

Yamhill County



Location: 434 NE Evans St, McMinnville • Mailing: 535 NE Fifth St, McMinnville, OR 97128
(503) 434-7501 • Fax (503) 434-7553
TTY (800) 735-2900 • www.co.yamhill.or.us

OFFICE OF COUNTY ADMINISTRATOR

March 6, 2020

KENNETH HUFFER
COUNTY ADMINISTRATOR

JUSTIN HOGUE
BUSINESS SERVICES DIRECTOR

Oregon Department of Fish and Wildlife
Land Use Coordinator
3406 Cherry Avenue NE
Salem, OR 97303-4924

Subject: Wildlife Habitat Conservation and Management Program

This letter is to notify the Oregon Department of Fish and Wildlife that Yamhill County has decided to become a participating county in the Wildlife Habitat Conservation and Management Program.

On March 5, 2020, the Yamhill County Board of Commissioners adopted Board Order 20-78. Board Order 20-078 rescinds a previous board order that opted Yamhill County out of the Wildlife Habitat Conservation and Management Program and requests that the State Fish and Wildlife Commission designate those lands listed under ORS 308A.415 as "eligible" lands to be eligible for wildlife habitat special assessment, in accordance with ORS 308A.400 through 308A.430.

Enclosed with this letter is a copy of Board Order 20-78. Should you require additional information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'KHUFFER'.

Kenneth Huffer
County Administrator

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Order Allowing the)
Establishment of Wildlife Habitat) BOARD ORDER 20-78
Conservation and Management Plans to)
Qualify for Special Assessment Pursuant to)
ORS 308A.400 through 308A.430; and)
Rescinding Board Order 02-885)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on March 5, 2020, Commissioners Casey Kulla, Mary Starrett and Richard L. “Rick” Olson in attendance.

THE BOARD MAKES THE FOLLOWING FINDINGS.

WHEREAS, on December 19, 2002 the then current Yamhill County Board of Commissioners adopted Board Order, 02-885, which, in accordance with ORS 215.802(2), forbid the establishment of wildlife habitat conservation and management plans; and

WHEREAS, ORS 215.800 through 215.808 were repealed in 2003 and replaced by ORS 308A.400 through 308A.430, as regards the regulation of wildlife habitat special assessment; and

WHEREAS, ORS 308A.415 and ORS 308A.418 provide as follows:

“308A.415 Designation by State Fish and Wildlife Commission of land eligible for wildlife habitat special assessment. (1) At the request of the governing body of a county, the State Fish and Wildlife Commission may designate the following land in unincorporated areas within the county as eligible for wildlife habitat special assessment:

(a) Any land that is zoned for exclusive farm use, mixed farm and forest use or forest use under a land use planning goal protecting agricultural land or forestland; or

(b) Land that is clearly identifiable as containing significant wildlife habitat.

(2) At the request of the governing body of a city, the commission may designate the following land within the city as eligible for wildlife habitat special assessment:

(a) Any land that is zoned for exclusive farm use, mixed farm and forest use or forest use under a land use planning goal protecting agricultural land or forestland; or

- (b) Land that is clearly identifiable as containing significant wildlife habitat.
- (3) With the prior consent of the governing body of a city, the county in which all or a part of the city is located may apply to the commission on behalf of the city for designation of any area that is within both the city and the county as eligible for wildlife habitat special assessment.
- (4) The commission may designate land described in subsection (1) or (2) of this section as eligible for wildlife habitat special assessment only if the commission finds:
 - (a) That designation will promote the findings in ORS 308A.400 and the policy in ORS 308A.403; and
 - (b) That the land described in subsection (1) or (2) of this section is of the nature and quality to allow for implementation of wildlife habitat conservation and management plans approved under rules adopted pursuant to ORS 308A.409.
- (5) Land may not qualify for wildlife habitat special assessment under ORS 308A.424 unless the commission has determined that the land is eligible for wildlife habitat special assessment under this section.”

“308A.418 Removal of designation upon request of city or county; requirements. (1)
The governing body of the city or county that requested designation under ORS 308A.415 may request that the State Fish and Wildlife Commission remove that designation.

- (2) The commission shall remove the designation if:
 - (a) The city or county demonstrates that the designation creates an economic burden for the city or county; and
 - (b) The commission finds that the economic burden is significant.
- (3) In making its determination under subsection (2) of this section, the commission shall give significant weight to the demonstration of economic burden made by the city or county.”

WHEREAS the Board now believes it is in Yamhill County’s best interest to (i) rescind BO 02-885, and (ii) request to the State Fish and Wildlife Commission that it designate those

lands listed under ORS 308A.415 as "eligible" lands to be eligible for wildlife habitat special assessment, in accordance with ORS 308A.400 through 308A.430. NOW THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. The Board hereby rescinds Board Order 02-885.
2. The Board hereby requests the State Fish and Wildlife Commission to designate those lands listed under ORS 308A.415 as "eligible" lands to be eligible for wildlife habitat special assessment, in accordance with ORS 308A.400 through 308A.430.

DONE at McMinnville, Oregon on March 5, 2020.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

By: *Caroline Rook*
Deputy CAROLINA ROOK

Casey Kulla

CASEY KULLA

Mary Starrett

MARY STARRETT

FORM APPROVED BY:

Christian Boenisch
CHRISTIAN BOENISCH
Yamhill County Counsel

Richard L. Olson

Commissioner

RICHARD L. "RICK" OLSON

'02 DEC 30 A 8:30

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

FILE 74 PAGE 1601

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Order Forbidding the Establishment)	
of Wildlife Habitat Conservation and Management Plans)	BOARD ORDER 02-885
to Qualify Property for Special Assessment; "Opting)	
Out" under ORS 215.802(2).)	

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on December 19, 2002, commissioners Robert Johnstone, Leslie Lewis and Thomas E.E. Bunn being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. ORS 215.802 provides as follows:

215.802 Wildlife habitat conservation and management plans; exceptions. (1) Notwithstanding ORS 215.213, 215.283 and 215.284, but subject to ORS 215.804, a county shall allow the establishment of wildlife habitat conservation and management plans in any area that is:

(a) Zoned for exclusive farm use or mixed farm and forest use; or

(b) Forestland.

(2) Notwithstanding the requirement in subsection (1) of this section that a county allow the establishment of wildlife habitat conservation and management plans, the governing body of a county may forbid the establishment of such plans if the governing body adopts, prior to January 1, 2003, a resolution or other decision that forbids the establishment of such plans.

(3) A county governing body may rescind its decision to forbid the establishment of wildlife habitat conservation and management plans. However, a county that allows the establishment of such plans after January 1, 2003, may not again, by ordinance, resolution or otherwise, forbid the establishment of such plans.

B. The Board interprets ORS 215.802 with the following affect:: By virtue of ORS 215.802(1), a qualified wildlife habitat conversation plan is entitled to special assessment for property taxes under a program established by ORS 215.808 unless a county has "opted-out" of the program under ORS 215.802(2) by January 1, 2003. If a county has not opted-out by January 1, 2003 it may not opt-out

BOARD ORDER 02-885

Page 1

B.O. 20-78

Exhibit "A"

thereafter. If a county does opt-out prior to January 1, 2003 it may thereafter rescind its decision to opt-out. However, a rescission of a decision to opt-out after January 1, 2003 is final.

C. David Lawson, county assessor, has recommended that the Board opt-out of the program because of potential abuses of the program. Following discussion in informal session on December 17, 2002 and formal session on December 19, 2002, a majority of the Board is persuaded the issue should be fully considered in a public hearing before any final determination as to Yamhill County's participation in the program is made. Because the last Board session in 2002 was December 19, no public hearing is possible to consider the matter before the opt-out deadline of January 1, 2003. Therefore, a majority of the Board finds it appropriate to opt-out in order to preserve options for the new Board to determine whether or not to participate in the program. NOW, THEREFORE

IT IS HEREBY ORDERED BY THE BOARD that, in accordance with ORS 215.802(2), Yamhill County hereby forbids the establishment of wildlife habitat conservation and management plans.

AYES: Commissioners Johnstone and Lewis

NAYS: Commissioner Bunn

DONE at McMinnville, Oregon on December 19, 2002.

ATTEST

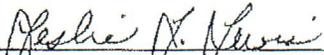
YAMHILL COUNTY BOARD OF COMMISSIONERS

The seal of the Yamhill County Board of Commissioners is circular. It features a central emblem with a plow and a sheaf of wheat, surrounded by the text "YAMHILL COUNTY BOARD OF COMMISSIONERS" and "STATE OF OREGON". The year "1859" is also visible at the bottom of the seal.

CHARLES STEER
County Clerk


Chairman ROBERT JOHNSTONE

By: 
Deputy KELLYE FETTERS


Commissioner LESLIE LEWIS

FORM APPROVED BY:

Unavailable for signature


JOHN M. GRAY, JR.
Yamhill County Legal Counsel

Commissioner THOMAS E. E. BUNN

whitec\board\wildlifehabi\BOoptingout.wpd