



SUPPLEMENTAL APPLICATION  
FOREST DWELLING PERMIT  
(July - 2009)

**APPLICANT INFORMATION:**

Name \_\_\_\_\_ File # \_\_\_\_\_

Date \_\_\_\_\_

**WHAT IS A FOREST DWELLING PERMIT?**

The County Zoning & Development Ordinance (ZDO) allows a single-family residential dwelling to be constructed in a forest zone if one of the following tests can be met:

1. Lot of Record Test: Only available on lots created prior to January 1, 1985 and currently owned by a person who owned the lot prior to January 1, 1985.
2. Template Test: A "Template Test" is a process which typically uses a 160 acre square centered over the property. The template is then evaluated by the number of parcels it touches (excluding the subject property) and number of dwellings on those parcels.
3. Forest Dwelling, 160 Acre Minimum: Allows a dwelling on a lot or parcel which is at least 160 acres.
4. 200 Acre Noncontiguous Tract Dwelling: Allows a dwelling on a combination of lots which total 200 acres, but are not contiguous to each other.

**WHAT IS NEEDED FOR APPROVAL?**

Forest dwellings 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 forest dwelling request according to the criteria in Section 406 or 407 of the ZDO.

**WHAT ARE CHANCES FOR APPROVAL?**

Staff cannot predetermine the decision on 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**

Forest dwelling permits are subject to the Administrative Action process and public notice. 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. Any decision on this application can be appealed to the County Hearings Officer and to the State Land Use Board of Appeals (LUBA) by the applicant or any other interested person.

**STAFF WILL ATTACH THE FOLLOWING PERTINENT INFORMATION:**

- |                               |                           |
|-------------------------------|---------------------------|
| _____ Land Use Application    | _____ CPO Information     |
| _____ Sample Plot Plan        | _____ Application Process |
| _____ ZDO Sections 406 or 407 |                           |

150 Beaver Creek Road, Oregon City, OR 97045; Phone: (503) 742-4500; Fax: 503-742-4550

## HOW LONG WILL IT TAKE TO GET A FINAL DECISION ON THIS APPLICATION?

Approximately 6 to 8 weeks, or 150 days if the initial decision is appealed.

### COMPLETE APPLICATIONS REQUIRE THE FOLLOWING:

1. Land Use Application Form - Information on applicant and land involved in the application.
2. Please indicate **one** of the following tests:
  - A. \_\_\_\_\_ Lot of Record Test.
  - B. \_\_\_\_\_ Template Test.
  - C. \_\_\_\_\_ Forest Dwelling, 160 Acre Minimum
  - D. \_\_\_\_\_ 200 Acre Noncontiguous Tract Dwelling  
(200 or more acres of multiple parcels not contiguous but within the County).  
List multiple tracts by legal map number.
3. Application Fee: [Go To Fee Web Page](#) (*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.). The site plan must demonstrate compliance with the fire siting/fuel break requirements in Section 406.09 of the ZDO.
5. Supplemental Application - Submit the following information for the test you have chosen. It is important that all submitted information is clear and legible so that it can be copied. All written information should be in pen or ink, on 8.5" x 11" or 8.5" x 14" paper. Copies of deeds or other types of documentation should be clean and legible.

#### A. LOT OF RECORD TEST

1. Proof of ownership prior to January 1, 1985 (Deed records, etc.).
2. **If not the owner on January 1, 1985**, information to demonstrate compliance with Section 406.05(B)(2)(b) or 407.05(B)(4)(b): Please provide family history of ownership, i.e., grandfather, father, son, grandson etc. and names of each.
3. Proof that the parcel was lawfully created prior to January 1, 1985 (Deed records, Planning Department research, etc.).
4. Statement that the tract does not currently contain a dwelling. (*A tract is defined as contiguous property under the same ownership*)
5. Supply all adjacent property conveyance/ownership records from the Assessor's Office "ownership books" showing present and past ownership. The subject property can not currently be part of a tract which contains a dwelling, nor could it have been part of a tract on November 4, 1993 which had a dwelling. A "tract" is defined as one or more contiguous lots or parcels in the same ownership.
6. Demonstrate through the site plan and/or other written information that the fuel break standards described in Section 406.09 of the ZDO can be met.

7. Identify soils found on the property and demonstrate that the property is not capable of producing 5,000 cubic feet per year of commercial tree species. (*Soils information can be obtained from the Clackamas County Planning Department*).
8. Identify the public road that must be within 1,500 feet of the subject property that provides or will provide access to the dwelling. If access is by private easement you must provide the date of the creation of the easement and a copy with the application.
9. If the subject property is located in an Agricultural/Forest Zoning District (AG/F), provide evidence that the property was predominantly used for forest uses, rather than farm uses, on January 1, 1993. This information can be addressed in the form of written information on the use of the property based on personal knowledge, aerial photos showing use of the property, or information from the County Assessors Office identifying whether the property was receiving a farm or forest tax deferral. (If the property was predominantly used for farm uses on January 1, 1993, this Lot of Record provision cannot be used to approve a dwelling).

**B. TEMPLATE TEST**

1. Identify fire district that serves the subject property.
2. Identify soils on the property. (*Soils information can be obtained from the Clackamas County Planning Department*)
3. Identify other parcels found within the 160 acre template, including those touched and only those created prior to January 1, 1993. The template does not have to encompass the parcels. Include Township, Range, Section, and Tax Lot number; with first and last name of the current owner. Do not include the subject property, parcels within an urban growth boundary or those larger than 80 acres. **Provide Assessor's plat map showing template with parcels and dwellings counted.**
4. Identify tax lots on which dwellings were counted and provide the date of the dwelling. Only dwellings constructed prior to January 1, 1993 may be included. Do not include dwellings on parcels within an urban growth boundary, on parcels larger than 80 acres, or on parcels created after January 1, 1993.
5. Demonstrate through the site plan and/or other written information that the fuel break standards described in Section 406.09 or 407.09 of the ZDO can be met.
6. Evidence the lot or parcel was lawfully created (i.e. deed records, research completed by Planning Department, etc.)
7. Provide a statement that the tract does not currently contain a dwelling. (*A tract is defined as contiguous property under the same ownership*)
8. Include a copy of any road / access easements, as applicable. If access is by private easement you must provide the date of the creation of the easement.
9. If the subject property is located in an Agricultural/Forest Zoning District (AG/F), provide evidence that the property was predominantly used for forest uses, rather than farm uses, on January 1, 1993. This information can be addressed in the form of written information on the use of the property based on personal knowledge, aerial photos showing use of the property, or information from the County Assessors Office identifying whether the property was receiving a farm or forest tax deferral. (*If the property was predominantly used for farm uses on January 1, 1993, the Template Test provision cannot be used to approve a dwelling in the AG/F District*)

C. **FOREST DWELLING, 160 ACRE MINIMUM:**

1. Evidence the subject tract is at least 160 acres.
2. Statement that the tract does not currently contain a dwelling. (*A tract is defined as contiguous property under the same ownership*)
3. Demonstrate through the site plan and/or other written information that the fuel break standards described in Section 406.09 or 407.09 of the ZDO can be met.
4. Include a copy of any road / access easements, as applicable. If access is by private easement you must provide the date of the creation of the easement.
5. If the subject property is located in an Agricultural/Forest Zoning District (AG/F), provide evidence that the property was predominantly used for forest uses, rather than farm uses, on January 1, 1993. This information can be addressed in the form of written information on the use of the property based on personal knowledge, aerial photos showing use of the property, or information from the County Assessors Office identifying whether the property was receiving a farm or forest tax deferral. (If the property was predominantly used for farm uses on January 1, 1993, this provision cannot be used to approve a dwelling).

D. **200 ACRE NONCONTIGUOUS TRACT DWELLING:**

1. Statement that the tract to be developed does not currently contain a dwelling.
2. Documentation of ownership of all tracts constituting the 200 acres.
3. Statement and evidence that none of the tracts making up the 200 acres currently contain a dwelling.
4. Demonstrate through the site plan and/or other written information that the fuel break standards described in Section 406.09 or 407.09 of the ZDO can be met.
5. Include a copy of any road / access easements, as applicable. If access is by private easement you must provide the date of the creation of the easement.
6. If the subject property is located in an Agricultural/Forest Zoning District (AG/F), provide evidence that the property was predominantly used for forest uses, rather than farm uses, on January 1, 1993. This information can be addressed in the form of written information on the use of the property based on personal knowledge, aerial photos showing use of the property, or information from the County Assessor's Office identifying whether the property was receiving a farm or forest tax deferral. (If the property was predominantly used for farm uses on January 1, 1993, this provision cannot be used to approve a dwelling).

E. **Conditions of Approval** - If any of the above land use applications are approved, AT A MINIMUM, the following conditions will be required to receive a building permit:

1. Any parcel larger than 10 acres shall be stocked with a minimum of 200 trees per acre (*Commercial tree species*).
2. The dwelling shall meet the fire siting standards in Section 406.09 or 407.09. (*This will require the dwelling and roadway to be staked out and inspected, prior to Planning sign-off for a septic or building permit or a Fuel Break Standards Compliance Form completed and returned.*)
3. For the property the dwelling will be placed, the applicant shall provide proof that a written statement is recorded with the deed which recognizes the rights of adjacent

and nearby landowners to conduct forest operations consistent with the Oregon Forest Practices Act, and to conduct accepted farm practices.

4. The owner submits proof of an irrevocable deed restriction, recorded in the deed records of the county, for the tracts in the 200 acres. The deed restriction shall preclude all future rights to construct a dwelling on the tracts not supporting the proposed dwelling, or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to the protection under goals for agricultural and forest lands.
5. The dwelling shall have a fire retardant roof.
6. The dwelling shall not be sited on a slope greater than 40 percent. (*Topographical by a surveyor or engineer may be required to satisfy this condition.*)
7. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
8. Other reasonable conditions as deemed necessary by the Planning Director.

**Questions:** Contact Gary Hewitt, Sr. Planner at 503-742-4519 or [garyh@co.clackamas.or.us](mailto:garyh@co.clackamas.or.us)

**ADDITIONAL INFORMATION PROVIDED  
WITH PLOT PLAN SUBMITTAL IN RURAL COUNTY**

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

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

Fax 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.