

Chapter 17.04

WOODLAND MANAGEMENT

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17.04.010 Short title. This chapter may be cited as the "nonindustrial private woodland management ordinance for the county." (Ord. 79-7-2 §1, 1979)

17.04.020 Definitions. As used in this chapter:

A. "Approved forest management practice" means and includes site preparation, tree planting, precommercial thinning, release, fertilization, animal damage control, insect and disease management or such other young growth management practices that increase wood growth as shall be approved or determined proper with regard to any particular applicant.

B. "Board" means board of commissioners.

C. "Commercial forest land" means land for which a primary use is the growing and harvesting of forest tree species and other forest resource values.

D. "Cost-share assistance" means partial financial assistance furnished by the state or federal governments which aids eligible owners in carrying out the purposes of this

chapter on private, nonindustrial forest lands.

E. "Department" means the county land department.

F. "Eligible owner" means any landowner owning five to five thousand acres of commercial forest land and owning less than ten percent interest in a forest products business.

G. "Forest land management agreement" means a written agreement between the county and an eligible owner which is required to be signed as a condition for receiving loan funds under this chapter. The agreement shall require the eligible owner to perform a forest management practice or a series of practices necessary for successful tree stand establishment on the owner's commercial forest land.

H. "Forest management plan" means an operation plan (called the "Forester's Recommendation") to meet landowner objectives and promote public benefits that result from production of timber. It shall include at least a cover map, basic forest stand description data, treatment opportunities, landowner objectives and a schedule for implementing the forest management plan. (Ord. 96-1-3, §2, 1996)

I. "Industrial wood" means forest products used to sustain a sawmill, plywood mill, pulp mill or other forest industry-related manufacturing facility.

J. "Landowner" means any private individual, group of individuals, Indian tribe or other native group, association, corporation or other legal entity, owning both the forest land and any timber thereon.

K. "Nonindustrial private forest lands (woodlands)" means lands capable of producing crops of trees and owned by an eligible owner.

L. "Timber" means wood growth, mature or immature, growing or dead, standing or down of species acceptable for regeneration to produce an industrial wood.

M. "Underproductive forest lands" means commercial forest lands not meeting minimum stocking standards or forest lands with adequate stocking whose productivity could be improved. (Ord. 96-1-3, §3, 1996)

N. "Woodland assistance forester (forester)" means the person appointed by the board as such or his designated representative.

O. "Woodland management fund" means the fund established by Sections 17.04.190 through 17.04.210 of this chapter.

P. "Woodlands advisory committee (committee)" means a committee appointed by the board of county commissioners to advise the board and the woodland assistance forester on all matters pertaining to this chapter. (Ord. 79-7-2 §2, 1979; Ord 80-10-1 §§2, 3, 1980)

17.04.030 Woodlands advisory committee--Composition. The woodlands advisory committee shall serve as an advising body to the forester and the board of commissioners. The committee shall be composed of five members as follows:

A. Two members shall be eligible owners.

B. Two members shall represent the public at large.

C. One member shall be a professional forester.

D. The director of the land department shall be an ex officio member and shall serve as the recording secretary.

E. The county extension agent, woodland assistance forester, and State

Department of Forestry Service Forester shall serve as ex officio members. (Ord. 79-7-2 §3(1), 1979; Ord. 96-1-3, §4, 1996)

17.04.040 Woodlands advisory committee--Terms. Members of the woodlands advisory committee shall serve terms as follows:

- A. Two members shall serve for four years.
- B. Two members shall serve for three years.
- C. One member shall serve for two years.

All terms become effective July 1, 1980. (Ord. 79-7-2 §3(2), 1979)

17.04.050 Woodlands advisory committee--Removal of members. Members of the committee may be removed at the discretion of the board of county commissioners for misconduct or nonperformance of duties. If a member of the committee is removed by the board or resigns from the committee any replacement member shall serve for the remainder of the term of the member being replaced. (Ord. 79-7-2 §3(3), 1979)

17.04.060 Woodlands advisory committee--Duties. The woodlands advisory committee shall:

- A. A. Meet as needed, as determined by staff, to advise the forester on the implementation of this chapter. (Ord. 96-1-3, §5, 1996)
- B. Assist the forester in preparation of the woodlands management budget.
- C. Advise the board on all matters pertaining to this chapter.
- D. Adopt rules for implementation of this chapter pursuant to Section 17.04.220. (Ord. 79-7-2 §3(4), 1979)

17.04.070 Forester--Duties. The forester shall:

- A. Provide assistance to eligible owners in the preparation of applications and long-term forest management plans.
- B. Review applications by eligible owners for loan funds as provided under Section 17.04.180 of this chapter and determine priorities for loans in accordance with administrative rules adopted pursuant to Section 17.04.220.
- C. Consult with the woodlands advisory committee regarding loans to eligible owners and make recommendations to the board regarding such loans. Such recommendations shall be accompanied by a written report stating remaining fund balances, priorities for implementation of this chapter, terms and conditions of proposed loans, repayment schedules of proposed and existing loans, and an evaluation of the security for each proposed loan, and any recommendations made by the woodlands advisory committee.
- D. Report to the board on a regular basis on the status of all programs authorized under this chapter. (Ord. 96-1-3, §6, 1996)
- E. Make recommendations to the woodlands advisory committee and the board for modification of the administrative rules adopted pursuant to Section 17.04.220 or amendment of this chapter as may be necessary to further the intent of this chapter.
- F. Assist in the preparation of administrative rules pursuant to Sections 17.04.220

of this chapter.

G. Administer the nonindustrial private woodland management ordinance seedbank, equipment loans, technical assistance and loan programs. (Ord. 96-1-3, §7, 1996)

H. Follow the directives of the woodlands advisory committee for implementation of this chapter so long as such directives do not contradict the terms of this chapter, the administrative rules adopted pursuant to Section 17.04.220 or any directives of the board.

I. Perform any other acts required of the forester under this chapter and administrative rules. (Ord. 79-7-2 §4, 1979; Ord. 80-10-1 §4, 1980)

17.04.080 Technical assistance program--Authorization to employ assistants. The department is authorized to employ one or more persons who shall work under the supervision of the forester to provide technical assistance to eligible owners. (Ord. 79-7-2 §5(1), 1979)

17.04.090 Technical assistance program--Operation. The department, subject to administrative rules adopted pursuant to Section 17.04.220 shall operate a technical assistance program to provide the following assistance to eligible owners in coordination with other existing programs:

- A. Evaluate woodlands for forestry potential;
- B. Advise eligible owners on desirable forestry practices;
- C. Aid in preparation of management plans. (Ord. 79-7-2 §5(2), 1979)
- D. Advise on project implementation, if requested by landowner. (Ord. 96-1-3, §8, 1996)

17.04.100 Technical assistance program--Collection and landowner. Recordation of data. The department shall collect and record data on woodlands, including but not limited to site index data, estimates of stocking levels, and forestry problems identified on particular woodlands as may be necessary for implementing the technical assistance program or any other program created by this chapter. (Ord. 79-7-2 §5(3), 1979)

17.04.110 Technical assistance program--Demonstration plots. The department may, upon approval of the board, operate forestry demonstration plots. Such demonstration plots shall be used to provide examples of various forest management practices and to test new forest management techniques. Such plots may be operated jointly with other public bodies or agencies. (Ord. 79-7-2 §5(4), 1979)

17.04.120 Equipment loan program.

A. The forester may upon approval of the board, provide eligible owners with specialized equipment, and other supplies if available which are necessary to carry out the purposes of this chapter.

B. Prior to providing any assistance to an eligible owner pursuant to this section, the forester shall require the eligible owner to execute a written agreement which sets forth the rights and obligations of the county and the eligible owner. Such agreement shall be subject to applicable administrative rules.

C. No assistance shall be provided to eligible owners pursuant to this section unless the equipment, or supplies are not needed for other county purposes. (Ord. 79-7-2 §6, 1979, Ord. 96-3-1, §9, 1996)

17.04.130 Seed bank--Establishment. A county forest tree seed bank shall be established and operated for the purpose of providing eligible owners with forest tree seeds or seedlings, or both, for reforestation of their woodlands. The seed bank program is to be administered by the forester. (Ord. 79-7-2 §7(1), 1979)

17.04.140 Seed bank--Purpose. The tree seed bank shall provide for the purchase, collection, storage, care and maintenance of forest tree seed or seedlings and for the sale of such tree seed or seedlings to eligible owners. Contracts with nurseries to grow seedlings for use by eligible owners may be undertaken with seed from the county seed bank. (Ord. 79-7-2 §7(2), 1979)

17.04.150 Seed bank--Price schedule determination. Each year the forester shall determine the costs of operating the tree seed bank including but not limited to the costs of labor, materials and general overhead. The forester shall determine a price schedule for tree seeds and seedlings which will recover the costs of operating the tree seed bank. Such price schedule shall be reviewed by the advisory committee and approved by the board before it is utilized. All sales of tree seeds and seedlings shall be subject to the current price schedule. (Ord. 79-7-2 §7(3), 1979)

17.04.160 Seed bank--Accreditation of revenues. All revenues derived from the operation of the tree seed bank shall be credited to the woodland management fund. (Ord. 79-7-2 §7(4), 1979)

17.04.170 Seed bank--Sale to ineligible owners. Nothing contained in Sections 17.04.130 through 17.04.160 shall prohibit the county from selling tree seed or seedlings to land owners who do not qualify as eligible owners or to private or public owners of forest nurseries or forest land. However, the forester shall give priority to sales of eligible owners. (Ord. 79-7-2 §7(5), 1979)

17.04.180 Loans for commercial forest management practices.

A. The county may make loans to eligible owners for purposes of carrying out approved forest management practices on commercial forest land. All loan agreements shall be approved by the board. The forester shall make recommendations to the board on prospective loans.

B. The terms and conditions of loans and regulations for eligibility for loans shall be determined by administrative rules promulgated pursuant to Section 17.04.220.

C. Loans may not be used to purchase forest lands.

D. Loans may not be approved under this chapter unless:

1. The eligible owner provides evidence of financial capability to make payments of principal and interest on the loan when due; and

2. The eligible owner agrees to an approved forest land management

agreement and certifies that the loan moneys will be applied directly to management practices necessary to promote the continuation of forest production leading to commercial harvest.

E. Any loan made under this section shall:

1. Be secured by a recorded lien on the eligible owner's real property or any other security satisfactory to the board. Minimum requirements for security shall be set by administrative rules. The lien securing the loan may be subordinated by the board so long as there is sufficient security for the loan;
2. Have a maturity date, determined by the board, not less than five years nor more than fifty years after the date on which the loan is made;
3. Be repayable in installments determined by the board, in accordance with administrative rules;
4. Bear interest at the rate set by administrative rules in effect at the time the loan is issued;
5. Include payment of administrative costs not to exceed \$150.00 or one percent of the loan amount whichever is greater; (Ord. 96-1-3, §10, 1996)
6. Be subject to other terms and conditions required by the board in accordance with administrative rules.

F. Interest.

1. Any loan made under this chapter may be repaid at any time before its maturity date with interest but without any additional penalty.
2. The right of recovery of loan principal or interest or both may be waived at the discretion of the board when the forest covered by the loan is destroyed by natural causes not resulting from negligence on the part of the landowner including but not limited to forest resource losses from fire, insect damage, disease, wind, or other natural causes. Such waiver shall be requested by the borrower and approved by the forester and the advisory committee.

G. The interest rate for loans shall be set by administrative rule from time to time. Interest shall be set at a rate that will promote the intent and purpose of this chapter. (Ord. 96-1-3, §10, 1996)

H. No loan shall be made under this section in violation of Article XI, Section 9 of the Oregon Constitution. (Ord. 79-7-2 §8, 1979, Ord. 80-10-1 §§5, 6, 1980; Ord. 85-6-1 §2, 1985; Ord. 96-1-3, §10, 1996)

17.04.190 Woodland management fund--Establishment. To serve the purposes of this chapter there is created the woodland management fund. (Ord. 79-7-2 §9(1), 1979)

17.04.200 Woodland management fund--Purpose. The purpose of this fund is a revolving account and all moneys returned to the fund from the loan program, seed bank program, equipment loan program, and technical assistance program are continuously appropriated for carrying out the purposes of this chapter. Additional revenues can be allocated by the budget committee as needed for administration of this chapter. (Ord. 79-7-2 §9(2), 1979; Ord. 96-1-3, §11, 1996)

17.04.210 Woodland management fund--Administration. The forester shall serve

as administrator of the provisions of this chapter and shall serve as the receiving and disbursing agent for equipment loans, technical services, loans and seed bank funds to be expended from and deposited to the credit of the woodland management fund. (Ord. 79-7-2 §9(3), 1979; Ord. 96-1-3, §12, 1996)

17.04.220 Administrative rules.

A. In order to implement the provisions of this chapter the board may promulgate and adopt by resolution administrative rules to:

1. Determine which approved practices will be eligible for equipment loans, loan or cost-share assistance. (Ord. 96-1-3, §13, 1996)
2. Determine, before approving any equipment loans, loan, or cost-share assistance for any owner or group of owners that the cost is reasonable and is comparable to the actual cost of implementing such practice in the general area in which the land is located. (Ord 96-1-3, §13, 1996)
3. Establish cost and expenditure guidelines for assistance which any one eligible owner may receive for implementation of an approved practice, subject to Section 17.04.180 of this chapter.
4. Set interest rates and determine terms and conditions for loans and other agreements with eligible owners.
5. Determine procedures for applications by eligible owners for assistance under this chapter.
6. Provide guidelines for determining the adequacy of security for loans.
7. Determine priorities for providing assistance under this chapter.
8. Determine procedures for meetings of the woodlands advisory committee including joint meetings between the board and the advisory committee.
9. Set policies and procedures as may be necessary to implement any program created under this chapter.

B. In order to administer the provisions of this chapter the board, upon consultation with the forester and the advisory committee, may issue orders to:

1. Employ professional and clerical assistance as is needed to implement the provisions of this chapter and compensate such individuals from funds appropriated for such purposes.
2. Purchase equipment, supplies and materials and maintain and transport equipment as is needed to implement the provisions of this chapter and defray the expenses of such purchase and transportation from any funds appropriated for such purpose.
3. Direct the office of county counsel to institute proper legal proceedings to recover any or all of the equipment loans, operational services, loan moneys, equipment, services or supplies provided an owner. The forester shall make a request for such action by the board and county counsel if the forester determines that: (Ord. 96-1-3, §13, 1996)
 - a. The owner failed to meet any of the terms of the agreement for loans, equipment loans, or supplies provided to the owner, or any of the provisions of the agreed-upon forest management plan; or (Ord. 96-1-3, §13, 1996)
 - b. If the owner fails to maintain the practice as determined by the forester; and

c. If the forester determines the legal proceedings are necessary and proper.

C. Either the board or the advisory committee may initiate proceedings for adoption of administrative rules. Rules proposed by the advisory committee shall be presented to the board by the forester. Rules proposed by the board shall be referred to the advisory committee for its comments prior to adoption by the board. The forester may recommend proposed rules to either the board or the advisory committee.

D. Rules shall be effective on the date set forth in the resolution for adoption. After adoption all rules shall be filed in the county journal. (Ord. Ord. 79-7-2 §10, 1979; Ord. 80-10-1 §7, 1980)