

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 660  
LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

**FILED**

12/14/2022 9:36 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Amend rule to cite updated AG Model Rules Manual.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/26/2023 8:45 AM

*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.*

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Filed By:  
Casaria Taylor  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 01/26/2023

TIME: 8:30 AM

OFFICER: LCDC

HEARING LOCATION

ADDRESS: Land Conservation and Development, 635 Capitol Street, Basement Hearing Room, Salem, OR 97301

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 719-359-4580

CONFERENCE ID: 831273

NEED FOR THE RULE(S)

This rule amendment is needed to update the reference in 660-001-0005 to the Oregon Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedure under the Administrative Procedures Act. The rule currently references the 2008 Manual. The department is updating the reference to the most current Manual, 2019.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Oregon Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedure under the Administrative Procedures Act is available from the department and from the Oregon Department of Justice

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule amendment is unlikely to affect racial equity in Oregon because it will only bring DLCD's Model Rules of Procedure into compliance with the most current Oregon Attorney General's Administrative Law Manual and Uniform

and Model Rules of Procedure under the Administrative Procedures Act. This amendment adds to continuity across state agencies.

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FISCAL AND ECONOMIC IMPACT:

There will be no fiscal impact, positive or negative, from this amendment.

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COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

No state agencies, units of local government, or public members will be economically affected, positively or negatively, by this amendment. There will be no estimated small business impacted and none impacted economically, positively or negatively, by this amendment.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the drafting of this amendment. This is an update by reference to the Oregon Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedure under the Administrative Procedures Act.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

An Administrative Rule Advisory Committee was not consulted for this regular update.

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HOUSING IMPACT STATEMENT:

There will be no fiscal impact on the housing market, building materials, etc.

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AMEND: 660-001-0005

RULE SUMMARY: This amendment updates the date of the cited Attorney General's Model Rules and Uniform Rules of Procedure under the Administrative Procedure Act.

CHANGES TO RULE:

660-001-0005

Model Rules of Procedure ¶¶

(1) Pursuant to the provisions of ORS 183.341, the Land Conservation and Development Commission adopts the Attorney General's Model Rules and Uniform Rules of Procedure under the Administrative Procedure Act, effective ~~January 1, 2008~~July 1, 2008<sup>19</sup>, except for that portion of OAR 137-003-0092(2) regarding the number of calendar days allowed to act on a stay request. The number of calendar days allowed to act on a stay request shall be 75 days rather than 30 days.¶

(2) Pursuant to the provisions of ORS 183.457 and OAR 137-003-0008, the Land Conservation and Development Commission authorizes parties and limited parties to contested case proceedings to be represented by an authorized representative, subject to the other requirements of ORS 183.457 and OAR 137-003-0008.¶

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Land Conservation and Development Department.]

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 183.341, ORS 183.457