



Planning and Zoning
Department of Transportation and Development
Development Services Building
150 Beaver Creek 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:

REPLACEMENT DWELLING

In AG/F, EFU or TBR District

Application Fee: \$1,027

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>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.</i>		
Applicant signature:		Date:

A. Review applicable land use rules:

This application is subject to the provisions of [Oregon Revised Statutes 215.291](#) . It is also subject to the applicable dimensional and development standards, which are found in [Section 401, Exclusive Farm Use District \(EFU\)](#) of the [Clackamas County Zoning and Development Ordinance](#) (ZDO) if the property is zoned EFU or [Section 406, Timber District \(TBR\)](#) if the property is zoned TBR or AG/F (cross-referenced from [Section 407, AG/Forest District \(AG/F\)](#)). 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 cost of this application is **\$995**. 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.
- ☐ **Evidence that the dwelling to be replaced was lawfully established:** Typically it is best to provide copies of the "appraisal jacket", obtained from the County Department of Assessment & Taxation, and, if available, permit numbers for land use, septic, building and manufactured dwelling placement permits for the dwelling.
- ☐ **Dated photographs or other evidence:** Provide dated photographs or other evidence clearly demonstrating that the dwelling proposed to be replaced has, or formerly had (within three years of the date the application is filed), the following features:
 1. Intact Exterior Walls and Roof Structure;
 2. Indoor Plumbing Consisting of a Kitchen Sink, Toilet and Bathing Facilities Connected to a Sanitary Waste Disposal System;
 3. Interior Wiring for Interior Lights; and
 4. A Heating System
- ☐ **Property tax assessment data:** Provide documentation from the County Department of Assessment and Taxation to demonstrate one of the following:
 1. The dwelling was assessed as a dwelling for purposes of ad valorem taxation since the later of:
 - Five years before the date of the application; or
 - The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.
 - OR**
 2. If the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:
 - Five years before the date of the destruction or demolition; or
 - The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.

- **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, with particular attention to: 1) the location of the existing or demolished home that is proposed to be replaced, and 2) the proposed new home site;
 - Setbacks of all structures from lot lines and easements;
 - Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, 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).

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?

FAQs

When is a Replacement Dwelling permit required?

[Oregon Revised Statutes 215.291](#) allows for the replacement of an existing, or previously existing, dwelling on land that is zoned Ag/Forest (AG/F), Exclusive Farm Use (EFU) or Timber (TBR) subject to certain criteria. The dwelling requires a Replacement Dwelling land use permit.

What is the permit application process?

Replacement Dwelling permits in the AG/F, EFU and TBR Districts 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?

A replacement dwelling in the AG/F, EFU or TBR District *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.

If approved, how long would the Replacement Dwelling permit be valid?

ORS 215.291 is unclear on the answer to this question. It appears that there are two options: a “regular” replacement dwelling permit that expires in four years pursuant to ORS 215.417 (with an option for a two-year extension) and a “deferred” replacement dwelling permit that does not expire. A deferred replacement dwelling permit requires that the dwelling to be replaced is removed or demolished within three months of the permit approval. In addition, a deferred permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant. Finally, ORS 215.291(6) requires that construction of a replacement dwelling must commence no later than four years after the approval of the replacement dwelling application becomes final, regardless of whether it is a “regular” or a “deferred” replacement permit.

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.