Planning and Zoning
Department of Transportation and Development

Development Services Building
150 Beavercreek Road | Oregon City, OR 97045

503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

STAFF USE ONLY

Staff Initials: *File Number:*

Land use application for:

FOREST DWELLING

(Lot of Record Dwelling, Forest Template Dwelling, 160 Acre Minimum Forest Dwelling, or 200 Acre Noncontiguous Dwelling)

APPLICANT INFORMATION			
Applicant name:	Applicant email:	Applicant phone:	
Applicant mailing address:	City:	State:	ZIP:
Contact person name (if other than applicant):	Contact person email:	Contact person phone:	
Contact person mailing address:	City:	State:	ZIP:

PROPOSAL
Brief description of proposal:

SITE INFORMATION		
Site address:	Comprehensive Plan designation:	Zoning district:
Map and tax lot #: *Township:* _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____ *Township:* _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____ *Township:* _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____		Land area:
Adjacent properties under same ownership: *Township:* _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____ *Township:* _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____		

Printed names of all property owners:	Signatures of all property owners:	Date(s):
I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.		
Applicant signature:		Date:

A. Review applicable land use rules:

This application is subject to the provisions of Section 406, *Timber District (TBR)* of the Clackamas County Zoning and Development Ordinance (ZDO) if the subject property is zoned TBR, or to the provisions of Section 407, *AG/Forest District (AG/F)* and the provisions of Section 406 cited in Section 407 if the subject property is zoned AG/F. It is also subject to the definitions, procedures, and other general provisions outlined in the ZDO.

If the subject property is zoned AG/F, the property must have been predominantly in forestry use on January 1, 1993 to qualify for this permit.

B. Turn in all of the following:

☐ **Complete application form:** Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete.

☐ **Application fee: Refer to the FAQs at the end of this form and to the adopted *Fee Schedule* for applicable fees and refund policies.** Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the *Credit Card Authorization Form* available from the Planning and Zoning website. Payment is due when the application is submitted.

☐ **Site plan:** Provide a site plan (also called a plot plan). A *Site Plan Sample* is available from the Planning and Zoning website. The site plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The site plan must illustrate all of the following (when applicable):

- Lot lines, lot/parcel numbers, and acreage/square footage of lots;
- Contiguous properties under the same ownership;
- All existing and proposed structures, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
- Setbacks of all structures from lot lines and easements;
- Significant natural features (rivers, streams, wetlands, geologic hazards, mature trees or forested areas, drainage areas, etc.) and 10-foot elevation contour lines;
- Location of utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells);
- Evidence that all development will comply with the fire-siting standards for new structures, and that the dwelling will comply with the additional fire-siting standards for new dwellings, as detailed in ZDO Subsection 406.08(A), including elevation contour lines and locations of trees and other vegetation.

☐ **Evidence of fire protection:** Provide evidence that the subject property is within a fire protection district or is provided with residential fire protection by contract. If the dwelling is not within a fire protection district, provide evidence that you have asked to be included within the nearest such district. If inclusion within a fire protection district or contracting for residential fire protection is impracticable, you must propose an alternative means for protecting the dwelling from fire hazards and the means selected must comply with ZDO Subsection 406.08(B)(1).

☐ **Evidence of forest uses as of January 1, 1993, if zoned AG/F:** If the subject property is zoned Ag/Forest (AG/F), you must provide evidence, such as dated aerial photos, that the property was predominantly forest on January 1, 1993.

☐ **Additional information required for specific Forest Dwelling type:** Include all of the additional documentation required for the specific Forest Dwelling type (Lot of Record Dwelling, Forest Template Dwelling, etc.) that you are pursuing, as outlined later in the respective sections of this application form.

C. Answer the following questions:

Accurately answer the following questions in the spaces provided. Attach additional pages, if necessary.

1. Explain how the proposed dwelling and any accessory structures will be sited so that:

- They have the least impact on nearby or adjoining forest or agricultural lands;
- The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
- The amount of forest lands used to site access roads, service corridors, and structures is minimized; *and*
- The risks associated with wildfire are minimized.

2. Will road access to the dwelling be by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management (BLM), or the United States Forest Service (USFS)?

☐ NO, as shown in the attached site plan.

☐ YES, and proof of a long-term road access use permit or agreement is attached.

3. Does the tract on which the dwelling will be sited already include a dwelling? (A "tract" is one or more contiguous lots of record under the same ownership.)

☐ NO, there is no dwelling on the subject tract.

☐ YES, there currently is a dwelling on the subject tract.

4. Identify the Forest Dwelling Permit type you are applying for, and, after reviewing Part D, respond to the respective questions and requests that follow:

☐ Lot of Record Dwelling (*Respond to Part E*)

☐ Forest Template Dwelling (Respond *to Part F*)

☐ 160 Acre Minimum Forest Dwelling (*Respond to Part G*)

☐ 200 Acre Noncontiguous Dwelling (*Respond to Part H*)

D. Understand the following conditions:

The Forest Dwelling permit, if approved, will be subject to these (and other) conditions:

1. Prior to approval of a Building Permit, evidence must be provided that the domestic water supply is from a source authorized in accordance with the Oregon Water Resources Department's (OWRD's) administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Oregon Forest Practices Rules (OAR Chapter 629). "Evidence of a domestic water supply" means:

- Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
- A water use permit issued by the OWRD for the use described in this application; *or*
- If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, prior to Planning approval of a Building Permit, the applicant shall submit a "Water Availability Letter" from a well constructor, prior to drilling a well, or a well constructor's report for a completed well. The drilling of the well must be completed prior to final plumbing inspection for the new dwelling. Upon completion of the well, the applicant shall submit the well constructor's report to the County.

2. The dwelling shall comply with ZDO Subsection, 406.08(A), *Fire-Siting for New Dwellings*.

3. The dwelling shall have a fire retardant roof.

4. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

E. For a *Lot of Record Dwelling* only:

If you are requesting a ***Lot of Record Dwelling*** pursuant to ZDO Subsection 406.05(D)(2), provide the following additional information:

- Evidence that the lot on which the dwelling will be sited was lawfully created prior to January 1, 1985;
- Evidence (legible deed records, etc.) that the lot of record on which the dwelling will be sited was acquired by the present owner prior to January 1, 1985, or by devise or intestate succession from a person who acquired the lot prior to January 1, 1985;
- Evidence, in the form of property conveyance/ownership records from the Tax Assessor's Office "ownership books", that the tract on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993 (a "tract" is one or more contiguous lots of record under the same ownership); *and*
- Evidence of the predominant soils found on the property and that the property is not capable of producing 5,000 cubic feet per year of commercial tree species. (*Soils information can be obtained from Planning and Zoning*.)

Also answer the following questions:

1. The property must be located within 1,500 feet of a public road, as defined under ORS 368.001 that provides or will provide access to the subject tract the property. Is the property currently located within 1,500 feet of a public road that provides access to the subject tract?

☐ YES, and the public road and access are shown in the attached site plan.

☐ NO, but there will be a public road, as defined under ORS 368.001, that will provide access to the subject tract. That road is shown in the attached site plan.

2. The public road providing access must be maintained *and* either paved or surfaced with rock and shall not be a BLM road, or a USFS road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction, and a maintenance agreement exists between the USFS and the landowners adjacent to the road, a local government, or a state agency.

Is the public road providing access a Bureau of Land Management (BLM) road or United States Forest Service (USFS) road?

☐ NO

☐ It is a USFS road, but the road is paved to a minimum width of 18 feet and there is at least one defined lane in each direction, as shown in attached evidence. A

maintenance agreement exists between the USFS and the landowners adjacent to the road, a local government, or state agency, as shown in attached documents.

F. For a *Forest Template Dwelling* only:

If you are requesting a ***Forest Template Dwelling*** pursuant to ZDO Subsection 406.05(D)(3), provide the following additional information (Planning and Zoning can provide you with this information for an additional fee. A request for this information should be made prior to submitting this application. The information will be provided approximately four weeks from when the request is made and the fee is paid.):

- Evidence that the lot upon which the dwelling is to be located was lawfully created;
- A to-scale map showing a 160 acre square template centered upon the subject tract (however, if the subject tract is larger than 60 acres and abuts a road or perennial stream, the 160 acre template shall be one-quarter mile wide by one mile long, be centered upon the mathematical centroid of subject tract, and, to the maximum extent possible, have its length aligned with the road or perennial stream);
- A list of all lots at least partially inside the 160 acre template, identified by their Tax Map (Township, Range, Section, and Quarter Section) and Tax Lot number and with the first and last name of the current owner(s), with accompanying copies of relevant Tax Assessor Maps (do *not* include the subject property or lots of record that were created after January 1, 1993 or are within an urban growth boundary);
- A list of all lots that are at least partially inside the 160 acre template and that have a lawfully established dwelling (*not* including dwellings that were constructed after January 1, 1993, are within an urban growth boundary, or are temporary dwellings); and
- Evidence of the predominant soil type found on the property and that soil type's forest production capability rating, as determined by the Natural Resources Conservation Service (NRCS), in terms of cubic feet per acre per year of wood fiber production. (*Soils information can be obtained from Planning and Zoning.*)
- Provide a list of all lots that were contiguous and in the same ownership as the subject lot on January 1, 2019. (ORS 215.750 impacts the approval of forest template test dwellings on lots of record that were part of a tract on January 1, 2019, that already have a dwelling or have already been approved for a dwelling.)

G. For a *160 Acre Minimum Forest Dwelling* only:

If you are requesting a ***160 Acre Minimum Forest Dwelling*** pursuant to ZDO Subsection 406.05(D)(4), provide the following additional information:

- Evidence that the tract on which the dwelling is to be sited is at least 160 acres; and
- Evidence that the lot upon which the dwelling is to be located was lawfully created.

H. For a *200 Acre Noncontiguous Dwelling* only:

If you are requesting a ***200 Acre Noncontiguous Dwelling*** pursuant to ZDO Subsection 406.05(D)(5), provide the following additional information:

- Evidence that the tract on which the dwelling is to be sited, together with other noncontiguous tracts in Clackamas County and owned by the same owner, total 200 acres or more;
- Evidence that none of the lots of record or tracts used to total 200 acres already contain a dwelling;
- Evidence that all lots of record or tracts used to total a minimum of 200 acres have a Comprehensive Plan designation of *Forest* (*maps of Comprehensive Plan designations are available from the Planning and Zoning website*); and
- Evidence that the lot upon which the dwelling is to be located was lawfully created.

FAQs

When is a Forest Dwelling permit required?
The County's Zoning and Development Ordinance (ZDO) allows a single-family dwelling to be constructed on forest land if specific approval criteria can be met. Qualifying forest land includes land zoned Timber (TBR) and land zoned AG/Forest (AG/F) if the AG/F land was predominantly forest on January 1, 1993. The dwelling requires a Forest Dwelling land use permit.

What is the permit application process?
Forest Dwelling permits are subject to a "Type II" land use application process, as provided for in Section 1307 of the ZDO. Type II decisions include notice to owners of nearby land, the Community Planning Organization (if active), service providers (sewer, water, fire, etc.), and affected government agencies. If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The Planning Director's decision can be appealed to the County Land Use Hearings Officer.

What is needed for the County to approve a land use permit?
Forest Dwellings *may* be permitted after an evaluation by the County of applicable standards of the ZDO. The applicant is responsible for providing evidence that their proposal does or can meet those standards. In order to address the standards, the information requested in this application should be as thorough and complete as possible. A permit will only be approved or denied after a complete application is received and reviewed. The County approves an application only if it finds that the proposal meets the standards or can meet the standards with conditions.

How long will it take the County to make a decision about an application?
The County makes every effort to issue a decision on a Type II land use application within 45 days of when we deem the application to be complete. State law generally requires a final County decision on a land use permit application in an urban area within 120 days of the application being deemed complete, and within 150 days for a land use permit in a rural area, although there are some exceptions.

If an application is submitted and then withdrawn, will a refund be given?
Please see Planning & Zoning Fee Schedule under "Other Fees" here. The $5 Technology Fee is non-refundable.

Who can help answer additional questions?
For questions about the County's land use permit requirements and this application form, contact Planning and Zoning at **503-742-4500** or zoninginfo@clackamas.us. You can also find information online at the Planning and Zoning website: www.clackamas.us/planning.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or drenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? 翻译或口译？| Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?