

## 33.671 Review of Middle Housing Land Divisions

# 671

---

### Sections:

#### General:

- 33.671.010 Purpose
- 33.671.020 Where These Regulations Apply
- 33.671.030 Application Requirements

#### Review of Preliminary Plan

- 33.671.110 Review Procedures
- 33.671.130 Approval Standards

#### Review of Changes to an Approved Preliminary Plan

- 33.671.300 Review Procedures
- 33.671.310 Approval Standards

### General

#### 33.671.010 Purpose

These regulations ensure that middle housing land divisions will be processed with the appropriate level of City and public review. This chapter establishes clear procedures and approval standards for the middle housing land division proposal.

#### 33.671.020 Where These Regulations Apply

The regulations of this chapter apply to proposals for middle housing land divisions. Proposals that are eligible for a middle housing land division are eligible to use the applicable regulations and procedures of chapter 33.660 or 33.662 instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use.

#### 33.671.030 Application Requirements

A complete application for a middle housing land division under the provisions of this chapter consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable. The applicant is responsible for the accuracy of all information submitted with the request. At least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size and be suitable for reproduction. An application for Preliminary Plan must include all of the following:

- A. Application form.** Three copies of the completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must include the name, address, telephone number, and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;
- B. Written statement.** Two copies of a written statement that includes the following:
  - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
  - A description of how all approval standards are met;
  - Additional information needed to understand the proposal;
  - Names and addresses of land division designer or engineer and surveyor;

- Proposed maintenance agreements or Conditions, Covenants and Restrictions; and
  - If more than 3 lots are proposed, the proposed name of the land division;
  - Proposed names of all streets;
- C. Vicinity map.** Three copies of a vicinity map. The map must cover an area extending at least 200 feet in each direction from the land division site, and show the following existing conditions for both the site and the vicinity:
- Streets;
  - Pedestrian and bicycle facilities and connections; and
  - Location of utilities and services;
- D.** Copies of the proposed land division, drawn to scale and of a format, material, and number acceptable to the Director of BDS. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:
1. Surveyed information:
    - Boundary lines of the site with dimensions and total site area;
    - Proposed lot layout with sizes, dimensions, and lot and block numbers;
    - Proposed tract layout with sizes, dimensions, purpose, and name;
    - Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
    - Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way;
    - Proposed location, dimensions, and purpose of all easements;
    - North arrow and scale of map;
    - Identification as the Preliminary Plan Map;
    - Stamp of surveyor;
    - If more than 3 lots are proposed, the proposed name of the land division;
    - Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified; and
    - Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
  2. Additional information:
    - Zoning and Comprehensive Plan designations;
    - Location, dimensions, and purpose of existing and proposed easements on and abutting the site;
    - Proposed development;
    - Existing and proposed services and utilities for each dwelling unit;
    - Information showing how existing and proposed development meets approval standard 33.671.130.B. For sites without existing development, proof that building permit plans are under City review is required; and
    - Any other information necessary to show that the approval standards are met.
- E. Fees.** The applicable filing fees.

## Review of Preliminary Plan

### 33.671.110 Review Procedures

Review of Preliminary Plans is processed through an Expedited Land Division (ELD) procedure except that the middle housing land division is not required to meet the elements specified in ORS 197.360.

### 33.671.130 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 following approval standards have been met. Adjustments are prohibited. The approval standards are:

#### A. Lots.

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.

#### B. Buildings, structures and other development.

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.

#### C. Services.

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.
2. 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.
3. 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, BDS has verified that an onsite wastewater treatment system that meets established service levels is, or will be, available to serve each dwelling unit separately.
4. 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.
5. 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.

**D. Tracts and easements.**

1. The preliminary plan includes easements or tracts necessary for each dwelling unit for:
  - a. Locating, accessing, replacing and servicing all services;
  - b. Pedestrian access from each dwelling unit to a street and, in a cottage cluster, to any required common outdoor area;
  - c. Any common use areas or shared building elements;
  - d. Any shared driveways or parking; and
  - e. Any shared common area;
2. The standards of Chapter 33.636, Tracts and Easements, must be met.

**Review of Changes to an Approved Preliminary Plan**

**33.671.300 Review Procedure**

Changes to an approved Preliminary Plan are reviewed through an Expedited Land Division (ELD) procedure except that meeting the elements of ORS 197.360 is not required. The decision of the Director of BDS is final.

**33.671.310 Approval Standards**

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the approval standards of Section 33.671.130 have been met.

---

*(Added by: Ord. No. 190851, effective 6/30/22.)*