

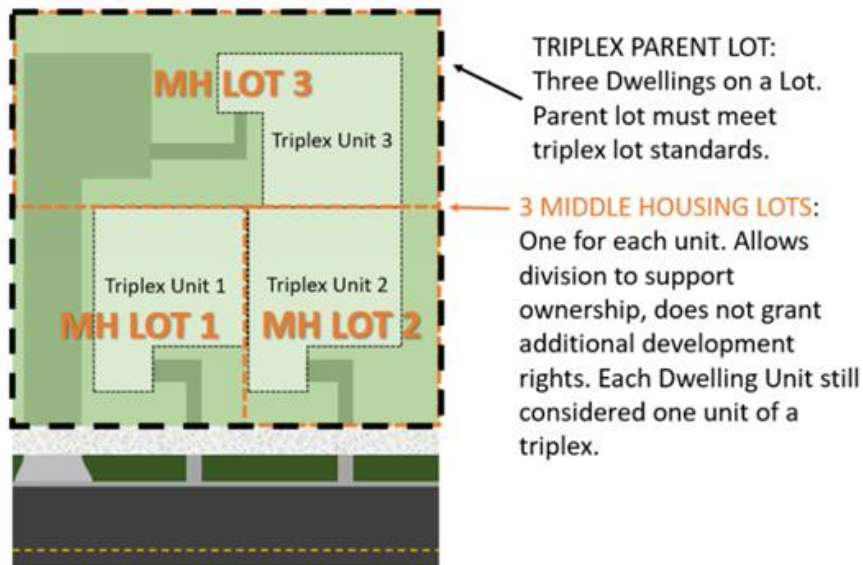


Planning Division
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MIDDLE HOUSING LAND DIVISIONS

QUICK REFERENCE GUIDE

A Middle Housing Land Division (MHL) offers an expedited review of residential land divisions of existing lots¹. A MHL creates multiple lots from a single “parent” site on which middle housing is developed or proposed, and results in an individual lot for each of the middle housing units. In this case, “middle housing” includes duplexes, triplexes, quadplexes, or cottage developments. A “parent site” (also referred to as parent property) means a lot that is subject to the middle housing land division development application.



This guide is intended to be informational and a high-level summary of the requirements of the Bend Development Code (BDC). See [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 project requirements and approval criteria.

Before you begin, work with a professional land surveyor, registered professional engineer or registered landscape architect. Only these three professionals can prepare a tentative plan ([BDC 4.3.300](#)).

¹ Middle Housing Land Divisions were enabled by Senate Bill 458, adopted by the Oregon Legislature in 2021.



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Contact the Planning Division to determine if a Pre-Application Meeting is recommended for your proposed land division. Pre-Application meetings are encouraged for complex land use applications or for applicants unfamiliar with the MHLD process and/or local regulations.

APPLICABILITY

A MHLD applies to duplexes, triplexes, quadplexes, or cottage developments. A MHLD 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 how the project will comply with the applicable approval criteria contained in [BDC 4.3.700.D.2](#), Middle Housing Land Division Approval Criteria.
2. Remodels, additions and alterations to existing buildings as part of a MHLD require written evidence from a design professional licensed in Oregon and including such professional's stamp/seal and a site plan that demonstrates that all buildings on a resulting lot will comply with applicable building codes relating to the proposed property lines, and that all buildings located on the lots comply with the Oregon Residential Specialty Code. Any structure built or building permit applied for prior to submitting an application for a MHLD is considered existing for this purpose.

If the buildings on the resulting lots are at least 3 feet from any proposed property lines, as measured from nearest vertical wall or building footprint, then the required written statement does not need to be by a design professional licensed in the State of Oregon with the professional's stamp/seal..

3. A plan showing the following details:
 - Separate utility connections for each dwelling unit, demonstrating compliance with approval criterion in [BDC 4.3.700.D.2.c](#).
 - Existing or proposed easements necessary for each dwelling unit, demonstrating compliance with the criterion in [BDC 4.3.700.D.2.d](#).

STANDARDS

Utilities

- Separate utility service connections for public water and sewer are required for each dwelling unit. See page 5 of this guide for more information.

Right-of-Way Dedication

- If the original lot did not previously provide dedication needed to meet current standards, additional right-of-way in compliance with [BDC 3.4.200](#) Table A, Right-of-Way Widths for Dedicated Public



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Roadways, must be dedicated to the City free and clear of all existing liens and encumbrances.

Frontage Improvements	<ul style="list-style-type: none"> Where a resulting lot abuts a street that does not meet City standards, street frontage improvements must be constructed in conformance with BDC 3.4.200.F, Minimum Rights-of-Way and Street Sections.
Easements	<p>The preliminary plat must include easements or tracts necessary for:</p> <ul style="list-style-type: none"> Locating, accessing, replacing and servicing all utilities (minimum 5' width); Pedestrian access easements (minimum 4' width) 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 MHLD Site	<ul style="list-style-type: none"> Regulations of the BDC apply to lots resulting from a MHLD collectively and not to each lot individually. <i>Example: building setbacks of the Zone District apply to the property lines of the parent site prior to the land division and not to the property lines of the resulting lots created through the MHLD.</i> The residential structure type on a site that has been divided through a MHLD remains the residential structure type that was proposed with the MHLD. <i>Example, if the MHLD was approved for a site with an existing or proposed quadplex, the residential structure type on the site remains a quadplex following the MHLD.</i>
Number of Dwelling Units Permitted	<ul style="list-style-type: none"> Only one dwelling unit per resulting lot is allowed. ADUs are not permitted.
Further Land Divisions	<ul style="list-style-type: none"> Further division of a lot created through a MHLD is prohibited.
Short-term Rentals	<ul style="list-style-type: none"> The concentration limits for Short-Term Rentals in BDC 3.6.500.E will be measured from the parent site, rather than an individual lot or parcel created through a MHLD.

MIDDLE HOUSING LAND DIVISION REVIEW PROCESS:

Middle Housing Land Division (see BDC 4.3.700.B for more details)	
Completeness Review	21 days
Public Comment Period	14 days
Deadline for Decision	63 days from submittal of a complete application



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Step	BDC	Timeframe
(1) Tentative Plan Review <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. Decision is appealable. 	4.3.700 4.1.400	Review: 6-8 weeks (MHLD applications are subject to a 63-day statutory review period per ORS 197.365)
(2) Construct Required Infrastructure <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/or frontage improvements. Complete all necessary improvements and meet all conditions of approval. Complete all final agreements and inspections to close out infrastructure or ROW permits. 		All required improvements must be determined to be substantially complete by the Engineering Division before Final Plat application can be submitted.
(3) Final Plat Review <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. 	4.3.700.F	Tentative approval of a MHLD is void if a final plat is not recorded within 3 years of the tentative approval. Review: ~30 days
(4) Record final plat with Deschutes County Surveyor.	4.3.400.H	File within 60 days of final plat approval

MIDDLE HOUSING LAND DIVISION FEES

At a minimum, [City of Bend Fees and Charges](#) change annually. Please view the Fees Resolution online for the most current fees.

Middle Housing Land Division Application	All MHLD applications are subject to a Hearings Officer deposit at the time of submittal = 65% of the original application fee(s) or \$10,000, whichever is less. In no case shall the deposit be less than \$2,000.
Engineering Division and Fire Dept Fees	See City of Bend Fees and Charges
System Development Charges (SDCs)	See Residential System Development Charges under Quick Reference Guides here: System Development Charges



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WATER AND SEWER REQUIREMENTS FOR MIDDLE HOUSING LAND DIVISIONS

One of the approval criteria for a MHL D ensures that “separate utility service connections for public water and sewer will be provided for each dwelling unit” ([BDC 4.3.700.D.2.c](#)). Since MHL Ds differ from standard land divisions, the applicant has the following options for sewer service to each dwelling unit. Separate water service laterals are required from the main line to each child lot or parcel.

Sewer Option 1: The City’s preference is to follow the City of Bend Standards and Specifications Part II: Design Standards (4.3 Sewer Services) and provide separate sewer service laterals from the main line to each parcel or lot created by a MHL D. This provides clear operational and maintenance responsibilities for each line to each corresponding parcel or lot owner. For example, if a blockage occurs in the sewer lateral of one of the units, the responsible party has direct control over locating, accessing, and servicing the entire length of their lateral from the dwelling unit to the main line.

Sewer Option 2: Provide one sewer service from the main line to the parent site and, once on private property, further distribute the private lateral(s) across property lines to two or more dwelling units on the resulting MHL D child parcels or lots. This option does not provide the same level of direct owner control over the entire length of a dwelling unit’s lateral to the main line and, therefore, this option requires the applicant to create tracts and/or easements for locating, accessing, maintaining, replacing, and servicing the utility and record with the County Recorder a “Middle Housing Land Division Common Sewer Covenant” that commits the owners or owners’ designee to maintain: 1) all elements of the tract or easement, and 2) any privately-owned utility facilities within the tract or easement. The tracts or easements containing the maintenance provisions must be submitted to the County with the final plat. ([BDC 4.3.700.F.2.f](#)).



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