

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 ZDO's definitions, procedures, and other general provisions outlined in the ZDO.

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:** The fee for this application is established in the adopted [Fee Schedule](#). 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. Refer to the FAQs at the end of this form and to the adopted [Fee Schedule](#) for refund policies.
- Preliminary plan:** Provide an accurate, legible, and to-scale plan of the proposed land division. The plan must be on paper measuring no larger than 11 inches x 17 inches. It must include all the following information (when applicable):
 - Existing lot lines and lot square footage;
 - Proposed new lot lines and the resulting square footage of each new lot (all but one of the lot resulting from the proposed land division must be at least two acres and no more than five acres in area);
 - Contiguous properties under the same ownership;
 - All existing structures, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
 - Setbacks of all structures from existing and proposed lot lines and easements;
 - Significant natural features (rivers, streams, wetlands, geologic hazards, mature trees or forested areas, drainage areas, etc.); and
 - Location of utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells).
- Evidence of dwellings' lawful establishment:** Attach evidence (e.g. building permits, tax records, dated photographs, dated aerial images, signed affidavits, and previous land use approvals) substantiating that the subject lot of record currently has at least two lawfully established primary dwellings that existed on the lot of record prior to November 4, 1993. Temporary dwellings, accessory farm dwellings, and dwellings approved with a condition requiring removal at some later date are not considered.
- Photos of dwellings' current conditions:** Provide dated photos showing that all existing lawfully established primary dwellings each have *all* of the following:
 - Intact exterior walls and roof structure;
 - Indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
 - Interior wiring for interior lights; and
 - A heating system.

C. Answer the following questions:

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

1. How many lawfully established primary dwellings currently exist on the subject property and existed on the property prior to November 4, 1993, as substantiated with attached evidence? *(Note: Do not count any Temporary dwellings, accessory farm dwellings, or dwellings approved with a condition requiring removal at some later date.)*

Number of dwellings: _____

2. How many total lots would result from the proposed land division?

Number of proposed lots: _____

3. Except for one lot or parcel, each lot or parcel created *cannot* be less than two nor greater than five acres in size. Does your attached preliminary plan show that all but one of the proposed lots/parcels would be at least two acres but not greater than five acres in size?

YES

NO

4. At least one of the existing dwellings you counted in response to Question 1 must be located on each lot or parcel created. Does your attached preliminary plan show that at least one of the existing dwellings will be located on *each* lot created by the proposed land division?

YES

NO

5. Was any existing dwelling on the subject lot of record approved through a statute, an administrative rule, or a land use regulation that prohibited or required removal of the dwelling or prohibited a subsequent land division of the lot of record? (Note: Per ZDO Subsection 406.09(B)(6)(a), answering YES to this question could be cause for denial of your application.)

NO

YES, as explained in the box below:

6. Was any existing dwelling on the subject lot of record approved through a farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under Goal 4, Forest Lands? (Note: Per ZDO Subsection 406.09(B)(6)(b), answering YES to this question could be cause for denial of your application.)

NO

YES, as explained in the box below:

7. Does your preliminary plan show that all existing structures will comply with the minimum setback standards from new property lines of the applicable zoning district, as required by ZDO Subsection 406.09(B)(7)?

YES

NO

D. Understand the following conditions:

The land division proposed in this application, if approved, will be subject to these (and other) conditions:

1. With the recording of the final plat, the landowner of a lot created by the land division must record a restriction in the Deed Records for Clackamas County that states the landowner and the landowner's successors in interest are prohibited from further dividing the lot or parcel. This restriction will be irrevocable unless released by the Planning Director indicating the land is no longer subject to the statewide planning goals for lands zoned for Forest use.
2. A written statement recorded with the deed or written contract with the County or its equivalent must be obtained from the landowner that recognizes the rights of the adjacent and nearby landowners to conduct forest operations consistent with the Oregon Forest Practices Act and Rules
3. The landowner must sign a statement that will be recorded with the County Clerk declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

FAQs

When is a Multiple Dwelling Land Division permit required?

The County's Zoning and Development Ordinance (ZDO) allows for the division of a single lot of record that is zoned AG/Forest (AG/F) or Timber (TBR) and is more than two acres in size if the property currently has at least two lawfully established primary dwellings that existed on the property prior to November 4, 1993. All but one resulting lot must be at least two acres, but not more than five acres, in size and at least one of the existing primary dwellings must be located on each resulting lot. The land division requires a Multiple Dwelling Land Division permit.

What is the permit application process?

Multiple Dwelling Land Division 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?

Multiple Dwelling Land Divisions *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?