

D R A F T

SUMMARY

Modifies provisions authorizing expedited land divisions.

A BILL FOR AN ACT

Relating to expedited land divisions; amending ORS 197.360 and 197.365.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 197.360 is amended to read:

197.360. (1)(a) An expedited land division[:]

[(a) Is an action of] **is a division of land under ORS 92.010 to 92.192, 92.205 to 92.245 or 92.830 to 92.845** by a local government that:

(A) Includes **only** land that is zoned for residential uses and is within an urban growth boundary.

(B) Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.

(C) Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:

(i) Open spaces, scenic and historic areas and natural resources;

(ii) The Willamette River Greenway;

(iii) Estuarine resources;

(iv) Coastal shorelands; and

(v) Beaches and dunes.

(D) Satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are

1 not contained in the applicable regulations, as required by statewide plan-
2 ning goals or rules.

3 (E) Creates enough lots or parcels to allow building residential units at
4 80 percent or more of the maximum net density permitted by the zoning
5 designation of the site.

6 (b) **An expedited land division** is a land division that:

7 (A) Will create three or fewer parcels under ORS 92.010; and

8 (B) Meets the criteria set forth for an action under paragraph (a)(A) to
9 (D) of this subsection.

10 (2) An expedited land division as described in this section is not a land
11 use decision or a limited land use decision under ORS 197.015 or a permit
12 under ORS 215.402 or 227.160.

13 (3) The provisions of ORS 197.360 to 197.380 apply to all elements of a
14 local government comprehensive plan and land use regulations applicable to
15 a land division, including any planned unit development standards and any
16 procedures designed to regulate:

17 (a) The physical characteristics of permitted uses;

18 (b) The dimensions of the lots or parcels to be created; or

19 (c) Transportation, sewer, water, drainage and other facilities or services
20 necessary for the proposed development, including but not limited to right-
21 of-way standards, facility dimensions and on-site and off-site improvements.

22 (4) An application [*to a local government*] for an expedited land division
23 **submitted to a local government** shall describe the manner in which the
24 proposed division complies with each of the provisions of subsection (1) of
25 this section.

26 **SECTION 2.** ORS 197.365 is amended to read:

27 197.365. [*When requested by an applicant for an expedited land division,*
28 *in lieu of*] **Unless the applicant requests to use** the procedure set forth in
29 [*its*] **a** comprehensive plan and land use regulations, [*the*] **a** local government
30 shall use the following [*procedures*] **procedure** for an expedited land division
31 [*under*], **as described in** ORS 197.360:

1 (1)(a) If the application for expedited land division is incomplete, the local
2 government shall notify the applicant of exactly what information is missing
3 within 21 days of receipt of the application and allow the applicant to submit
4 the missing information. For purposes of computation of time under this
5 section, the application shall be deemed complete on the date the applicant
6 submits the requested information or refuses in writing to submit it.

7 (b) If the application was complete when first submitted or the applicant
8 submits the requested additional information within 180 days of the date the
9 application was first submitted, approval or denial of the application shall
10 be based upon the standards and criteria that were applicable at the time the
11 application was first submitted.

12 (2) The local government shall provide written notice of the receipt of the
13 completed application for an expedited land division to any state agency,
14 local government or special district responsible for providing public facilities
15 or services to the development and to owners of property within 100 feet of
16 the entire contiguous site for which the application is made. The notification
17 list shall be compiled from the most recent property tax assessment roll. For
18 purposes of appeal to the referee under ORS 197.375, this requirement shall
19 be deemed met when the local government can provide an affidavit or other
20 certification that such notice was given. Notice shall also be provided to any
21 neighborhood or community planning organization recognized by the gov-
22 erning body and whose boundaries include the site.

23 (3) The notice required under subsection (2) of this section shall:

24 (a) State:

25 (A) The deadline for submitting written comments;

26 (B) That issues that may provide the basis for an appeal to the referee
27 must be raised in writing prior to the expiration of the comment period; and

28 (C) That issues must be raised with sufficient specificity to enable the
29 local government to respond to the issue.

30 (b) Set forth, by commonly used citation, the applicable criteria for the
31 decision.

1 (c) Set forth the street address or other easily understood geographical
2 reference to the subject property.

3 (d) State the place, date and time that comments are due.

4 (e) State a time and place where copies of all evidence submitted by the
5 applicant will be available for review.

6 (f) Include the name and telephone number of a local government contact
7 person.

8 (g) Briefly summarize the local decision-making process for the expedited
9 land division decision being made.

10 (4) After notice under subsections (2) and (3) of this section, the local
11 government shall:

12 (a) Provide a 14-day period for submission of written comments prior to
13 the decision.

14 (b) Make a decision to approve or deny the application within 63 days of
15 receiving a completed application, based on whether it satisfies the substan-
16 tive requirements of the local government's land use regulations. An ap-
17 proval may include conditions to ensure that the application meets the
18 applicable land use regulations. For applications subject to this section, the
19 local government:

20 (A) Shall not hold a hearing on the application; and

21 (B) Shall issue a written determination of compliance or noncompliance
22 with applicable land use regulations that includes a summary statement ex-
23 plaining the determination. The summary statement may be in any form
24 reasonably intended to communicate the local government's basis for the
25 determination.

26 (c) Provide notice of the decision to the applicant and to those who re-
27 ceived notice under subsection (2) of this section within 63 days of the date
28 of a completed application. The notice of decision shall include:

29 (A) The summary statement described in paragraph (b)(B) of this sub-
30 section; and

31 (B) An explanation of appeal rights under ORS 197.375.

