

LIST OF APPLICATION TYPES

(Revised 3/26/02)

1. ACCESSORY DWELLING FOR FARM USE IN AG/FOREST: An application to establish a second residence for a relative or non-relative of the farm operator on a property zoned Ag/Forest upon demonstrating it's necessary to have additional help with the farm. Need is based upon size, type and intensity of farm use. Reviewed by the Planning staff with appeal to the Hearings Officer, then appeal to LUBA. *Example: A property owner has 100 acres of Christmas trees and needs this application to establish an additional residence on his property to house laborers necessary in the day-to-day management of the farm.*
2. ALTERATION/CHANGE OF A NONCONFORMING USE: Application for remodeling or changing the use of premises that were legally established prior to current laws and are not in conformance with existing zoning provisions. Reviewed by the Planning staff with appeal to the Hearings Officer; then appeal to LUBA. *Example: Chamber's Motors (near the Hwy 26/Hwy 212 interchange) would make this application to enlarge their facility.*
3. AG ACCESSORY DWELLING: An application required to establish an additional residence on property zoned EFU for purposes of management of the farm. There are different variations of this application dependent upon whether or not the accessory dwelling will be occupied by a relative. Reviewed by the Planning staff with appeal to the Hearings Officer, then appeal to LUBA. *Example: The farm operator needs help in the day-to-day activities of working the farm and makes this application to provide an additional permanent residence for farm helpers.*
4. AG LOT OF RECORD: An application required to establish a residence not in conjunction with farm use provided the applicant has owned prior to 1985. Properties with Class 3 and 4 soils performed at the staff administrative level with appeal to Hearings Officer, then appeal to LUBA. Properties with Class 1 and 2 soils reviewed by Hearings Officer, then appeal to LUBA. *Example: A property owner needs approval of this application to establish a residence on EFU property owned prior to 1985, which may be granted provided there is no practical way of farming the property and approval will not alter the stability of the land use pattern in the area.*
5. AG LOT DIVISION: An application to divide property on lands planned and zoned EFU. Reviewed by the Planning staff with appeal to the Hearings Officer, then appeal to LUBA. *Example: An applicant makes this application to divide EFU property into minimum 80-acre parcels.*

6. AG NONFARM: An application required to establish a residence not in conjunction with farm uses on EFU lands. Reviewed by the Planning staff with appeal to the Hearings Officer, then appeal to LUBA. *Example: An applicant needs approval of this application to construct a residence on property zoned EFU that predominately has poor soils (Class IV through Class VIII) and was created prior to 1993.*
7. APPEAL: Application to challenge a Planning Director, Hearings Officer or other local County decision. (Do not confuse these appeals with state or federal courts). Reviewed by the Hearings Officer at a public hearing or, (in cases of interpretations) the BCC level with appeal to LUBA.
8. COMP. PLAN AMENDMENT: Application to change the Comprehensive (Comp) Plan Map to enable the changing of the zoning district map. A Comp Plan map amendment is, for these purposes, normally accompanied by a zone change application because the zoning map has to be consistent with the Comp Plan. Staff prepares a report to the Planning Commission (PC), which then recommends a course of action to the Board of County Commissioners (BCC); appeal is to LUBA. *Example: An application is made to change the Low Density Residential Plan designation to Medium Density Residential to enable the construction of multifamily dwellings. This application would also have to include a zone change from (for example) R-10 to MR-1.*
9. CONDITIONAL USE: Application for a use that may be allowed provided approval does not result in precluding surrounding properties for their primary uses and impacts to surrounding properties (traffic, noise, etc.) can be mitigated. Each zoning district lists the uses that are eligible to be considered as a conditional use in that district. Most conditional uses have specific development standards, which are prescribed in the Section 800 provisions of the ZDO. Reviewed by the Hearings Officer at a public hearing with appeal to LUBA. *Example: Beavercreek Fire District, Clackamas High School or New Hope Community Church makes this application to construct a new or enlarge their existing facility.*
10. CONFLICT RESOLUTION: An application used exclusively in the urban area to determine the ability to develop in or around natural resources, applies only to certain areas that have been designated Open Space on the Comp Plan map. Reviewed by the Planning staff with appeal to Hearings Officer, then appeal to LUBA. *Example: This application is necessary to determine the significance and need to preserve a wetland area near Kruse Way that has been designated Open Space on the Comp Plan map, but has not been designated a Conservation Wetland through the Goal 5 process.*

11. CONSERVATION WETLAND: An application used exclusively in the North Urban Area that is necessary when considering development of properties that have Conservation Wetland resources designated on the Comp Plan map. Development near, adjacent or in these wetlands may only occur when consistent with the ESEE analysis adopted as part of the Comp Plan. Reviewed by the Planning staff with appeal to Hearings Officer, then appeal to LUBA. *Example: This application is necessary to determine whether wetlands adjacent to Kellogg Creek can be disturbed by roads, utilities or residential lots being created as part of a proposed subdivision.*
12. DESIGN REVIEW: An application used primarily for commercial, industrial and multifamily development proposals to determine compliance with the development standards of the Zoning and Development Ordinance. Performed at the staff administrative or Design Review Committee level, appeal to Hearings Officer, then appeal to LUBA. *Example: Fred Meyer needs to go through a Design Review application to determine if a proposed store satisfies the transportation, parking, landscaping, access and building design standards of the Ordinance.*
13. FARM MANAGEMENT PLAN: An application required to authorize the construction of a residence on land zoned Exclusive Farm Use (EFU). Approval of the application is based primarily upon income level (\$80,000/year on high value farmland; \$32,500 not on high value farmland). Reviewed by the Planning staff with appeal to the Hearings Officer, then appeal to LUBA. *Example: An applicant needs to demonstrate a farm meets or exceeds \$80,000 per year income level to acquire approval for construction of a residence on high value farmland zoned EFU.*
14. FARM MANAGEMENT PLAN IN AG/FOREST: This application is necessary to establish a residence to manage a farm on vacant property planned Forest and zoned Ag/Forest. Approval of the application is based primarily upon income level (\$80,000/year on high value farmland; \$32,500 not on high value farmland). Reviewed by the Planning staff with appeal to the Hearings Officer, then appeal to LUBA. *Example: An applicant desires to establish a residence on property considered high value farmland. The applicant needs to demonstrate the existing farm use meets or exceeds \$80,000 per year income level in 2 of the last 3 years to acquire approval for construction of the residence.*
15. FLOODPLAIN DEVELOPMENT: An application required when considering development in areas located within the 100-year floodplain. The review is to ensure (1) the development is properly anchored to the ground; (2) that any “significant” development will not be inundated by floodwaters causing insurable damages; and (3) that any development will not inadvertently deflect floodwaters onto neighboring properties. Performed at the staff administrative level, appeal to Hearings Officer, then appeal to LUBA.

Example: This application is necessary for the Clackamas River Water District to develop within the 100 year floodplain for purposes of stabilizing the riverbank to protect their water treatment facility.

16. FOREST DWELLING LARGE TRACT: An application necessary to establish a residence on property planned and zoned for forest uses. Approval of the application is based upon the ownership of a parcel of land that is a minimum of 160 acres in size. Reviewed by the Planning staff with appeal to the Hearings Officer, then appeal to LUBA. *Example: A property owner wants to build a home near Sandy on property that is over 160 acres and zoned TBR. Approval of this application is necessary to construct the residence.*
17. FOREST DWELLING MULTI TRACT: One alternative for constructing a dwelling in an area designated Forest on the Comprehensive Plan when the property owner has multiple parcels of land. Approval of the application requires an ownership of a minimum of two hundred (200) acres of land. The 200 acres of land can be made up of one or more non-contiguous parcels. All the land must be located in Clackamas County and must be located in an area designated Forest on the Comprehensive Plan. The owner may build upon one of the various parcels. All remaining parcels will be deemed unbuildable by deed restriction. Reviewed by the Planning staff with appeal to the Hearings Officer. *Example: Uncle Billy wills Jo Bob four properties totaling 200 acres. Joe Bob applies for a Forest Dwelling Multi-Tract application to construct a residence, receives approval and, subject to this approval, deeds the remaining properties unbuildable.*
18. FOREST LOT DIVISION: An application to divide large properties located in areas planned and zoned for forest uses. Reviewed by the Planning staff with appeal to the Hearings Officer, then appeal to LUBA. *Example: An applicant needs approval of this application to divide 320 acres into two 160 acre parcels, which is the minimum lot size in forest areas.*
19. FOREST LOT OF RECORD: An application necessary to construct a residence on a property planned and zoned for forest uses. Approval of the application is dependent upon whether the current owner possessed the property prior to 1985 and if the property is of a small enough size to limit it's timber production. Reviewed by the Planning staff with appeal to the Hearings Officer, then appeal to LUBA. *Example: This application is necessary to determine if a residence can be constructed on a property planned and zoned for forest uses on a property owned by the current owner since 1985.*

20. FOREST MULTI-DWELLING LOT DIVISION: An application necessary when considering dividing pre-existing legally established residences on properties planned and zoned for forest uses. Reviewed by the Planning staff with appeal to the Hearings Officer, then appeal to LUBA. *Example: A property owner needs this application to sell one of two residences that was constructed prior to the current zoning of the property.*
21. FOREST TEMPLATE TEST: An application to construct a residence on a property planned and zoned for forest uses. Approval of the application is determined by whether the area has already been affected by other residential development. Reviewed by the Planning staff with appeal to the Hearings Officer, then appeal to LUBA. *Example: Andy Mayberry has 10 acres in the middle of a forest area near MT Hood. The area is planned and zoned for forest uses, but there are several parcels adjacent to Andy's property that already have legally established residences. Andy needs to make this application to determine if he can get approval to construct his residence because the surrounding area is already disturbed with residential uses.*
22. HOME OCCUPATION: An application required to authorize businesses to be conducted in homes located in residential areas. Performed at the staff administrative level with appeal to Hearings Officer, then appeal to LUBA. *Example: An applicant needs approval of this application to conduct a business, that includes client contacts and perhaps storage, out of their home in a residential neighborhood.*
23. INTERPRETATION TO HEARINGS OFFICER: An application to determine if a use is similar to other uses in a zoning district. An appeal of the Hearings Officer's decision may be heard by the BCC if the BCC chooses to consider the matter (discretionary). *Example: An applicant wants to establish a pet crematorium on lands planned and zoned Rural Commercial. Pet crematoriums are not specifically listed as a primary, conditional or accessory use; however, they might be similar to the "veterinary services and clinics" that are listed as a primary use in this district. Also listed as a primary use is "any other use, which, in the opinion of the Hearings Officer, is of similar character to those specified above". The opinion of the Hearings Officer is a matter of interpretation, which is the basis for this application.*
24. INTERPRETATION/STAFF REVIEW: An application for a Planning Director's interpretation of an Ordinance provision. These applications are directed at how the Ordinance is interpreted and administered. An appeal of the Planning Director's decision goes to the Hearings Officer. An appeal of the Hearings Officer's decision may be heard by the BCC if the BCC chooses to consider the matter (discretionary). *Example: A religious organization*

makes this application to contest the County's Ordinance provisions that do not allow churches on lands planned and zoned for industrial uses.

25. MINERAL AND AGGREGATE RESOURCE EXTRACTION: A conditional use application that is required for the extraction of aggregate or other mineral resources that have not been deemed significant through the Comp Plan Post Acknowledgement Plan Amendment (PAPA) process. Performed at the Hearings Officer level with appeal to LUBA. *Example: The Brightwood Quarry needs approval of this application to remove aggregate material from an area adjacent to the Salmon River that has not been examined nor approved as a significant Goal 5 resource.*

26. MODIFICATIONS: An application that is required when there is a request to modify an approval or condition of approval of a previous administrative or quasi-judicial (involving a hearing) decision. The difference between a minor and a major modification is determined by criteria specified in the Ordinance. A minor modification is performed at the staff level, but a major modification is reviewed pursuant to the same procedures as the original application. *Example: A school approved pursuant to the conditional use process requested and received approval of an expansion of their library. The approval was granted because the proposed expansion did not result in an increase greater than 10% of the original floor area, did not increase traffic congestion, did not result in a reduction of open space, required parking or pavement widths, nor did it result in a change in access to the property.*

27. PARTITION: An application to divide a property into two or three parcels. Performed at the staff administrative level with appeal to Hearings Officer, then appeal to LUBA. *Example: This application is required when a property owner desires to split their property in half or thirds to sell as building sites.*

28. PRINCIPAL RIVER CONSERVATION REVIEW: An application required to authorize development along the County's primary rivers (Clackamas, Sandy, Salmon, Molalla, Pudding, Roaring, Tualatin and Zig Zag Rivers). Reviewed by the Planning staff with appeal to the Hearings Officer, then appeal to LUBA. *Example: An applicant may receive approval to authorize construction, grading or vegetation removal along the principal rivers provided the natural, scenic and other attributes are protected or preserved.*

29. PROPERTY LINE ADJUSTMENT: An application to adjust a common property line separating two properties. Performed at the staff administrative level with appeal to Hearings Officer, then appeal to LUBA. *Example: This application is required when two adjacent and consenting property owners wish to change the location of their common property line.*

30. ROAD NAMING: An application to name or rename an existing public or private road. Appeal to Road Naming Addressing Committee. *Example: An applicant would need to acquire approval of this application, which requires approval of adjacent property owners, to rename Beaver Creek Road to McClain Blvd.*
31. STAFF TEMPORARY PERMIT: An application to allow a use on a temporary basis that would not normally be allowed in the zoning district. There are several kinds of Temporary Permits: Temporary Use Otherwise Prohibited, Temporary Dwelling While Building, Temporary Dwelling for Care and Temporary Structure for Emergency Shelter. The Temporary Dwelling While Building and Temporary Structure for Emergency Shelter is performed by staff through the ministerial process (no formal application or notice). The Temporary Dwelling for Care and Temporary Use Otherwise Prohibited are performed at the staff administrative level with appeal to Hearings Officer, then LUBA. *Examples: A Temporary Permit for Use Otherwise Prohibited may be granted to the Oregon Department of Transportation for up to one year to store machinery and materials on a residential property that is near a road widening project. A Temporary Permit for a Dwelling may be approved to allow a property owner to live in a motor home for a short duration (up to 2 years) while completing a construction project on their home. A Temporary Permit for Care may be granted to allow an additional temporary dwelling (generally manufactured home) on a property for the purposes of helping in the day-to-day activities of a person requiring care due to age-related or medical condition. A Temporary Permit for Emergency Shelter may be approved for up to 60 days in the event a calamity renders the existing shelter unusable.*
32. SUBDIVISION (4 TO 10 LOTS): An application to divide property into 4 to 10 lots that is performed at the staff administrative level with appeal to the Hearings Officer, then appeal goes to LUBA. *Example: Ridgeview Estates near Beaver Lake was platted as a minor (sometimes referred to as "short") subdivision.*
33. SUBDIVISION (11 OR MORE LOTS): An application to divide property into 11 or more lots. Performed at the Hearings Officer level with appeal to LUBA. *Example: The Orchard Lake Subdivision near the Rock Creek junction of Hwy 224 and Hwy 212 was reviewed pursuant to this application.*
34. TIME EXTENSION: An application to extend the expiration date of a decision to allow an applicant additional time to satisfy the obligations or conditions of a decision. Used for conditional use or land division applications. Approval of such extensions may only be permitted for a one-year period, though up to three one-year extensions may be granted in certain circumstances. Performed either at the staff or Hearings Officer level, depending upon the application. *Example: A church is approved pursuant to the conditional use*

process. The conditional use decision will expire if not implemented within 2 years. The church cannot acquire permits until wetland issues are resolved, which is taking considerably longer than originally anticipated because of the state and federal procedures. The applicant could request one time extension not to exceed 1 year provided the request is submitted at least 30 days prior to the expiration of the original approval, the request is still consistent with the provisions of the Ordinance and there is a reasonable expectancy the issues will be resolved and permits issued within the 1 year time period.

35. VARIANCE: An application based upon demonstration of a hardship to allow an exception to a dimensional standard, such as lot size or setbacks. Performed at the staff level with appeal to the Hearings Officer, then appeal to LUBA. *Example: An applicant needs approval of this application to remodel a house that can not occur without extending into a required yard setback.*
36. WILLAMETTE RIVER GREENWAY: An application required to develop within the Willamette River Greenway, which represents a corridor along the Willamette River approximately _ mile wide. (NOTE: The Willamette River is addressed by the Statewide Goals and Guidelines separately from other rivers and streams, which requires the County to administer an application unique to this river). Reviewed by the Planning staff with appeal to the Hearings Officer, then appeal to LUBA. *Example: An applicant may receive approval to authorize construction, grading or vegetation removal along the Willamette River provided the natural, scenic and other attributes are protected or preserved.*
37. ZONE CHANGE: An application to change the zoning on a property, which may or may not include a Comp Plan amendment. All Comp Plan map amendments require a zone change; however, all zone changes do not require Comp Plan amendments. This is because one Comprehensive Plan designation may have more than one zoning district associated with it, but the same zoning district is not associated with more than one Plan designation. For applications that include a Comp Plan amendment, staff prepares a report to the Planning Commission (PC), which then recommends a course of action to the Board of County Commissioners (BCC); appeal is to LUBA. For applications that do not include a Comp Plan amendment, the application is considered by the Hearings Officer, appeal to LUBA. *Example of application that does not include a Comp Plan amendment: An applicant named Mustafa needed approval of this application to change the zoning for a property located on Sunnyside Road from FU-10 to R-7.*