

LC 529
2023 Regular Session
63500-005
9/9/22 (ASD/ps)

D R A F T

SUMMARY

Amends certain provisions of program for special assessment of wildlife habitat land relating to monitoring of implementation by landowner of approved wildlife habitat conservation and management plan.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to wildlife habitat special assessment; amending ORS 308A.409,
3 308A.412, 308A.415, 308A.424 and 308A.430; and prescribing an effective
4 date.

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

6 **SECTION 1.** ORS 308A.409 is amended to read:

7 308A.409. (1)[(a)] The State Fish and Wildlife Commission shall adopt
8 rules specifying the form and content of a wildlife habitat conservation and
9 management plan that is sufficient for land that is subject to the plan to be
10 specially assessed under ORS 308A.403 to 308A.430.

11 [(b)] **(2)** The rules adopted pursuant to **subsection (1) of** this section
12 shall:

13 [(A)] **(a)** Specify the conservation and management practices that are ap-
14 propriate to preserve and enhance wildlife common to the diverse regions of
15 this state; and

16 [(B)] **(b)** Specify that wildlife habitat conservation and management plans
17 may include those efforts that improve water quality, protect and restore fish
18 and wildlife habitats, recover threatened or endangered species, enhance
19 streamflows and maintain or restore long-term ecological health, diversity

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 and productivity on a broad geographic scale.

2 [(2)] **(3)** Under rules adopted pursuant to **subsection (1) of** this section,
3 the commission shall allow:

4 (a) Accepted agricultural and forestry practices as an integral part of the
5 wildlife habitat conservation and management practices specified in an ap-
6 proved plan; and

7 (b) The lease or sale of in-stream water rights as an integral part of the
8 wildlife habitat conservation and management practices specified in an ap-
9 proved plan.

10 **(4) The commission may adopt rules that require the owner of land**
11 **subject to an approved wildlife habitat conservation and management**
12 **plan to provide documentation of compliance with the plan.**

13 [(3)] **(5)** The *[rules shall be reviewed periodically by the commission and*
14 *revised when considered]* **commission shall periodically review rules**
15 **adopted pursuant to this section and revise the rules when the com-**
16 **mission considers revision** necessary or appropriate *[by the commission]*.

17 **SECTION 2.** ORS 308A.412 is amended to read:

18 308A.412. (1) An owner of land described in ORS 308A.415 *[who]* **that**
19 seeks special assessment under ORS 308A.403 to 308A.430 shall first submit
20 a proposed wildlife habitat conservation and management plan to the State
21 Department of Fish and Wildlife for review.

22 (2) The department shall review each submitted plan for compliance with
23 the standards set forth in the rules adopted *[under]* **pursuant to** ORS
24 308A.409 **(1)** *[and shall determine if the plan is being implemented]*.

25 (3) Upon completing a review of a proposed plan and determining that the
26 plan is in compliance with the standards set forth in the rules adopted
27 *[under]* **pursuant to** ORS 308A.409 **(1)** *[and is being implemented]*, the de-
28 partment shall issue to the landowner a written declaration that the land is
29 subject to a wildlife habitat conservation and management plan approved by
30 the department *[and that the landowner has begun implementing the plan]*.

31 (4) The State Fish and Wildlife Commission may *[establish]* by rule:

1 **(a) Establish** a limit on the number of plans that may be approved in
2 each calendar year. [*An application that is not approved because the maximum*
3 *number of plans for a year has already been approved shall be held for con-*
4 *sideration for approval for the next year.*]

5 **(b) Delegate technical assistance, plan review and inspection of**
6 **lands to cooperating agencies.**

7 **(5) For any calendar year, the department may specify priorities for**
8 **plan approval based on regional conservation needs, priority habitat**
9 **types or parcel characteristics and functionality.**

10 **SECTION 3.** ORS 308A.415 is amended to read:

11 308A.415. (1) At the request of the governing body of a county, the State
12 Fish and Wildlife Commission may designate the following land in unincor-
13 porated areas within the county as eligible for wildlife habitat special as-
14 sessment:

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

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

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

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

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

28 (3) With the prior consent of the governing body of a city, the county in
29 which all or a part of the city is located may apply to the commission on
30 behalf of the city for designation of any area that is within both the city and
31 the county as eligible for wildlife habitat special assessment.

1 (4) The commission may designate land described in subsection (1) or (2)
2 of this section as eligible for wildlife habitat special assessment only if the
3 commission finds:

4 (a) That designation will promote the findings in ORS 308A.400 and the
5 policy in ORS 308A.403; and

6 (b) That the land described in subsection (1) or (2) of this section is of
7 the nature and quality to allow for implementation of wildlife habitat con-
8 servation and management plans approved under rules adopted pursuant to
9 ORS 308A.409 (1).

10 (5) Land may not qualify for wildlife habitat special assessment under
11 ORS 308A.424 unless the commission has determined that the land is eligible
12 for wildlife habitat special assessment under this section.

13 **SECTION 4.** ORS 308A.424 is amended to read:

14 308A.424. (1) When a wildlife habitat conservation and management plan
15 is approved by the State Department of Fish and Wildlife and is being im-
16 plemented, the owner of the land subject to the plan may apply to the county
17 assessor to receive wildlife habitat special assessment.

18 (2) Application shall be made to the county assessor on forms prepared
19 by the Department of Revenue and supplied by the county assessor.

20 (3) Applications for wildlife habitat special assessment shall be made to
21 the county assessor on or before April 1 of the first assessment year for
22 which the assessment is desired. The application shall include:

23 (a) A copy of the wildlife habitat conservation and management plan.

24 (b) A certified copy of the declaration described in ORS 308A.412 (3).

25 (c) A description of the land that is the subject of the application that is
26 sufficient for the county assessor to determine whether the land for which
27 wildlife habitat special assessment is sought is within an area eligible for
28 wildlife habitat special assessment.

29 (d) A statement that the applicant is aware of the potential tax liability
30 that arises under ORS 308A.703 upon disqualification from wildlife habitat
31 special assessment.

1 **(e) An affirmation that the wildlife habitat conservation and man-**
2 **agement plan is being implemented substantially as approved.**

3 [(e)] **(f) An affirmation that [the statements] all representations** con-
4 tained in the application are true.

5 (4) An application to the county assessor shall be deemed approved unless,
6 before August 15 of the year in which the application was filed, the assessor
7 notifies the applicant in writing that the application has been wholly or
8 partially denied.

9 (5)(a) Whether land that is subject to a wildlife habitat conservation and
10 management plan qualifies for special assessment under this section shall be
11 determined as of January 1 of the assessment year.

12 **(b)** If land so qualified becomes disqualified prior to July 1 of the same
13 assessment year, the land shall be valued under ORS 308.232 at its real
14 market value as defined by law without regard to this section and shall be
15 assessed at its assessed value under ORS 308.146 or as otherwise provided
16 by law.

17 **(c)** If the land becomes disqualified on or after July 1, the land shall
18 continue to qualify for special assessment as provided in this section for the
19 current tax year.

20 **SECTION 5.** ORS 308A.430 is amended to read:

21 308A.430. (1) Land subject to a wildlife habitat conservation and man-
22 agement plan [shall] **may** be inspected **periodically** by the State Department
23 of Fish and Wildlife, [periodically] **or a delegatee agency designated un-**
24 **der a rule adopted pursuant to ORS 308A.412 (4),** to ensure that the land
25 is managed in accordance with the plan. [If the plan is not being implemented
26 as approved, the department shall notify the landowner and require compliance
27 measures to be taken within six months. If the plan is still not being imple-
28 mented as required by the department at the end of the six-month period, the
29 department shall notify the county assessor that the plan is not being imple-
30 mented as approved.]

31 **(2) When for any reason land, or any portion of the land, that is**

1 **subject to an approved wildlife habitat conservation and management**
2 **plan ceases to be used in a manner consistent with the plan, the owner**
3 **of the land at the time of the change in use shall notify the county**
4 **assessor of the change prior to the next following January 1 assess-**
5 **ment date.**

6 [(2)] (3) The county assessor shall disqualify the land from wildlife
7 habitat special assessment upon:

8 (a) **Discovery, or** notice from the department, [*as described in subsection*
9 *(1) of this section*] **that the wildlife habitat conservation and manage-**
10 **ment plan is not being implemented substantially as approved;**

11 (b) Notice of request by the landowner for withdrawal of the land from
12 wildlife habitat special assessment;

13 (c) Sale or transfer to an ownership making the land exempt from ad
14 valorem property taxation;

15 (d) The land qualifying for another special assessment listed in ORS
16 308A.703 (1); or

17 (e) The act of recording a subdivision plat under ORS chapter 92.

18 [(3)] (4) If, pursuant to subsection [(2)(e)] (3)(e) of this section, the county
19 assessor disqualifies land for wildlife habitat special assessment [*upon the*
20 *act of recording a subdivision plat*], the land may requalify for wildlife
21 habitat special assessment upon:

22 (a) Payment of all additional tax and interest that remains due and owing
23 as a result of the disqualification;

24 (b) Compliance with ORS 308A.403 to 308A.430; and

25 (c) Submission of an application for wildlife habitat special assessment
26 under ORS 308A.424 and approval of the application by the county assessor.

27 [(4)] (5) Upon disqualification, additional taxes shall be determined as
28 provided in ORS 308A.700 to 308A.733.

29 **SECTION 6. This 2023 Act takes effect on the 91st day after the date**
30 **on which the 2023 regular session of the Eighty-second Legislative**
31 **Assembly adjourns sine die.**

