To request translation or disability-related accommodations, please contact us at **DTDcompliance@clackamas.us** | **503-742-4400**.

Si quiere solicitar servicios de traducción o adaptaciones para la discapacidad, contáctenos en/al **DTDcompliance@clackamas.us** | **503-742-4400**.

Чтобы запросить перевод или приспособления, связанные с инвалидностью, пожалуйста, свяжитесь с нами по:
DTDcompliance@clackamas.us | **503-742-4400**.

Щоб попросити переклад або спеціальні послуги для осіб з особливими потребами, зверніться до нас, скориставшись такими контактними даними:
DTDcompliance@clackamas.us | **503-742-4400**.

如需翻译服务或残障相关的协助，请与我们联系：
DTDcompliance@clackamas.us | **503-742-4400**。

Để yêu cầu dịch vụ dịch thuật hoặc điều chỉnh liên quan đến tình trạng khuyết tật, vui lòng liên hệ với chúng tôi qua **DTDcompliance@clackamas.us** | **503-742-4400.**

Clackamas County
www.clackamas.us

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:

LOT OF RECORD DWELLING ON LOW VALUE FARMLAND

In AG/F or EFU Districts

Application Fee: $1,721

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 401, *Exclusive Farm Use District (EFU)* of the Clackamas County Zoning and Development Ordinance (ZDO) if the subject property is zoned EFU, or to the provisions of Section 407, *AG/Forest District (AG/F)* and the provisions of Section 401 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.

If the subject property is zoned AG/F, the property must have been predominantly agriculture 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:** The cost of this application is **$1,721** 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.

☐ **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, with those under the same ownership labeled;
- All existing and proposed structures, fences, roads, driveways, parking areas, and easements on the subject lot of record, each with identifying labels and dimensions;
- Setbacks of all structures from lot lines and easements; and
- Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.), utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells).

☐ **Soils information:** Provide proof that the proposed dwelling will be sited on a lot of record that is predominantly composted of low value soils, as determined in the Natural Resources Conservation Service Web Soil Survey for Clackamas County. (Contact Planning and Zoning for assistance.)

☐ **Lot of record creation information:** Provide proof (deed records, Planning and Zoning research records, etc.) that the proposed dwelling will be sited on a lot of record lawfully created before January 1, 1985.

☐ **Subject property ownership information:** Provide proof (e.g., County Tax Assessor "Ownership Books" records, a will or other document identifying acquisition terms) that the proposed dwelling will be sited on a lot of record that has been under the continuous ownership of the present owner who either: acquired the lot of record prior to January 1, 1985; *or* acquired the lot of record by devise or intestate succession from a person or persons who had continuously owned the property since January 1, 1985. "Owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner, or a business entity owned by any one or a combination of these family members.

☐ **Adjacent property ownership information:** Provide County Tax Assessor "Ownership Books" records for all adjacent properties showing who their current owner is and who their owner was on November 4, 1993. The lot of record on which the dwelling will be sited cannot have been part of a tract that contained a dwelling on

November 4, 1993. When the lot of record on which the dwelling will be sited is part of a tract, all remaining portions of the common ownership shall remain in common ownership as long as the dwelling remains as approved.

☐ **Evidence of agricultural use:** If the subject property is zoned AG/F, include evidence, such as dated aerial photos and tax records, demonstrating that the property was predominantly agriculture on January 1, 1993.

C. Answer the following questions:

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

1. What tax lots comprise the *lot of record* on which the accessory dwelling will be sited?

Township: _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____

Township: _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____

Township: _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____

2. When was the lot of record identified in Question 1 created?

Date lot of record was created (mm/dd/yyyy): _____/_____/_____

3. Who is the *current* owner of the lot of record, as shown in attached records?

Name of current owner: _____

4. Has the current owner named in response to Question 3 *continuously* owned the lot of record since January 1, 1985, as shown in attached records? "Owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner, or a business entity owned by any one or a combination of these family members.

☐ YES, the current owner acquired the lot of record on (mm/dd/yyyy):

_____/_____/_____

☐ NO, but the current owner acquired the lot of record by devise on (mm/dd/yyyy):

_____/_____/_____

☐ NO, but the current owner acquired the lot of record by intestate succession on (mm/dd/yyyy):

_____/_____/_____

5. If you answered 'NO' to Question 4, provide the name(s) of who the current owner acquired the lot of record from:

Who the lot of record was acquired from:

_____

6. To qualify for a Lot of Record Dwelling on Low Value Farmland, the tract on which the dwelling will be sited cannot already include a dwelling. A "tract" is one or more contiguous lots of record under the same ownership.

Does the tract on which the dwelling will be sited already include a dwelling?

☐ NO ☐ YES

7. In the box below, explain how the dwelling either will not seriously interfere with the preservation of big game winter range areas identified on Comprehensive Plan Map III-2, *Scenic and Distinctive Resource Areas*, or can be adequately mitigated.

Estimated impacts and appropriate mitigation measures must be based on the best available data and assessment methods from the appropriate agency. The Oregon Department of Fish and Wildlife (ODFW) suggests to the County that in the absence of mitigation measures, winter range is seriously impacted by residential densities which exceed one unit per 80 acres or one unit per 40 acres, if clustered within 200 feet.

FAQs

When is a Lot of Record Dwelling on Low Value Farmland permit required?
The County's Zoning and Development Ordinance (ZDO) allows a single-family dwelling to be constructed on agricultural land with low value soils for a person who has continuously owned the lot or parcel since January 1, 1985, if specific approval criteria can be met. Qualifying agricultural land includes land zoned Exclusive Farm Use (EFU) and land zoned AG/Forest (AG/F) that was predominantly agriculture on January 1, 1993. The dwelling requires a Lot of Record Dwelling on Low Value Farmland land use permit.

What is the permit application process?
Lot of Record Dwelling on Low Value Farmland 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?
Lot of record dwellings on low value farmland are discretionary and *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?
If a submitted Type II application is withdrawn before it is publicly noticed, 75% of the application fee paid, or the fee paid minus $250, whichever is less, 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, or the fee paid minus $500, whichever is less, will be refunded. No refund will be given after a decision is issued. 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?