



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

December 22, 2015

TO: Interested Parties

FROM: Jim Rue, Director,
Department of Land Conservation and Development (DLCD)

SUBJECT: Notice of Proposed Amended Rules

The Land Conservation and Development Commission (LCDC) is considering adoption of amendments to existing rules that are minor and technical to conform to recent legislation (HB 3400 and HB 2457) and to provide clarification for several unclear rule references.

The HB 3400 changes will enable local jurisdictions to enact reasonable regulations on marijuana businesses and prohibit certain uses in conjunction with a marijuana crop. The HB 2457 changes will allow landowners to divide and sell portions of parcels within urban growth boundaries that previously were difficult to divide, sell or develop. The proposed amendments will modify rules to make minor and technical changes to conform to recent legislation and to provide other clarifications. Conforming amendments will implement various provisions in HB 3400 and HB 2457.

The Department of Land Conservation and Development (DLCD) is soliciting public comment regarding the proposed rule amendments. The changes to the existing rules will be provided by amended rules under OAR 660-033-0005, 0010, 0025, 0027, 0030, 0045, 0120 Table 1, 0130, and 0135.

A draft of the proposed rules and other notices and fiscal statements will be available January 4, 2016, on DLCD's website at <http://www.oregon.gov/LCD/Pages/rulemaking.aspx>.

LCDC will hold a public hearing for this rulemaking and may adopt the amended rules on January 14, 2016. Interested persons may provide oral and written testimony to LCDC at the hearing regarding the proposed rule amendments. The public is encouraged to send written comments in advance of the hearing. Oral and written testimony will be accepted until the close of the hearing. The hearing on this topic is scheduled to begin at 8:00a.m. on January 14, 2016 at 205 South Central Ave., Medford, Oregon.

Address written comments to the Chair of the Land Conservation and Development Commission, care of Amie Abbot at the department's address above, or email comments to amie.abbot@state.or.us. Fax comments to 503-378-5518. If you have questions about the proposed rule amendments, contact Sadie Carney at 503-934-0036, or email: sadie.carney@state.or.us.

To obtain copies of the proposed rule amendments and related information by mail, email or fax, please contact Casaria Taylor at 503-934-0065 or casaria.taylor@state.or.us. The agenda for LCDC's January 4, 2016, meeting will be available on DLCD's website at <http://www.oregon.gov/LCD/Pages/meetings.aspx>

Enclosures



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The Land Conservation and Development Commission (LCDC) is considering adoption of amendments to existing rules concerning the procedures for implementing periodic review of comprehensive plans.

HB 3214 (2015) requires the Land Conservation and Development Commission to amend OAR chapter 660, division 4 to allow for a rezoning that authorizes the change, continuation or expansion of an industrial use that has been in operation for five years without requiring the local government to take a new exception to statewide planning goals related to agricultural and forest lands. The proposed amendments allow these and certain other rezonings without requiring a new exception.

The proposed rule amendments will result in a simplified process for local governments to use in considering rezoning of rural lands that have previously been determined not to be agricultural or forest land.

The Department of Land Conservation and Development (DLCD) is soliciting public comment regarding the proposed rule amendments.

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The Land Conservation and Development Commission (LCDC) is considering adoption of amendments to existing rules concerning the procedures for implementing periodic review of comprehensive plans.

HB 3282 (2015) amends ORS 197, and requires conforming amendments be added to OAR Chapter 660, division 25. The proposed rule amendments will affect under what circumstances the state may grant a local government's request to enter the periodic review process under ORS 197.628-197.636. This is a voluntary process. These minor and technical amendments are intended to clarify existing requirements and reduce procedural requirements for the state and local governments.

The Department of Land Conservation and Development (DLCD) is soliciting public comment regarding the proposed rule amendments.

A draft of the proposed rules and other notices and fiscal statements will be available January 4, 2016, on DLCD's website at <http://www.oregon.gov/LCD/Pages/rulemaking.aspx>.

LCDC will hold a public hearing for this rulemaking and may adopt the amended rules on January 14, 2016. Interested persons may provide oral and written testimony to LCDC at the hearing regarding the proposed rule amendments. The public is encouraged to send written comments in advance of the hearing. Oral and written testimony will be accepted until the close of the hearing. The hearing on this topic is scheduled to begin at 8a.m. on January 14, 2016 at 205 South Central Ave., Medford, Oregon.

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The Land Conservation and Development Commission (LCDC) is considering adoption of amendments to existing rules to allow in rural reserves modifications of transportation facilities previously authorized by an exception to Statewide Planning Goals.

The proposed rule amendments are necessary to address a unique issue that concerns an extension of Arndt Road within a rural reserve near Canby. The policy intent behind the designation of rural reserves is to provide long-term protection for large blocks of agricultural and forest lands. Consistent with this intent, OAR 660, division 27 specifies that new transportation facilities may not be built in rural reserves if an exception to certain Statewide Planning Goals is required. Clackamas County took an exception in 2003 to extend Arndt Road between Barlow Road and Highway 99E, but that roadway has not yet been built due, in part, to a challenging grade differential across railroad tracks and capacity problems on the Highway 99E bridge over the Molalla River. Clackamas County would therefore like to be able to modify the 2003 exception to change the location of the road extension. However, the method for modifying an exception is to take a new exception, which is prohibited in the rural reserves under OAR 660-027-0070(4). This rulemaking would modify the rural reserves rules to allow for a modification of an existing exception for a transportation facility.

The Department of Land Conservation and Development (DLCD) is soliciting public comment regarding the proposed rule amendments. The changes to the existing rural reserves rules will be provided by amended rules under OAR 660, division 27.

A draft of the proposed rule amendments and other notices and fiscal statements will be available January 4, 2016 on DLCD's website at <http://www.oregon.gov/LCD/Pages/rulemaking.aspx>.

DLCD convened a rulemaking advisory committee comprised of stakeholders representing city, county, regional, and advocacy perspectives. LCDC will hold a public hearing for this rulemaking and may adopt the amended rules on January 14, 2016. Interested persons may provide oral and written testimony to LCDC at the hearing regarding the proposed rule amendments. The public is encouraged to send written comments in advance of the hearing. Oral and written testimony will be accepted until the close of the hearing. The hearing on this topic is scheduled to begin at 8:00 a.m. on January 14, 2016 at 205 South Central Ave., Medford, Oregon.

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