

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

FILED
11-12-15 11:24 AM
ARCHIVES DIVISION
SECRETARY OF STATE

Land Conservation and Development Department
Agency and Division
Casaria Taylor
Rules Coordinator
Land Conservation and Development Department, 635 Capitol St. NE, Suite 150, Salem, OR 97301
Address

660
Administrative Rules Chapter Number
(503) 373-0050, ext. 322
Telephone

RULE CAPTION

Minor and technical changes to conform to recent legislation and provide clarification.
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:

OR 660-006-0005, 0010, 0025, 0026 and 0027 (Forest Lands)
OR 660-033-0030, 0045, 0120 Table 1, 0130 and 0135 (Agricultural Lands)

REPEAL:

OR 660-033-0150 (Agricultural Lands)

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 197.040

Other Authority:

Statewide Planning Goals (OAR Chapter 660, division 15)

Statutes Implemented:

ORS 197, ORS 215

RULE SUMMARY

The proposed amendments will modify rules to make minor and technical changes to conform to recent legislation and to provide other clarifications. Conforming amendments will implement various provisions in HB 3400 and HB 2457.

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

casaria.taylor@state.or.us
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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Land Conservation and Development Department
Agency and Division

660
Administrative Rules Chapter Number

Minor and technical changes to conform to recent legislation and provide clarification.

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

In the Matter of:

Amendments to administrative rules (OAR divisions 6 and 33) to make minor and technical changes to conform to recent legislation and to make clarifications.

Statutory Authority:

ORS 197.040

Other Authority:

Statewide Planning Goals (OAR Chapter 660, division 15)

Statutes Implemented:

ORS 197, ORS 215

Need for the Rule(s):

The need for and objectives of the rule amendments are to achieve conformance with recent legislation and to provide clarification for several unclear rule references.

Documents Relied Upon, and where they are available:

HB 3400 and HB 2457; ORS chapters 197 and 215; Statewide Planning Goals 3 and 4, OAR chapter 660, divisions 6 and 33. These documents are available on the Agency's web site at <http://www.oregon.gov/LCD/index/shtml> or by contacting Casaria Taylor at the Department of Land Conservation and Development at 503-934-0065.

Fiscal and Economic Impact:

The HB 3400 changes will enable the creation of new businesses surrounding marijuana growing, processing and sales, and the generation of new tax revenues for cities, counties and the state. The HB 2457 changes will allow landowners to sell or develop portions of parcels within urban growth boundaries that previously were difficult to sell or develop. None of the other minor and technical amendments have fiscal or economic impacts because they only provide clarification of the intent of existing rules.

Statement of Cost of Compliance:

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

The HB 3400 changes will require conforming rules and new administrative processes for several state agencies that will involve added costs. Local governments that choose to participate will need to adopt new zoning and other administrative changes, involving relatively minor costs. The HB 2457 changes will not affect state agencies and will require only minor zone changes at the local level.

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:

HB 3400 will not affect existing small businesses, but will result in the creation of new small businesses in the hundreds.
HB 2457 may generate some additional development potential for a handful of small businesses associated with development.

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

HB 3400 - Significant additional reporting, recordkeeping and other administrative activities for several state agencies; some of the same for participating local governments. HB 2457 - minor requirements associated with a technical zone change.

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

HB 3400 - Increased labor and administration required by several state agencies; a lesser amount required for participating local governments. HB 2457 - no effect.

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

Not involved as all amendments are to conform with recent legislation or make minor clarifications.

**Administrative Rule Advisory Committee consulted?: No
If not, why?:**

No, as all amendments are to conform with recent legislation or make minor clarifications.

<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: February 15, 2016

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)

Minor and technical changes to conform to recent legislation and provide clarification

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

The need for and objectives of the rule amendments are to achieve conformance with recent legislation and to make several minor clarifications.

List of rules adopted or amended:

OAR 660-006-0005, 0010, 0025, 0026 and 0027 (Forest Lands)

OAR 660-033-0030, 0045, 0120 Table 1, 0130, 0135 and 0150 (Agricultural Lands)

Materials and labor costs increase or savings:

None

Estimated administrative, construction or other costs increase or savings:

None

Land costs increase or savings:

None

Other costs increase or savings:

*Typical-Single story 3 bedrooms, 1 1/2 bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

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