

Agenda Item No.:	2
Work Plan:	Fire Protection
Topic:	Ongoing Topic; Forest Patrol Assessment
Presentation Title:	*Requests for Hearings Before the Board and Proposed Final Orders
Date of Presentation:	June 7, 2023
Contact Information:	Tim Holschbach, Deputy Chief of Policy & Planning – Fire Protection 503-480-9756 <a href="mailto:Tim.J.Holschbach@odf.oregon.gov">Tim.J.Holschbach@odf.oregon.gov</a> Levi Hopkins, Wildfire Prevention & Policy Manager 503-949-3572, <a href="mailto:Levi.A.Hopkins@odf.oregon.gov">Levi.A.Hopkins@odf.oregon.gov</a>

## **SUMMARY**

The purpose of this agenda item is to address a request for a hearing under ORS 477.260(2) and OAR 629-041-0035(4) by landowners in Jackson County regarding the addition of certain properties to the forest patrol assessment roll. This staff report informs the Board of the process undertaken thus far, describes the issues raised by the forestland owner and proposes final resolutions of the matters. In addition, the Department requests that the Board hear briefly from the parties and then issue a final order that either revises or accepts the proposed final orders attached to this report.

## **CONTEXT**

As required by ORS 477.250(2), written notices were sent by mail to specific landowners in Jackson County that they were going to be added to their county forest patrol assessment roll. The same law also requires that the notice inform the landowners of the procedures for appeals and hearings prescribed in ORS 477.205 to 477.281. Those procedures were included in the mailings.

The Department of Forestry (ODF) received objections to being added to the assessment roll from 31 landowners in Jackson County. 10 landowner’s classification status was an obvious error, and was corrected under the authorities granted to the Department in OAR 629-045-0055(2)(b).

## **BACKGROUND AND ANALYSIS**

ORS 477.210(1) states that it is the responsibility of each owner of forestland to “provide adequate protection against the starting or spread of fire thereon or therefrom...” The same statute, in subsection (4), states that when a landowner fails to provide that protection, “...then the forester under the direction of the Board shall provide forest protection...”

The principal funding source provided by law for ODF’s fire protection system is a pro rata acreage assessment against classified forestland within each forest protection district. The land classifications are determined by a county forestland classification committee that examines and then classifies all forestland within a county and the forest protection district. The lands classified as “forestland,” if not otherwise protected by individual plan or membership in a forest protective association, are then included in the county forest patrol assessment roll and assessed their pro rata share of the district’s fire protection costs. The fire protection costs are collected by the county assessor in the same manner as ad valorem taxes.

The Jackson County Forestland Classification Committees completed their work and filed their final order with the Jackson County Clerk in April 2021. Any landowner who was aggrieved by the classification had the right to appeal the decision under ORS 526.332, by filing an appeal to circuit court within 30 days of the decision. There were 2 appeals of the forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

As a result of the forestland classification final orders, properties that were newly classified as forestland and which were otherwise subject to the forest patrol assessment were added to the county forest patrol assessment roll. Written notices were mailed to each landowner notifying them of the addition and the process for appeals and hearings before the Board.

Based on the language in ORS 477.260(2), landowners subject to ORS 477.205 to 477.281 may discuss at the hearing, "... any subject pertaining to the activities of the forester or board affecting the land." In these specific hearings, the issue before the Board is the addition of tax lots to the forest patrol assessment roll, The Department outlined four issues of fact that went into the decision of whether to assess the properties in question. Those four items are:

1. Has the land been classified as forestland by a county classification committee?
2. Is the owner of the land correctly identified?
3. Are the acres and tax lot number correctly identified?
4. Has the owner provided protection through a plan approved by the Board on their own or through membership in a forest protective association?

The Department conducted the necessary research and review, and confirmed that the landowner's tax lot in question was properly assessed, they are the owners of the lot in question, the lands had been classified as forestland by the appropriate County Forestland Classification Committee, their names, tax lot and acreage were all correct as noted in the County Assessor's records, and this tax lot is not protected under a protection plan approved by the Board of Forestry, nor does the owner belong to a forest protective association.

As further described in the proposed order (Attachment 2), the Department has determined that the properties in question were properly assessed pursuant to the applicable law.

### **ALTERNATIVES CONSIDERED**

Upon review of the letter from the landowner, additional testimony during the Board meeting, and the facts described above and presented in the proposed final order (Attachment 2), the Board may:

1. Remand the matter to Department staff for further review on such issues as the Board specifies and to prepare a revised proposed order as appropriate;
2. Reject the proposed order and direct the Department to prepare a different final order;  
or
3. Adopt the proposed order as the Board's final order.

## **RECOMMENDATION**

The Department recommends that the Board adopt the proposed final order as written for Craig Berry, Nancy Bradley, Daryl Briten, Rose Brummett, Joel Caswell (Pine Ridge Meadows LLC), Harold and Jeannette Center, Dan Colcleaser, Allen Drescher, Gary and Marie Gilbreth, Richard and Melody Goodboe, Frederic and Bonazzoli Grewe, Lara Grosz, Michael Hilmer, Sarah Kreisman, Patricia Logan, Robert Methvin, Ross and Tamara Miller, Luke Scott, Lloyd Sloggett, Bruce Stanbridge, and Dennis and Patricia Sullivan.

## **ATTACHMENTS**

- (1) Letters requesting a hearing before the Board of Forestry
- (2) Proposed Final Orders

March 1, 2023

State Forester  
2600 State Street  
Salem, OR 97310

RE: Hearing Request; Forest Patrol Assessment

I would like to request a hearing for the unfair and unreasonable assessments levied against my following properties located in Jackson County:

10313556  
10981670  
10981667

Please advise on next steps.

Sincerely,

A handwritten signature in black ink, appearing to read "Luke Scott", with a large, sweeping flourish extending to the right.

Luke Scott  
3378 Cadet DR  
Medford, OR 97504

To whom it may concern,

2/14/2023

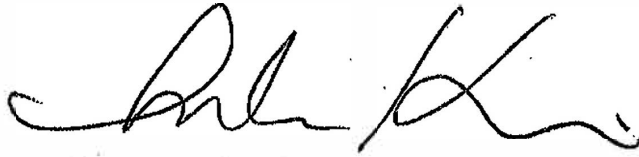
This is Sarah Kreisman, owner of tax lots 10887469 and 10607441. I received a  
an official letter from ODF regarding Forest Patrol Assessment and classification regarding my property. Our land is not Class 1 forestland. The property is mostly grazing land and used for sheep when irrigation allows us to grow pasture. We have irrigation rights for the entire property minus the house and barn pad. Please reclassify this land as we have fruit trees and oaks along the driveway as well as landscape trees around the yard area but that is all. We are not forestland and request to be classified properly. This is an EFU property used for farming and is not in any way forestland.

Best regards,

Sarah Kreisman

541-324-6263

sarahkreisman@hotmail.com



REC'D FEB 16 2023

February 10, 2023

Department of Forestry  
Southwest Oregon District Headquarters  
5286 Table Rock Rd.  
Central Point, OR. 97502

Dear Tyler McCarty,

I received a letter from the Forestry Department with your signature on it. Stating that you had placed my property into a Forest Patrol Assessment Roll. I live on a half acre lot in East Medford, not zoned Forestry by any means. As a retired realtor of 35 years I do know the difference. My home is surrounded by concrete and very few trees. There are not many trees in my neighborhood and all were planted. I do not agree with your classifying my home as forestland. You refer to it as "wildfire protection to all owners of forestland" well this isn't forestland, this is in the city of Medford. My property taxes are adjusted to owning property zoned as living in the city. I do not get a forestland exemption. Therefore, I believe it is not forestland and would like to opt out of your "Patrol Assessment". My lot and those homeowners surrounding mine keep our properties free of anything that would catch or start a fire. It is up to the city to take care of the homeless responsible for the recent fires. There is lots of concrete and asphalt up here and my home is stucco as well. Please take another individual look at my tax lot.

This property does not meet the definition of forestland by state law. By definition in part, "forestland includes"...Woodland, brushland, timberland, grazing land, or clearing that during any time of year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. So the judgement is yours.

It is not the cost that is offensive, it is that the state continues to tax us and tax us and tax us.

Please let me know how and when I can attend a hearing so I can have my attorney on hand.

Thank you,

Patricia Logan

541-601-1737

5621 Saddle Ridge Drive  
Medford, OR 97504

law. By definition in part, "forestland" includes: "...woodland, brushland, timberland, grazing land, or clearing, that during any time of 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." Oregon Revised Statutes (ORS) 477.001(9).

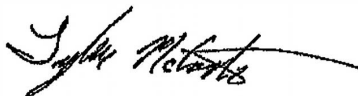
The Southwest Oregon District has two classes of forestland. Forestland suitable for the production of timber is classified as Class 1. Forestland suitable for grazing or other agricultural use is classified as Class 3. Class 2 forestland does not apply in southwestern Oregon. Due to changes in vegetative cover and use over time, land may be reclassified based on current vegetation type. Each of these class types may include lands on which structures are present.

ORS 477.270 requires that owners of forestland pay an annual Forest Patrol Assessment. Forest Patrol Assessments are used in conjunction with State of Oregon General Fund appropriations to maintain and operate the Department of Forestry's wildfire prevention and suppression system. Last year, the assessment rate for the Southwest Oregon District was \$2.97 per acre for Class 1 timber lands and \$0.48 per acre for Class 3 grazing lands. These per acre assessments may increase or decrease from year to year based on many factors. ORS 477.295 requires a minimum annual assessment of not less than \$18.75 per lot or parcel. If the lot or parcel has an improvement as defined by the County Assessor's Office, an additional \$47.50 surcharge will be levied, per ORS 477.277. The surcharge is one of the funding sources to support the Oregon Forest Land Protection Fund and is used for equalizing emergency fire suppression costs on large fires under Oregon Department of Forestry jurisdiction. **The forest patrol assessment will appear on your 2023 property tax statement** and is paid to Jackson County in the same manner as any other property tax or assessment.

Additionally, any owner of grazing land or timberland within the boundary of the Southwest Oregon Forest Protection District who is adversely affected by a proposed district budget may file an appeal within 30 days after the date of the public budget meeting, ORS 477.260(1). Also, any owner of grazing land or timberland subject to ORS 477.205 to 477.281 (the series of statutes that govern establishment of forest protection districts, requirement for protection, costs and assessment) shall, upon request, be granted a hearing by the State Board of Forestry on any subject pertaining to the activities of the Forester or Board affecting the land, ORS 477.260(2). This could include the assessment of forestlands. The Board of Forestry has adopted rules governing the conduct of such appeals and hearings. See Oregon Administrative Rule 629-041-0035. Also note that any request for a hearing regarding this assessment notice must be received by the State Forester within 30 days of the date of this written notice. ~~If you wish to request such a hearing, please send a letter with that request to the State Forester at 2600 State Street, Salem OR 97310.~~

If you have questions about the forestland classification process, please call the Southwest Oregon District at (541) 664-3328.

Sincerely,



Tyler McCarty  
ODF Southwest Oregon District Forester

Mike Helm  
1579 Upland Dr.  
Medford

Re: Forest Patrol Assessment

My lot is not forestland, will never be forestland, even if I read my home to do so.

Second, how many forest parcels have a Medford fire hydrant outside their front door.

Third, the most destructive wild fire, to date, went thru the center of the Rogue Valley, not its perimeter.

In conclusion, if every parcel in Medford pays the surcharge, then I am O.K. with it. However, if I & others have been singled out through some arcane & nonsensical method just as an excuse to raise more taxes, then count me out.

Sincerely





February 23, 2023

State Forester  
2600 State Street  
Salem, OR 97310

Dear Sir or Madam,

We recently received the attached "Forest Patrol Assessment" letter. By this letter we are requesting a hearing by the State Board of Forestry for our properties identified by the Jackson County Assessor as follows:

Tax Lot 381W02DA 800, Tax Account 10025013, Situs: 2604 David Lane, Medford Oregon 97504  
Tax Lot 381W02DA 700, Tax Account 10025005, Situs: David Lane, Medford Oregon 97504

We have reviewed the referenced statutes and fail to see where our properties (we own two) meet the definition of "Grazing Land". Both of our properties are landscaped with lawn and are irrigated by water from the Talent Irrigation District. In addition our properties are Zoned UR-1 (urban Residential). We do not recognize where our properties meet the definition of grazing lands?

Our concern is the ORS 477.205 – 281 may define "Grazing Land" in a broad scope to justify the tax and fails to consider local planning codes simply to collect a tax. We fully support all fire departments and will pay our share to properly fund each one. Please take appropriate action to correct this inappropriate tax.

Thanks for your assistance



Harold and Jeannette Center  
2604 David Lane  
Medford, OR 97504

Email contacts Harold: [center1071@gmail.com](mailto:center1071@gmail.com), Jeannette: [jmcenter90@gmail.com](mailto:jmcenter90@gmail.com)  
Phone: Harold: 541-535-6108, Jeannette: 541-531-7964

Oregon Department of Forestry  
State Forester  
2600 State St.,  
Salem, Oregon 97310

February 21, 2023

This letter constitutes an appeal to the Forest Patrol Assessment regarding the property located at 950 Granite Ridge Circle, Jacksonville, Oregon 97530. The referenced account is 10985465. The Estimated Forest Patrol Assessment is \$18.75. We feel this assessment is improper and not justified for this property.

This property is neither timberland nor grazing land. It is a .46 acre parcel containing a single family residence. There are, in addition 4 small oak trees on the property spaced far apart. There are no trees or other materials on the property that pose even the slightest fire risk.

Please review and advise.



Gary and Marie Gilbreth

March 3, 2023

Oregon Department of Forestry  
Cal Mukumoto, State Forester  
2600 State Street  
Salem, OR 97310

**RE: Notice of Appeal | Forest Patrol Assessment Roll**

Mr. Mukumoto,

We are in receipt of a notice dated Feb 6, 2023 informing us that the following tax lots will be added to the Forest Patrol Assessment Roll effective July, 1 2023. This letter constitutes our formal appeal of this assessment as described in OAR 629-041-0035.

**We request oral arguments before the board, or alternately that reclassification committee reviews current information before making a reclassification determination.**

Landowner: Pine Ridge Meadows LLC (subsidiary of Caswell Thompson LLC)  
County: Jackson County, Oregon  
Tax Account No(s): 11012372 & 110012373

The historic use, topography, vegetation, and soil conditions are consistent with the current (and historic) zoning – Exclusive Farm Use. I corresponded with the District Forester, Tyler McCarty on March 2, 2023 regarding the forest classification committee’s process and he confirmed that the committee only relied on non-current aerial imagery rather than a site visit to determine the current forest growth/vegetation/slashing. In this circumstance, we conducted operations last year to plant native grasses and remove vegetative loading and other slashing that **possibly** could have changed the designation according to ORS 477.210 (4) and 477.250 (2) in order to enhance the grazing potential. None of this would have been visible to the committee without a site visit since the aerial imagery they utilized would not have been updated to reflect the conditions at the time of the reclassification. Utilization of current conditions is a requirement in the reclassification process designated by ORS 477.210 (4) and 477.250 (2).

At minimum, the additional assessment should not apply to the entirety of the two tax lots (which are comprised of 7 legal lots). ORS 477.210 (4) and 477.250 (2) do not require that each tax lot is assessed in entirety as either grassland or timberland, and in this circumstance even the old aerial photography clearly illustrates that certain legal lots are almost entirely natural pasture.

Please contact me with any questions,

Joel Caswell  
541.951.5065  
[joel@caswellthompson.com](mailto:joel@caswellthompson.com)

RE: FOREST PATROL ASSESSMENT

I WOULD LIKE TO REQUEST AN APPEAL.

MY NAME IS LLOYD SLOGGETT, 2660 DARK HOLLOW RD  
MEDFORD, OR 97501 ACCOUNT # 10442750

*Lloyd C. Sloggett*

RECEIVED  
2/13/23  
[Signature]

February 28, 2023

Oregon Department of Forestry  
Attn: State Forester  
2600 State Street  
Salem, OR 97310

Re: Forest Patrol Assessment letter dated February 6, 2023

To Whom It May Concern:

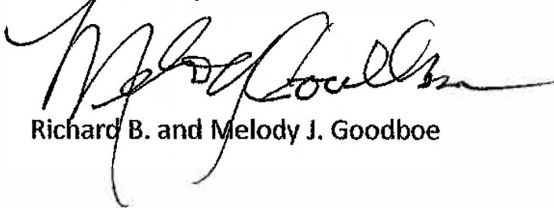
This letter is in response to the above referenced letter, a copy of which is attached hereto.

The tax account number 10513197 was incorrectly addressed with Jackson County Taxation and is being corrected thereto. The owner of the said account is Jerome L. Taylor, P.O. Box 153, Prospect, OR 97536. The above property is within the Prospect Rural Fire Protection District.

The tax account number 10513497, 1.07 commercial lot is located across the street from the Jackson County Library, and the Prospect Rural Fire Protection District's building is two buildings away, and the lot has one tree on the entire property. Therefore, we are requesting the new assessment from your department to be removed.

Also, we have tried numerous times to contact the State Forestry about the dead and dying trees located across the street from our main residence at 740 Mill Creek Drive. We have done a substantial amount of logging on our property, as has our closest neighbor at 920 Mill Creek Drive which was recently completed in 2022. We have, and continue to do our part, now it's up to your department to do theirs.

Most sincerely,



Richard B. and Melody J. Goodboe

Richard B. Goodboe  
Melody J. Goodboe  
P.O. Box 326  
Prospect, OR 97536

Cc: office file

State Forester  
2600 State Street  
Salem, Or 97310

February 9, 2023

Re: REQUEST FOR A HEARING  
2728 Syringa Drive  
Medford, Oregon 97501  
Account 10445480

I received the Forest Patrol Assessment letter today. Based upon the information provided in the Letter, my property does not fit within the definition of "forestland". My property is in a rural subdivision a block from the Griffin Creek School. My parents built the home back in 1956 and I was raised in the home. It has never been "woodland, brushland, timberland, grazing land, or clearing, that during any time of the year, contains enough forest growth, slashing or vegetation to constitute, a fire hazard." There are no trees on the property. Existing trees are on adjacent properties. My property is a subdivision lot which is landscaped and maintained.

Please advise as to the next step



Robert L Methvin  
Methvin Investments Properties LLC  
97 Windsor Ave.  
Medford, Oregon 97504  
541-944-4002

From:  
Ross & Tamara Miller  
17575 North Applegate Road  
Grants Pass, OR 97527  
(831) 594-9495

February 15, 2023

To:  
Oregon State Forester  
2600 State Street  
Salem, OR 97310

Re: Forest Patrol Assessment. Account: 10829771

On, February 8, 2023, I received your notice of classification review, dated February 6, 2023.

I believe it is in error.

I spoke with Forest Officer Dan Moore, from the ODF Central Point office, February 10, 2023. He came out to my residence and we both physically looked at the 0.13 acre parcel referred to in this notice. We also looked at your mapping software in which the photo was grainy and blurry. The property is actually an improved residential yard space with an ornamental hedge row between two residential structures on adjacent tax lots. It is not forestland suitable for the production of timber, as classified Class 1. The tax lot referred to in your notice also has irrigated lawn, (1) plumb tree, (1) cherry tree and a pump house, however there is no timber.

I am including a photo from the Jackson County Tax website.

I am respectfully requesting a reclassification and hearing if necessary.



Ross Miller



Intro & Tips Search



Please extend credit to Jackson County GIS in any subsequent works derived from its data, such as maps.



2/14/2023

Craig Berry  
3663 Rogue River Hwy  
Gold Hill, OR 97525  
Tel. 541-582-1962

State Forester  
2600 State Street  
Salem, OR 97310

Request for Hearing

Re: Accounts # 10301746 and 10301738, I, Craig Berry, owner of these tax lot, request a hearing to appeal the attempt to designate these lots as forestland.

These lots are irrigated and manicured year-round and have a predicated wildland fire incidence of 1 in 2000 years.

Respectfully,

Craig Berry

2-16-2023

TO WHOM IT MAY CONCERN:

I'm writing to appeal or request a hearing concerning the classification you have attached to my property for Forest Patrol Assessment.

My account # is 10173970, Class 3 Forestland under this classification my property would be suitable for grazing or agricultural use. Neither would be possible on my property because I have no water to apply to either classification which would be needed to accomplish either use. I barely have enough water to maintain my home.

Your classification would apply to orchards, farms, orchards, and vineyards for which my land could be none of these (ie. no water). I'm asking to be removed from your classification for the reasons I have listed.

Thank you for your cooperation in this matter  
Respectfully Dan Cleaves

5565 Fishers Ferry Rd  
Cools Hill, Or 97525

PH 541-855-5560

To Whom It Concerns,

I received a letter from ODF concerning the Forest Patrol Assessment. In this letter you stated you have been working on this for 3 years yet only give the land owner 30 days to respond. As there is little or no information that can be found on this Process of deciding anything on this matter. How do you expect land owners to not object to your process? There is no transparency in why, who or how it was Decided that Class 1 property owners have to pay 5 times the amount of Class 3 property owners and that no Class 2 applies in Southwest Oregon. Was there anyone involved in the decision making that represented the land owners hit the hardest by this fee/tax? The Forest Patrol Assessment is eerily similar to the Wildfire Risk Map.

According to many Fire fighters wild fires spread faster on tall dry grass lands and on State and Federal lands. Was this considered and will they be considered a Class 0 for a massive fire hazard since they contain the most fuel? Has any research been done on the this new policy that could cause more land owners to remove the trees and brush therefore reducing or destroying wild life habitats, causing desertification, higher levels of water run off, lower carbon absorption levels by trees and brush due to removal, or even the soil erosion problems it will cause? Property owners have to pay for schools even if they have no children attending school. Yet now on fire fees/taxes are being based on vegetation. Is this Fair? This will create a greater hardship on many land owners who are responsible caretakers of the land in that they remove dead trees, debris, maintain roads for access and keep grasses cut low. Also it was stated that the amount one has to pay will be lowered as more properties are added. This is not what property owners have ever seen with any fee, tax, or regulation. Are Federal and State lands going to pay this \$2.97 an acre like everyone else or are they not going to pay their fair share like with property taxes for the counties their land is in? 20 to 30 years ago there was not this massive Fire issue so will Forestry Policies and Practices be returning to those practiced back then to reduce the fuel for the fires? Or will the policies and practices that have caused these fire problems continue? Will the Black Lives Matter and the Antifa organizations be charged with arson and be paying for damages done by their members actions and encouraging arson?

I would appreciate being notified of when the hearing is. Thank you for your time.

Lara Grosz  
112 Shoemaker Way  
Grants Pass OR, 97527

February 21, 2023

To: State Forester  
Oregon Department of Forestry  
2600 State Street  
Salem, OR 97310

Re: Forest Patrol Assessment

Dear State Forester,

I received your letter, dated February 6, 2023, informing me that my property at 430 Gold Terrace, in Jacksonville, is going to be assessed a forest patrol fee of \$18.75, to be included in my property tax bill, effective July 1, 2023. This fee is based a reclassification of my property as follows:

**Class 1 forest land at .33 acres and Class 3 forest land at .04 acres.**

You state that Class 1 means the land is “suitable for production of timber” and that Class 3 means the land is “suitable for grazing or other agricultural use.” I dispute both of these classifications and request a hearing to appeal the classifications and the fee that you are proposing to add to my property tax. Prior to this hearing, I will **request and require** that an ODF representative of the Southwest Oregon District meet with me on my property to explain and justify the classifications of my property as Class 1 and Class 3. In addition, there will be a representative from the Jacksonville City Council in attendance to witness and document our discussion.

I have enclosed a copy of an aerial map (Google maps) of my property and surrounding area. Please note that the lower left quadrant is not accurate. It has since become a new subdivision, Gold Terrace Heights, with twenty nine (29) lots and homes. Within this 10 acre development, there are five (5) fire hydrants, which I would think is more fire protection than any other 10 acre contiguous area in Jacksonville.

I welcome a meeting at my property with one of your representatives to discuss the issues I have presented. If you feel that a formal hearing is still necessary, I welcome the opportunity to present my objections to the reclassification of my property and your Forest Patrol Assessment.

Sincerely,



Bruce Stanbridge  
430 Gold Terrace  
Jacksonville OR 97530  
541 899 6904

cc: Tyler McCarty  
ODF Southwest Oregon District Forester



7025 Steelhead Pl  
Gold Hill, Oregon 97525

State Forester  
2600 State St.  
Salem, OR 97310

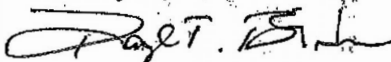
February 18, 2023

Re: Forest Patrol Assessment Roll. account # 10173840

To whom it may concern,

I am writing to appeal the classification of our property as Class 1 Forestland. we have approximately 2 acres in a residential community. The majority of our land is rock ledge with no trees. We have no timber other than a few oak trees for landscaping purposes. There are neighbors on both sides, and behind us, that have no forestland. The fourth side of our property abuts the Rogue River, thus we have no forestland abutting our property. In addition, the property can not be used for grazing land as there is no irrigation or viable pasture due to the ledge. I have included a photo of the property as described.

Thank you,



Daryl T Briten



February 23, 2023

State Forester  
2600 State Street  
Salem, OR 97310

This letter is to inform the ODF that I am requesting a hearing to appeal the forest land classification process regarding my property at the address below. I do not feel my property meets the criteria to be designated forestland. Thank you for the opportunity.

Regards,

A handwritten signature in black ink, appearing to read 'Rose M. Brummett', followed by a long horizontal line extending to the right.

Rose M. Brummett  
5369 Rogue River Highway  
Gold Hill, OR 97525  
Account #10301411

February 24, 2023

State Forester  
2600 State Street  
Salem, OR 97310

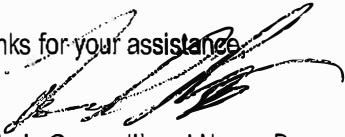
Dear Sir or Madam,

We recently received the attached "Forest Patrol Assessment" letter. By this letter we are requesting a hearing by the State Board of Forestry for our property identified by the Jackson County Assessor as follows:

Tax Lot 381W02DA 900, Tax Account 10025021, Situs: 2632 David Lane, Medford Oregon 97504

We have reviewed the referenced statutes and fail to see where our property meets the definition of "Grazing Land". Our property is landscaped with lawn and is irrigated by water from the Talent Irrigation District. In addition our property is Zoned UR-1 (urban Residential). We do not recognize where our property meets the definition of grazing lands? Please take appropriate action to correct this inappropriate tax.

Thanks for your assistance.



Frederic Grewe III and Nancy Bonazzoli  
2632 David Lane  
Medford, OR 97504

Phone: 541-292-1604



February 10, 2023

State Forester  
2600 State Street  
Salem, OR 97310

Re: Notice of Appeal from Forest Patrol Assessment and Request for Hearing  
Jackson County Real Property Tax Account Number 10995029

Dear State Forester:

The undersigned appeals from the determination of the Southwest Oregon District of the Department of Forestry (the "Determination") adding our residential lot situated at 498 Strawberry Lane, Ashland, Oregon (our "Homesite"), Jackson County Tax Account Number 10995029 (the "Tax Account"), to the Forest Patrol Assessment Roll (the "Assessment Roll"). Attached is a copy of the "Situs Address" for the Tax Account.

The issues raised by this appeal and request for hearing are as follows. Resolution of either issue favorably to the undersigned would result in the Determination being erroneous.

1. The Determination adds our Homesite to the Assessment Roll as Class 1 forestland, which is defined as, "Forestland suitable for the production of timber." (See page two of the Determination). Our Homesite consists of a city lot in an established subdivision with an approved building envelope for the construction of a single family residence and garage. Our Homesite is surrounded by other single family homes. There is no timber on our Homesite, nor is there anywhere on our Homesite where timber could be produced. Our Homesite is not suitable for the production of timber. Our Homesite is not Class 1 forestland.
2. Our Homesite also does not meet the definition of Forestland set forth in ORS 477.001(9) (the "Statute"), a copy of which is attached hereto. The Statute defines Forestland to be a "woodland, brushland, timberland,

February 10, 2023  
State Forester  
Page Two

grazing land or clearing” that meets the other terms of the Statute. Our Homesite is obviously not a woodland, brushland, timberland, or grazing land. The only other category of Forestland defined in the Statute is a “clearing” which is defined in the Statute to mean, “...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 ....” Our Homesite is not an opening within forestland or similar to the forestland openings listed in the above definition. Our Homesite is not Forestland.

Either one of the above two issues would disqualify our Homesite from being added to the Assessment Roll. I respectfully submit that each of the above issues disqualify our Homesite from being added to the Assessment Roll.

Sincerely,

DRESCHER, LLC

By: Allen Drescher  
Allen Drescher, Managing Member

Enc.

ORS 477.001 (9) "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.

February 10, 2023

State Forester  
2600 State Street  
Salem, OR 97310

Re: Notice of Appeal from Forest Patrol Assessment and Request for Hearing  
Jackson County Real Property Tax Account Number 10977261

Dear State Forester:

The undersigned appeals from the determination of the Southwest Oregon District of the Department of Forestry set forth in the attached letter dated February 6, 2023 (the "Determination") adding our residence situated at 131 Birdsong Lane, Ashland, Oregon (our "Home"), Jackson County Tax Account Number 10977261 (the "Tax Account"), to the Forest Patrol Assessment Roll (the "Assessment Roll"). Attached is a copy of the "Situs Address" for the Tax Account.

The issues raised by this appeal and request for hearing are as follows. Resolution of either issue favorably to the undersigned would result in the Determination being erroneous.

1. The Determination adds our Home to the Assessment Roll as Class 1 forestland, which is defined as, "Forestland suitable for the production of timber." (See page two of the Determination). Our Home consists of a single family residence, garage, swimming pool, garden area, walkways, patio, small pond, and landscaping on a 0.43 acre city lot, surrounded by other single family homes. There is no timber on our property, nor is there anywhere on our Home's lot where timber could be produced. Our Home is not suitable for the production of timber. Our Home is not Class 1 forestland.
2. Our Home, described above, does not meet the definition of Forestland set forth in ORS 477.001(9) (the "Statute"), a copy of which is attached hereto. The Statute defines Forestland to be a "woodland, brushland, timberland,

February 10, 2023  
State Forester  
Page Two

grazing land or clearing” that meets the other terms of the Statute. Our Home is obviously not a woodland, brushland, timberland, or grazing land. The only other category of Forestland defined in the Statute is a “clearing” which is defined in the Statute to mean, “...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 ....” Our Home is not an opening within forestland or similar to the forestland openings listed in the above definition. Our Home is not Forestland.

Either one of the above two issues would disqualify our Home from being added to the Assessment Roll. I respectfully submit that each of the above issues disqualify our Home from being added to the Assessment Roll.

Sincerely,

DRESCHER, LLC

By:   
Allen Drescher, Managing Member

Enc.

Department of Forestry  
State Forester  
2600 State Street  
Salem, OR 97310

Dennis and Patricia Sullivan  
PO Box 597  
Jacksonville, OR 97530

3/5/2023

To Whom it May Concern

Pursuant to ORS 477.260(2) we wish to appeal the determination of the State Department of Forestry concluding that our property should be subject to a "Forest Patrol Assessment."

Our Account number is 10463341, please put me on the calendar for your appeals hearing.

Thank you,



Dennis Sullivan  
Patricia Sullivan

March 2, 2023

STATE FORESTER:

DEAR SIR,

I have lived at my current address  
OR NEXT DOOR FOR 84 YEARS - except  
for 3 years when I was going to  
School in Merriam.

My Address is 6460 R.R. Hwy,  
GRANTS PASS, ORE. 97527

Account # 10298700 AND #10298718.

THE NORTH BOUNDARY IS THE ROGUE  
RIVER - THE SOUTH BOUNDARY IS  
THE STATE HWY. - ROGUE RIVER HIGHWAY.

THERE HAS NEVER BEEN A NEED FOR  
ODF SERVICE FOR FIRE.

PLEASE REMOVE MY PROPERTIES  
FROM THE TAX ROLLS FOR FEES  
FOR ODF.

ANY QUESTIONS - PLEASE CALL  
541-582-1184.

Sincerely,

Kenney A. Bradley





Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Craig Berry is the owner of property account 10301746 and 10301738 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property accounts 10301746 and 10301738 as Forestland in its final order, as filed with the County Clerk April 1, 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10301746 and 10301738 in a manner consistent with law, and that property account 10301746 and 10301738 is forestland.
5. Once property account 10301746 and 10301738 were classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Craig Berry may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Craig Berry has not provided a bona fide forest protection plan approved by the Board.
7. Craig Berry is not a member in good standing with a forest protective association. Property account 10301746 and 10301738 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Craig Berry is not a member of that association.
8. Since property account 10301746 and 10301738 are not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10301746 and 10301738 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Craig Berry of the proposed addition of property account 10301746 and 10301738 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Craig Berry requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Craig Berry through a letter to address the concerns raised in the hearing request. No response was received from Mr. Berry. The State Forester is obligated to protect forestland under ORS 477.210.

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Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Craig Berry in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10301746 and 10301738 in Jackson County, owned by Craig Berry shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry



Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Nancy Bradley is the owner of property accounts 10298700 and 10298718 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property accounts 10298700 and 10298718 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property accounts 10298700 and 10298718 in a manner consistent with law, and that property accounts 10298700 and 10298718 are forestland.
5. Once property accounts 10298700 and 10298718 were classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Nancy Bradley may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Nancy Bradley has not provided a bona fide forest protection plan approved by the Board.
7. Nancy Bradley is not a member in good standing with a forest protective association. Property account 10298700 and 10298718 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Nancy Bradley is not a member of that association.
8. Since property accounts 10298700 and 10298718 are not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property accounts 10298700 and 10298718 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Nancy Bradley of the proposed addition of property accounts 10298700 and 10298718 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Nancy Bradley requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Nancy Bradley through a letter to address the concerns raised in the hearing request. Mr. Bradley responded and requested to provide comments at the hearing.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Nancy Bradley in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10298700 and 10298718 in Jackson County, owned by Nancy Bradley shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry





Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Daryl Briten is the owner of property account 10173840 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10173840 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10173840 in a manner consistent with law, and that property account 10173840 is forestland.
5. Once property account 10173840 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210 Daryl Briten may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Daryl Briten has not provided a bona fide forest protection plan approved by the Board.
7. Daryl Briten is not a member in good standing with a forest protective association. Property account 10173840 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Daryl Briten is not a member of that association.
8. Since property account 10173840 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10173840 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Daryl Briten of the proposed addition of property account 10173840 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Daryl Briten requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Daryl Briten through a letter to address the concerns raised in the hearing request. No response was received from Mr. Briten. The State Forester is obligated to protect forestland under ORS 477.210.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Daryl Briten in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10173840 in Jackson County, owned by Daryl Briten shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023

Jim Kelly, Chair

Oregon Department of Forestry



Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Rose Brummett is the owner of property account 10301411 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10301411 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10301411 in a manner consistent with law, and that property account 10301411 is forestland.
5. Once property account 10301411 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Rose Brummett may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Rose Brummett has not provided a bona fide forest protection plan approved by the Board.
7. Rose Brummett is not a member in good standing with a forest protective association. Property account 10301411 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Rose Brummett is not a member of that association.
8. Since property account 10301411 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10301411 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Rose Brummett of the proposed addition of property account 10301411 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Rose Brummett requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Rose Brummett through a letter to address the concerns raised in the hearing request. No response was received from Ms. Brummett. The State Forester is obligated to protect forestland under ORS 477.210.

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#### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Rose Brummett in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

#### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10301411 in Jackson County, owned by Rose Brummett shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry





Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Harold & Jeanette Center are the owners of property account 10025013 and 10025005 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10025013 and 10025005 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10025013 and 10025005 in a manner consistent with law, and that property account 10025013 and 10025005 is forestland.
5. Once property accounts 10025013 and 10025005 were classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Harold & Jeanette Center may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Harold & Jeanette Center have not provided a bona fide forest protection plan approved by the Board.
7. Harold & Jeanette Center are not a member in good standing with a forest protective association. Property account 10025013 and 10025005 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Harold & Jeanette Center are not a member of that association.
8. Since property account 10025013 and 10025005 are not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property accounts 10025013 and 10025005 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Harold & Jeanette Center of the proposed addition of property accounts 10025013 and 10025005 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Harold & Jeanette Center requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Harold & Jeanette Center through a letter to address the concerns raised in the hearing request. Mr. and Mrs. Center responded and requested to provide comments at the hearing.

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#### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Harold & Jeanette Center in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property accounts 10025013 and 10025005 in Jackson County, owned by Harold & Jeanette Center shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry



Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Dan Colcleaser is the owner of property account 10173970 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10173970 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10173970 in a manner consistent with law, and that property account 10173970 is forestland.
5. Once property account 10173970 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210 Dan Colcleaser may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Dan Colcleaser has not provided a bona fide forest protection plan approved by the Board.
7. Dan Colcleaser is not a member in good standing with a forest protective association. . Property account 10173970 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Dan Colcleaser is not a member of that association.
8. Since property account 10173970 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10173970 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Dan Colcleaser of the proposed addition of property account 10173970 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Dan Colcleaser requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Mr. Colcleaser through a letter to address the concerns raised in the hearing request. Mr. Colcleaser responded and provided written comments to the board.

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#### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Dan Colcleaser in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

#### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10173970 in Jackson County, owned by Dan Colcleaser shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry





Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 477.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Allen Drescher is the owner of property account 10995029 and 10977261 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property accounts 10995029 and 10977261 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10995029 and 10977261 in a manner consistent with law, and that property account 10995029 and 10977261 are forestland.
5. Once property account 10995029 and 10977261 were classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Allen Drescher may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Allen Drescher has not provided a bona fide forest protection plan approved by the Board.
7. Allen Drescher is not a member in good standing with a forest protective association. Property account 10995029 and 10977261 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Allen Drescher is not a member of that association.
8. Since property account 10995029 and 10977261 are not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10995029 and 10977261 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Allen Drescher of the proposed addition of property account 130301746 and 10301738 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Allen Drescher requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Allen Drescher through a letter to address the concerns raised in the hearing request. No response was received from Mr. Drescher. The State Forester is obligated to protect forestland under ORS 477.210.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Allen Drescher in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10995029 and 10977261 in Jackson County, owned by Allen Drescher shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry



Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Gary & Marie Gilbreath are the owners of property account 10985465 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10985465 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10985465 in a manner consistent with law, and that property account 10985465 is forestland.
5. Once property account 10985465 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Gary & Marie Gilbreath may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Gary & Marie Gilbreath have not provided a bona fide forest protection plan approved by the Board.
7. Gary & Marie Gilbreath are not a member in good standing with a forest protective association. Property account 10985465 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Gary & Marie Gilbreath are not a member of that association.
8. Since property account 10985465 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10985465 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Gary & Marie Gilbreath of the proposed addition of property account 10985465 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Gary & Marie Gilbreath requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Gary & Marie Gilbreath through a letter to address the concerns raised in the hearing request. Mr. & Mrs. Gilbreath responded and requested to provide comments at the hearing.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Gary & Marie Gilbreath in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10985465 in Jackson County, owned by Gary & Marie Gilbreath shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry





Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Richard & Melody Goodboe are the owners of property account 10513497 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10513497 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10513497 in a manner consistent with law, and that property account 10513497 is forestland.
5. Once property account 10513497 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Richard & Melody Goodboe may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Richard & Melody Goodboe have not provided a bona fide forest protection plan approved by the Board.
7. Richard & Melody Goodboe are not a member in good standing with a forest protective association. Property account 10513497 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Richard & Melody Goodboe are not a member of that association.
8. Since property account 10513497 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10513497 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Richard & Melody Goodboe of the proposed addition of property account 10513497 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Richard & Melody Goodboe requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Richard & Melody Goodboe through a letter to address the concerns raised in the hearing request. No response was received from Richard & Melody Goodboe. The State Forester is obligated to protect forestland under ORS 477.210.

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#### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Richard & Melody Goodboe in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10513497 in Jackson County, owned by Richard & Melody Goodboe shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry



is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Frederic Grewe & Nancy Bonazzoli are the owners of property account 10025021 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10025021 as Forestland in its final order, as filed with the County Clerk in April 2021.

3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.
4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10025021 in a manner consistent with law, and that property account 10025021 is forestland.
5. Once property account 10025021 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Frederic Grewe & Nancy Bonazzoli may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Frederic Grewe & Nancy Bonazzoli have not provided a bona fide forest protection plan approved by the Board.
7. Frederic Grewe & Nancy Bonazzoli are not a member in good standing with a forest protective association. Property account 10025021 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Frederic Grewe & Nancy Bonazzoli are not a member of that association.
8. Since property account 10025021 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10025021 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Frederic Grewe & Nancy Bonazzoli of the proposed addition of property account 10025021 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Frederic Grewe & Nancy Bonazzoli requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Frederic Grewe & Nancy Bonazzoli through a letter to address the concerns raised in the hearing request. Frederic Grewe & Nancy Bonazzoli responded and requested to provide comments at the hearing.

### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned Frederic Grewe & Nancy Bonazzoli in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10025021 in Jackson County, owned by Frederic Grewe & Nancy Bonazzoli shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry







Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Lara Grosz is the owner of property account 10827747 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10301411 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10827747 in a manner consistent with law, and that property account 10827747 is forestland.
5. Once property account 10827747 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Lara Grosz may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Lara Grosz has not provided a bona fide forest protection plan approved by the Board.
7. Lara Grosz is not a member in good standing with a forest protective association. Property account 10827747 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Lara Grosz is not a member of that association.
8. Since property account 10827747 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10827747 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Lara Grosz of the proposed addition of property account 10827747 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Lara Grosz requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Lara Grosz through a letter to address the concerns raised in the hearing request. No response was received from Ms. Grosz. The State Forester is obligated to protect forestland under ORS 477.210.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Lara Grosz in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10827747 in Jackson County, owned by Lara Grosz shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

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**FINAL ORDER**

**Forest Patrol Assessment  
Owned by Michael Hilmer**

Introduction

On February 06, 2023, Michael Hilmer was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Mr. Hilmer owns, property account 10313396 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Mr. Hilmer was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On March 10, 2023, Mr. Hilmer timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In his letter, Mr. Hilmer asked for a hearing “...to request a formal appeal ...”. In his letter, Mr. Hilmer expressed the following points, in summary:

1. The property has a fire hydrant nearby.
2. He believes the property was incorrectly classified as Forestland.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Michael Hilmer is the owner of property account 10313396 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10313396 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10313396 in a manner consistent with law, and that property account 10313396 is forestland.
5. Once property account 10173840 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210 Michael Hilmer may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Michael Hilmer has not provided a bona fide forest protection plan approved by the Board.
7. Michael Hilmer is not a member in good standing with a forest protective association. Property account 10173840 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Michael Hilmer is not a member of that association
8. Since property account 10313396 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10313396 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Michael Hilmer of the proposed addition of property account 10313396 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Michael Hilmer requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) "on any subject pertaining to the activities of the forester or board affecting the land." Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Michael Hilmer through a letter to address the concerns raised in the hearing request. No response was received from Mr. Hilmer. The State Forester is obligated to protect forestland under ORS 477.210.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Michael Hilmer in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10313396 in Jackson County, owned by Michael Hilmer shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry





Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Sarah Kreisman is the owner of property accounts 10887469 and 10607441 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property accounts 10887469 and 10607441 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property accounts 10887469 and 10607441 in a manner consistent with law, and that property accounts 10887469 and 10607441 are forestland.
5. Once property accounts 10887469 and 10607441 were classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Sarah Kreisman may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Sarah Kreisman has not provided a bona fide forest protection plan approved by the Board.
7. Sarah Kreisman is not a member in good standing with a forest protective association. Property account 10887469 and 10607441 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Sarah Kreisman is not a member of that association.
8. Since property accounts 10887469 and 10607441 are not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property accounts 10887469 and 10607441 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Sarah Kreisman of the proposed addition of property accounts 10887469 and 10607441 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Sarah Kreisman requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Sarah Kreisman through a letter to address the concerns raised in the hearing request. Mrs. Kreisman responded and requested to provide comments at the hearing.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Sarah Kreisman in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10887469 and 10607441 in Jackson County, owned by Sarah Kreisman shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry



Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Patricia Logan is the owner of property account 10513113 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10513113 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10513113 in a manner consistent with law, and that property account 10513113 is forestland.
5. Once property account 10513113 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Patricia Logan may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Patricia Logan has not provided a bona fide forest protection plan approved by the Board.
7. Patricia Logan is not a member in good standing with a forest protective association. Property account 10513113 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Patricia Logan is not a member of that association.
8. Since property account 10513113 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10513113 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Patricia Logan of the proposed addition of property account 10513113 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Patricia Logan requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Patricia Logan through a letter to address the concerns raised in the hearing request. Ms. Logan responded and chose not to attend the hearing. The State Forester is obligated to protect forestland under ORS 477.210.

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Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Patricia Logan in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10513113 in Jackson County, owned by Patricia Logan shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry





Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Robert Methvin is the owner of property account 10445480 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10445480 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10445480 in a manner consistent with law, and that property account 10445480 is forestland.
5. Once property account 10445480 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210 Robert Methvin may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Robert Methvin has not provided a bona fide forest protection plan approved by the Board.
7. Robert Methvin is not a member in good standing with a forest protective association. Property account 10445480 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Robert Methvin is not a member of that association
8. Since property account 10445480 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10445480 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Robert Methvin of the proposed addition of property account 10445480 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Robert Methvin requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Robert Methvin through a letter to address the concerns raised in the hearing request. Mr. Methvin responded and chose not to attend the hearing. The State Forester is obligated to protect forestland under ORS 477.210.

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#### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Robert Methvin in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

#### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10445480 in Jackson County, owned by Robert Methvin shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry



Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Ross & Tamara Miller are the owners of property account 10829771 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10829771 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10829771 in a manner consistent with law, and that property account 10829771 is forestland.
5. Once property account 10829771 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Ross & Tamara Miller may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Ross & Tamara Miller have not provided a bona fide forest protection plan approved by the Board.
7. Ross & Tamara Miller are not a member in good standing with a forest protective association. Property account 10829771 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Ross & Tamara Miller are not a member of that association.
8. Since property account 10829771 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10829771 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Ross & Tamara Miller of the proposed addition of property account 10829771 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Ross & Tamara Miller requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Ross & Tamara Miller through a letter to address the concerns raised in the hearing request. Ross & Tamara Miller responded and chose not to attend the hearing. The State Forester is obligated to protect forestland under ORS 477.210.

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#### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Ross & Tamara Miller in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

#### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10829771 in Jackson County, owned by Ross & Tamara Miller shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry





Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

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Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Pine Ridge Meadows LLC are the owners of property accounts 11012372 and 11012373 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property accounts 11012372 and 11012373 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property accounts 11012372 and 11012373 in a manner consistent with law, and that property accounts 11012372 and 11012373 are forestland.
5. Once property accounts 11012372 and 11012373 were classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Pine Ridge Meadows LLC may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Pine Ridge Meadows LLC has not provided a bona fide forest protection plan approved by the Board.
7. Pine Ridge Meadows LLC is not a member in good standing with a forest protective association. Property account 11012372 and 11012373 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Pine Ridge Meadows LLC is not a member of that association.
8. Since property accounts 11012372 and 11012373 are not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property accounts 11012372 and 11012373 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Pine Ridge Meadows LLC of the proposed addition of property accounts 11012372 and 11012373 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Pine Ridge Meadows LLC requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) "on any subject pertaining to the activities of the forester or board affecting the land." Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Pine Ridge Meadows LLC through a letter to address the concerns raised in the hearing request. No response was received from Pine Ridge Meadows LLC. The State Forester is obligated to protect forestland under ORS 477.210.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Pine Ridge Meadows LLC in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property accounts 11012372 and 11012373 in Jackson County, owned by Pine Ridge Meadows LLC shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry



Following the forestland classification committee’s final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of “Forestland” is found in ORS 526.005(6)(a): *“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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed.* This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner’s property. Under long established Oregon law, uncontrolled fire is “declared a public nuisance by reason of its menace to life, forest resources or property” (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor’s property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Luke Scott is the owner of property account 10313556, 10981670, and 10981677 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property accounts 10313556, 10981670, and 10981677 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10313556, 10981670, and 10981677 in a manner consistent with law, and that property account 10313556, 10981670, and 10981677 are forestland.
5. Once property account 10313556, 10981670, and 10981677 were classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Luke Scott may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Luke Scott has not provided a bona fide forest protection plan approved by the Board.
7. Luke Scott is not a member in good standing with a forest protective association. Property accounts 10313556, 10981670, and 10981677 in Jackson County are within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Luke Scott is not a member of that association.
8. Since property account 10313556, 10981670, and 10981677 are not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10313556, 10981670, and 10981677 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Luke Scott of the proposed addition of property account 130301746 and 10301738 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Luke Scott requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Luke Scott through a letter to address the concerns raised in the hearing request. No response was received from Mr. Scott. The State Forester is obligated to protect forestland under ORS 477.210.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Luke Scott in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10313556, 10981670, and 10981677 in Jackson County, owned by Luke Scott shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

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Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry





Following the forestland classification committee’s final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of “Forestland” is found in ORS 526.005(6)(a): *“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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed.* This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner’s property. Under long established Oregon law, uncontrolled fire is “declared a public nuisance by reason of its menace to life, forest resources or property” (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor’s property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Lloyd Sloggett is the owner of property account 10442750 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10442750 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10442750 in a manner consistent with law, and that property account 10442750 is forestland.
5. Once property account 10442750 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210 Lloyd Sloggett may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Lloyd Sloggett has not provided a bona fide forest protection plan approved by the Board.
7. Lloyd Sloggett is not a member in good standing with a forest protective association. Property account 10442750 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Lloyd Sloggett is not a member of that association.
8. Since property account 10442750 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10442750 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Lloyd Sloggett of the proposed addition of property account 10442750 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Lloyd Sloggett requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Lloyd Sloggett through a letter to address the concerns raised in the hearing request. Mr. Sloggett responded and chose not to attend the hearing. The State Forester is obligated to protect forestland under ORS 477.210.

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Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Lloyd Sloggett in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10442750 in Jackson County, owned by Lloyd Sloggett shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

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**FINAL ORDER**

**Forest Patrol Assessment  
Owned by Bruce Stanbridge**

Introduction

On February 06, 2023, Bruce Stanbridge was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Mr. Stanbridge owns, property account 10000811 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Mr. Stanbridge was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 21, 2023, Mr. Stanbridge timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In his letter, Mr. Stanbridge asked for a hearing “...to request a formal appeal ...”. In his letter, Mr. Stanbridge expressed the following points, in summary:

- 1. Your property is residential and located in a subdivision with fire hydrants.
- 2. Disputing the inclusion of his property as Forestland.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Bruce Stanbridge is the owner of property account 10000811 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10000811 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10000811 in a manner consistent with law, and that property account 10000811 is forestland.
5. Once property account 10000811 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210 Bruce Stanbridge may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Bruce Stanbridge has not provided a bona fide forest protection plan approved by the Board.
7. Bruce Stanbridge is not a member in good standing with a forest protective association. Property account 10000811 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Bruce Stanbridge is not a member of that association.
8. Since property account 10000811 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10000811 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Bruce Stanbridge of the proposed addition of property account 10000811 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Bruce Stanbridge requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Bruce Stanbridge through a letter to address the concerns raised in the hearing request. No response was received from Mr. Stanbridge. The State Forester is obligated to protect forestland under ORS 477.210.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned Bruce Stanbridge in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10000811 in Jackson County, owned by Bruce Stanbridge shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry





Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*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 judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

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### Findings of Fact

The State Board of Forestry finds:

1. Dennis & Patricia Sullivan are the owners of property account 10463341 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10463341 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10463341 in a manner consistent with law, and that property account 10463341 is forestland.
5. Once property account 10463341 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Dennis & Patricia Sullivan may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Dennis & Patricia Sullivan have not provided a bona fide forest protection plan approved by the Board.
7. Dennis & Patricia Sullivan are not a member in good standing with a forest protective association. Property account 10463341 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Dennis & Patricia Sullivan are not a member of that association.
8. Since property account 10463341 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10463341 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Dennis & Patricia Sullivan of the proposed addition of property account 10463341 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Dennis & Patricia Sullivan requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Dennis & Patricia Sullivan through a letter to address the concerns raised in the hearing request. No response was received from Dennis & Patricia Sullivan. The State Forester is obligated to protect forestland under ORS 477.210.

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#### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Dennis & Patricia Sullivan in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10463341 in Jackson County, owned by Dennis & Patricia Sullivan shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry