



COMMUNITY DEVELOPMENT

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Middle Housing Land Divisions

Information and Submittal Requirements

WHAT IS AN EXPEDITED LAND DIVISION?

An Expedited Land Division (ELD) is an administrative process that provides an alternative procedure for eligible residential land division applications. The ELD procedure is detailed in Section 11.620 of the Albany Development Code (ADC).

There are two types of proposals that may use the ELD procedure if they meet specific requirements:

- **Middle Housing Land Division (MHL D).** Allows dividing specific middle housing types (duplex, triplex, fourplex and cottage clusters), subject to a limited set of approval standards in ADC 11.610.
- **Land division that meets the eligibility requirements of ORS 197.360 (in ADC 11.600).** These land divisions are subject to the same approval criteria as land divisions that go through the standard review process. Unless the applicant requests to use the procedure set forth in ADC 11.170, the City shall use the procedure as described in ADC 11.620. See additional information on page 2 of this form.

WHY AM I RECEIVING THIS FORM ABOUT AN EXPEDITED LAND DIVISION?

This form will help intake staff identify what type of land division review is being requested to ensure the application is assigned the correct procedure. In addition, state law requires that all land division applicants be notified of the expedited land division option. All land division 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.

PLEASE ANSWER THE FOLLOWING QUESTIONS AND COMPLETE THE APPLICANT INFORMATION BELOW:

1. Are you applying for an Expedited Land Division? Yes No

If “No”, skip questions 2 & 3.

If “Yes”, please answer the next question.

2. Are you applying for a Middle Housing Land Division? Yes No

If “No”, answer question 3.

If “Yes”, proof that a building permit is under review is required for sites that do not contain existing or approved qualifying development. See submittal requirements in ADC 11.610.

3. Are you applying for an Expedited Land Division under ORS 197.360? Yes No

If yes, your application must include a written description of how the proposal satisfies ORS 197.360. The submittal requirements of ADC 11.600 – 11.630 also apply.

4. Applicant Acknowledgement

Applicant Name: _____ Telephone: _____

Applicant Mailing Address: _____

Site Address: _____

Applicant Signature: _____ Date: _____

What qualifies for the Expedited Land Division process under ORS 197.360?

ORS 197.360 lists the requirements to qualify for an expedited land division review, other than a middle housing land division. These requirements are summarized below. If you are considering this option, see the full text of ORS 197.360 and ADC 11.600.

The proposed land division (subdivision or partition):

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, natural resource overlay zones; the Willamette Greenway; historic districts and landmarks;
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.

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 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	30 days	21 days
Time applicant has to submit additional materials for complete application	180 days	180 days
Public notice period	14 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	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
Total timeline without local appeals	120 days	63 days
Total timeline including local appeals (from complete application)	120 days**	119 days

*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.