

15.235.050 Preliminary plat approval criteria.

B. Middle Housing Land Division Criteria. The decision to approve a middle housing land division, processed as either a Type II or Type III procedure per NMC 15.100.030(B), shall be based on the following:

1. In addition to subsection (A) of this section, a middle housing land division shall comply with the following:

a. A proposal for development of middle housing in compliance with the Oregon Residential Specialty Code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758(5);

RESPONSE: The Oregon Residential Specialty Code does not apply as no new construction is proposed as part of this partition application. The submitted application demonstrates compliance with the following applicable land use regulations:

Chapter 15.405 LOT REQUIREMENTS

Chapter 15.220 SITE DESIGN REVIEW

Chapter 15.410 YARD SETBACK REQUIREMENTS

Chapter 15.415 BUILDING AND SITE DESIGN STANDARDS

CHAPTER 15.420 LANDSCAPING AND OUTDOOR AREAS

Chapter 15.425 EXTERIOR LIGHTING

Chapter 15.430 UNDERGROUND UTILITY INSTALLATION

Chapter 15.440 OFF-STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS

b. Separate utilities for each dwelling unit;

RESPONSE: Drawing sheet C3 identifies how each lot can be served with separate utilities.

c. Proposed easements necessary for each dwelling unit on the plan for:

i. Locating, accessing, replacing and servicing all utilities;

RESPONSE: No easement is need for Locating, accessing, replacing and servicing all utilities;

ii. Pedestrian access from each dwelling unit to a private or public road;

RESPONSE: Each proper parcel has direct access to a public road, therefore no easement is required.

iii. Any common use areas or shared building elements;

RESPONSE: No common use areas or shared building elements are proposed.

iv. Any dedicated driveways or parking; and

RESPONSE: Each parcel has it's own dedicated driveway

v. Any dedicated common area;

RESPONSE: There is no dedicated common area.

d. Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas;

RESPONSE: Each proposed parcel will have exactly one dwelling unit.

e. Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building code provisions relating to new property lines;

RESPONSE: RESPONSE: Drawing sheet C1 demonstrates how each existing structure complies with property line setbacks.

f. Notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon Residential Specialty Code;

RESPONSE: The Oregon Residential Specialty Code does not apply as no new construction is proposed as part of this partition application.

g. Conditions may be added to the approval of a tentative plan for a middle housing land division to:

- i. Prohibit the further division of the resulting lots or parcels.*
- ii. Require that a notation appear on the final plat indicating that the approval was given under this section;*

RESPONSE: The appropriate notations will be included on the final plat in compliance with this code provision.

h. In reviewing an application for a middle housing land division, the city shall:

- i. Apply the procedures under ORS 197.360 to 197.380.*

RESPONSE: This application is in compliance with these code provisions.

- ii. Require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197.758.*

RESPONSE: The abutting street frontage is fully improved with sidewalk, curb and asphalt in compliance with current Development Code and Public Works standards.

- iii. May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.*

RESPONSE: The proposed parcels each are in compliance with require driveways, vehicle access, parking or minimum or maximum street frontage. See relevant code sections elsewhere in this application.

- iv. May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.*

RESPONSE: This application is not being subject to regulations that are not consistent with this section or ORS 197.360 to 197.380

v. May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.

RESPONSE: No building permits are submitted concurrent with this application as the lots are currently fully developed.

vi. May require the dedication of right-of-way if the original parcel did not previously provide a dedication.

RESPONSE: Additional right of way is not necessary as the current right of way width of 60-feet meets city code.

vii. The type of middle housing developed on the original parcel is not altered by a middle housing land division.

RESPONSE: There is no previous middle housing development on the property being altered.

viii. Notwithstanding ORS 197.312(5), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.

RESPONSE: This application is not requesting an accessory dwelling unit on either parcel being created by this land use action.

ix. The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval.

RESPONSE: The applicant will complete the final plat approval process within three years.

x. Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.

RESPONSE: The applicant will need to request building permits for onsite work to disconnect common utilities (water, sanitary sewer, electrical) prior to final plat unless the city does not require this work as a condition of final plat approval.