

**POLK COUNTY FORESTLAND CLASSIFICATION COMMITTEE  
HEARING OFFICER'S REPORT**

**Date:** April 29, 2011  
**To:** Polk County Forestland Classification Committee  
**From:** Richard Gibson  
**Subject:** Hearing Officer's Report on ORS 526.328(1) Public Hearing

Hearing Date: March 10, 2011

Hearing Location: Polk County Courthouse, Dallas

A public hearing called pursuant to ORS 526.328(1), relating to preliminary forestland classifications adopted by the Polk County Forestland Classification Committee, was convened at 7:10 pm.

People attending the hearing were asked to sign registration forms and to indicate if they wanted to present oral testimony to the Committee. They were informed of the procedures for presenting oral testimony and for submitting written testimony.

Before receiving oral testimony, I briefly summarized the purpose for the hearing, described the role and limitations of the Hearing Officer, and outlined requirements the Committee must adhere to when reviewing written testimony submitted following the public hearing. I indicated the opportunity to submit written testimony would remain open until 5:00 pm on March 18, 2011. In addition, it was noted the proceedings of the public hearing were being recorded.

The names of fourteen people were entered on the public hearing registration forms. Three people submitted oral testimony. One person submitted written testimony at the time of the public hearing. The public hearing was closed at 7:20 pm.

Following the public hearing, the Committee received no additional written testimony prior to the close of the written comment period, at 5:00 pm on March 18, 2011.

**Summary of Oral Testimony**

All three people who submitted oral testimony can be categorized as having submitted "negative" comments about the Committee's preliminary forestland classifications. Their comments fell into the following general topic areas:

Application of the definition of "forestland." People indicated they did not believe their property was "forestland," in the traditional meaning of the term. In addition, they said the legal definition used by the Committee was too broad, and that the application of the definition to their land was not appropriate.

Existing fire service agency protection. People indicated the existing level of fire protection they receive from another fire service agency is adequate and they do not believe wildfire protection services from the Oregon Department of Forestry are additionally needed.

Conflict of interest. One person seemed to indicate the Committee (although he used the term "state forester") should not be allowed to apply the definition of "forestland" to property without a review from an independent third party.

None of the persons attending the public hearing specifically requested a copy of the Hearing Officer's Report.

### **Summary of Written Testimony**

The written testimony submitted at the time of the public hearing was nearly identical to the oral testimony made by the same person. Following the public hearing, the Committee received two additional submissions of written testimony from three individuals prior to close of the written comment period, at 5:00 pm on March 18, 2011.

All three submissions of written testimony can be categorized as having submitted "negative" comments about the Committee's preliminary forestland classifications. Their comments fell into the following general topic areas:

Application of the definition of "forestland." Several submissions indicated they did not believe their property was "forestland," in the traditional meaning of the term. In addition, they felt the legal definition used by the Committee was too broad and that the application of the definition to their land was not appropriate.

Existing fire service agency protection. All submissions indicated the existing level of fire protection they receive from another fire service agency is adequate and they do not believe wildfire protection services from the Oregon Department of Forestry are additionally needed.

Conflict of interest. Several submissions indicated the Committee (although the term "state forester" was used) had a "conflict of interest" in the outcome of the classification process and should not be allowed to apply the definition of "forestland" to any property without a review from an independent third party.

Taxation. One submission objected in general terms to having to pay additional "taxes" and specifically having to pay "another fire tax."

None of the persons submitting written testimony specifically requested a copy of the Hearing Officer's Report.

This is an amended version of the Hearing Officer's Report dated March 29, 2011.

A handwritten signature in black ink, appearing to read 'Richard Gibson', with a long horizontal line extending to the right.

Richard Gibson  
Hearing Officer

**Attachments:**

- Hearing registration forms (1)
- Written testimony submitted (3)

[illegible]

POLK COUNTY FORESTLAND CLASSIFICATION COMMITTEE  
PUBLIC HEARING – MARCH 10 2011

TESTIMONY OF RICHARD ALLEN

My name is Richard Allen and my address is 1231 SW Clay St., Dallas, OR. My house sits on 2 acres of property that is located in Polk County adjacent to the City of Dallas. My south property line is the City-County boundary.

I do not believe that it is appropriate to classify my property and other property in the immediate vicinity of my house as Forestland. The area immediately outside the city limits is predominantly meadowland and it is not heavily wooded. There is little risk of a wildfire started here spreading into the forested areas further to the west, and similarly it is unlikely that a forest fire to the west would propagate to my property or the properties of my immediate neighbors. Most of the landowners mow their property on a regular basis throughout the year. The properties in this neighborhood are indistinguishable from properties on the eastern edges of Dallas, which are not being proposed for forestland classification.

In terms of the Committee's Forest Classification Flowchart (attached), I believe it is a judgment call whether or not my property meets the loosely worded and subjective definition of Forestland per ORS 477.001 (Step 1); I believe my property is not contiguous to, or a threat to forestland (Step 2); and I stipulate that my property has improved infrastructure (Step 3) with paved streets (Clay St. and Maple St.) on the north and side sides of the property and Dallas city fire hydrants on Maple Street, about 150 feet from my house. I contend that the property fails all three tests for classification as Forestland.

I am already paying property taxes to Southwest RFPD for fire protection, and I consider it highly unlikely that a fire could occur on or near my property that would require the specialized services and equipment of the Oregon Department of Forestry. I consider that classification of my property as forestland imposes an additional tax burden from which I will never receive any benefit.

The following definition of Forestland is used by the Classification Committee: (ORS Chapter 477.001) "Forestland" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgment of the forester, a fire hazard, regardless of how the land is zoned or taxed. As used in this subsection, "clearing" means any grassland, improved area, lake, meadow, mechanically or manually cleared area, road, rocky area, stream or other similar forestland opening that is surrounded by or contiguous to forestland and that has been included in areas classified as forestland under ORS 526.305 to 526.370."

I believe there is an inherent conflict of interest in allowing the classification of a property as forestland to be made by a state forester whose organization benefits from the larger tax base resulting from the inclusion of properties that do not meet, or only marginally meet the wording of the definition. Almost any property not totally paved or built over could be considered as forestland by the definition of ORS 477.001 above. Classifications should be reviewed by a third party without a departmental financial interest in the outcome.

Attachment : Forestland Classification Flowchart

Handwritten signature of Richard Allen in black ink, with the date 3/9/2011 written to the right of the signature.

Richard Allen

# Forestland Classification Flowchart

For Classification of Polk County Forestlands within  
the Western Oregon Protection District, by ¼ of ¼ section

