**Middle Housing Land Division Approval Standards**

The following information is provided to help applicants prepare the narrative portion of their Middle Housing Land Division application. See the Middle Housing Land Division web page for additional information and requirements on portland.gov/bds.

**What is included in this document?**

This document contains a complete list of standards that may apply to a Middle Housing Land Division Review. This document is not required to be submitted with your application. However a written narrative is required. You may use this document to create your application narrative or use this list as a reference to write a detailed response to the relevant standards in a separate document. Information in *italics* is provided to help applicants respond to the standards.

**Approval Standards**

The Preliminary Plan for a middle housing land division will be approved if the review body finds that the applicant has shown that all of the approval standards of 33.671.130 have been met. Adjustments are prohibited. All applicants must respond to the standards listed in sections A through D below. Some standards may not apply depending on the specific site and proposal. Please review all standards. For those that apply, write a detailed response that explains how each standard is met. For those that do not apply, provide a brief response explaining why.

Please see additional chapters of the Zoning Code associated with Middle Housing Land Divisions. For information regarding how development on a Middle Housing Land Division site will be reviewed, please see chapter 33.253, Development on a Middle Housing Land Division Site. For information regarding when a Middle Housing Land Division is allowed, including the relationship to other land division regulations, please see chapter 33.644, Middle Housing Land Divisions. See the Zoning Code for complete code language: <https://www.portland.gov/code/33>

**33.671.130.A. Lots**

*More than one dwelling unit is prohibited on a lot that has been created through a middle housing land division. Accessory dwelling units are prohibited on lots that have been divided through middle housing land divisions.*

1. The number of lots proposed is the same as the number of dwelling units proposed, approved, or legally existing on the middle housing land division site; and
2. There is only one dwelling unit per lot.

| **Please describe how the project meets this standard:** |
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| Click or tap here to enter text. |

**33.671.130.B. Buildings, structures and other development**

*Middle housing land divisions are only allowed for proposals to divide land that contains, or is proposed to contain, a duplex, triplex, fourplex, or cottage cluster, as defined by Title 33. For the purposes of development, the regulations of Title 33 apply to the lots and tracts resulting from a middle housing land division collectively (the parent site) and not to each lot individually.*

*The existing or proposed development must meet the residential building code based on the proposed lot lines. Attached units must be built to townhouse standards. Detached units must meet separation to proposed lot lines.*

*Your response should explain how existing and proposed development meets this approval standard. For sites without existing qualifying development, proof that building permit plans are under City review is required. Please list the applicable building permits numbers below. The status of the permit review should be used to document compliance with this standard. It is recommended that the building permit first review be complete and any issues that may affect site layout addressed prior to submittal of the middle housing land division.*

1. The proposed, approved, or legally existing development meets the standards and regulations of Title 33 applicable to development on the original site prior to the land division. See 33.644, Middle Housing Land Divisions, for development that is eligible for a middle housing land division; and
2. All of the buildings and structures on a resulting lot comply with applicable building code provisions relating to the proposed property lines and, all of the structures and buildings located on the lots comply with the Oregon residential specialty code.

| **Please describe how the project meets this standard:** |
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| Click or tap here to enter text. |

**33.671.130.C. Services**

*Existing and proposed services and utilities for each dwelling unit must be shown on proposed land division maps. Combined services are not allowed to serve the middle housing development, with the exception of shared drywells meeting the* [*BDS Code Guide*](https://www.portland.gov/sites/default/files/2020/opsc_3_2_shared-drywells-060117_wh.pdf)*. Please note: If a Public Works Permit (PWP) is proposed or required to provide services to the site (e.g. a public sewer main extension), Concept approval must be obtained to demonstrate the proposal is feasible in order to meet the standards below. To help ensure the separate Public Works Permit process does not impact the ability to approve the Middle Housing Land Division, it is recommended that the PWP be submitted well in advance of the land division application.*

*Your response should explain how services will be provided to the proposed lots, consistent with what is proposed on building permit plans. City service providers will respond to your proposal during the comment period.*

1. **Water service.** The Water Bureau or District and the Fire Bureau have verified that water facilities that meet established service levels are, or will be, available to serve each dwelling unit separately.

| **Please describe how the project meets this standard:** |
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| Click or tap here to enter text. |

1. **Public sanitary sewer service.** The Bureau of Environmental Services has verified that sewer facilities that meet established service levels are, or will be, available to serve each dwelling unit separately.

| **Please describe how the project meets this standard:** |
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| Click or tap here to enter text. |

1. **Private on-site sanitary sewage disposal.** Private on-site sanitary sewage disposal is prohibited as part of a middle housing land division except when the development proposed, approved, or legally existing is a duplex. When private on-site sanitary sewage disposal is proposed, the Bureau of Development Services has verified that an onsite wastewater treatment system that meets established service levels is, or will be, available to serve each dwelling unit separately.

| **Please describe how the project meets this standard:** |
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| Click or tap here to enter text. |

1. **Stormwater management.** The Bureau of Environmental Services has verified that a stormwater management system and stormwater disposal facilities that meet established service levels are, or will be, available to each dwelling unit.

| **Please describe how the project meets this standard:** |
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| Click or tap here to enter text. |

1. **Right-of-way.** For public streets, the Bureau of Transportation has preliminarily approved any proposed streets. For private streets, the Bureau of Development Services has preliminarily approved any proposed private streets.

| **Please describe how the project meets this standard:** |
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| Click or tap here to enter text. |

**33.671.130.D. Tracts and easements**

*These standards apply if any easements or tracts are proposed or required. The dimensions of proposed easements or tracts must be of sufficient size to accommodate elements such as services and pedestrian access for each dwelling unit. The location, dimensions, and purpose of existing and proposed easements must be shown on proposed land division maps. Your response should describe all proposed tract and easements, or why none are needed, and how ownership and maintenance of these areas will be achieved. All required maintenance agreements must be submitted for review with the final plat.*

1. The preliminary plan includes easements or tracts necessary for each dwelling unit for:
2. Locating, accessing, replacing and servicing all services;
3. Pedestrian access from each dwelling unit to a street and, in a cottage cluster, to any required common outdoor area;
4. Any common use areas or shared building elements;
5. Any shared driveways or parking; and
6. Any shared common area.

| **Please describe how the project meets this standard:** |
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| Click or tap here to enter text. |

1. The standards of Chapter 33.636, Tracts and Easements, must be met.

33.636.100 Requirements for Tracts and Easements

A. Ownership of tracts. Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:

1. The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;

2. The Homeowners’ Association for the area served by the tract;

3. A public or private non-profit organization; or

4. The City or other jurisdiction.

B. Maintenance agreement. The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners’ designee to maintain all elements of the tract or easement; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by BDS and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat. For a Planned Development not done in conjunction with a land division, the maintenance agreement must be submitted to the County Recorder to be recorded prior to issuance of the first building permit related to the development.

| **Please describe how the project meets this standard:** |
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| Click or tap here to enter text. |