

# DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

## DIVISION 2

### DELEGATION OF AUTHORITY TO DIRECTOR

*Amendments adopted December 6, 2007, as Temporary Rules Effective December 10, 2007  
For LCDC Hearing and Possible Re-Adoption February 12, 2008*

1 **660-002-0010**

2 **Authority to Director**

3 In addition to the other duties and responsibilities conferred on the Director by ORS  
4 Chapter 197, the Director shall exercise and hereinafter be vested with authority to:

5 (1) Assent to a modification of a planning extension or a compliance schedule of a city or  
6 county in accordance with ORS 197.251(2);

7 (2) Condition a compliance schedule in accordance with ORS 197.252;

8 (3) Approve a planning assistance grant agreement with a city or county, including  
9 modifications thereto; and

10 (4) Request that the Commission schedule a hearing to consider an enforcement order if  
11 the Director has good cause to believe that any of the conditions exist as set forth in ORS  
12 197.320(1) through (10);

13 (5) Execute any written order, on behalf of the Commission, which has been consented to  
14 in writing by the parties adversely affected thereby;

15 (6) Prepare and execute written orders, on behalf of the Commission, implementing any  
16 action taken by the Commission on any matter;

17 (7) Establish procedures by which the Director shall periodically review and report to the  
18 Commission the status of comprehensive plans within each city and county;

19 (8) Carry out the responsibilities and exercise the authorities of the Commission and  
20 **DLCD** [*the Department*] in responding to claims under [*Chapter 1, Oregon Laws 2005*]  
21 **ORS 197.352** (2004 Ballot Measure 37) **and Chapter 424, Oregon Laws 2007 (2007**  
22 **Ballot Measure 49)**, including:

23 (a) Review of claims **made** under [*OAR 125-145-0100*] **ORS 197.352 and Chapter 424,**  
24 **Oregon Laws 2007;**

25 (b) Denial of claims under [*OAR 125-145-0100*] **ORS 197.352 and Chapter 424,**  
26 **Oregon Laws 2007;** and

1 (c) Approval of claims under [~~OAR 125-145-0100~~] **ORS 197.352 and Chapter 424,**  
2 **Oregon Laws 2007**, except that the Director may approve a claim only by not applying  
3 the [~~statute(s), rule(s) or goal(s)~~] **land use regulations** that are the basis of the claim  
4 unless legislation is enacted that appropriates funds for the payment of claims under  
5 [~~Chapter 1, Oregon Laws 2005~~] **ORS 197.352 or Chapter 424, Oregon Laws 2007.**

6 Stat. Auth.: ORS 183, 196 & 197, Ch. 424, OL 2007  
7 Stats. Implemented: ORS 197.040, 197.045 & 197.090, Ch. 424, OL 2007  
8 Hist.: LCD 4-1978, f. & ef. 3-24-78; LCD 3-1979, f. & ef. 3-27-79; LCDC 7-  
9 1980(Temp), f. & ef. 12-17-80; LCD 1-1981, f. & ef. 2-23-81; LCD 4-1981, f. & ef. 4-3-  
10 81; LCDC 2-1983(Temp), f. & ef. 2-9-83; LCDC 3-1983, f. & ef. 5-5-83; LCDC 5-1988,  
11 f. & cert. ef. 9-29-88; LCDC 3-1990, f. & cert. ef. 6-6-90; LCDD 3-2004, f. & cert. ef. 5-  
12 7-04; LCDD 2-2005(Temp), f. & cert. ef. 3-18-05 thru 9-13-05; LCDD 5-2005, f. & cert.  
13 ef. 8-12-05; LCDD 2-2007(Temp), f. & cert. ef. 12-10-07 thru 6-7-08

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15 **660-002-0015**

16 **Notice of Director's Actions**

17 (1) The Director shall establish procedures which shall be reasonably calculated to  
18 provide notice to interested member of the public and other units of government of the  
19 Director's actions taken pursuant to OAR 660-002-0010 [~~except that notice of any~~  
20 ~~action of the Director with regard to a claim under OAR 660-002-0010(8) will be as set~~  
21 ~~forth in OAR 125-145-0080~~].

22 (2) The Director shall provide the Commission with a monthly report summarizing  
23 actions taken by the Director during the preceding month pursuant to this rule and any  
24 written public comments received by the Department which pertain to those actions.

25 Stat. Auth.: ORS 183 & 197  
26 Stats. Implemented: ORS 197.040, 197.045 & 197.090  
27 Hist.: LCD 4-1978, f. & ef. 3-24-78; LCDC 5-1988, f. & cert. ef. 9-29-88; LCDD 2-  
28 2005(Temp), f. & cert. ef. 3-18-05 thru 9-13-05; LCDD 5-2005, f. & cert. ef. 8-12-05;  
29 LCDD 2-2007(Temp), f. & cert. ef. 12-10-07 thru 6-7-08