

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 (DLCD) | 660 |
| Agency and Division | Administrative Rules Chapter Number |
| Casaria Tuttle | 635 Capital Street, Salem, OR 97301 |
| Rules Coordinator | (503) 373-0050 ext 322 |
| Address | Telephone |

RULE CAPTION

Implements Senate Bill 1049 (2010) and facilitates local government implementation of Measure 49 authorizations.

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

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|---------------|-----------|--|------------------|
| July 22, 2010 | 8:30 a.m. | DLCD 635 Capital Street, Salem, OR 97301 | LCD Commission |
| 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: 660-041-0180

AMEND: Chapter 660 Division 041

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth. : ORS 197.040; 2010 Oregon Laws, Chapter 8 (Senate Bill 1049)

Other Auth.:

Stats. Implemented: ORS 195.300-195.336; 197.015; 197.040; 197.065; 197.353; 2007 Oregon Laws, Chapter 424 (2007 Oregon Ballot Measure 49); 2009 Oregon Laws, Chapter 855 (House Bill 3225); 2010 Oregon Laws, Chapter 8 (Senate Bill 1049)

RULE SUMMARY

The proposed rules would be codified in Division 041, under Oregon Administrative Rules (OAR) Chapter 660 and would direct review under Senate Bill (SB) 1049 and Measure 49 (M49) of about 400 otherwise ineligible Measure 37 (M37) claims; and would also include measures for local implementation of M49 authorizations. This rulemaking would make permanent some of the temporary M49 rules adopted by the Land Conservation and Development Commission in April of 2010 to implement SB 1049, which enables certain categories of landowners with otherwise ineligible M37 claims to make M49 elections. The bill requires affected claimants to pay a \$2,500 fee to cover the costs of further processing their claims and that DLCD process those claims by June 30, 2011. This rulemaking would also involve adoption of a new rule to assist local governments in working with landowners to implement their Measure 49 authorizations under Section 11 of M49.

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.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator): July 22, 2010

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| Casaria Tuttle | 6-11-10 |
| 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