



SUPPLEMENTAL APPLICATION
Lot of Record Dwelling (Agricultural Zoned Land)
(January 2018)

APPLICANT INFORMATION

Applicant \_\_\_\_\_ File \_\_\_\_\_

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

What is a lot of record dwelling?

The County Zoning & Development Ordinance (ZDO) allows single family residential dwellings to be constructed in an agricultural zone with a Lot of Record Dwelling permit. A Lot of Record Dwelling is a type of land use application which is only available to a person who has continuously owned a lot or parcel since January 1, 1985, on a lot or parcel created prior to January 1, 1985, and which meets the other specific approval criteria. There are three different Lot of Record applications. The soil types on the majority of the subject property are used to determine the appropriate application. The three types are:

- 1. Lot of Record Dwelling – High Value Farmland: Prime, Unique, Class I or Class II soils;
2. Lot of Record Dwelling – High Value Farmland: Class III or Class IV soils;
3. Lot of Record Dwelling – Low Value Farmland: Low value farmland.

What is needed for approval?

A Lot of Record Dwelling 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 Lot of Record dwelling request according to the criteria in Section 401 of the ZDO.

What are the chances for approval?

Staff cannot predetermine the decision of 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:

Lot of Record Dwelling permits on high value farmland, Class III and IV soils, and on low value farmland are subject to either the administrative action process and public notice, or a public hearing. 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. Lot of Record Dwelling permits on high value farmland, Class I or Class II soils require review by the County Land Use Hearings Officer through a public hearing process. The final County decision can be appealed 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?

Approximately 6 to 8 weeks for administrative action applications, or 150 days if the initial decision is appealed. Applications requiring a public hearing will take approximately 10 weeks.

**Complete applications require the following:**

1. Land Use Application Form - Information on applicant and land involved in the application.
2. Please indicate which of the following applications you are applying for:
  - A. \* \_\_\_\_\_ Lot of Record Dwelling: Low Value Farmland
  - B. \*\* \_\_\_\_\_ Lot of Record Dwelling: High Value Farmland, Class III or Class IV soils.
  - C. \*\*\* \_\_\_\_\_ Lot of Record Dwelling: High Value Farmland, Prime, Unique, Class I or Class II soils.
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.).
5. Supplemental Application: Submit the following information to address the applicable accessory dwelling criteria (based on the answer to #2 above):

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**A. \*Lot of Record Dwelling: Low Value Farmland**. This application is reviewed by the Planning staff through the Administrative action process. Please provide:

- 1) Proof of continuous ownership prior to and since January 1, 1985 (*ex: County Assessor's "Ownership Book"*).
- 2) **If not the owner prior to January 1, 1985**, please provide information to demonstrate compliance with ZDO Section 401, such as:
  - a) Identification and proof of relationship (son, daughter, etc. with name.);
  - b) Copy of a will or other document identifying acquisition through succession.
- 3) Proof that the parcel was lawfully created prior to January 1, 1985 (Deed records, County Planning Division research, etc.).
- 4) Supply all adjacent property conveyance/ownership records from the Assessor's Office "Ownership Books" showing present and past ownership. The subject property cannot currently be part of a tract that contains a dwelling, nor could it have been part of a tract on November 4, 1993 that had a dwelling. A "tract" is defined as one or more contiguous lots or parcels under the same ownership.
- 5) Identify the soil types found on the property. Soils information can be obtained from the Clackamas County Planning Division.
- 6) If the lot or parcel on which the dwelling will be sited is part of a tract, provide documentation of ownership of all parcels in the current owner's name.
- 7) If the subject property is located within a Big Game Winter Range area, describe how the dwelling will not seriously interfere with the preservation of the Winter Range area or how it can be adequately mitigated.

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**B. \*\*Lot of Record Dwelling: High Value Farmland - Class III or IV Soils**: This application is reviewed by the Planning staff through the Administrative action process. Please provide:

- 1) Proof of continuous ownership prior to and since January 1, 1985.
- 2) **If not the owner prior to January 1, 1985**, please provide information to demonstrate compliance with ZDO Section 401, such as:
  - a) Identification and proof of relationship (son, daughter, etc. with name.);

- b) Copy of a will or other document identifying acquisition through succession.
- 3) Proof that the parcel was lawfully created prior to January 1, 1985 (Deed records, County Planning Division research, etc.).
- 4) Supply all adjacent property conveyance/ownership records from the Assessor's Office "Ownership Books" showing present and past ownership. The subject property cannot currently be part of a tract that contains a dwelling, nor could it have been part of a tract on November 4, 1993 that had a dwelling. A "tract" is defined as one or more contiguous lots or parcels under the same ownership.
- 5) Identify the soil types found on the property. Soils information can be obtained from the Clackamas County Planning Division.
- 6) If the lot or parcel on which the dwelling will be sited is part of a tract, provide documentation of ownership of all parcels in the current owner's name.
- 7) Identify tracts located on the perimeter of the subject lot or parcel within ¼ mile of the center of the subject tract. Demonstrate that at least 25% of the perimeter of the subject property is bordered by tracts smaller than 21 acres, and that at least 2 of the tracts have a dwelling which existed as of January 1, 1993. Include township, range, section, and tax lot number. Also include the first and last name of the current owner of each parcel.

**OR**

Identify tracts located on the perimeter of the subject lot or parcel within ¼ mile of the center of the subject tract. Demonstrate that at least 25% of the perimeter of the subject property is bordered by tracts smaller than 21 acres and that at least four (4) dwellings existed on these tracts on January 1, 1993. (Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary.) Include the township, range, section, and tax lot number. Also include the first and last name of the current owner of each parcel.

- 8) Identify tax lots on the perimeter of the subject lot or parcel that have dwellings constructed prior to January 1, 1993.
- 9) If the subject property is located within a Big Game Winter Range area, describe how the dwelling will not seriously interfere with the preservation of the Winter Range area or how it can be adequately mitigated.

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**C. \*\*\* Lot of Record Dwelling: High Value Farmland – Prime, Unique, Class I or Class II**

**Soils:** This application is reviewed through a public hearing process by the Clackamas County Land Use Hearings Officer. Please provide:

- 1) Proof of continuous ownership prior to and since January 1, 1985. ("Ownership Book" records, etc.)
- 2) **If not the owner prior to January 1, 1985**, please provide information to demonstrate compliance with ZDO Section 401, such as:
  - a) Identification and proof of relationship (son, daughter, etc. with name.);
  - b) Copy of a will or other document identifying acquisition through succession.
- 3) Proof that the parcel was lawfully created prior to January 1, 1985 (Deed records, County Planning Division research, etc.).
- 4) Supply all adjacent property conveyance/ownership records from the Assessor's Office "Ownership Books" showing present and past ownership. The subject property cannot currently be part of a tract that contains a dwelling, nor could it have been part of a tract on November 4, 1993 that had a dwelling. A "tract" is defined as one or more contiguous lots or parcels under the same ownership.

- 5) Identify the soil types found on the property. Soils information can be obtained from the Clackamas County Planning Division.
- 6) If the lot or parcel on which the dwelling will be sited is part of a tract, provide documentation of ownership of all parcels in the current owner's name.
- 7) Evidence of extraordinary circumstances inherent in the land or its physical setting that do not apply general to other land in the vicinity that will not permit the parcel to be managed for farm use by itself or in conjunction with other contiguous parcels. OAR 660-033-0130(3)(c)(C)(i) applies as: *The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone, nor a parcel's limited economic potential, demonstrate that a lot or parcel cannot be practicably managed for farm use. Examples of extraordinary circumstances inherent in the land or its physical setting include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines, or other similar natural or physical barriers that by themselves, or in conjunction, separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use either by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use. Consider factors such as terrain, soil types, land conditions, drainage, flooding, vegetation, current and historical use, location, and size.*
- 8) Describe how the dwelling will not force a significant change in or increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- 9) Describe how the dwelling will not materially alter the stability of the overall land use pattern in the area.
- 10) If the subject property is located within a Big Game Winter Range area, describe how the dwelling will not seriously interfere with the preservation of the Winter Range area or how it can be adequately mitigated.

**Questions:** Contact Alex Pichacz, Planner I at 503-742-4510 or [APichacz@clackamas.us](mailto:APichacz@clackamas.us).

**Additional Information for  
Fire Equipment Access in Rural County**

Name: \_\_\_\_\_

Home Phone: (\_\_\_\_\_) - \_\_\_\_\_ - \_\_\_\_\_

Cell Number: (\_\_\_\_\_) - \_\_\_\_\_ - \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Hydrant in the area?    Yes                          No   

If Yes above, distance of hydrant from driveway entrance? \_\_\_\_\_ Feet

Length of Driveway from Road to Dwelling: \_\_\_\_\_ Feet

Width of Driveway Hard Surface: \_\_\_\_\_ Feet

Width of Cleared Area Side to Side of Driveway: \_\_\_\_\_ Feet

Show On Plot Plan All Structures

Show On Plot Plan Topography of Driveway (Slope)

Show On Plot Plan Turnaround Area and Widths

Total Square Footage of House? \_\_\_\_\_ Sq. Ft.

Total Square Footage of Outbuildings? \_\_\_\_\_ Sq. Ft.