



## Expedited Land Division Acknowledgement (ORS 197.360-380)

### What is an Expedited Land Division?

An expedited land division provides an alternative procedure for land division applications. An applicant may choose to use the expedited land division process **only** if the proposed land division request meets all of the requirements in Oregon Revised Statute (ORS) 197.360 (see reverse side).

### What qualifies for the Expedited Land Division process?

ORS 197.360 lists the requirements to qualify for an expedited land division review. These requirements are summarized below. The full text of ORS 197.360 is included on the reverse side of this form.

The proposed land division (subdivision, partition, or replat):

1. Must be on residentially zoned land and must be solely for the purposes of residential use;
2. Must not create building lots that provide for dwellings or accessory buildings within areas that are designated for protection of natural features, such as, but not limited to, Environmental overlay zones; the Willamette Greenway; historic and conservation districts, and landmarks; and scenic overlay;
3. Must satisfy all City street standards and connectivity requirements; and
4. Must either:
  - a. Create 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; or
  - b. Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

In addition, the Portland Zoning Code (Section 33.730.013) requires the applicant to complete and document the following before an Expedited Land Division application is submitted to the City:

1. Neighborhood Contact Requirement (33.705.020)
2. Pre-application Conference (33.730.050)

### What is the difference between the Expedited Land Division process and the regular land division process?

An expedited land division is intended to streamline the review of land divisions under state law, which typically allows up to 120 days for final city approval. Most land division applications under the current Zoning Code procedures do not take the full 120 days to process, and often are processed and decided in much less time. In the event additional information or time is required, the applicant can request that the 120-day deadline be extended. An expedited land division application must be processed in 63 days or less, and this timeframe can only be extended by Council action. Additionally, the Land Use Board of Appeals (LUBA) does not have jurisdiction to review a final City decision on an Expedited Land Division. A comparison of the review steps is outlined below:

Process Step	Regular Land Division Process	Expedited Land Division Process
City review for complete application	21 days	21 days
Time applicant has to submit additional materials for complete application	180 days	180 days
Public notice period	30 days	14 days
Days from application deemed complete to issuance of City's decision	120 days*	63 days**
Ability to extend the decision deadline to respond to bureau issues in order to obtain approval?	yes	no
Local appeal	Type Ix – no Type IIx – yes Type III – yes	yes
Deadline to file an appeal	14 days from issuance of decision	14 days from issuance of decision
Timeline for issuance of Local Appeal decision	must occur within the 120 day deadline noted above	additional 42 days from filing of appeal
<b>Total timeline without local appeals</b>	<b>120 days</b>	<b>63 days</b>
<b>Total timeline including local appeals (from complete application)</b>	<b>120 days**</b>	<b>119 days</b>

\*The city's final decision must be issued within 120 days of a complete application. This includes the City's initial decision, as well as any Decision on Appeal.

\*\*120 day deadline can be extended by the applicant. The 63 day deadline can only be extended by the City Council during a regularly scheduled public meeting.

### Why am I receiving this form about an Expedited Land Division?

The expedited land division process has existed since 1995; however, the 2015 Oregon Legislature amended the law to require that all land division applicants be notified of the expedited land division option

and how to apply. All applicants must sign this form to acknowledge they were notified about the process and indicate whether they intend to apply for an Expedited Land Division.

**Are you applying for an Expedited Land Division?**

**Yes**  **No**  (If yes, your application must include a written description of how the proposal satisfies ORS 197.360 and documentation that the Pre-application Conference and Neighborhood Contact requirements have been met per 33.730.013)

Applicant Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Applicant Mailing Address: \_\_\_\_\_

Site Address: \_\_\_\_\_

\_\_\_\_\_  
(Signature) (Print Name) (Date)

**Oregon Revised Statutes (ORS) Expedited Land Division Requirements**

**ORS 197.360:**

(1) As used in this section:

(a) "Expedited land division" means 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) Will result in development that either:

(i) 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; or

(ii) Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

(b) "Expedited land division" includes land divisions that create three or fewer parcels under ORS 92.010 to 92.192 and meet the criteria set forth in paragraph (a) 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:

(a) The physical characteristics of permitted uses;

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

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

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