

Senate Bill 660

Sponsored by Senator NELSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Increases maximum harvest rotation cycle for hardwood timber grown on forestland exempted from special assessment.

A BILL FOR AN ACT

1
2 Relating to hardwood timber rotation cycles; creating new provisions; and amending ORS 321.267,
3 321.824 and 527.620.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 321.267 is amended to read:

6 321.267. The following forestland may not be assessed under ORS 321.257 to 321.390:

7 (1) Forestland assessed by the Department of Revenue pursuant to ORS 308.505 to 308.665,
8 308.805 to 308.820 and 308.990.

9 (2) Except as provided in ORS 321.347, land that is prepared using intensive cultivation and
10 tilling and on which all unwanted plant growth is controlled continuously for the exclusive purpose
11 of growing Christmas trees.

12 (3) Land used for the purpose of growing hardwood timber, including but not limited to hybrid
13 cottonwood, if:

14 (a) The land is prepared using intensive cultivation methods and is cleared of competing vege-
15 tation for at least three years after tree planting;

16 (b) The timber is of a species marketable as fiber for inclusion in the furnish for manufacturing
17 paper products;

18 (c) The timber is harvested on a rotation cycle within [12] **20** years after planting; and

19 (d) The land and timber are subject to intensive agricultural practices such as fertilization, in-
20 sect and disease control, cultivation and irrigation.

21 (4) Small tract forestland qualified under ORS 321.700 to 321.754 and timber harvested from
22 small tract forestland qualified under ORS 321.700 to 321.754.

23 **SECTION 2.** ORS 321.824 is amended to read:

24 321.824. (1) Lands assessed by the Department of Revenue pursuant to ORS 308.505 to 308.665
25 or 308.805 to 308.820 may not be assessed under ORS 321.805 to 321.855.

26 (2) Land used exclusively for growing cultured Christmas trees may not be assessed under ORS
27 321.805 to 321.855.

28 (3) Land that is used to grow hardwood timber, including but not limited to hybrid cottonwood,
29 may not be assessed under ORS 321.805 to 321.855 if:

30 (a) The land is prepared using intensive cultivation methods and is cleared of competing vege-
31 tation for at least three years after tree planting;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) The timber is of a species marketable as fiber for inclusion in the furnish for manufacturing
2 paper products;

3 (c) The timber is harvested on a rotation cycle within [12] 20 years after planting; and

4 (d) The land and timber are subject to intensive agricultural practices such as fertilization, in-
5 sect and disease control, cultivation and irrigation.

6 (4) Nothing contained in ORS 321.805 to 321.855 shall prevent:

7 (a) The collection of ad valorem property taxes that became a lien against timber prior to July
8 1, 1962.

9 (b) The collection of taxes, charges or assessments made pursuant to law for protection.

10 (c) The collection of taxes levied under the provisions of ORS 321.005 to 321.185 and 321.560 to
11 321.600.

12 **SECTION 3.** ORS 527.620 is amended to read:

13 527.620. As used in ORS 527.610 to 527.770, 527.990 and 527.992:

14 (1) "Board" means the State Board of Forestry.

15 (2) "Cumulative effects" means the impact on the environment which results from the incre-
16 mental impact of the forest practice when added to other past, present and reasonably foreseeable
17 future forest practices regardless of what governmental agency or person undertakes such other
18 actions.

19 (3) "DBH" means the diameter at breast height which is measured as the width of a standing
20 tree at four and one-half feet above the ground, on the uphill side.

21 (4) "Edge of the roadway" means:

22 (a) For interstate highways, the fence.

23 (b) For all other state highways, the outermost edge of pavement, or if unpaved, the edge of the
24 shoulder.

25 (5) "Forest practice" means any operation conducted on or pertaining to forestland, including
26 but not limited to:

27 (a) Reforestation of forestland;

28 (b) Road construction and maintenance;

29 (c) Harvesting of forest tree species;

30 (d) Application of chemicals; and

31 (e) Disposal of slash.

32 (6) "Forest tree species" means any tree species capable of producing logs, fiber or other wood
33 materials suitable for the production of lumber, sheeting, pulp, firewood or other commercial forest
34 products except trees grown to be Christmas trees as defined in ORS 571.505 on land used solely for
35 the production of Christmas trees.

36 (7) "Forestland" means land that is used for the growing and harvesting of forest tree species,
37 regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules
38 or regulations are applied.

39 (8) "Harvest type 1" means an operation that requires reforestation but does not require wildlife
40 leave trees. A harvest type 1 is an operation that leaves a combined stocking level of free to grow
41 seedlings, saplings, poles and larger trees that is less than the stocking level established by rule of
42 the board that represents adequate utilization of the productivity of the site.

43 (9) "Harvest type 2" means an operation that requires wildlife leave trees but does not require
44 reforestation. A harvest type 2 does not require reforestation because it has an adequate combined
45 stocking of free to grow seedlings, saplings, poles and larger trees, but leaves:

1 (a) On Cubic Foot Site Class I, II or III, fewer than 50 11-inch DBH trees or less than an
2 equivalent basal area in larger trees, per acre;

3 (b) On Cubic Foot Site Class IV or V, fewer than 30 11-inch DBH trees or less than an equiv-
4 alent basal area in larger trees, per acre; or

5 (c) On Cubic Foot Site Class VI, fewer than 15 11-inch DBH trees or less than an equivalent
6 basal area in larger trees, per acre.

7 (10) "Harvest type 3" means an operation that requires reforestation and requires wildlife leave
8 trees. This represents a level of stocking below which the size of operations is limited under ORS
9 527.740 and 527.750.

10 (11) "Landowner" means any individual, combination of individuals, partnership, corporation or
11 association of whatever nature that holds an ownership interest in forestland, including the state
12 and any political subdivision thereof.

13 (12) "Operation" means any commercial activity relating to the establishment, management or
14 harvest of forest tree species except as provided by the following:

15 (a) The establishment, management or harvest of Christmas trees, as defined in ORS 571.505, on
16 land used solely for the production of Christmas trees.

17 (b) The establishment, management or harvest of hardwood timber, including but not limited to
18 hybrid cottonwood, that is:

19 (A) Grown on land that has been prepared by intensive cultivation methods and that is cleared
20 of competing vegetation for at least three years after tree planting;

21 (B) Of a species marketable as fiber for inclusion in the furnish for manufacturing paper pro-
22 ducts;

23 (C) Harvested on a rotation cycle that is [12] **20** or fewer years after planting; and

24 (D) Subject to intensive agricultural practices such as fertilization, cultivation, irrigation, insect
25 control and disease control.

26 (c) The establishment, management or harvest of trees actively farmed or cultured for the pro-
27 duction of agricultural tree crops, including nuts, fruits, seeds and nursery stock.

28 (d) The establishment, management or harvest of ornamental, street or park trees within an
29 urbanized area, as that term is defined in ORS 221.010.

30 (e) The management or harvest of juniper species conducted in a unit of less than 120 contig-
31 uous acres within a single ownership.

32 (f) The establishment or management of trees intended to mitigate the effects of agricultural
33 practices on the environment or fish and wildlife resources, such as trees that are established or
34 managed for windbreaks, riparian filters or shade strips immediately adjacent to actively farmed
35 lands.

36 (g) The development of an approved land use change after timber harvest activities have been
37 completed and land use conversion activities have commenced.

38 (13) "Operator" means any person, including a landowner or timber owner, who conducts an
39 operation.

40 (14) "Single ownership" means ownership by an individual, partnership, corporation, limited li-
41 ability company, trust, holding company or other business entity, including the state or any political
42 subdivision thereof. Single ownership includes ownership held under different names or titles where
43 the same individual or individuals, or their heirs or assigns, are shareholders (other than those of
44 public corporations whose stock is traded on the open market), partners, business trustees or offi-
45 cers, or otherwise have an interest in or are associated with each property.

1 (15) "State Forester" means the State Forester or the duly authorized representative of the State
2 Forester.

3 (16) "Suitable hardwood seedlings" means any hardwood seedling that will eventually yield logs
4 or fiber, or both, sufficient in size and quality for the production of lumber, plywood, pulp or other
5 forest products.

6 (17) "Timber owner" means any individual, combination of individuals, partnership, corporation
7 or association of whatever nature, other than a landowner, that holds an ownership interest in any
8 forest tree species on forestland.

9 (18) "Visually sensitive corridor" means forestland extending outward 150 feet, measured on the
10 slope, from the outermost edge of the roadway of a scenic highway referred to in ORS 527.755, along
11 both sides for the full length of the highway.

12 (19) "Wildlife leave trees" means trees or snags required to be retained as described in ORS
13 527.676 (1).

14 (20) "Written plan" means a document prepared by an operator, timber owner or landowner that
15 describes how the operation is planned to be conducted.

16 **SECTION 4. The amendments to ORS 321.267, 321.824 and 527.620 by sections 1 to 3 of this**
17 **2007 Act apply to property tax years beginning on or after July 1, 2008, and forest products**
18 **harvest tax reporting periods beginning on or after January 1, 2008.**