

House Bill 3223

Sponsored by COMMITTEE ON RURAL COMMUNITIES, LAND USE, AND WATER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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 not contained in the applicable regulations, as required by statewide planning goals or rules.

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

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

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (a) The physical characteristics of permitted uses;
- 2 (b) The dimensions of the lots or parcels to be created; or
- 3 (c) Transportation, sewer, water, drainage and other facilities or services necessary for the
- 4 proposed development, including but not limited to right-of-way standards, facility dimensions and
- 5 on-site and off-site improvements.

6 (4) An application [*to a local government*] for an expedited land division **submitted to a local**

7 **government** shall describe the manner in which the proposed division complies with each of the

8 provisions of subsection (1) of this section.

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

10 197.365. [*When requested by an applicant for an expedited land division, in lieu of*] **Unless the**

11 **applicant requests to use** the procedure set forth in [*its*] a comprehensive plan and land use reg-

12 ulations, [*the*] a local government shall use the following [*procedures*] **procedure** for an expedited

13 land division [*under*], **as described in** ORS 197.360:

14 (1)(a) If the application for expedited land division is incomplete, the local government shall

15 notify the applicant of exactly what information is missing within 21 days of receipt of the applica-

16 tion and allow the applicant to submit the missing information. For purposes of computation of time

17 under this section, the application shall be deemed complete on the date the applicant submits the

18 requested information or refuses in writing to submit it.

19 (b) If the application was complete when first submitted or the applicant submits the requested

20 additional information within 180 days of the date the application was first submitted, approval or

21 denial of the application shall be based upon the standards and criteria that were applicable at the

22 time the application was first submitted.

23 (2) The local government shall provide written notice of the receipt of the completed application

24 for an expedited land division to any state agency, local government or special district responsible

25 for providing public facilities or services to the development and to owners of property within 100

26 feet of the entire contiguous site for which the application is made. The notification list shall be

27 compiled from the most recent property tax assessment roll. For purposes of appeal to the referee

28 under ORS 197.375, this requirement shall be deemed met when the local government can provide

29 an affidavit or other certification that such notice was given. Notice shall also be provided to any

30 neighborhood or community planning organization recognized by the governing body and whose

31 boundaries include the site.

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

33 (a) State:

34 (A) The deadline for submitting written comments;

35 (B) That issues that may provide the basis for an appeal to the referee must be raised in writing

36 prior to the expiration of the comment period; and

37 (C) That issues must be raised with sufficient specificity to enable the local government to re-

38 spond to the issue.

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

40 (c) Set forth the street address or other easily understood geographical reference to the subject

41 property.

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

43 (e) State a time and place where copies of all evidence submitted by the applicant will be

44 available for review.

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

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

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

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

5 (b) Make a decision to approve or deny the application within 63 days of receiving a completed
6 application, based on whether it satisfies the substantive requirements of the local government's
7 land use regulations. An approval may include conditions to ensure that the application meets the
8 applicable land use regulations. For applications subject to this section, the local government:

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

10 (B) Shall issue a written determination of compliance or noncompliance with applicable land use
11 regulations that includes a summary statement explaining the determination. The summary state-
12 ment may be in any form reasonably intended to communicate the local government's basis for the
13 determination.

14 (c) Provide notice of the decision to the applicant and to those who received notice under sub-
15 section (2) of this section within 63 days of the date of a completed application. The notice of deci-
16 sion shall include:

17 (A) The summary statement described in paragraph (b)(B) of this subsection; and

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

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