

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

FILED 11-12-15 1:49 PM ARCHIVES DIVISION SECRETARY OF STATE

Land Conservation and Development Department Agency and Division	660 Administrative Rules Chapter Number
Casaria Taylor Rules Coordinator	(503) 373-0050, ext. 322 Telephone
Land Conservation and Development Department, 635 Capitol St. NE, Suite 150, Salem, OR 97301 Address	

RULE CAPTION

Zoning of rural exception areas

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:

660-004-0018

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 197.040

Other Authority:

ORS 197; Statewide Planning Goals (OAR Chapter 660, division 15)

Statutes Implemented:

ORS 197.732 - 197.736

RULE SUMMARY

HB 3214 (2015) requires the Land Conservation and Development Commission to amend OAR chapter 660, division 4 to allow for a rezoning that authorizes the change, continuation or expansion of an industrial use that has been in operation for the five years without requiring the local government to take a new exception to statewide planning goals related to agricultural and forest lands. The proposed amendments allow these and certain other rezonings without requiring a new exception.

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

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STATEMENT OF NEED AND FISCAL IMPACT
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SECRETARY OF STATE

Land Conservation and Development Department
Agency and Division

660
Administrative Rules Chapter Number

Zoning of rural exception areas

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

In the Matter of:

Adoption of amendments to current rules concerning the criteria for zoning certain rural lands.

Statutory Authority:

ORS 197.040

Other Authority:

ORS 197; Statewide Planning Goals (OAR Chapter 660, division 15)

Statutes Implemented:

ORS 197.732 - 197.736

Need for the Rule(s):

HB 3214 (2015) requires the Land Conservation and Development Commission to amend OAR chapter 660, division 4 to allow for a rezoning that authorizes the change, continuation or expansion of an industrial use that has been in operation for the five years without requiring the local government to take a new exception to statewide planning goals related to agricultural and forest lands. The proposed amendments allow these and certain other rezonings without requiring a new exception.

Documents Relied Upon, and where they are available:

HB 3214 (2015). These documents are available at <https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB3214> or by contacting Casaria Taylor at the Department of Land Conservation and Development at 503-934-0065 or e-mail at casaria.taylor@state.or.us.

Fiscal and Economic Impact:

The proposed rules are expected to have fiscal and economic impacts, as described below.

Statement of Cost of Compliance:

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

The proposed rule amendments will result in a streamlined process for local governments to use in considering rezoning of rural lands that have previously been determined not to be agricultural or forest land. The proposal may ultimately benefit economic and property interests affected by this rule change will provide a specific process for such request. However, the department cannot compute the actual cost savings because there is no available information to base such a decision on.

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:

Historical rezoning activity suggests that there may be fewer than five cases statewide per year affected by the proposed amendments, and a portion of these will not affect any business and industry interests. The types of businesses affected have little in common except that they are rural.

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

The rules, both existing and as proposed, require applicants for rezoning of rural land to address certain criteria. Many applicants choose to retain professional assistance in preparation of the application. Because the proposed rules reduce the regulatory burden on applicants, costs of compliance are expected to be significantly lower for applicants. However, such costs, including costs of professional services, vary greatly depending on the size of the rezone request, particular geographic circumstances, and other factors. As such, the department cannot estimate such costs. The relevant rule does not include reporting or record-keeping requirements.

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

No costs "required for compliance" are anticipated with respect to equipment, supplies, labor and administration as a result of the proposed rules.

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

These proposed rules were partially required by legislation (HB 3214, 2015). Because of this requirement and the relative lack of effect on businesses, no rules advisory committee was employed. Broad notice of the LCDC's first public hearing on these rules was provided, including notices to a range of business interests.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

No, for the same reasons provided above concerning small business involvement.

<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)

Amends OAR chapter 660, division 4 to change criteria for zoning of areas subject to an exception from statewide planning goal 3, agricultural land, goal 4, forest land, or both.

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

HB 3214 (2015) requires the Land Conservation and Development Commission to amend OAR chapter 660, division 4 to allow for a rezoning that authorizes the change, continuation or expansion of an industrial use that has been in operation for the five years without requiring the local government to take a new exception to statewide planning goals related to agricultural and forest lands. The proposed amendments allows these and certain other rezonings without requiring a new exception.

List of rules adopted or amended:

OAR 660-004-0018

Materials and labor costs increase or savings:

No effect

Estimated administrative, construction or other costs increase or savings:

No effect

Land costs increase or savings:

No effect

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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