

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

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|---|-------------------------------------|
| Department of Land Conservation and Development | OAR chapter 660 |
| Agency and Division | Administrative Rules Chapter Number |

| | | |
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| Bryan Cruz González | 635 Capitol Street NE, Suite 150, Salem, Oregon 97301-2540 | 503-373-0050 ext. 322 |
| Rules Coordinator | Address | Telephone |

RULE CAPTION

Permanent Measure 49 Rules Clarifying Requirements for Measure 49 Authorizations, Including Notice to State

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

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|----------------|-----------|--|------------------|
| March 12, 2009 | 9:00 a.m. | 635 Capitol Street NE, Basement Hearing Room, Salem Oregon | LCDC |
| Hearing Date | Time | Location | Hearings Officer |

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: OAR 660-041-0170

AMEND: OAR chapter 660, division 41

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 197.040

Other Auth.: Statewide Land Use Planning Goals 2-4, 11 and 14 (OAR 660-015-000(2)-(4), (11) and (14))

Stats. Implemented: ORS 195.300-195.332

RULE SUMMARY

The proposed permanent rules amend OAR chapter 660, division 41. The purpose of these rules is twofold. First, the rules clarify the requirements and process for evaluating Elections under Section 6 of Measure 49 for home site authorizations. There is uncertainty as to whether certain Measure 37 claimants who sought relief under Measure 49 were lawfully permitted to establish the number of home sites for which Elections have been submitted. These rules clarify how lawfully permitted uses are evaluated and determined. Second, the proposed rules also require local governments to notify DLCD of land use applications and decisions approving home sites authorized under Measure 49. This will ensure that state and local actions on Measure 49 Elections, including county land use approvals based on Measure 49 authorizations, and clustering and 20-homesite limitation requirements under Measure 49, are coordinated and consistent.

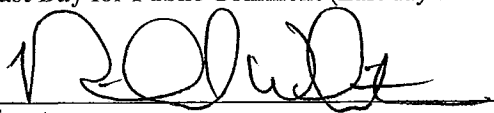
The Commission may consider other clarifications to these subjects that may be proposed during the public comment period.

An advisory committee was not used to assist the agency in drafting the proposed rule due to the need to act quickly to clarify requirements for evaluating Measure 49 elections, and the need to put a more formal structure in place quickly to coordinate state and local action on Measure 49 elections.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

February 23, 2009

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)



Richard Whitman, Director

2/14/09

Signature

Printed name

Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005