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:

VARIANCE

(to a dimensional standard)

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 1205, *Variances* 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.

Note that a variance is prohibited to the following dimensional standards:

- The minimum lot size standards in the RA-2, RR, FU-10, EFU, TBR, and AG/F Districts
- The two-acre minimum lot size standard in the RRFF-5 District and the two-acre minimum lot size standard for planned unit developments in the FF-10 District
- The 20-acre minimum lot size standard inside the Portland Metropolitan Urban Growth Boundary in the RA-1, RA-2, RRFF-5, FF-10, RC, and RI Districts
- The fuel-free break standards of Zoning and Development Ordinance (ZDO) Subsection 406.08
- The maximum building floor space standards in the HC, HD, HL, HR, MRR, RTC, RC, and RI Districts
- Dimensional standards established in ZDO Sections 703 through 710, 712, and 713.

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 fee for this application is established in the adopted *Fee Schedule.* 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 under the same ownership;
- Existing and proposed structures, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
- Setbacks of all existing and proposed 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).

☐ **Building elevation diagrams:** If your application relates to any structures, then attach detailed, accurate, and to-scale building elevation diagrams showing all sides of the structures, as well as their eaves, doors, windows, and other appurtenances.

☐ **Floor plans:** If your application relates to floor area, attach detailed, accurate, and to-scale floor plans. Label all rooms, show all of their dimensions, include their square footage, and identify all doors and partition walls.

C. Answer the following questions:

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

1. Cite or explain the dimensional standard to which you are requesting a variance:

2. If the proposed variance is to a minimum lot size, minimum average lot size, or district land area standard, will it reduce the minimum by more than 10 percent?

☐ NO, the variance will only reduce the minimum by this percent: _____ %

☐ YES, but the variance applies to the partition of a lot of record that is divided by a public road.

☐ The variance is not to a minimum lot size, minimum average lot size, or district land area standard.

D. Identify at least one hardship:

A variance requires a finding that compliance with the applicable dimensional standard of the ZDO would create a hardship due to one or more of the conditions listed in ZDO Subsection 1205.02(B).

To identify your hardship(s), answer **one or more of Questions 1-5** (on additional pages, if necessary) and attach evidence to support your answer(s).

1. How are the physical characteristics of the land, improvements, or uses on the subject property not typical of the area? (*Note: When the requested variance is needed to correct an existing violation of the Zoning and Development Ordinance, that violation shall not be considered as a condition "not typical of the area".*)

2. How is the subject property unable to be developed to an extent comparable with other similar properties in the area if the dimensional standard is satisfied?

3. If the variance is to the minimum lot size standard in an Urban Low Density Residential, RA-1, RRFF-5, FF-10, or HR District, are more than 50 percent of the lots of record that are within one-half mile of the subject property and located in the same zoning district as the subject property smaller than the minimum lot size standard?

☐ NO.

☐ YES, and evidence identifying the number of lots of record within one-half mile of and in the same zoning district as the subject property is attached, and the lots that are smaller than the minimum lot size standard are identified. (*Note: Planning and Zoning can collect this evidence for you. To request this, compete a Research Request form and submit with payment of $480.)*

4. How will compliance with the dimensional standard eliminate a significant natural feature of the subject property?

5. How will compliance with the dimensional standard reduce or impair the use of solar potential on the subject property or adjacent properties?

E. Answer the following questions:

A variance also requires a finding that strict adherence to the dimensional standard is unnecessary because the proposed variance from the standard will reasonably satisfy all of the objectives listed in ZDO Section 1205.02(C) and a finding that the variance is consistent with the applicable goals and polices of the County's Comprehensive Plan.

Answer **all** of the following questions (on additional pages, if necessary) and attach evidence to support your answer(s).

1. Why will the proposed variance not adversely affect the function or appearance of the development and use on the subject property?

2. Why will the proposed variance not impose limitations on other properties and uses in the area, including uses that would be allowed on vacant or underdeveloped properties?

3. How will the proposed variance result in the minimum deviation from the dimensional standard needed to alleviate the hardship(s) identified earlier in this application?

4. How is the proposed variance consistent with the applicable goals and policies of the Comprehensive Plan?

FAQs

When is a Variance permit required?
The County's Zoning and Development Ordinance (ZDO) includes dimensional standards for development, such as setbacks, minimum lot sizes, and lot coverage maximums. Some dimensional standards in certain zoning districts may be modified, with approval of a Variance land use permit. A variance cannot modify the uses allowed in any zone or a property's zoning designation.

What is the permit application process?
Variance 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?
Variances *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.

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?