

A. Complete a pre-application conference:

You must attend a pre-application conference with Planning and Zoning staff before filing this application. [Information about the pre-application conference](#) process and a request form are available from the Planning and Zoning website.

B. Review applicable land use rules:

This application is subject to the provisions of [Section 1105, Subdivisions, Partitions, Replats, Middle Housing Land Divisions, Condominium Plats, and Vacations of Recorded Plats](#) of the [Clackamas County Zoning and Development Ordinance](#) (ZDO).

It is also subject to the ZDO's definitions, procedures, and other general provisions, as well as to the specific rules of the subject property's zoning district and applicable development standards, as outlined in the ZDO.

C. 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.
- Preliminary plat:** The preliminary plat must be drawn to a scale of not less than one inch = 20 feet and not more than one inch = 200 feet. If the preliminary plat is larger than 11 x 17 inches, five reduced-sized, legible copies of the preliminary plat shall be submitted on 8.5 x 14-inch or 11 x 17-inch paper. The preliminary plat must include all of the following (when applicable):
 - Source of domestic water and location of any existing and proposed wells;
 - Method of wastewater disposal and location of any existing and proposed onsite wastewater treatment systems;
 - Existing and proposed utility lines and facilities;
 - Locations, dimensions, and area of each lot, parcel, and tract;
 - Date the preliminary plat was prepared;
 - North arrow;
 - Identification of each lot or parcel by number;
 - Locations and widths of all roads abutting the subject property, including road names, direction of drainage, approximate grades, and whether public or private;
 - Locations and widths of all proposed roads, including proposed names, approximate grades, radii of curves, and whether public or private;
 - Location and width of legal access to the partition or subdivision, other than public or County roads, if applicable;
 - Contour lines at two-foot intervals if 10 percent slope or less or five-foot intervals if exceeding 10 percent slope within an urban growth boundary (UGB); contour lines at 10-foot intervals outside a UGB; and the source of contour information;

- Locations, dimensions, and lot line setbacks of each middle housing dwelling unit and any other development on the lot or parcel;
 - Locations of all areas to be retained under common ownership;
 - Locations of all seasonal and/or perennial drainage channels, including their names if known, and flow direction;
 - Locations and widths of all existing and proposed easements, to whom they are conveyed and for what purpose;
 - Locations and dimensions of all existing and proposed driveways and walkways;
 - Locations and dimensions of all areas to be offered for public use;
 - Boundaries and type of restricted areas identified in ZDO Subsection [1012.05](#), as applicable;
 - Locations of all significant vegetative areas, including, but not limited to, wooded areas, specimen trees, and bearing trees;
 - Locations of the easements necessary for: locating, accessing, replacing, and servicing all dwelling units and utilities; pedestrian access from each dwelling unit to a private or public road; any common areas or shared building elements; and any shared driveways or parking;
 - If proposing new townhouses, calculations demonstrating that the proposed density complies with the minimum and maximum density standards of ZDO [Section 1012, Lot Size and Density](#).
- For property *already* developed with middle housing:** Provide a demonstration (e.g., copies of approved construction plans) that the middle housing on the property complies with the standards applicable to middle housing on or after July 1, 2022.
- For property *proposed to be* developed with middle housing:** Provide a copy of building permit applications and construction plans that have been submitted to or approved by the Building Codes Division.
- Any additional information or documents advised of during the pre-application conference**

Only if proposing new townhouse development concurrent with a middle housing land division...

- Service Feasibility Determinations:** If proposing new townhouse development, request that the property's water provider, sanitary sewer provider, and surface water management authority, as applicable, each complete a [Preliminary Statement of Feasibility](#) and include those completed statements with your application. If the proposed townhouse development will be served by an onsite wastewater treatment system (e.g., a septic system), include an approved Site Evaluation or Authorization Notice from the [Septic & Onsite Wastewater Program](#) attesting to the feasibility of your proposal.
- For Historic Landmark sites and sites located in an Historic District or Historic Corridor:** If proposing new townhouse development on an Historic Landmark site or on a site located in an Historic District or Historic Corridor, submit a narrative and/or plans demonstrating compliance with ZDO [Subsection 707.06\(C\)\(6\)](#), as applicable.

D. Answer the following questions:

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

1. Is the subject property (the property to be divided) already developed with middle housing?
- YES, and the middle housing on the property complies with the standards applicable to middle housing on or after July 1, 2022, as demonstrated in attached plans.
 - NO, but it is proposed to be developed with middle housing and a copy of building permit applications and construction plans that have been submitted to or approved by the Building Codes Division are attached.

The permit numbers for the building permit applications are:

2. Will each proposed middle housing lot, other than a tract used as a common area, contain exactly one dwelling unit?

NO YES

3. In the box below, explain how buildings and other structures on resulting lots or parcels will comply with applicable provisions in the Oregon Residential Specialty Code with respect to newly created lot lines:

4. Will each middle housing dwelling unit have separate utilities?

NO YES

5. a. Will the land division include common areas and facilities? (Examples of common areas and facilities include open space, private roads, access drives, parking areas, and recreational uses.)

NO

YES (answer Questions 5.b. and 5.c)

b. Identify all the proposed common areas and facilities:

c. Who will own, improve, operate, and maintain the common areas and facilities?

A nonprofit, incorporated homeowners association that:

1. Will continue in perpetuity unless the requirement is modified pursuant to either ZDO [Section 1309, Modification](#), or the approval of a new land use permit application;
2. Mandates membership in the homeowners association for each parcel owner; and
3. Is incorporated prior to recording of the final plat.

A government entity named: _____

A nonprofit conservation organization named: _____

An alternative entity named and described in the box below:

FAQs

What is a middle housing land division?

A middle housing land division is a partition or subdivision of a lot of record that is developed, or proposed to be developed, with more than one middle housing dwelling unit and that results in each dwelling unit being on a separate lot of record (a “middle housing lot”). Qualifying middle housing includes duplexes, triplexes, quadplexes, townhouses, and cottage clusters that comply with the standards applicable to middle housing on or after July 1, 2022, and are located in: certain Urban low Density Residential zoning districts (R-5, R-7, R-8.5, R-10, R-15, R-20, or R-30 Districts); the Village Small Lot Residential (VR-4/5) District; or the Village Standard Lot Residential (VR-5/7) District. Middle housing does not include accessory dwelling units (ADUs).

Can a middle housing lot be further divided, or be developed with additional dwelling units?

No. Lots or parcels created through a middle housing land division cannot be further divided, and can have a maximum of one dwelling unit.

What is the permit application process?

Middle housing land division permits are subject to a “Type II-E” land use application process, as provided for in [Section 1307](#) of the ZDO. Type II-E decisions include notice to owners of land within 100 feet, 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 pursuant to ORS 197.375, which limits who may appeal and on what basis.

What is needed for the County to approve a land use permit?

Middle housing 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?

In most cases, state law requires that the County issue a decision on the application within 63 days of receiving a completed application.

If an application is submitted and then withdrawn, will a refund be given?

If a submitted Type II-E application is withdrawn before it is publicly noticed, 75% of the application fee paid will be refunded. If a submitted application is withdrawn after it is publicly noticed, but before a decision is issued, 50% of the application fee paid will be refunded. No refund will be given after a decision is issued. See [Planning & Zoning Fee Schedule](#). 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?