



SUPPLEMENTAL APPLICATION
Forest Dwelling Permit
(January 2018)

APPLICANT INFORMATION

Applicant _____ File _____

Owner _____ Date _____
(If the same as above, write "Same")

What is a forest dwelling permit?

The County Zoning & Development Ordinance (ZDO) allows a single-family residential dwelling to be constructed in a forest zone if one of the following tests can be met:

1. Lot of Record Test: Only available on lots created prior to January 1, 1985 and currently owned by a person who purchased the lot prior to January 1, 1985.
2. Template Test: A "Template Test" is a process which typically uses a 160 acre square centered over the property. The template is then evaluated by the number of parcels it touches (excluding the subject property) and number of dwellings on those parcels.
3. Forest Dwelling, 160 Acre Minimum: Allows a dwelling on a lot or parcel which is at least 160 acres.
4. 200 Acre Noncontiguous Tract Dwelling: Allows a dwelling on a combination of lots which total 200 acres, but are not contiguous to each other.

If you have questions, contact Alex Pichacz at 503-742-4510 or at APichacz@clackamas.us.

What is needed for approval?

Forest dwellings MAY be permitted after evaluation according to criteria in the ZDO. The County must make written findings to support the decision. The applicant is responsible for providing evidence to support the forest dwelling request according to the criteria in Section 406 or 407 of the ZDO.

What are the chances for approval?

Staff cannot predetermine the decision on this or any application. A decision of approval or denial will only be made after the complete application is processed. This includes review of citizen and agency comments. The decision is based on criteria appropriate to this application as listed in the ZDO. In order to address the necessary criteria, the information requested in this supplemental application should be as thorough and complete as possible.

Application process

Forest dwelling permits are subject to the Administrative Action process and public notice. Public comments received from the Community Planning Organizations (CPO), property owners, agencies and other interested parties may affect the decision on the application. Special conditions may be attached

to any approvals. Any decision on this application can be appealed to the County Hearings Officer and to the State Land Use Board of Appeals (LUBA) by the applicant or any other interested person.

How long will it take to get a final decision on this application?

It will take approximately 6 to 8 weeks, or 150 days if the initial decision is appealed.

Complete applications require the following:

1. Land Use Application Form - Information on applicant and land involved in the application.

2. Please indicate **one** of the following tests to be used in this application:

A. Lot of Record Test.*

B. Template Test.**

C. Forest Dwelling, 160 Acre Minimum***

D. 200 Acre Noncontiguous Tract Dwelling****

(200 or more acres of multiple parcels not contiguous but within the County).

List multiple tracts by legal map number.

3. Application Fee: \$_____ (Fee is nonrefundable upon decision or staff report; partial refund if withdrawn after notice; full refund if withdrawn prior to notice.)

4. Plot Plan drawn to scale on 8.5" x 11" or 8.5" x 14" paper, showing the property and your proposal (buildings, driveway, etc.). The site plan must demonstrate compliance with the fire siting/fuel break requirements in Section 406.08 of the ZDO.

5. Supplemental Application - Submit the following information for the test you have chosen. It is important that all submitted information is clear and legible so that it can be copied. All written information should be in pen or ink, on 8.5" x 11" or 8.5" x 14" paper. Copies of deeds or other types of documentation should be clean and legible.

A. ***Lot of record test**

1. Proof of ownership prior to January 1, 1985 (Deed records, etc.).

2. **If not the owner prior to January 1, 1985**, information to demonstrate compliance with Section 406.05(D)(2)(b) must be satisfied. Please provide family history of ownership, i.e., grandfather, father, son, grandson etc. and names of each.

3. Proof that the parcel was lawfully created prior to January 1, 1985 (Deed records, Planning Department research, etc.).

4. Statement that the tract does not currently contain a dwelling. (A tract is defined as contiguous property under the same ownership)

5. Supply all adjacent property conveyance/ownership records from the Assessor's Office "ownership books" showing present and past ownership. The subject property can not currently be part of a tract which contains a dwelling, nor could it have been part of a tract on November 4, 1993 which had a dwelling. A "tract" is defined as one or more contiguous lots or parcels in the same ownership.

6. Demonstrate through the site plan and/or other written information that the fuel break standards described in Section 406.08 of the ZDO can be met.

7. Identify soils found on the property and demonstrate that the property is not capable of producing 5,000 cubic feet per year of commercial tree species. (*Soils information can be obtained from the Clackamas County Planning Department*).
8. Identify the public road that must be within 1,500 feet of the subject property that provides or will provide access to the dwelling. Include a copy of any recorded private easements, as applicable. If access is by private easement you must provide the date the easement was created, and on the plot plan show the access easement width and where it is on the adjacent property.
9. If the subject property is located in an Agricultural/Forest Zoning District (AG/F), provide evidence that the property was predominantly used for forest uses, rather than farm uses, on January 1, 1993. This information can be addressed in the form of written information on the use of the property based on personal knowledge, aerial photos showing use of the property, or information from the County Assessor's Office identifying whether the property was receiving a farm or forest tax deferral. *If the property was predominantly used for farm uses on January 1, 1993, the forest Lot of Record provision cannot be used to approve a dwelling.*
10. Explain how the proposed dwelling and other structures will have:
 - a. The least impact on adjoining forest and agricultural land;
 - b. Insure minimized adverse impacts to forest and farming of the subject property;
 - c. How placement of the dwelling will minimize use of forest land relative to access roads and structures;
 - d. Placement of dwelling and access will minimize wildfire risks; and
 - e. Why the proposed development should or should not be clustered or placed close to existing roads and/or sited on an area least suited for growing trees.

B. ****Template test** – on a separate sheet of paper:

1. Identify fire district that serves the subject property.
2. Identify soils on the property. (*Soils information can be obtained from the Planning Division*)
3. Identify other parcels found within the 160 acre template, including those touched by the template and count those created prior to January 1, 1993. On one sheet, make a list of parcels counted using Township, Range, Section, and Tax Lot number with first and last name of the current owner. Do not include parcels within an urban growth boundary or those larger than 80 acres. **Provide an Assessor's plat map showing your template test with all parcels counted toward the test.**
4. Additionally, identify dwellings and add these to the above one sheet list that were counted toward the template test. Only dwellings constructed prior to January 1, 1993 may be included. Do not include dwellings on parcels within an urban growth boundary, on parcels larger than 80 acres, or on parcels created after January 1, 1993.
5. Demonstrate through the site plan and/or other written information that the fuel break standards described in Section 406.08 of the ZDO can be satisfied.

6. Provide evidence that the parcel was lawfully created (i.e. *deed records, research completed by Planning Division, etc.*)
7. Provide a statement that the tract does not currently contain a dwelling. (*A tract is defined as contiguous property under the same ownership*)
8. Show where access will be located on a provided plot plan. Include a copy of any recorded private easements, as applicable. If access is by private easement you must provide the date the easement was created, and on the plot plan show the access easement width and where it is on the adjacent property.
9. If the subject property is located in an Agricultural/Forest Zoning District (AG/F), provide evidence that the property was predominantly used for forest uses, rather than farm uses, on January 1, 1993. This information can be addressed in the form of written information on the use of the property based on personal knowledge, aerial photos showing use of the property, or information from the County Assessor's Office identifying whether the property was receiving a farm or forest tax deferral. *If the property was predominantly used for farm uses on January 1, 1993, the Template Test provision cannot be used to approve a dwelling in the AG/F District.*
10. Explain how the proposed dwelling and other structures will have:
 - a. The least impact on adjoining forest and agricultural land;
 - b. Insure minimized adverse impacts to forest and farming of the subject property;
 - c. How placement of the dwelling will minimize use of forest land relative to access roads and structures;
 - d. Placement of dwelling and access will minimize wildfire risks; and
 - e. Why the proposed development should or should not be clustered or placed close to existing roads and/or sited on an area least suited for growing trees.

C. *****Forest dwelling, 160 acre minimum:**

1. Evidence the subject tract is at least 160 acres.
2. Statement that the tract does not currently contain a dwelling. (*A tract is defined as contiguous property under the same ownership*)
3. Demonstrate through the site plan and/or other written information that the fuel break standards described in Section 406.08 of the ZDO can be satisfied.
4. Include a copy of any recorded private easements, as applicable. If access is by private easement you must provide the date that the easement was created, and on the plot plan show the access easement width and where it is on the adjacent property.
5. If the subject property is located in an Agricultural/Forest Zoning District (AG/F), provide evidence that the property was predominantly used for forest uses, rather than farm uses, on January 1, 1993. This information can be addressed in the form of written information on the use of the property based on personal knowledge, aerial photos showing use of the property, or information from the County Assessor's Office identifying whether the property was

receiving a farm or forest tax deferral. *(If the property was predominantly used for farm uses on January 1, 1993, this provision cannot be used to approve a dwelling).*

6. Explain how the proposed dwelling and other structures will have:
 - a. The least impact on adjoining forest and agricultural land;
 - b. Insure minimized adverse impacts to forest and farming of the subject property;
 - c. How placement of the dwelling will minimize use of forest land relative to access roads and structures;
 - d. Placement of dwelling and access will minimize wildfire risks; and
 - e. Why the proposed development should or should not be clustered or placed close to existing roads and/or sited on an area least suited for growing trees.

D. ******200 acre noncontiguous tract dwelling:**

1. Statement that the tract to be developed does not currently contain a dwelling.
2. Documentation of ownership of all tracts constituting the 200 acres.
3. Statement and evidence that none of the tracts making up the 200 acres currently contain a dwelling.
4. Demonstrate through the site plan and/or other written information that the fuel break standards described in Section 406.08 of the ZDO can be satisfied.
5. Include a copy of any recorded private easements, as applicable. If access is by private easement you must provide the date the easement was created and on the plot plan show the access easement width and where it is on the adjacent property.
6. If the subject property is located in an Agricultural/Forest Zoning District (AG/F), provide evidence that the property was predominantly used for forest uses, rather than farm uses, on January 1, 1993. This information can be addressed in the form of written information on the use of the property based on personal knowledge, aerial photos showing use of the property, or information from the County Assessor's Office identifying whether the property was receiving a farm or forest tax deferral. *If the property was predominantly used for farm uses on January 1, 1993, the forest provision cannot be used to approve a dwelling.*
7. Explain how the proposed dwelling and other structures will have:
 - a. The least impact on adjoining forest and agricultural land;
 - b. Insure minimized adverse impacts to forest and farming of the subject property;
 - c. How placement of the dwelling will minimize use of forest land relative to access roads and structures;
 - d. Placement of dwelling and access will minimize wildfire risks; and
 - e. Why the proposed development should or should not be clustered or placed close to existing roads and/or sited on an area least suited for growing trees.