

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: SB 458 - A**

81st Oregon Legislative Assembly – 2021 Regular Session  
Legislative Fiscal Office

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

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**Measure Description:**

Allows land division to separate dwelling units for new middle housing allowed in cities.

**Government Unit(s) Affected:**

Cities, Counties, Department of Land Conservation and Development (DLCD), Oregon Judicial Department (OJD), Land Use Board of Appeals (LUBA)

**Summary of Fiscal Impact:**

Costs related to the measure are anticipated to be minimal - See explanatory analysis.

**Analysis:**

SB 458 -A requires cities or counties to approve a tentative plan for partitions or subdivisions of lots or parcels on which the development of middle housing is allowed under ORS 197.758 (2) or (3), under certain circumstances. These sections of statute relate to development of middle housing in cities with a population of 25,000 or more, each county or city within a metropolitan service district, and cities not within a metropolitan service district with a population of more than 10,000 and less than 25,000. Cities or counties may add conditions to the approval of a plan for middle housing land division. These requirements apply to middle housing land division permitted on or after July 1, 2022.

If a local government does not make a decision on a middle housing land division within 63 days after the application is deemed complete, an applicant may apply to a circuit court to compel the local government to issue approval. Cities and counties may adopt fees for middle housing land division applications.

Counties note a potential impact related to County staff working to implement this measure. This impact is estimated at \$300,000 statewide.

The Oregon Judicial Department anticipates a minimal fiscal impact from this measure, due to a small number of additional land use cases being filed.

There is no fiscal impact for the Department of Land Conservation and Development or Land Use Board of Appeals, and minimal fiscal impact for Cities.