



**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

<b>STAFF USE ONLY</b>	
Staff Initials:	File Number:

Land use application for:

# HABITAT CONSERVATION AREA MAP VERIFICATION

**Application Fee: \$785**  
 (May qualify for a 25% reduction if filed with  
 another Water Resource application)

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):
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<b><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></b>	
Applicant signature:	Date:

## A. Review applicable land use rules:

This application is subject to the provisions of [Section 706, Habitat Conservation Area District \(HCAD\)](#) 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.

## 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 **\$785**. However, when more than one Water Resource application is filed concurrently on the same property, the highest application fee shall be paid in full and concurrent Water Resource application fees are reduced by 25%. (See the Planning and Zoning [Fee Schedule](#) for list of Water Resource applications.) 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.
- Summer 2002 photo with lot lines:** Provide a summer 2002 aerial photograph of the subject property, with lot lines shown, at a scale of at least one map inch equal to 50 feet for lots of 20,000 or fewer square feet, and a scale of at least one map inch equal to 100 feet for larger lots. Photos are available from the Metro Data Resource Center, 600 NE Grand Ave, Portland, OR 97232 (503-797-1742).
- Additional information required for specific verification method:** Include all of the additional information and documentation required for the specific ZDO Subsection 706.09(A) method of verification you are pursuing, as also listed in Parts D-F of this form.

### C. Describe the proposed development:

If your proposal includes development, describe in the box below all of the proposed development, including any grading, filling, vegetation removal, utility improvements, and the installation/construction of any roads, wells, driveways, fences, septic systems, dwellings, and accessory structures. Attach additional pages, if necessary.

### D. Select verification method(s):

An applicant for Habitat Conservation Area (HCA) Map Verification shall use one or more of the following methods to verify the HCA boundary and, if applicable, the boundary between High, Moderate, and Low HCA.

Check the box next to the method(s) you are using for verification and respond to the relevant questions and requests that follow in later parts of this application:

- Concur with the accuracy of the HCA Map of the subject property
- Demonstrate that a computer mapping error was made in the creation of the HCA Map (*Go to Part E*)
- Demonstrate that the subject property was developed lawfully between August 1, 2002, and January 5, 2009, and, therefore that the HCA boundary or category (High, Moderate, or Low) is inaccurate (*Go to Part F*)
- Demonstrate that the HCA Map is inaccurate for a reason other than those described in ZDO Subsections 706.09(A)(2) and (3) (*Go to Part G*)

## **E. For demonstration of mapping error:**

If you are applying for a Habitat Conservation Area (HCA) Map Verification pursuant to ZDO Subsection 706.09(A)(2) and are demonstrating that a computer mapping error was made in the creation of the HCA map (e.g., the mapped vegetative cover layer – which was derived from aerial photographs taken in the summer of 2002 and was used to establish the Vegetative Cover Map and the HCA Map – in Metro’s geographic information system database does not align precisely with the tax lot layer, thereby resulting in an HCA Map of the subject property that is also misaligned with tax lot lines), provide *either*:

1. A documented demonstration of the misalignment between the HCA Map (generated from the summer 2002 aerial photographs) and the tax lot lines of the subject property; **or**
2. A documented demonstration of another type of computer mapping error that was made in the creation of the HCA Map.

## **F. For demonstration of development between 2002 and 2009:**

If you are applying for a HCA Map Verification pursuant to ZDO Subsection 706.09(A)(3) and are demonstrating that the subject property was developed lawfully between August 1, 2002 (when the taking of aerial photographs used to determine the regional habitat inventory commenced) and January 5, 2009, provide *all of the following*:

1. A site plan of the subject property, drawn to scale and identifying the following:
  - Location and type of existing development, including but not limited to, building footprints, roads, driveways, parking areas, utilities, onsite sewage disposal systems, wells, landscaping, and filling or grading in an amount greater than 10 cubic yards, with elements that were developed after August 1, 2002, labeled;
  - Location and width of existing adjacent roads and road rights-of-way;
  - Location of the HCA as shown on the HCA Map, including off-site HCA where review is required due to proposed development within 100 feet outside the HCA boundary and including the location of High, Moderate, and Low HCA; and
  - Location of the HCA as proposed by the applicant, including the location of High, Moderate, and Low HCA;
2. A summer 2005 aerial photograph of the subject property (or, if available, an aerial photograph taken closer to, but not after, January 5, 2009), with lot lines shown, at a scale of at least one map inch equal to 50 feet for lots of 20,000 or fewer square feet, and a scale of at least one map inch equal to 100 feet for larger lots. Photos are available from the Metro Data Resource Center, 600 NE Grand Ave, Portland, OR 97232 (503-797-1742);

3. Any approved development permits (e.g. building, grading, land use) and site plans related to the development of the property that took place between August 1, 2002, and January 5, 2009; **and**
4. A narrative that correlates with the submitted site plan and development permits and identifies the type and scope of the new development that has occurred and the previously identified habitat that no longer exists because it is now part of a developed area.

## **G. For demonstration of inaccuracy for another reason:**

If you are applying for a HCA Map Verification pursuant to ZDO Subsection 706.09(A)(4) for an identified HCA that is riparian habitat (rather than publicly-owned upland habitat) and are demonstrating that the HCA Map is inaccurate for a reason other than those described in Subsections 706.09(A)(2) and (3), provide *all of the following*:

1. A site plan of the subject property, drawn to scale and identifying the following:
  - Location and type of existing development, including but not limited to, building footprints, roads, driveways, parking areas, utilities, onsite sewage disposal systems, wells, landscaping, and filling or grading in an amount greater than 10 cubic yards;
  - Location and width of existing adjacent roads and road rights-of-way;
  - Location of the HCA as shown on the HCA Map, including off-site HCA where review is required due to proposed development within 100 feet outside the HCA boundary and including the location of High, Moderate, and Low HCA;
  - Location of the HCA as proposed by the applicant, including the location of High, Moderate, and Low HCA, with the HCA boundary established as required by ZDO Subsection 706.09(E);
  - Location of any rivers, streams, wetlands, and flood areas;
  - Location of agricultural areas (e.g. pastures, orchards); and
  - Location of naturalized areas (e.g. meadows, woods); **and**
2. A report prepared and signed by either a qualified natural resource professional (such as a wildlife biologist, botanist, or hydrologist) or an environmental engineer registered in Oregon. The report shall include:
  - A description of the qualifications and experience of all persons that contributed to the report, and, for each person that contributed, a description of the elements of the analysis to which the person contributed;
  - Additional aerial photographs if the applicant believes they provide better information regarding the subject property, including documentation of the date and process used to

take the photographs and an expert's interpretation of the additional information they provide;

- A topographic map of the subject property, drawn to scale and shown by contour lines of two-foot intervals for slopes less than 15 percent and 10-foot intervals for slopes 15 percent or greater. On properties that are two acres or larger, such a contour map is required only for the portion of the property to be developed; and
- A narrative analysis and any additional documentation necessary to address each step of the verification process set forth in ZDO Subsection 706.09(E).

## FAQs

### When is an HCA Map Verification permit required?

The County's Zoning and Development Ordinance (ZDO) requires a Habitat Conservation Area (HCA) Map Verification permit for:

- Development within an HCA or within 100 feet of the boundary of an HCA, as shown on the HCA Map;
- A lot/parcel that either contains an HCA, or any part of which is located within 100 feet of the boundary of an HCA, that is the subject of a partition, subdivision, or any other land use application that would authorize new development on the subject lot/parcel; and for
- Confirmation of, or disputing, the location of an HCA.

### What is the permit application process?

HCA Map Verification permits are subject to a "Type II" land use application process, as provided for in [Section 1307](#) of the ZDO (unless the application is filed concurrently with another land use application that requires review as a Type II application). 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?

HCA Map Verifications *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?

If a submitted Type II application is withdrawn before it is publicly noticed, 75% of the application fee paid 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 will be refunded. No refund will be given after a decision is issued.

### 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](mailto:zoninginfo@clackamas.us). You can also find information online at the Planning and Zoning website: [www.clackamas.us/planning](http://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](mailto: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?