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## RC/HBA PROTECTION AREA DETERMINATION

### **WHAT IS AN RC PROTECTION AREA?**

A Resource Conservation (RC) Protection Area is a portion of a delineated RC District (tree grove) that is required to be identified and protected from development prior to obtaining a building permit or a major or minor development permit on a property containing an RC District. Similarly, a Protection Area shall be established where a property owner elects to use the Habitat Benefit Area incentives of LOC 50.05.010.7. An RC/HBA Protection Area determination is processed either in conjunction with an RC District delineation request or subsequent to the approval of an RC District delineation on a property (please refer to resource delineation handout). The applicant is required to designate a minimum of 85% of a delineated RC District as the RC Protection Area and the RC designation is then removed from the unprotected portion of the RC district. The minimum Protection Area for HBA is 50% (protection) or 25% (restoration and protection), per LOC 50.05.010.7. The specific criteria for designating an RC/HBA protection area are listed in LOC 50.05.010.5.b.

### **PRE-APPLICATION CONFERENCE REQUIRED**

A Pre-Application (Pre-App) Conference is required for an RC Protection Area determination prior to submitting the land use application. The purpose of the Pre-App is to discuss the development proposal, the applicable criteria, and the requirements for completing an application. Please refer to the City's Pre-App handout for more detailed information on this process.

### **APPLICATION PROCEDURE**

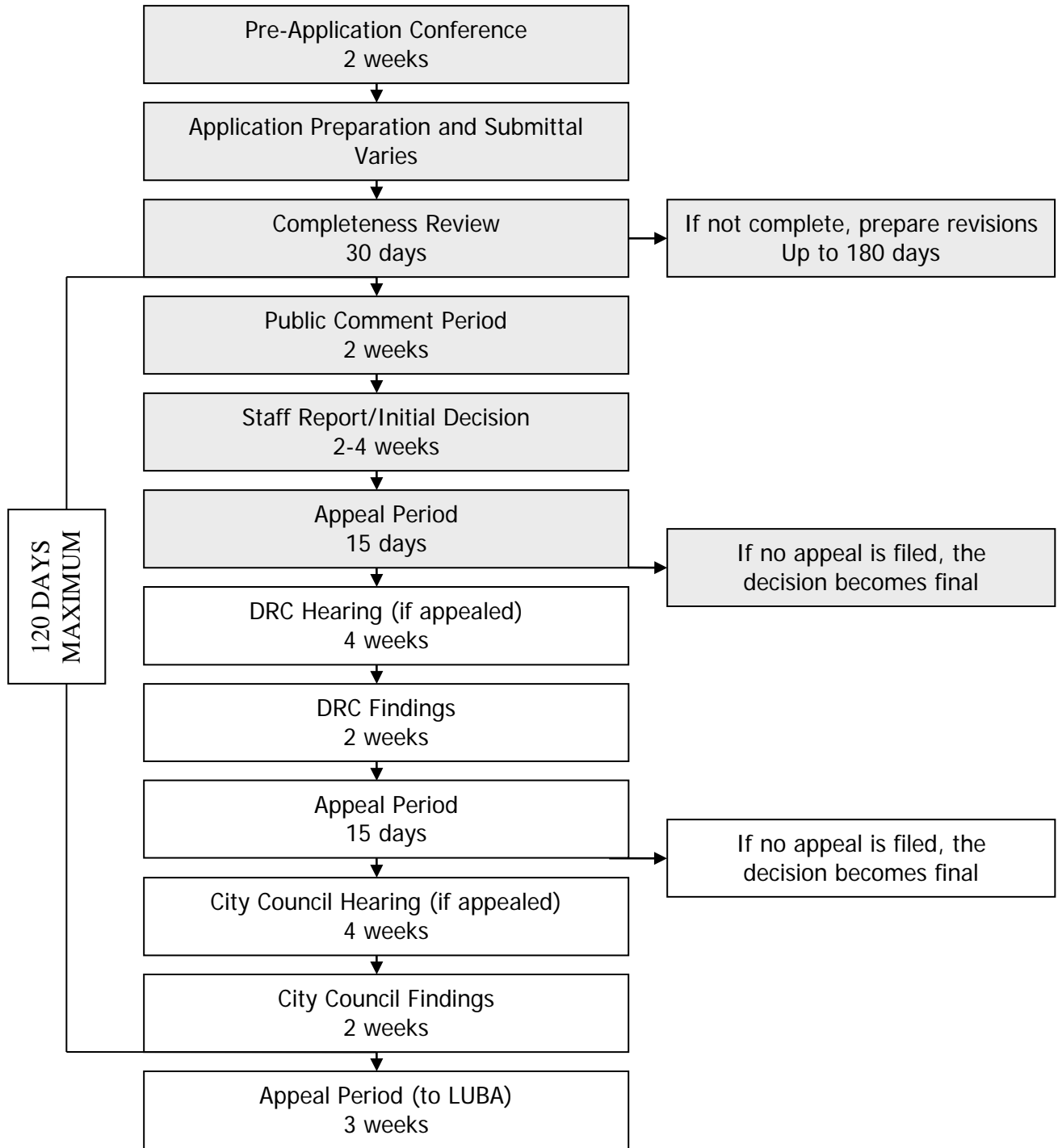
Following the Pre-App, the applicant (owner or owner's appointed agent) files a complete application with the Planning Department using the Land Use Application form available at the department (and on our website at <http://www.ci.oswego.or.us/planning/land-use-application>). The applicant also provides information and materials specified in the Pre-App Checklist. Please refer to the attached "Submittal Requirements" section for a list of the materials that are typically required for an RC Protection Area determination application. A complete list of the required application materials for your proposal will be provided at the Pre-App.

Submitted plans and attachments are routed to all concerned city departments for review. The City has 30 days to determine whether the variance application is complete. If the application is "incomplete," a letter will be sent to the applicant indicating what additional information is necessary. When the application is "complete," the City mails a Notice of Application to surrounding property owners, which begins a 14 day comment period.

### **WHO MAKES THE DECISION**

In most cases, the planning staff will make the decision on an RC Protection Area determination application following the comment period. The application will be evaluated on the basis of the information provided,

the criteria listed in the pertinent sections of the City's Community Development Code and other codes, public comment, and inspection of the property. Appeals of the staff decision can be made to the Development Review Commission (DRC). If staff finds that the request will be controversial or that there is a high likelihood that the staff decision will be appealed, staff will forward the application to the DRC for a public hearing for the initial decision. Appeals of the DRC's decision can be made to the City Council. The flow chart, below, identifies the typical review process for an RC Protection Area determination; however, special circumstances may increase certain processing times. A staff decision becomes final after expiration of the 15-day appeal period unless an appeal is filed.



# SUBMITTAL REQUIREMENTS

A complete application is required before the City can proceed with technical analysis and make an informed decision on your application. Following is a list of materials that are typically required for RC Protection Area determination applications; however, as each site is unique, additional items may be identified at the Pre-App Conference. Please do not submit your application until all the items on the list that apply to your proposal have been included. Consult with the Department of Planning and Building Services if you have a question. All application materials become public information.

## GENERAL

The following items are required to be submitted in **SEVEN COLLATED SETS** unless otherwise noted in the Pre-App (e.g., where additional or fewer materials are required, or where electronic submittal is authorized):

- Completed Land Use Application form signed by the property owner(s). Agent authorization is required if application is not signed by owners of all subject parcels.
- Proof of ownership such as a copy of deed or title report (**TWO SETS**).
- A survey map that is prepared, stamped and signed by a licensed surveyor that illustrates the existing structure(s) on the site, two-foot contour lines, easements (if any), location and size (in square feet) of delineated RC/HBA district, location and size (in square feet) of proposed RC/HBA protection area boundary, 5-foot setback from the proposed RC/HBA Protection Area boundary; and the location, size, and species of all trees that are 5" or greater in DBH in the delineated RC/HBA district.
- A list of all trees 5" or greater in DBH within the delineated RC/HBA district ranked by size. Identify the median tree diameter on the list.
- A narrative addressing all applicable standards listed in the Pre-App Checklist in detail.
- Sticky back address labels with name and addresses of at least 50 properties within 300+ feet of the site boundaries (excludes the site and City owned properties). This information shall be obtained from the most current tax assessor records (**TWO SETS**). Please make sure to add tax lot and tax map information for each lot above the respective address (see Mailing Label handout for specific instructions).
- 8 x 11 ½ reductions of all oversized materials (**TWO SETS**).
- Payment of application fee.
- Additional information as identified by the City in the Pre-App Checklist.