



Oregon

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March 14, 2013

TO: Natural Resources Subcommittee on Ways and Means

FROM: Jim Rue, Director

CC: Carrie MacLaren, Deputy Director
Teddy Leland, Administrative Services Manager

RE: Response to Questions dated March 13, 2013

On March 13, 2013, you asked several questions relating to mandated vs. non-mandated duties of the department and the percentage of budget in each category.

The department believes Oregon's statewide land use planning program is statutorily mandated to adopt and maintain its 19 Statewide Land Use Planning Goals and accompanying rules. The statutory mandate of the department primarily resides in Oregon Revised Statutes (ORS) Chapter 197 and ORS 215.503. In addition to this state mandate, the Federal Emergency Management Agency (FEMA) and the Ocean and Coastal Zone Management Act under 44 CFR 60.25, 15 CFR Parts 923 and 930, and 16 USC Sect 1451 et seq. creates mandates for the Ocean and Coastal Zone Management and Federal Emergency Management Act federally funded programs.

As mentioned in the department's March 13, 2013, presentation, there are rulemaking activities not statutorily mandated but undertaken at the request of the department and its local community planning partners. Each biennium, the Land Conservation and Development Commission approves a policy agenda for the department. The policy agenda includes both mandated and non-mandated activities.

For example, a significant policy agenda for 2011-13 relates to the department's legislative proposal HB 2254 (2013). The department sponsored, in response to local government planning partners and community stakeholders, an urban forum discussion. These discussions were conducted to improve the process for urban growth boundary decisions and urban reserve planning. Efforts of this nature reflect the statewide land use planning goals and ultimately assist the planning departments in serving local communities.

With regard to mandated vs. non-mandated policy agenda items (rulemaking activities), six out of 15 policy agenda items were non-mandated. Other non-mandated items include grants to local jurisdictions (general and federally funded); and the administration of the agency. Administration of the agency includes the Director's Office and Administrative Services Division.

In summary, the department concludes 36% of total department expenses can be considered non-mandatory expenses. For 2011-13, these expenses include:

- Six out of 15 rulemaking activities;
- general fund grants;
- federal fund grants;
- Director's Office funding; and
- Administrative Services Division funding.