

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
A Statement of Need and Fiscal Impact accompanies this form

**FILED**  
11-12-15 3:26 PM  
ARCHIVES DIVISION  
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Land Conservation and Development Department  
Agency and Division

660  
Administrative Rules Chapter Number

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Address

**RULE CAPTION**

Modification of existing exceptions for transportation facilities in rural reserves

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
1-14-16	8:00 a.m.	205 South Central Ave., Medford, OR	LCDC

**RULEMAKING ACTION**

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**ADOPT:**

**AMEND:**

OAR 660-027-0070

**REPEAL:**

**RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**Statutory Authority:**

ORS 195.141, 197.040

**Other Authority:**

**Statutes Implemented:**

ORS 195.137 - 195.145

**RULE SUMMARY**

Designation of rural reserves provides long-term protection for large blocks of agricultural and forest lands. Consistent with that policy intent, OAR 660-027-0070(4) specifies that new transportation facilities may not be built in rural reserves if an exception to Statewide Planning Goals 3, 4, 11 or 14 is required. The current method for modifying an exception is to take a new exception, which is prohibited in the rural reserves under OAR 660-027-0070(4). The proposed rule amendments modify the rural reserves rules to allow for a modification of an existing exception for a transportation facility.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

01-14-2016 Close of Hearing  
Last Day (m/d/yyyy) and Time for public comment

Casaria Taylor  
Rules Coordinator Name

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Email Address

\*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**  
A Notice of Proposed Rulemaking Hearing accompanies this form.

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660  
Administrative Rules Chapter Number

Modification of existing exceptions for transportation facilities in rural reserves

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Proposed amendments to OAR chapter 660, division 27

**Statutory Authority:**

ORS 195.141, 197.040

**Other Authority:**

**Statutes Implemented:**

ORS 195.137 - 195.145

**Need for the Rule(s):**

The policy intent behind the designation of rural reserves is to provide long-term protection for large blocks of agricultural and forest lands. Consistent with this intent, OAR 660-027-0070(4) specifies that new transportation facilities may not be built in rural reserves if an exception to Statewide Planning Goals 3, 4, 11 or 14 is required. These rule amendments are necessary to address a unique issue that concerns an extension of Arndt Road within a rural reserve near Canby. Clackamas County took an exception in 2003 to extend Arndt Road between Barlow Road and Highway 99E, but that roadway has not yet been built due, in part, to a challenging grade differential across the UPRR tracks and capacity problems on the Highway 99E bridge over the Molalla River. Clackamas County would therefore like to be able to modify the 2003 exception to change the location of the road extension. However, the method for modifying an exception is to take a new exception, which is prohibited in the rural reserves under OAR 660-027-0070(4). This rulemaking would modify the rural reserves rules to allow for a modification of an existing exception for a transportation facility.

**Documents Relied Upon, and where they are available:**

ORS chapters 195, 197; OAR section 660 division 27. These are available by contacting the department's rules coordinator or on the department's website at [www.oregon.gov/lcd](http://www.oregon.gov/lcd).

**Fiscal and Economic Impact:**

The proposed rule will permit a county to locate a road realignment in the place that most efficiently utilizes its construction dollars, reducing costs.

**Statement of Cost of Compliance:**

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

A Metro area county that choose to avail itself of the new rule allowing modification of an exception for a transportation facility in a rural reserve would incur some administrative costs. However, such counties would be voluntarily choosing to seek a modification of the exception. DLCD would incur minimal administrative costs in reviewing a proposed modification of an exception for a transportation facility in a rural reserve. It is not anticipated that the rules will have cost impacts on the general public.

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:**

No businesses are subject to the rule.

**b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:**

None. No businesses are subject to the rule.

**c. Equipment, supplies, labor and increased administration required for compliance:**

None. No businesses are subject to the rule.

**How were small businesses involved in the development of this rule?**

Small businesses were not involved in the development of these amendments because businesses are not subject to these rules.

**Administrative Rule Advisory Committee consulted?: Yes**

**If not, why?:**

A rule advisory committee will be consulted on the proposed rules prior to the public hearing.

<u>01-14-2016 Close of Hearing</u>	<u>Casaria Taylor</u>	<u>casaria.taylor@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

# HOUSING COST IMPACT STATEMENT

FOR ESTIMATING THE EFFECT OF A PROPOSED RULE OR ORDINANCE ON THE COST OF DEVELOPING  
A \*TYPICAL 1,200 SQ FT DETACHED SINGLE FAMILY DWELLING ON A 6,000 SQ FT PARCEL OF LAND.  
(ORS 183.534) *FOR ADMINISTRATIVE RULES*

**AGENCY NAME:**

Department of Land Conservation and Development

**ADDRESS:** 635 Capitol Street NE, Suite 150

**CITY/STATE:** Salem, Oregon 97301

**PHONE:** (503) 373-0050, ext 229

**PERMANENT:**

**TEMPORARY:**

**HEARING DATES:** January 14, 2016

**EFFECTIVE DATE:** Upon filing

**BELOW PLEASE PROVIDE A DESCRIPTION OF THE ESTIMATED SAVINGS OR ADDITIONAL COSTS THAT WILL  
RESULT FROM THIS PROPOSED CHANGE.**

PROVIDE A BRIEF EXPLANATION OF HOW THE COST OR SAVINGS ESTIMATE WAS DETERMINED.  
IDENTIFY HOW CHANGE IMPACTS COSTS IN CATEGORIES SPECIFIED

**Description of proposed change:** (Please attach any draft or permanent rule or ordinance)

Designation of rural reserves provides long-term protection for large blocks of agricultural and forest lands. Currently, OAR 660-027-0070(4) specifies that new transportation facilities may not be built in rural reserves if an exception to Statewide Planning Goals 3, 4, 11 or 14 is required. Also, the current method for modifying an exception is to take a new exception, which is prohibited in the rural reserves under OAR 660-027-0070(4). This proposal would modify the rural reserves rules to allow for a modification of an existing exception for a transportation facility.

**Description of the need for, and objectives of the rule:**

The policy intent behind the designation of rural reserves is to provide long-term protection for large blocks of agricultural and forest lands. Consistent with this policy intent, OAR 660-027-0070(4) specifies that new transportation facilities may not be built in rural reserves if an exception to Statewide Planning Goals 3, 4, 11 or 14 is required. These rule amendments are necessary to address a unique issue that concerns an extension of Arndt Road within a rural reserve near Canby in Clackamas County. Clackamas County took an exception in 2003 to extend Arndt Road between Barlow Road and Highway 99E, but that roadway has not yet been built due, in part, to a challenging grade differential across the UPRR tracks and capacity problems on the Highway 99E bridge over the Molalla River. Clackamas County would therefore like to be able to modify the 2003 exception to change the location of the road extension. However, the method for modifying an exception is to take a new exception, which is prohibited in the rural reserves under OAR 660-027-0070(4). This rulemaking would modify the rural reserves rules to allow for a modification of an existing exception for a transportation facility.

**List of rules adopted or amended:**

OAR 660-027-0070(4)

**Materials and labor costs increase or savings:**

No additional costs are anticipated.

**Estimated administrative, construction or other costs increase or savings:**

Completing the comprehensive plan amendment authorized by this rule will require a county to incur administrative costs, but those costs will be voluntary.

**Land costs increase or savings:**

No additional costs are anticipated.

**Other costs increase or savings:**

\*Typical-Single story 3 bedrooms, 1 ½ bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

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