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:

PARTITION

(For a maximum of three total parcels and including 'Type II' replats)

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:	Pre-application conference file number:

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. 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, 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.

☐ **Expedited Land Division:** If your proposal qualifies as an expedited land division under Oregon Revised Statutes 197.360, and you would like to use the expedited process, submit a narrative that describes how the proposal complies with ORS 197.360(1)(a)(A) through (E) as follows:

ORS 197.360 "Expedited land division" defined; applicability

(1)As used in this section:

(a)"Expedited land division" means a division of land under ORS 92.010 (Definitions for ORS 92.010 to 92.192) to 92.192 (Property line adjustment), 92.205 (Policy) to 92.245 (Fees for review proceedings resulting in modification or vacation) or 92.830 (Definitions for ORS 92.830 to 92.845) to 92.845 (Relationship of subdivision in manufactured dwelling park or mobile home park to planned community statutes and series partition statutes) by a local government that:

(A)Includes only land that is zoned for residential uses and is within an urban growth boundary.

(B)Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.

(C)Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:

(i)Open spaces, scenic and historic areas and natural resources;

(ii)The Willamette River Greenway;

(iii)Estuarine resources;

(iv)Coastal shorelands; and

(v)Beaches and dunes.

(D)Satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules.

(E)Will result in development that either:

(i)Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or

(ii)Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

☐ 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;
- Calculations demonstrating that the proposed density complies with the minimum and maximum density standards of ZDO Section 1012, Lot Size and Density, or for zoning districts not subject to Section 1012, demonstrating compliance with the minimum lot size in the applicable zoning district;
- Locations, dimensions, and area of each lot, parcel, and tract;
- The north-south dimension and front-lot-line orientation of each proposed lot or parcel, except for lots or parcels for which an exception from the solar design standard of ZDO Subsection 1017.03 is requested pursuant to Subsection 1017.04. For the purpose of this submittal requirement, “north-south dimension” and “front lot line” are defined in Subsection 1017.02;
- 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, 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 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 existing structures to be retained and their setbacks from existing and proposed lot lines;
- 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; and
- Locations of all significant vegetative areas, including, but not limited to, wooded areas, specimen trees, and bearing trees.

☐ **Building Envelopes:** Provide a map, drawn to a scale of not less than once inch=20 feet and not more than one inch=200 feet, that shows a **potential** building envelope for a primary building on each proposed lot. The purpose is to demonstrate that each lot can be developed in compliance with the minimum setback and maximum lot coverage standards of the applicable zoning district. If there is an existing primary building on the subject property, include it on the map.

☐ **Service Feasibility Determinations:** 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 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 a property with designated Open Space:** If the subject property to be partitioned includes land designated Open Space by the County's Comprehensive Plan, a *vicinity map* showing the location of the subject property in relation to adjacent properties, roads, bikeways, pedestrian access, utility access, and manmade or natural site features that cross the boundaries of the subject property. An *existing conditions map* of the subject property with the Open Space designation must also be provided. The existing conditions map must illustrate all of the following (when applicable):

- Contour lines at two-foot intervals for slopes of 20 percent of less within a UGB; contour lines at five-foot intervals for slopes exceeding 20 percent within a UGB; contour lines at 10-foot intervals outside a UGB; and the source of contour information;
- Slope analyses designating portions of the site according to the following slope ranges and identifying the total land area in each category: zero to 20 percent; greater than 20 percent to 35 percent; greater than 35 percent to 50 percent; and greater than 50 percent;
- Drainage;
- Potential hazards to safety, including areas identified as mass movement, flood, soil, or fire hazards pursuant to ZDO Section 1003, *Hazards to Safety*;
- Marsh or wetland areas, underground springs, wildlife habitat areas, and surface features such as earth mounds and large rock outcroppings;
- Location of wooded areas, significant clumps or groves of trees, and specimen conifers, oaks, and other large deciduous trees. Where the subject property is heavily wooded, an aerial photography, at a scale of not more than one inch = 400 feet, may be submitted and only those trees that will be affected by the proposed development need be sited accurately;
- Location of any overlay zoning districts regulated by ZDO Section 700, *Special Districts*;
- Noise sources;
- Sun and wind exposure;
- Significant views; and
- Existing structures, impervious surfaces, utilities, landscaping, and easements.

☐ **For a property that is already a platted lot or parcel:** If the subject property is already a platted lot or parcel, include a full copy of the latest partition or subdivision plat and a density calculation made pursuant to ZDO Subsections 1105.04(B)(2) and (3).

☐ **Master plan, if required by ZDO Section 1012:** Minimum density and maximum lot size standards apply in certain zoning districts. ZDO Section 1012 allows for partitions that do not meet required minimum density and maximum lot size standards, provided a master plan is submitted demonstrating that the standards could be met for the entire property through future land division.

☐ **For Historic Landmark sites, and sites located in a Historic District or Historic Corridor:** Submit a narrative and/or plans demonstrating compliance with ZDO Subsection 707.06(C)(6), as applicable.

☐ **Any additional information or documents advised of during the pre-application conference**

D. Answer the following questions:

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

1. Are you requesting that this application be processed as an expedited land division pursuant to ORS 197.360?

   ☐ YES ☐ NO

2. Is the subject property already a *platted* lot or parcel?

☐ NO, it is not platted.

☐ YES, and I understand this partition is subject to the additional criteria for a replat.

The property to be partitioned is currently identified as follows:

Plat name/number: _____

Current parcel number for subject property: _____

3. In an Urban Low Density Residential District, the partition may be designated as a zero-lot-line development. In a zero-lot-line development, there are no minimum rear and side setbacks for single-family dwellings, manufactured homes, and structures accessory to single-family dwellings and manufactured homes, except from rear and side lot lines on the perimeter of the final plat.

Are you requesting this partition be designated as a zero-lot-line development?

☐ NO ☐ YES

4. **a.** Will the partition include common areas and facilities and/or is it located in Government Camp, where snow removal and storage are required? (Examples of common areas and facilities include open space, private roads, access drives, parking areas, and recreational uses.)

☐ NO (skip to Question 4)

☐ YES (answer Questions 3.b. and 3.c)

b. Identify all the proposed common areas and facilities:

c. Who will own, improve, operate, and maintain the common areas and facilities and/or provide for snow removal and storage in Government Camp?

☐ 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:

4. Is the subject property in a future urban area, as defined by Chapter 4 of the Comprehensive Plan?

☐ NO

☐ YES, and the location of proposed easements, road dedications, structures, wells, and onsite wastewater treatment systems is consistent with the orderly future development of the subject property at urban densities for the following reasons:

E. If the property is already platted:

Partitioning a property that is already platted involves a “replat”. The number of lots or parcels in a replatted area cannot exceed the number previously approved for the area, unless: the gross site area of the affected plat is increased, or is of sufficient size to allow additional lots or parcels, or; the zoning on the subject property has been changed since the existing plat was approved, permitting a greater density on all, or part, of the original platted area.

If the subject property is already a *platted* lot or parcel, identify the circumstances that allow for the number of lots or parcels in the replatted area to exceed the number previously approved for the area (attach additional pages, if necessary):

☐ The gross site area of the affected plat will be increased from _____ acres to _____ acres.

☐ The gross site area of the affected plat will remain _____ acres, which is a sufficient size to allow additional lots or parcels.

☐ The zoning of the subject property has been changed since the existing plat was approved, permitting a greater density on all, or part, of the original platted area, as explained in the box below:

F. If the property is already platted and in the AG/F, EFU, or TBR District:

If the partition constitutes a replat and is in the AG/F, EFU, or TBR District, answer all of the following questions. Attach additional pages, if necessary.

1. Would the replat **decrease** the size of a lot of record that, before the replat, is smaller than 80 acres *and* contains an existing dwelling or is approved for the construction of a dwelling?

☐ NO

☐ YES, it would decrease the size of a lot of record that is currently smaller than 80 acres and contains an existing dwelling.

☐ YES, it would decrease the size of a lot of record that is currently smaller than 80 acres and is approved for a dwelling per the following building permit or land use permit number: _____

2. Would the replat **decrease** the size of a lot of record that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than 80 acres?

☐ NO

☐ YES, it would decrease the size of a lot of record that contains an existing dwelling to a size smaller than 80 acres.

☐ YES, it would decrease the size of a lot of record that that has been approved for a dwelling to a size smaller than 80 acres. The following building permit or land use permit number is the approval for the dwelling: _____

3. Would the replat **increase** the size of a lot of record to a size as large as or larger than the minimum lot or parcel size required for it to qualify for a dwelling?

☐ YES, the replat would increase the size of one of the lots of record to a size that would be large enough for it to qualify for a dwelling.

☐ NO, the lot of record that will be increased in size will *not* be as large or larger than the minimum lot or parcel size required for it to qualify for a dwelling, for the following reasons:

☐ NO, because the replat would not increase the size of any lot of record.

4. ZDO Subsection 1105.04(A)(3)(c)(iv) **prohibits** replats in a natural resource zone when the replat would allow an area of land used to qualify a lot of record for a dwelling based on an acreage standard to be used to qualify another lot of record for a dwelling if that land use approval for a dwelling would be based on an acreage standard.

In the box below, explain how the proposed replat would *not* be used to allow an area of land used to qualify a lot of record for a dwelling based on an acreage standard to be used to qualify another lot of record for a dwelling based on an acreage standard.

5. ZDO Subsection 1105.04(A)(3)(c)(v) **prohibits** the replat of a property line that resulted from a subdivision or partition authorized by a waiver so that any lot of record affected by the replat is larger than:

- Two acres if the lot of record is, before the replat, two acres in size or smaller and is high-value farmland, high-value forestland, or within a ground water restricted area; or
- Five acres if the lot of record is, before the replat, five acres in size or smaller and is *not* high-value farmland, high-value forestland, or within a groundwater restricted area.

Would the proposed replat comply with Subsection 1105.04(A)(3)(c)(v)?

☐ NO ☐ YES

6. ZDO Subsections 1105.04(A)(3)(c)(vi) and (vii) **prohibit** replats in a natural resource zone that would separate:

- A temporary dwelling for care, home occupation, relative farm help dwelling, or processing facility from the lot of record on which the primary residential use or other primary use exists; or

- An accessory dwelling in conjunction with a farm use approved pursuant to Subsection 401.05(C)(12), except as provided in OAR 660-033-0010(24)(B).

In the box below, explain how the proposed replat will comply with these subsections. For example, if there is no temporary dwelling for care, home occupation, relative farm help dwelling, processing facility, or accessory dwelling on either property affected by the adjustment, say so.

FAQs

What is a partition?
Partitions are land divisions creating two or three parcels in one calendar year. A partition requires approval of a Partition permit application.

What is *not* a partition?
Partitions do *not* include: land divisions creating four or more lots in a calendar year; divisions resulting from lien foreclosures, from foreclosure of recorded contracts for sale of real property, or from the creation of cemetery lots; any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created; or the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

What is the permit application process?
Partition permits **that qualify as expedited land divisions** 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.

Partition permits that **do not qualify as expedited land divisions** 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?
Partitions *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.

The additional Hydrogeologic Review fee, if applicable, can be refunded in full, provided the application is withdrawn before any work has been done by the hydrogeologist. If any work has been done by the hydrogeologist, no portion of the Hydrogeologic Review fee will be refunded.

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?