

Senate Bill 737

Sponsored by Senator GELSER BLOUIN; Senators JAMA, MEEK, Representative FRAGALA (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act gives more neighbors notice of middle housing land divisions and adds content to the notice. (Flesch Readability Score: 65.1).

Expands the radius for giving notices of proposed middle housing land division and requires additional content in the notices.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to middle housing land division; amending ORS 197.365; and declaring an emergency.

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

3 **SECTION 1.** ORS 197.365 is amended to read:

4 197.365. Unless the applicant requests to use the procedure set forth in a comprehensive plan
5 and land use regulations, a local government shall use the following procedure for an expedited land
6 division, as described in ORS 197.360, or a middle housing land division under ORS 92.031:

7 (1)(a) If the application for a land division is incomplete, the local government shall notify the
8 applicant of exactly what information is missing within 21 days of receipt of the application and
9 allow the applicant to submit the missing information. For purposes of computation of time under
10 this section, the application shall be deemed complete on the date the applicant submits the re-
11 quested information or refuses in writing to submit it.

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

16 (2) The local government shall provide written notice of the receipt of the completed application
17 for a land division to any state agency, local government or special district responsible for providing
18 public facilities or services to the development and to owners of property within 100 feet, **or no less**
19 **than 300 feet for a middle housing land division**, of the entire contiguous site for which the ap-
20 plication is made. The notification list shall be compiled from the most recent property tax assess-
21 ment roll. For purposes of appeal to the referee under ORS 197.375, this requirement shall be deemed
22 met when the local government can provide an affidavit or other certification that such notice was
23 given. Notice shall also be provided to any neighborhood or community planning organization re-
24 cognized by the governing body and whose boundaries include the site.

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

26 (a) State:

27 (A) The deadline for submitting written comments;

28 (B) That issues that may provide the basis for an appeal to the referee must be raised in writing
29

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 prior to the expiration of the comment period; and

2 (C) That issues must be raised with sufficient specificity to enable the local government to re-
3 spond to the issue.

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

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

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

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

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

11 (g) Briefly summarize the local decision-making process for the land division decision being
12 made.

13 **(h) State, for middle housing land divisions:**

14 **(A) The conditions under which the application may be denied;**

15 **(B) An explanation that the local government must approve an application that is com-
16 plete and meets the statutory requirements;**

17 **(C) The local government's assessment of whether approval of the application will trigger
18 the need for a traffic study;**

19 **(D) The local government's assessment of whether approval of the application will trigger
20 the need to enhance other infrastructure; and**

21 **(E) Where residents may get more information about how systems development charges
22 will be applied to the development and how infrastructure need and traffic safety are as-
23 sessed.**

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

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

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

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

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

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

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

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

40 **SECTION 2. This 2025 Act being necessary for the immediate preservation of the public
41 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
42 on its passage.**