



Planning Division
City of Bend
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MIDDLE HOUSING LAND DIVISION (SB 458) QUICK REFERENCE GUIDE

A Middle Housing Land Division creates multiple lots or parcels from a single parent site on which middle housing is developed or proposed, which results in an individual lot or parcel for each of the middle housing units. A “parent site (also referred to as parent property)” means a lot or parcel that is subject to the middle housing land division development application.

See [Bend Development Code \(BDC\) 3.6.200.A](#), Development on a Middle Housing Land Division Site and [BDC 4.3.700, Expedited and Middle Housing Land Division](#) for detailed requirements and criteria.

Before you begin, work with a professional land surveyor, a registered professional engineer or a registered landscape architect. Only these three professionals can prepare a tentative land division plan. See [Bend Development Code \(BDC\) Chapter 4.3](#) or <https://bend.municipal.codes/BDC> for detailed requirements and review criteria.

Contact the Planning Division to determine if a Pre-Application Meeting is recommended. A Pre-Application meeting may be needed to determine what if any issues might be identified pertaining to the proposed middle housing land division, and what improvements are likely to be required.

APPLICABILITY

A middle housing land division applies to duplexes, triplexes, quadplexes, or cottage cluster developments.

A middle housing land division application may be submitted when one of the following is met:

1. The parent site is developed with middle housing;
2. The parent site has an active building permit to construct middle housing; or
3. A building permit application for the construction of middle housing will be reviewed concurrently with the land division application.

SUBMITTAL REQUIREMENTS

1. Items listed in [BDC 4.3.300 \(B\)](#) and a letter or narrative report documenting compliance with the applicable approval criteria contained in [BDC 4.3.700\(D\)\(2\)](#), Middle Housing Land Division Approval Criteria.
2. Evidence in the form of a written statement provided by a design professional licensed in the state of Oregon and including such professional's stamp/seal and a site plan that demonstrates that all of the buildings and structures on a resulting lot or parcel comply with applicable building code provisions relating to the proposed property lines and, all of the buildings and structures located on the lots or parcels comply with the Oregon Residential Specialty Code.
3. A plan showing the following details:
 - Separate utility connections for each dwelling unit, demonstrating compliance with approval criterion [4.3.700.D.2.c.](#)
 - Existing or proposed easements necessary for each dwelling unit on the plan, demonstrating compliance with the criterion [4.3.700.D.2.d.](#)

STANDARDS

Utilities

- Separate utility service connections for public water and sewer are required for each dwelling unit.

Right-of-Way Dedication

- If necessary, additional right-of-way will be required to be dedicated to the public without reservation or restriction.

Frontage Improvements

- Where a resulting lot or parcel abuts a street that does not meet City standards, street frontage improvements will be constructed in conformance with the City's Standards and Specifications

Easements

- The preliminary plat must include easements or tracts necessary for each dwelling unit for:
- Locating, accessing, replacing, and servicing all utilities, a minimum of five feet in width. Easements across property lines must be avoided if utilities to the lot frontage can be obtained from existing mains or installation of new mains;
 - Pedestrian access easement a minimum width of four feet from each dwelling unit to a private or public street and to any required common area;
 - Any common use areas or shared building elements;
 - Any driveways or parking; and
 - Any common area.

Development on a Middle Housing Land Division Site

- The regulations of the BDC apply to lots and parcels resulting from a middle housing land division collectively and not to each lot or parcel individually. For example, the building setback standards of the corresponding zone apply to the property lines of the parent site prior to the land division and not to the property lines of each individual lot created through the middle housing land division.
- The residential structure type on a site that has been divided through a middle housing land division remains the residential structure type that was proposed with the middle housing land division. For example, if the middle housing land division was approved for a site with an existing or proposed quadplex, the residential structure type on the site remains a quadplex following the middle housing land division.

Number of Dwelling Units Permitted

- More than one dwelling unit is prohibited on a lot or parcel that has been created through a middle housing land division. Accessory dwelling units are prohibited.

Further Land Divisions

- The further division of a lot or parcel created through a middle housing land division is prohibited.

Short-term Rentals

- The concentration limits for Short-Term Rentals in [BDC 3.6.500](#) will be measured based on the parent site, rather than from an individual lot or parcel created through a middle housing land division. Individual lots or parcels will each be subject to the other standards in [BDC 3.6.500](#), Short-Term Rentals, on an individual lot or parcel basis.

MIDDLE HOUSING LAND DIVISION REVIEW PROCESS:

Middle Housing Land Division (see BDC 4.3.700.B for more details)	
Completeness Review	21 days
Comment Period	14 days
Deadline for Decision	63 days

Step	BDC	Timeframe
<p>(1) Tentative Plan Review</p> <ul style="list-style-type: none"> • Apply through the Online Permit Center for an Expedited Land Division for Middle Housing under Planning & Historic. • Processed as a Type II Application (public notice) • City reviews application and issues a decision. 	<p>4.3.700 4.1.400</p>	<p>Review: 6-8 weeks (Middle housing land divisions applications are subject to a 63-day statutory review period per ORS 197.365)</p>
<p>(2) Construct Required Infrastructure</p> <ul style="list-style-type: none"> • Apply through the Online Permit Center for an Infrastructure or Right of Way (ROW) permit under Engineering and Agreements for construction of required water, sewer, and street improvements. • Complete all necessary improvements and meet all conditions of approval. • Complete all final agreements and inspections to close out infrastructure or ROW permits. 		<p>All required improvements must be determined to be substantially complete by the Engineering inspectors before Final Plat application can be submitted.</p>
<p>(3) Final Plat Review</p> <ul style="list-style-type: none"> • Apply through the Online Permit Center for a Final Plat under Planning & Historic. • Processed as a Type I Application (no public notice) • City issues final plat decision. • Obtain all signatures on plat mylars. 	<p>4.3.700.F</p>	<p>A final plat will not be approved until building permits are issued and framing inspections for the dwelling units on each lot are passed.</p> <p>The tentative approval of a middle housing land division is void if a final subdivision or partition plat is not recorded within three years of the tentative approval. Review: ~30 days</p>
<p>(4) Record final plat with Deschutes County Surveyor.</p>	<p>4.3.400.H</p>	<p>File within 60 days of final plat approval</p>

MIDDLE HOUSING LAND DIVISION REVIEW CRITERIA AND FINAL PLAT PROCESS

CRITERIA FOR TENTATIVE PLAN APPROVAL

See [BDC 4.3.700.D.2 Middle Housing Land Division Approval Criteria.](#)

FINAL PLAT APPROVAL

See [BDC 4.3.700.F.2 Middle Housing Land Division Final Plat](#)

2022 FEES (EFFECTIVE JULY 1, 2022 – JUNE 30, 2023)

Middle Housing Land Division Application

Three or fewer lots	\$5,677.00
Four or more lots	\$10,869.00

All expedited land division applications are subject to a Hearings Officer deposit at the time of submittal

Engineering and Fire Fees See City Of Bend [Fees And Charges](#)



Accommodation Information for People with Disabilities

To obtain this information in an alternate format such as Braille, large print, electronic formats, etc. please contact the Planning Division at planning@bendoregon.gov or (541) 388-5580; Relay Users Dial 7-1-1.