent to task force members one day in advance.

Public Input

Pat Russell: I'm concerned about the distribution of materials received from the public, and agree with the decision made by the task force. I sent an email on Dec. 31 with 12 questions about salmon – the task force needs to address these.

Bill Isaac: What is being done to notify the public about this task force?
Doug noted this is only the second task force meeting. Ellen said news releases are sent out, the meetings will be on the County web calendar and there will soon be a Trees Task Force web page.

Catherine: Urban Green (**UG**) is focusing only on property inside the Urban Growth Boundary (**UGB**) that can be developed.

Doug: The Board of Commissioners will hold a study session Feb. 3 to talk about the Trees Task Force charge.

Oregon Forest Practices Act (OFPA) and Clackamas County, presented by Brad Knotts from the Oregon Department of Forestry Private Forest Program

Brad reviewed key points of the OFPA and how it relates to local jurisdictions such as Clackamas County. His comments included the following.

- The key state statute is ORS 527.722.
- OFA applies everywhere in the state, wherever a tree is growing and someone might cut it and sell it.
- Local government can take a responsibility within the urban growth boundary.
- The county can put conditions on development – there are no statute restrictions on that.
- County comprehensive regulations are adopted to regulate forest practices—fully integrated and intentional. The county must consult with ODF in creating regulations and must protect soil, air, water, fish and natural resources.
- There is a cost to the County of administering regulations.
- The County regulations can address issues that Forestry doesn't address, e.g., street trees, aesthetics.
- Local government can regulate a certain portion inside the UGB and not other areas, e.g., parcels can be exempt from local regulations so ODF applies. It can be confusing.
- The Department of Environmental Quality (DEQ) delegates Clean Water Act (CWA) compliance to ODF; compliance with OFPA does not lead to compliance with Endangered Species Act.

Bryon: Quote from *Forest Facts* booklet -- nothing in the OFPA affects local development regulations could condition county ordinance on how someone is planning to use the land—e.g., how long to let the trees grow, lot size, etc.

Brad: It can be done; details can be different. The FPA doesn't say you can't log.

James: What about designated forest land? There is a tax classification for forest land, over highest and best use. It must be stocked up to reforestation standards. If it's changed, it goes back to higher tax rate.

Bob: There was some anxiety from the Board of Commissioners about OFPA. The key elements of OFPA don't have to be enforced; just the standards. Is there a good cooperative relationship with local governments and ODF?

Brad: Yes there is, except in the case of the City of Damascus that took action that the ODF advised against. The city is now working on a more comprehensive ordinance.

Bob: Is there lots of forest land in the UGB?

Brad: There isn't very much, but the OFPA can be critical for the forest land that is there.

Ernie: I favor creating regulation and exempting certain parcels based on referral and declaration of intent. Are there examples of this other than Salem?

Doug: Yes, others include Happy Valley, Tigard, Jacksonville.

Eileen: Those are cities; we need to look at it from a county perspective.

- Brad:** Lane County has agreed with Springfield and Eugene that the City ordinance would expand to the County UGB. Washington County has responsibility for forest practices in unincorporated areas, but wants to back out of that.
- Catherine:** How much land in our unincorporated UGB is forest land? Is it based on timber length?
- Doug:** We could create a map showing properties with deferral; we don't know about other property owners with intent.
- Bob:** Lori Hennings at Metro is identifying forest lots in UGB.
- Doug:** It's related to using aerial photos to identify forest canopy. It's not whether land is being managed for forest purposes.
- Brad:** FPA applies to any commercial operation on forest land, including cutting and selling firewood. It does not include harvesting for personal use. Christmas tree farming comes under agriculture, not the FPA.
- Bryon:** We could get information from small forestry owners, and have someone speak to the task force.
- Bill:** Where do I find definition of yard areas and landscaped park?
- Brad:** OAR 629-600-0100, Sec. 47
- Eileen:** If the County adopts an ordinance and takes up obligation for FPA, does ODF have any enforcement responsibility with the County?
- Brad:** No, except in areas of fire protection.
- Ernie:** I live in Damascus. They tried to do what we're being asked to consider. They mapped properties and the tree canopy and found that less than 12 properties not under referral would have been under regulation. It wasn't worth it for them.
- Eileen:** Can we get that information by our next meeting?
- Doug:** We'll work on it—GIS is easy; aerial is more challenging.
- James:** I want to make sure that people who manage forest land (do forestry) can still do it. If they know an ordinance coming, they'll clear cut immediately.
- Bryon:** I agree.
- James:** In certain counties in Washington, if you clear cut you have to sign a piece of paper that you won't develop for six years. I don't know how effective it is. In the meantime, the law requires people to re-forest.
- Brad:** Salem's original ordinance had a five-year moratorium on development after cutting.
- Dick:** When the Clackamas County Environmental Task Force put together a sample tree ordinance, it had a five-year development moratorium. We need to add some language for sustainability, to maintain the tree canopy.
- Bob:** It's important to know what areas within the UGB would be affected.
- Catherine:** Urban Green is not against development or forestry; we want to be sure that what is standing and natural habitat are taken into consideration.
- Eileen:** It's important to define what we're trying to get at; how far the ordinance will go. We need to be careful about ordinances that protect individual trees in neighborhoods.
- Jennifer:** What sort of expertise do local governments need?

- Brad:** Some use a city forester, or they hire a consultant.
- Jennifer:** The county has a forester who manages forest land outside the UGB.
- Bill:** I'd like to reiterate my concern. The task force has seen the Urban Green proposed ordinance twice. It covers property that can be divided, but there is no exemption for people with views or with solar panels. Trees can take away value, too, by obstructing a view or keeping sun away from solar panels. We shouldn't start this process with a draft ordinance from an advocacy group. I object to front-loading the discussion with this draft ordinance.
- Eric:** We're trying to look at a bigger picture; to be comprehensive, but to see links between the tree canopy and other natural resources. Audubon is not focused on individual trees, but on the larger conversation of maintaining the tree canopy.
- Bob:** There are one thousand fir trees in my area. None fell until there was some clear-cutting on adjacent land. Fir trees are in jeopardy when you break down the wind barriers. This ordinance is just a draft proposal as a starting point. It is not designed to be all-encompassing.
- Eileen:** If there is an ordinance, it will be approved by the Board of Commissioners after lots of public input and other interests. We are aiming for something better than what we have now.
- Charlotte:** You are building good groundwork. I haven't heard any discussion about incentives; not just regulations. Landscaping credits or incentives are worth considering. A mature tree may be of more value than new trees.
- Ernie:** Adding incentives is a good idea.

Next Steps

- Topographic information
- Parameters of ordinance – range between clear-cutting and cutting any trees

- Bob:** There are a number of national publications that can help us do this. I would be glad to share this information.
- Catherine:** We need to look at language currently in County ordinances.
- Eric:** Would it be beneficial to gather a database of information on helpful incentives?
- Ernie:** I would be glad to work with staff on that.
- Bill:** I suggest our ordinance exclude property zoned for single-family residences (SFR). Also, the ordinance should address the issue of clear-cutting.
- Ernie:** What do you do with a 10-acre parcel zoned for SFR? That's the kind of property we're talking about.
- Doug:** We can bring a zoning map, and one that shows potential for development.
- Bill:** Is there a way to sort SFR based on parcel size?
- Doug:** Yes, we'll try to bring helpful information.
- Catherine:** Flexible lot allowances are the big issue in our neighborhood.
- Doug:** We can bring that, too. I encourage people to read the memo we sent out before and review the current ordinance.
- James:** The creek problem has been brought up—is there a watershed map?

Public Comment

- Jim Labbe:** The goals Eric and I put together may be useful for people.
- Lynn Vymont:** I watched a lot of trees go down in the October windstorm. I have a neighbor with a manicured farm area; another replacing trees with diversity of flowers. How can we tell people they can't do that? Our property is more valuable with views of Portland and Mt. St. Helens.
- Bill Isaac:** The regulation should be within the UGB only. There are major issues of trees vs. residences. In the Columbus Day storm, thousands of firs went down; no maples went down. Be careful what you put in a regulation; 90 percent of the time the Board accepts what a task force does.
- Pat Reinart:** You're doing a wonderful job. I'm here for the trees. Don't look at SFR's, look at eco-systems. We're losing bees, birds. We need to retain our earth, water, life -- not money.
- Pat Russell:** I'm concerned the task force is "silo-ing" by just focusing on trees —you need to focus also on watersheds and salmon recovery to meet State and regional goals. You need to look at those issues first.
- Doug:** We'll get details to you about the Feb. 3 Board study session once we have them. It will be a work session, so there may or may not be an opportunity for public testimony.

Next Meeting: **8-10 a.m., Thursday, February 12, 2009**

Materials

- √ Hard copies of ZDO language
- √ Define parameters of ordinance
 - Geographic areas
 - Regulatory scope
 - Incentives