

# **Benton County Forestland Classification Committee By-Laws**

## I – Official Title

Under the provisions of Oregon Revised Statutes (ORS) 526.310 to 526.332, the Benton County Forestland Classification Committee (BCFCC) is established consisting of five persons appointed in accordance with ORS 526.310. The official title of the committee shall be such as stated herein.

## II – Committee Membership

In accordance with ORS 526.310, the following persons shall comprise the forestland classification committee:

- one appointed by the State Forester
- one appointed by the Director of Oregon State University Extension Service
- three appointed by the County Governing Body, of which:
  - one must be an owner of grazing land or a representative thereof
  - one must be an owner of forestland or a representative thereof
  - one member at large

## III – Committee Organization

The BCFCC shall elect from among its members a chair and a secretary and may elect or utilize other officers, agents and employees, as it finds advisable. It shall adopt rules governing its organization and proceedings and the performance of its duties, and shall keep written minutes of all its meetings. In the Chair's absence, the Secretary will assume the Chair's position.

## IV – Term of Office

Appointment of members by The Benton County Board of Commissioners shall be for staggered terms on the BCFCC not to exceed three years. Members may be reappointed. Each member shall, at all times, be subject to removal and replacement by the appointing agency, effective upon the filing with the State Board of Forestry by that agency of written notice of removal and the name of the new member.

## V – Place of Business

The principle place of business of this committee shall be the Oregon Department of Forestry office in Philomath, Oregon.

## VI - Meetings

Meetings may be held at any time upon call of the Chair or upon written request to the Secretary by not less than two members of the BCFCC. The Secretary shall send notification of the meetings to all members of the BCFCC no less than 10 days prior to

the date of such meeting. Three members shall constitute a quorum for the transaction of business.

#### VII – Conduct of Meetings

- As a general guide the committee will follow the Roberts Rules of Order.
- The Chair of the BCFCC will be a voting member.
- Meetings of this committee shall be conducted according to the requirements of Oregon’s Open Meetings Law.
- An opportunity for members of the public to present statements, raise concerns or ask questions of the BCFCC shall normally be provided as part of the agenda of each meeting.
- With the approval of the Chair, members of the public may be allowed to participate in a BCFCC meeting at any time or when a Committee member, with approval of the Chair, directs a question to the audience.
- The Secretary shall make provisions for the recording and maintenance of a permanent record of the minutes of each regular meeting, special meeting and work session of the BCFCC.
- There will be no voting by proxy.
- A motion shall be deemed to have passed, if three or more members of the BCFCC approve it.
- In the case of a tie vote, a motion shall be deemed to have failed.
- Notices of these meetings will normally be posted at the following locations in the county:
  - 1) Oregon Department of Forestry Office in Philomath
  - 2) Oregon State University Extension Office in Corvallis
  - 3) Benton County Web-Site
  - 4) Benton County Assessor Office
  - 5) Corvallis Gazette-Times “FYI” section

#### VIII – Regulation and By-laws

Any rules promulgated by the BCFCC under authority of law shall not be effective unless approved by a majority vote of all members. The BCFCC shall adopt reasonable regulations and by-laws governing its organization and proceedings and the performance of its functions under ORS 526.310 – 526.332, and shall keep written minutes of its meetings.

#### IX – Amendments

The By-laws may be amended at any meeting by a minimum of 3 votes and approval of the Benton County Board of Commissioners.

Approved by the Benton County Forestland Classification Committee on **July 28**, 2008

Approved by the Benton County Board of Commissioners: \_\_\_\_\_

Attachment A

Oregon Revised Statute 526.310 – 526.332

**526.310 County classification committees; rules.** (1) The governing body of each county containing forestland may establish a county forestland classification committee of five persons, of whom one shall be appointed by the State Forester, one by the Director of the Oregon State University Extension Service and three by the governing body. Of the members appointed by the governing body, one must be an owner of forestland or a representative thereof, and one must be an owner of grazing land or a representative thereof. Each appointing authority shall file with the forester the name of its appointee or appointees, and the persons so named shall constitute the committee for the county. Each member of the committee at all times is subject to replacement by the appointing authority, effective upon the filing with the forester by that authority of written notice of removal and the name of the new appointee.

(2) The committee shall elect from among its members a chair and a secretary and may elect or employ other officers, agents and employees, as it finds advisable. It shall adopt rules governing its organization and proceedings and the performance of its duties, and shall keep written minutes of all its meetings.

(3)(a) The governing body of the county may provide for the committee and its employees such accommodations and supplies and such county funds not otherwise appropriated as the governing body finds necessary for the proper performance of the committee's functions.

(b) The forester may provide for the committee and its employees such accommodations and supplies and such forest protection district funds as the forester finds necessary for the proper performance of the committee's functions.

(4) The members of the committee shall receive no compensation for their services but the governing body or the forester may reimburse them for their actual and necessary travel and other expenses incurred in the performance of their duties. [Amended by 1965 c.253 §34; 1967 c.429 §30; 1997 c.274 §42]

**526.320 Investigation of forestlands by committees; determination of adaptability for particular uses.** Upon establishment of a committee under ORS 526.310, the committee shall investigate and study all forestland within its county and determine which of the land is suitable primarily for the production of timber, which is suitable primarily for joint use for timber production and the grazing of livestock, and which is suitable primarily for grazing or other agricultural use. Such determination shall take into consideration climate, topography, elevation, rainfall, soil conditions, roads, extent of fire hazards, recreation needs, scenic values, and other physical, economic and social factors and conditions relating to the land involved. [Amended by 1965 c.253 §35; 1967 c.429 §31]

**526.324 Classification of forestland by committee; publication.** (1) Upon the basis of its investigation and determination under ORS 526.320, a committee shall assign all forestland within its county to one of the following classes:

(a) Class 1, timber class, includes all forestland primarily suitable for the production of timber.

(b) Class 2, timber and grazing class, includes all forestland primarily suitable for joint use for timber production and the grazing of livestock, as a permanent or

semipermanent joint use, or as a temporary joint use during the interim between logging and reforestation.

(c) Class 3, agricultural class, includes all forestland primarily suitable for grazing or other agricultural use.

(2) The committee first shall adopt a preliminary classification and upon its completion shall cause notice thereof to be published once a week for two consecutive weeks in a newspaper of general circulation in the county and to be posted in three public places within the county. The notice shall state the time and place for hearing or receiving objections, remonstrances or suggestions as to the proposed classification and the place where a statement of the preliminary classification may be inspected. [1965 c.253 §37; 1967 c.429 §32]

**526.328 Hearing; final classification; reclassification.** (1) The committee shall hold a public hearing at the time and place stated in the notice published under ORS 526.324 (2), or at such other time and place as the hearing may then be adjourned to, to receive from any interested persons objections, remonstrances or suggestions relating to the proposed classification. Following the hearing the committee may make such changes in the preliminary classification as it finds to be proper, and thereafter shall make its final classification.

(2) All action by the committee in classifying or reclassifying forestland shall be by formal written order which must include a statement of findings of fact on the basis of which the order is made, and must include a map showing the classifications or reclassifications made. The original of the order shall be filed immediately with the county clerk of the county, who shall maintain it available for public inspection. A copy of the order certified by the secretary of the committee shall be sent to the State Board of Forestry. [1965 c.253 §38]

**526.330** [Repealed by 1965 c.253 §153]

**526.332 Appeal.** (1) Any owner of land classified under ORS 526.328 or 526.340 who is aggrieved by the classification may, within 30 days after the date of the order making the classification, appeal to the circuit court for the county. The appeal shall be taken by serving the notice of appeal on the secretary of the committee or, if the classification was made under ORS 526.340, on the State Forester, and by filing such a notice with the county clerk.

(2) The appeal shall be tried by the circuit court as an action not triable by right to a jury. [1965 c.253 §39; 1979 c.284 §163]