

STATEMENT OF NEED AND FISCAL IMPACT.

Need for Rule(s):

This rulemaking includes amendments to 19 rules and repeal of 2 rules. The proposed amendments do not include any new rules. The proposed amendments are principally meant to clarify requirements for local land use and transportation planning. The most significant changes are: the repeal of OAR 660-012-0210, which would require significant review of certain land use decisions, and would take effect in 2028; and the repeal of OAR 660-044-0060, a duplicative requirement for Metro to report regularly on progress toward a set of targets.

Documents Relied Upon, and where they are available:

Statewide Planning Goal 12. Available at <https://www.oregon.gov/lcd/OP/Documents/goal12.pdf>

Statement Identifying How Adoption of Rule(s) Will Affect Racial Equity in this state:

The State of Oregon requires that a rulemaking notice include a “statement identifying how adoption of the rule will affect racial equity in this state.” ORS 183.335(2)(b)(F). For the purposes of this statement, racial equity has been defined as treating people of all races fairly, justly, and without bias. The agency is required to attempt to determine the racial groups that will be affected by the rule, and how the rule will increase or decrease disparities currently experienced by those groups. In this context, a disparate treatment of racial groups may be supportable if it addresses current disparities.

The department does not expect the proposed amendments to negatively impact racial equity or equitable outcomes. The amendments clarify existing requirements for local land use and transportation planning. The department does not expect any benefits and costs associated with the amended rules to have an impact on disparities between racial groups.

Fiscal and Economic Impact:

As part of the rulemaking process, ORS 183.335 requires a Fiscal Impact Statement to assess the expected degree to which state agencies, units of local government, tribes, and the public may be economically affected by the adoption, amendment or repeal of the rule and to estimate the economic impact on those entities. ORS 183.335(2)(b)(E) also requires that, in determining economic impact, the agency shall “project any significant economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected.”

The department does not expect the proposed amendments to have a substantial fiscal impact on state agencies, units of local government, tribes, or the public. The department does not expect the proposed amendments to have a significant economic effect on businesses. The amendments clarify existing requirements for local government land use and transportation planning.

Statement of 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).

State Agencies

The amendments clarify land use and transportation planning requirements for local governments. The department expects few economic impacts to state agencies from these amendments.

Units of Local Government

The amendments clarify land use and transportation planning requirements for local governments. This clarity will make it easier for local government to administer local land use and transportation planning processes. The repeal of OAR 660-012-0210 removes a future requirement which could have created additional costs and uncertainty for local governments. The repeal of OAR 660-044-0060 removes a duplicative requirement for Metro, reducing costs.

Members of the Public

The amendments clarify land use and transportation planning requirements for local governments. The department does not expect the amendments to affect the public at large.

Small Businesses

The amendments clarify land use and transportation planning requirements for local governments. The rules apply to local governments. No small businesses are subject to the rules. As the requirements may provide benefits to local planning processes, this may provide more regulatory certainty for small businesses in affected areas. Small businesses engaged in the development of land will avoid impacts associated with local compliance with the future implementation of OAR 660-012-0210.

Describe how small businesses were involved in the development of these rule(s)?

Representatives from small businesses were involved in the initial development of many of the affected rules. The department invited advisory committee members from those earlier processes to participate in this rulemaking process.

Was an Administrative Rule Advisory Committee consulted? Yes or No?

Yes

If not, why not?

N/A