

2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2229

STATUS: B Engrossed

SUBJECT: Land use planning

GOVERNMENT UNIT AFFECTED: Department of Land Conservation and Development, Department of Fish and Wildlife, Department of Transportation, Department of Agriculture, Water Resources Department, Department of Forestry, Oregon Judicial Department and Local Government

PREPARED BY: Dawn Farr

REVIEWED BY: Laurie Byerly, Paul Siebert, Susie Jordan and John Borden

DATE: June 1, 2009

	<u>2009-2011</u>	<u>2011-2013</u>
EXPENDITURES: See Comments.		

REVENUES:
See Comments.

EFFECTIVE DATE: On passage.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: The bill establishes overarching principles to guide the State of Oregon land use program; establishes that the Land Conservation and Development Commission (LCDC) shall review the land use planning responsibilities and authorities given to the state, regions, counties and cities and make recommendations to the Legislature; modifies provisions related to county comprehensive plans, reacknowledgment processes and regional problem-solving agreements and allows LCDC to adopt related rules; directs that when counties modify plans that they submit a scope of work to the Department of Land Conservation and Development (DLCD) for approval; directs counties to submit decisions on planning and rezoning to DLCD for review; directs DLCD to participate in collaborative regional problem-solving processes if requested by a county; provides authority to the Commission to grant, deny or remand approval of proposed changes to a comprehensive plan or land use regulations; modifies provisions for appeals to the Court of Appeals; allows the Commission in cooperation with the Oregon Law Commission and other public or private entities, to appoint a work group to conduct a policy-neutral review and audit of ORS chapters 195, 196, 197, 215 and 227.

DLCD indicates that the implementation of the activities assigned to the LCDC in the bill would not extend beyond a level that can be absorbed with existing staff. When DLCD elects to implement the new activities in the bill, such as reviews of county work plans, participation in regional problem-solving processes, or coordination of a work group to review existing land use law provisions, existing staff resources will need to be redeployed from other activities and priorities. At this time, DLCD indicates that they are not able to assess which activities might be delayed as a result of the implement this bill. If the requirements of this bill, or the cumulative impacts of a number of bills passing this legislative session exceeds the Department's capacity and existing resources, then DLCD will need to postpone implementation until a budget adjustment by the Legislature or the Emergency Board is made to continue implementation.

The Department of Agriculture, Department of Transportation, Water Resources Department, Department of Fish and Wildlife, and Department of Forestry anticipate an indeterminate minimal fiscal impact associated with the bill. The degree to which these agencies are involved in regional problem solving actions, local government plan modifications, LCDC rulemaking processes, and any work group that is formed for the policy neutral review will influence the ultimate resource investment required by each of these agencies. Because the timing and degree of participation is unknown at this time, the fiscal impact is indeterminate. These agencies could undertake actions to implement the bill up to the point that their budgeted resources proved insufficient to cover the actual costs. Beyond that level, one or more of these agencies may require a budget adjustment by the Legislature or the Emergency Board to continue implementation.

The Oregon Judicial Department anticipates an indeterminate fiscal impact associated with the bill. OJD indicates that the provisions that create a process for counties to correct mapping errors and the statutory process for collaborative regional problem solving regarding land use issues may impact the Court of Appeals caseloads. ODJ indicates that they do not have sufficient information to determine the number or timing of any increase cases, so the fiscal is considered indeterminate.

The Association of Oregon Counties and League of Oregon Cities anticipate a minimal fiscal impact associated with the bill at this time. The potential fiscal impact associated with LCDC rulemaking adopted in the future is indeterminate.