

Secretary of State

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Land Conservation and Development Department

660

Agency and Division

Administrative Rules Chapter Number

Amendments to existing rules in order to implement new laws regarding periodic review.

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 existing rules in order to implement new laws regarding periodic review.

Statutory Authority:

ORS 197.040

Other Authority:

Statewide Planning Goals (OAR 660, div 15)

Stats. Implemented:

ORS 197.626-197.646; Or Laws 2011, chapter 469 (HB 2130)

Need for the Rule(s):

The proposed amendments would modify rules pertaining to periodic review and related topics. The proposed amendments are needed in order to implement new laws (Oregon Laws 2011, chapter 469) regarding changes to comprehensive plans and land use regulations. The amendments are needed in order to conform existing rules to these new laws.

The Commission may consider other minor and technical amendments to rules in the division specified above based on testimony and comments received during the public comment period, and may adopt amendments that may be proposed during the public comment period.

Documents Relied Upon, and where they are available:

ORS 197.626 to 197.646; Statewide Planning Goals (OAR 660, division 15); Or Laws 2011, chapter 469 (HB 2130) - available online

Fiscal and Economic Impact:

Statutory provisions (ORS 183.335(2)(b)(E) and (G), and ORS 183.540) require the agency to consider whether a proposed rule amendment will have any significant economic impact on business and whether options should be considered to reduce any negative impacts of the rule on business:

The proposed amendments will not have economic effects on business because the proposed amendments will generally conform existing rules to new statutes already in effect. The department cannot propose alternative rules that would achieve the underlying lawful governmental objective because the proposal is necessary to implement new laws. The proposed rule amendments apply to periodic review and are not substantially different than existing requirements in periodic review rules. As such, economic and property interests will not be affected. However, to the extent that the new laws implemented by these rules represent a clearer expression of requirements previously in law, economic effects to business are expected to be positive; such effects cannot be quantified.

Statutory provisions also require the agency to estimate the effect of proposed rules on the cost to construct a 1,200 square foot dwelling on a 6,000 square foot parcel (ORS 183.534). The proposed amendments would not affect approval standards for dwellings and thus will not affect the cost to construct a dwelling.

ORS 183.335(2)(b)(E) and 183.530 require the agency to prepare a Housing Cost Impact Statement on a form prepared by the State Housing Council and incorporate that statement into this statement of need required by ORS 183.335(5) (See ORS 183.534). The Housing Cost Impact Statement is attached and is incorporated into this statement by this reference.

Statement of Cost of Compliance:

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

The amendments will not have impacts to state agencies, units of local government and the public because the proposed amendments carry out new provisions of periodic review that are substantially the same as existing provisions in state law.

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:
The rule does not apply to small businesses. None are subject to the rule.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:
These rule amendments will not change current department procedures regarding the periodic review process, as reflected by state law, and no professional service costs are anticipated as a result of the new rules beyond those costs already required for compliance with state law.

c. Equipment, supplies, labor and increased administration required for compliance:
No additional costs of supplies, labor and administration are anticipated as a result of these rule amendments.

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

If not, why?:

Because these amendments primarily concern implementation of amendments to an existing statute regarding periodic review, and because the topics addressed by these rules concern local governments rather than small businesses, and because the proposed rule amendments reflect periodic review statutes already in effect, the department did not consult with small businesses.

Statutory provisions (ORS 197.040) also require the agency to "Assess what economic and property interests will be, or are likely to be, affected by the proposed rule; ... assess the likely degree of economic impact on identified property and economic interests; [and] assess whether alternative actions are available that would achieve the underlying lawful governmental objective and would have a lesser economic impact." These requirements "shall not be interpreted as requiring an assessment for each lot or parcel that could be affected by the proposed rule."

Economic interests and property owners will not be directly affected by the amended rules for the same reasons described above for small businesses.

Administrative Rule Advisory Committee consulted?: No

For the same reasons provided above concerning small business involvement.

12-08-2011 Close of Hearing	Casaria Tuttle	casaria.r.tuttle@state.or.us	10-14-11 3:17 PM
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed