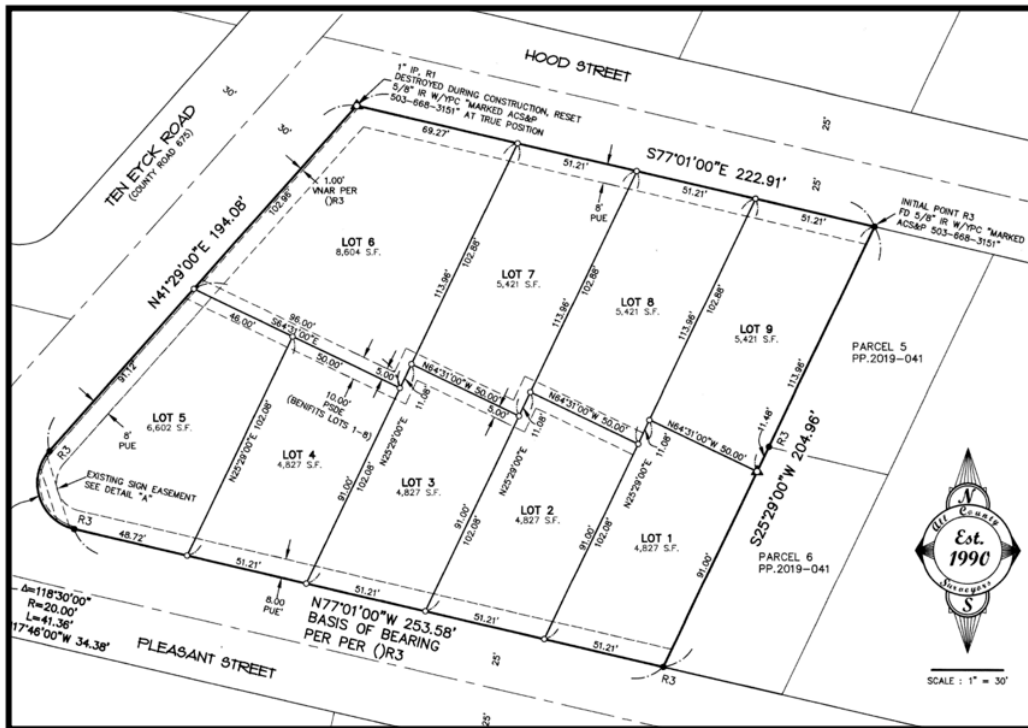


Project Narrative
for

Ten Eyck Rim Subdivision
Middle Housing Land Division

Lots 1 - 9 Ten Eyck Rim Subdivision



January 2024

I. General Project Description

Tom Orth and John Holmlund request land use approval to partition Lots 1 - 9 of the Ten Eyck Rim Subdivision in accordance with the Middle Housing Land Division provisions in SMC 17.100. 50. The properties are known as 24E13AD tax lots 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, and 2400. The Ten Eyck Rim Subdivision was recorded as Plat No. 4704 in May, 2023.

The property is zoned R-2, Medium Density Residential and duplex units have been approved for and are currently under construction on Lots 1 - 4 of the subdivision. Following approval of the middle housing land division, the subdivision will be re-platted to divide each lot into two lots. Currently building permits have been issued and duplex units are under construction on Lots 1 - 4 of the subdivision. Following approval of this application the applicant intends to replat the entire subdivision to finalize the proposed land divisions.

II. Application Approval Requests

The applicant requests the following approvals with this application:

- Type I Middle Housing Land Division

III. Items Submitted With This Application

- Land Use Application
- Mailing Labels and Property List
- Project Narrative
- Overall Subdivision Proposed Re-Plat
- Individual Lot Proposed Partitions

IV. Review of Applicable Approval Criteria

Development applications are required to meet development standards set forth in the Sandy Development Code, codified as Title 17 of the Municipal Code. The following section addresses all applicable review criteria. Pertinent code provisions are cited below followed by a response in *italics* identifying how the proposal complies with this standard. The following code chapters have been reviewed in this narrative:

<u>Section</u>	<u>Title</u>
17.100.50	Middle Housing Land Division

CHAPTER 17.100 LAND DIVISION

17.100.50 Land Division Classification

A. Applicability. When land which has been, or is proposed to be, developed for middle housing is proposed to be partitioned or subdivided so that each dwelling unit will be located on its own separate lot, the partition or subdivision shall be processed as a middle housing land division pursuant to this section, in-lieu of the standards and procedures otherwise applicable to partitions and subdivisions included under this chapter.

Response: The subject property containing the Ten Eyck Rim Subdivision received final plat approval in May 2023. The applicant requests approval to divide the platted lots into two lot each.

B. Procedure Type. Unless an applicant requests that the application be reviewed as a Type II administrative review, a middle housing land division shall be processed as an expedited land division as provided under ORS 197.360 through ORS 197.380.

Response: The applicant understands the application will be processed in accordance with the expedited land division provisions detailed in ORS 197.360 through ORS 197.380.

C. *Submittal Requirements.* An application for a middle housing land division shall include the following:

1. The information required under Section 17.18.30;
2. List and two sets of mailing labels for property owners within 100 feet of the subject property;
3. Two copies of a site plan for the middle housing development as it relates to the existing lot. The site plan shall be a minimum of 11 inches by 17 inches in size and shall contain the following information:
 - a. Scale and north arrow;
 - b. The boundaries, dimensions, and area of the parent lot and resulting middle housing lots;
 - c. The location, width, and names of all existing streets, flag lot accessways, and public accessways abutting the perimeter of the lot;
 - d. The location, width, curve radius, grade, and names of all proposed streets, flag lot accessways, and public accessways;
 - e. The location and use of all existing and proposed buildings and accessory structures on the lot, indicating the setbacks to all property lines and adjacent on-site structures and identification of any structures that will be removed;
 - f. The location of all existing and proposed off-street parking and vehicle use areas;
 - g. Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking spaces, and accessible routes of travel;
 - h. Driveway locations, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;
 - i. The location, height, and material of fences, berms, walls, and other existing and proposed screening;
 - j. The location of all existing trees and vegetation required to be protected under Section 17.60.40, Subsection 17.92.10.C., and Section 17.102.50; and
 - k. The location of all existing and proposed street trees required under Section 17.92.30;
4. Two copies of a tentative plan map for the middle housing development as it relates to the proposed lots. The tentative plan map shall be a minimum of 11 inches by 17 inches in size and shall contain the following information:
 - a. A title block on each sheet indicating the names and addresses of the landowner; the names and addresses of the professional engineers or surveyors responsible for preparing the plan; the date; and the township, range, and section of the subject property;
 - b. Scale and north arrow;
 - c. The location of all property lines within 50 feet of the perimeter of the subject property;

- d. The boundaries, dimensions, and area of each proposed lot;
 - e. The location, width, and names of all existing streets, flag lot accessways, and public accessways abutting the perimeter of the subject property;
 - f. The location, width, curve radius, grade, and names of all proposed streets, flag lot accessways, and public accessways;
 - g. The location and use of all buildings and accessory structures that will be located on each proposed lot, indicating the distance of such buildings and accessory structures to proposed lot lines and to adjacent structures on abutting lots.
 - h. The location of all existing and proposed easements necessary to serve the development;
 - i. The location, dimensions, and use of all existing and proposed public areas, including, but not limited to, stormwater management facilities and detention facilities;
 - j. The location of any ditches, waterways, detention facilities, sewage disposal systems, and wells on the subject property, indicating which facilities will remain and which will be removed or decommissioned; and
 - k. The location of any natural topographic features on the subject property, including, but not limited to, creeks, drainage ways as shown on the most recent USGS maps, wetlands as shown on the Local Wetland Inventory, and floodplains.
4. A current title report for the property;
 5. A completed tree inventory detailing tree location, species, size (DBH), and condition as well as which, if any, trees are proposed for removal;
 6. A tree protection plan for trees required to be retained;
 7. A geological assessment or geo-technical report, if required by Chapter 17.56, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment;
 8. A preliminary grading plan depicting proposed site conditions following completion of the proposed development, when grading of the subject property is necessary to accommodate the proposed development.
 9. A utility plan showing the location of existing and proposed waterlines, sanitary sewer lines, and stormwater lines; and
 10. A description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the 2020 City of Portland Stormwater Management Manual.

Response: *The majority of the items in this list were required with the previously submitted and approved Ten Eyck Rim subdivision application.*

D. Approval Criteria. The Director shall review middle housing land division applications based on the procedure set forth in Chapter 17.18 and the following approval criteria:

1. A proposal for development of middle housing shall be 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 four structures constructed on Lot 1 - 4 were designed and constructed in accordance with the Oregon Residential Specialty Code and all applicable land use regulations. All future structures constructed on approved*

middle housing lots will also be constructed in accordance with these provisions. This standard is met.

2. Separate utilities are provided for each dwelling unit;
Response: *All existing structures have been constructed with separate utilities for each unit and all future structures will include separate utilities as required. This standard is met.*

3. The following easements are shown for each dwelling unit on the tentative plan:
 - a. Easements necessary for locating, accessing, replacing and servicing all utilities;
 - b. Easements for pedestrian access from each dwelling unit to a public road;
 - c. Easements necessary for any common use areas or shared building elements; and
 - d. Easements necessary for any dedicated driveways or parking.***Response:*** *An easement to accommodate the shared PGE electrical conduit by each lot pair will be provided prior to final plat approval for Lots 1 - 4 currently under construction and prior to issuance of a Certificate of Occupancy for all lots constructed following recording of the middle housing replat.*

4. The middle housing land division results in exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels, or tracts used as common areas;
Response: *All lots will contain only one dwelling units as required. This standard is met.*

5. The application demonstrates that buildings or structures on the middle housing lots created by the middle housing land division will comply with applicable building code provisions relating to new property lines, and, notwithstanding the creation of new lots or parcels, that structures or buildings located on the middle housing lots will comply with the Oregon Residential Specialty Code;
Response: *All structures constructed on these lots were constructed in anticipation of being divided following the provisions of this section in compliance with Oregon Residential Specialty Code. This standard is met.*

6. The final plat shall include a notation indicating that the land division was approved through a middle housing land division and that the lots shall not be further divided;
Response: *The applicant is aware the final plat will be required to include a note that the re-platted subdivision was approved through a middle housing land division and that the lots cannot be further divided. This standard can be met.*

7. The final plat shall include a note indicating that neither a Homeowners Association nor Covenants, Conditions, and Restrictions can prohibit middle housing land division;
Response: *The applicant is aware the final plat will be required to include a note stating that neither an HOA or the recorded CCR can prohibit a middle housing land division. This standard can be met*

8. The deed shall contain a reference to the final plat, which includes a notation that the land division was approved through a middle housing land division and that the lots shall not be further divided; and

Response: The applicant is aware the deed for each lots shall include a note stating that the land division was approved through a middle housing land division and the lot cannot be further divided. This standard can be met

9. The proposal shall include street frontage improvements where a resulting lot or parcel abuts the street consistent with the 2011 Transportation System Plan.

Response: Each lot currently contains approved street frontage and this will not change with approval of the middle housing land division. This standard is met.

- E. Conditions of Approval. Conditions may not be placed on the approval of a middle housing land division except to:

1. Prohibit further division of the resulting lots;
2. Prohibit the construction of an accessory dwelling unit on any of the resulting lots;
3. Require dedication of right-of-way when an existing street abutting the property does not conform to the requirements of Section 17.10.30;
4. Require boundary street improvements when an existing street abutting the property does not conform to the requirements of the adopted street section consistent with the 2011 Transportation System Plan; and
5. Require a notation on the final plat indicating that the approval of the land division was given under ORS 92.031.

Response: The applicant is aware the conditions stated above can be placed on the middle housing land division.

- F. Expiration. Tentative plan approval for a middle housing land division shall expire in three years, unless a final plat is approved within that timeframe.

Response: The applicant is aware the middle housing land division will expire in three years, unless a final plat has been approved within this timeframe.

V. Conclusion

The applicant requests a Type I Middle Housing Land Division to divide all of the lots (Lots 1 - 9) in the Ten Eyck Rim Subdivision into two lots each. The property is known as 24E13AD tax lots 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, and 2400. As demonstrated in this narrative, the proposal complies with all relevant code standards and the applicant respectfully requests this application be approved.