

TITLE 9

COMMUNITY DEVELOPMENT

CHAPTER 900

COMP PLAN; GENERAL PROVISIONS

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I. Introductory Provisions

900.010 Title

(A) LCC 900.010 to 919.999 shall be known as the “Linn County *Comprehensive Plan* Code.” LCC 900.010 to 919.999 may also be referred to

and cited as the “*Comprehensive Plan*” or the “*Comp Plan*,” or the “*Plan*.”

(B) The *Comprehensive Plan* consists of text and map(s), entitled the “Linn County *Comprehensive Plan* Map,” or “*Plan* Map.” The *Comprehensive Plan* Map is found in Appendix 1 following this Chapter 919. If a conflict arises between the *Comprehensive Plan* Map and the text of the *Comprehensive Plan*, the text shall govern.

(C) Wherever the term “Linn County *Comprehensive Plan* Code,” “*Comprehensive Plan*” or “*Comp Plan*” is used, the term includes all amendments to the Linn County *Comprehensive Plan*.

[Adopted 99-190 eff 5/19/99]

900.020 Definitions

(A) As used in LCC 900.010 to 919.999,

(1) “**Access**” refers to the means of ingress and/or egress to, from or across a public road to or from abutting lands.

(2) “**Agricultural land in Linn County**” is land of predominantly class I, II, III, and IV soils as identified in the Soil Capability Classification System of the United States Natural Resources Conservation Service, and other lands which are suitable for farm use based on existing land use and land tenure patterns. Statewide Planning Goal 3 (Agricultural Lands) contains the definition for agricultural land. The definition is found in the Agricultural Resource Lands section of the plan.

(3) “**Agricultural resource areas**” or “**agricultural resource lands**” see *Comprehensive Plan* designations.

(4) “**Agricultural use**” is synonymous with farm use as defined in ORS 215.203.

(5) “**Buildable lands**” are areas that are suitable, available, and necessary for rural residential use.

(6) **“Carrying capacity”** is the level of use which can be accommodated and continued without irreversible impairment of the productivity of the land and the quality of air, land, and water resources.

(7) **“Citizens”** include any resident or landowner in Linn County and those groups or associations within the planning area including but not limited to corporations, governmental and private agencies, firms, partnerships, and joint stock companies.

(8) **“Commercial agricultural enterprise”** refers to farm uses undertaken for the purpose of obtaining a profit in money. A commercial agricultural enterprise may be part-time or full-time so long as farm uses contribute to the operator's income.

(9) **“Commercial areas”** or **“commercial lands”** see *Comprehensive Plan* designations.

(10) **“Committed land”** is land no longer available for farm or forest use because it is: 1) physically "developed" or built on or 2) irrevocably "committed" to urban or other rural non-farm uses.

(11) **“Comprehensive Plan designations”** are those areas selected through the planning process and shown on the *Comprehensive Plan* map as most appropriate for specific types of land use. The purposes and policies of each designation are set forth in the Land Use Element.

(12) **“Conserve”** to keep in a sound manner that avoids wasteful or destructive use of resources and provides for future availability of such resources.

(13) **“Coordinate”** means to consider and accommodate the needs of all levels of government, semi-public and private agencies and firms, and the citizens of Oregon.

(14) **“Cultural area”** refers to a place characterized by evidence of an ethnic, religious or social group with distinctive, including historically distinctive, traits, belief and social forms.

(15) **“Develop”** means to construct or place a structure, to conduct a mining operation, to make a material change in the use or appearance of a structure or land, dividing land into two

or more parcels, and creating or terminating a right of access.

(16) **“Development”** means the act, process or result of developing land.

(17) **“Diversity”** means to increase the variety, type, scale, or distribution of commerce or industry.

(18) **“Encourage”** means to give help, aid or provide incentives; to foster or stimulate.

(19) **“Environmental impacts”** are the consequences of a course of action upon the environment.

(20) **“Farm/Forest areas”** or **“lands”** see *Comprehensive Plan* designations.

(21) **“Flood hazard areas”** include areas prone to flash flooding and stream flooding, in particular the floodplain which includes the floodway and flood fringe.

(22) **“Forest lands”** means Goal 4 (Forest Lands) in general, and includes lands which are suitable for commercial forest uses and other lands which are necessary to permit forest operations. The full definition is found in the Forest Resource section of the plan.

(23) **“Forest resource areas”** or **“forest resource land”** see *Comprehensive Plan* designations.

(24) **“Ground water”** is water beneath the surface of the earth in a zone of saturation. The upper surface of a zone of saturation is the water table, and the water in a zone of saturation is ground water.

(25) **“Historic areas”** are places including a site, structure, or object that has local, regional, statewide or national historical significance.

(26) **“Household”** refers to one or more persons occupying a single housing unit.

(27) **“Implementation”** refers to those measures, whether ordinances or otherwise, that serve to give practical effect to *Plan* policies.

(28) **“Improve”** the economy means to affect a beneficial change in those activities which generate employment, products, and services consistent with the availability of long-term human and natural resources.

(29) “**Industrial areas**” or “**industrial lands**” see *Comprehensive Plan* designations.

(30) “**Intensify**” means to increase the concentration or density of land uses in an area.

(31) “**Involvement**” means to be engaged as a participant.

(32) “**Land**” means the surface of the earth and all its natural resources including water, both surface and subsurface, and the air. Synonymous with air, land, and water resources.

(33) “**Maintain**” means to keep in an existing state and preserve from failure or decline.

(34) “**Mass movement topography**” is evidence of slope instability. Mass movement topography may be caused by earth flow, slumping, rock slides, rockfall, mud flow, and mud slides. Unless specifically stated steep slope failures shall be considered a form of mass movement.

(35) “**May**” means a permissive condition. No specific requirement is intended.

(36) “**Mitigate**” means to make less harsh or severe.

(37) “**Natural area**” refers to land and water that has substantially retained its natural character and land and water that although altered in character, is important as habitats for plant, animal, or marine life, for the study of its natural, historical, scientific or paleontological features, or for the appreciation of its natural features.

(38) “**Non-resource land**” is neither agricultural land nor forest land and land that is committed to other than resource use.

(39) “**Non-resource-related**” refers to those uses and activities on the land which are either not in conjunction with a resource use or in conjunction with a non-resource use.

(40) “**Non-resource uses**” are all uses that are neither farm and forest uses nor otherwise directly dependent upon the natural resources available at the site.

(41) “**Open space**” consists of lands used for farm or forest uses, and any land area that would, if preserved and continued in its present use:

(a) Conserve and enhance natural or scenic resources;

(b) Protect air or streams or water supply;

(c) Promote conservation of soils, wetlands, beaches or tidal marshes;

(d) Conserve landscaped areas, such as public or private golf courses, which reduce air pollution and enhance the value of abutting or neighboring property;

(e) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;

(f) Enhance recreation opportunities;

(g) Preserve historic sites;

(h) Promote orderly urban or suburban development; or

(i) Retain in their natural state tracts of land, on such conditions as may be reasonably required by the legislative body granting the open space classification.

(42) “**Opportunity**” means a chance to be heard or involved.

(43) “**Oregon scenic waterways system**” includes rivers or segments of rivers which have been designated as “scenic waterways” in accordance with ORS 390.805 to 390.925 and includes related adjacent land.

(44) “**Overlays**” are specially designated areas established in the Land Development Code in order to address particular concerns within limited and well defined areas in addition to the regularly establishing zoning districts.

(45) “**Policy**” means a written statement establishing principles and courses of action to be followed in the decision making process.

(46) “**Preserve**” means to keep safe from injury, harm, or destruction.

(47) “**Provide**” means to take precautionary measures or make a provision or stipulation about an item of concern.

(48) “**Public facilities and services**” are existing and proposed projects, activities and

facilities which are necessary for the public health, safety, order, and welfare.

(49) “**Public transit**” refers to any form of passenger transportation which carries members of the public on a regular and continuing basis.

(50) “**Recreational facilities**” includes but is not limited to, parks, playgrounds, campgrounds, boat ramps, golf courses, ski areas, shooting ranges, swimming areas or pools, trails, playing fields and courts, historic sites, nature preserves and waysides.

(51) “**Resource land**” includes agricultural land and forest land as well as land that may be used for the production of mineral and other natural resources.

(52) “**Resource-related**” refers to those uses and activities on the land which are in conjunction with resource use.

(53) “**Resource use**” include farm use and forest use as well as mining and other uses directly dependent on the natural resources available on a site.

(54) “**Rural Center areas**” or “**Rural Center lands**” see *Comprehensive Plan* designations.

(55) “**Rural fire protection districts**” or “**RFPD**” are special districts authorized and established pursuant to ORS 478.

(56) “**Rural lands**” are those which are outside urban growth boundaries.

(57) “**Rural Residential areas**” or “**Rural Residential lands**” (see *Comprehensive Plan* designations).

(58) “**Scenic easements**” are covenants or conditions running with the land, designed to preserve or maintain all or part of the natural or existing state of recreational, cultural, scenic, historic or other appropriate places.

(59) “**Sensitive fish and wildlife habitat**,” consistent with Statewide Planning Goal 5, is a land or water area where sustaining the natural resource characteristics is important or essential to the production and maintenance of aquatic life or wildlife populations.

(60) “**Septic suitability**” refers to the capability of the soil to accommodate a subsurface sewage disposal system.

(61) “**Shall**” means a mandatory condition. Where certain requirements are described with the “shall” stipulation, it is mandatory that these requirements be met.

(62) “**Solid waste management**” means prevention or reduction of solid waste; management of the storage, collection, transportation, treatment, utilization, processing and final disposal of solid waste; or resource recovery from solid waste; and facilities necessary or convenient to such activities.

(63) “**Special districts**” are units of local governments, other than cities or counties, authorized and regulated by statute and includes, but is not limited to: water control districts, irrigation districts, school districts, rural fire protection districts, cemetery districts and hospital districts.

(64) “**Transportation**” refers to the movement of people and commodities.

(65) “**A Timely, Orderly and Efficient Arrangement**” refers to a system or plan that coordinates the type, location and delivery of public facilities and services in a manner that best supports the existing and proposed land uses. The timeliness of providing facilities is essential to remaining within the carrying capacity of air, land, and water resources and is important to the maintenance of suitable levels of service. An orderly arrangement of facilities minimizes the cost of construction expenditures through logical extensions that foster a contiguous and compact service area. An efficient arrangement minimizes the operating costs of providing needed and desired levels of service by reducing gaps, overlaps, and over-extensions of service areas.

(66) “**Urban growth boundaries**” or “**UGB**” are established around cities. The city limits may be the UGB; however, most cities have designated additional areas needed to support future growth. An UGB is to provide sufficient land to accommodate forecasted growth during a planning period of 20 years.”

(67) “**Urban influence area**” means a rural residential exception area that is located in proximity to an urban growth boundary and is identified in any one of the five Rural Residential Exception Areas listed in LCC chapter 905 (Land Use Element Code) Appendix 2 (Exception Areas) and marked therein as UIA– 1, UIA– 2½, or UIA–5.

(68) “**Urbanizable land**” is located within urban growth boundaries and has been identified and determined to be necessary for future urban expansion, suitable for future urban use, and capable of being served by urban facilities and services within the planning period.

(69) “**Urban lands**” are those places within an incorporated city with concentrations of residences or work places and have supporting public facilities and services. May also include land designated urban through a Goal 14 (Urbanization) exception.

(70) “**Will**” means purposive condition. It is reasonably expected that certain things will come to pass.

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99; amd 01-627 §1 eff 11/20/01]

900.050 Introduction

(A) This document is the revised Linn County *Comprehensive Plan*. The planning area includes all of the lands in Linn County outside of incorporated cities. The planning period is the next 20 years up to the year 2021. A general path for the course of growth and development in Linn County is charted by the map, goals, and policies of this *Comprehensive Plan* in conjunction with the comprehensive plans of the cities in Linn County.

(B) The *Plan* identifies and addresses the issues and problems facing Linn County in the conservation and development of land. The goals and policies in the *Plan* and the land use designations on the *Plan* map seek to save the land base and natural resources upon which the local economy and lifestyle depends and provide for growth over the next two decades. Implementation measures generally describe how *Plan* policies will be carried out. The process established within this

document for amendment, revisions, and updating allows Linn County to maintain the *Comprehensive Plan* as an effective and flexible tool for balancing the diverse needs of the citizenry.

(C) Land use codes to implement the *Plan* are required of cities and counties in Oregon by state law. The revised *Comprehensive Plan* and implementing ordinances were first developed in the late 1970's and 1980 after nearly four years of citizen involvement and thousands of hours of work to produce a document that reflects local concerns and desires as well as complying with the statewide planning goals. In order to maintain the *Plan* as a working document it will be necessary to modify, replace, or update certain goals, policies, and implementation measures in order to keep pace with changes in land utilization and public needs. Numerous specific problems and proposals will have an impact on the planning process as well as the periodic revision and updating of the Linn County *Comprehensive Plan*.

(D) The planning process leading up to the revision of the *Comprehensive Plan* and implementing ordinances involved three phases.

(1) The initial phase involved the participation of citizen advisory committees: the committee for citizen involvement (CCI); five planning advisory committees (PAC); and an ordinance review committee (ORC), the ORC having been deleted in 1995 by CP-8-94/95. Each of the meetings of these committees were open to the public so that citizens who were not committee members could have an opportunity to be involved in the planning process.

(2) The second phase of the process consisted of public hearings before the Linn County Planning Commission to review the proposals of the PAC's and the ORC, and to forward a recommendation to the board of commissioners.

(3) The final phase of the process at the local level was the adoption of a revised *Plan* and ordinances by the board after several more public hearings.

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99; amd 01-627 §1 eff 11/20/01; amd 02-398 §1 eff 10/8/02]

II. PLAN ELEMENTS

900.100 Contents of the *Plan*

(A) The Linn County *Comprehensive Plan* is composed of:

- (1) Four elements or chapters including
 - (a) Citizen Involvement Element,
 - (b) Natural Resources Element,
 - (c) Community Facilities and Development Element,
 - (d) Land Use Element (with a land use map), and
- (2) A chapter on *Plan* implementation is also included.
- (3) Background information, inventories, and other supporting items are contained or referenced in appendices and background reports of the *Comprehensive Plan*.

(B) The Linn County Land Development Code (LDC) implements the *Comprehensive Plan*. Copies of all materials related to the development and implementation of the *Plan* are available at the Linn County Planning and Building Department office and are available on the Internet at <http://www.co.linn.or.us>.

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99; amd 01-627 §1 eff 11/20/01]

900.200 Citizen involvement element

(A) The *Comprehensive Plan* and background documents are based upon forecasted growth during the planning period. Many of the assumptions, facts, and programs affecting planning and land use will change over the years. Therefore, the *Comprehensive Plan* is a general document; the procedures for monitoring and revising the *Plan* at appropriate intervals are included in the Citizen Involvement Element.

(B) The *Plan* revision process to date is discussed in some detail in the citizen involvement background report.

[Adopted 80-335 eff 9/2/80]

900.300 Natural resources element

(A) The Natural Resources Element includes short sections on Environmental Quality; Areas Subject to Natural and Geologic Hazards; and

Open Spaces, Scenic and Historic Areas, and Natural Resources.

(B) The goals and policies in this element are directed toward protecting and improving the unique resources of Linn County so that the qualities of land and life may be enhanced for future generations.

[Adopted 80-335 eff 9/2/80]

900.400 Community facilities and development element

(A) The Community Facilities and Development Element includes four sections:

- (1) Public and Major Facilities and Transportation;
- (2) Housing;
- (3) Recreational Needs; and
- (4) Energy Conservation.

(B) These items deal with the “infrastructure,” or framework, for rural and urban development.

(C) The goals and policies in this element are intended to provide for the orderly growth and efficient development of land in Linn County.

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99]

900.500 Land use element

The Land Use Element includes:

- (A) the *Comprehensive Plan* Map;
- (B) sections on the seven *Plan* designations; and
- (C) sections on Aggregate Resources, Willamette River Greenway, and Urbanization.

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99]

III. PLAN GOALS; POLICIES AND IMPLEMENTATION

900.500 *Plan* goals and policies; generally

(A) The goals and policies covering Aggregate Resources provide for the development of land for aggregate resource purposes.

(B) The Willamette River Greenway policies cover local concerns and establish a process for local control of development proposals within the Greenway Management Overlay zone.

(C) The Urbanization section of the Land Use Element declares Linn County's policy on the conversion of land to urban uses. This section also sets forth how urban growth boundary management agreements between Linn County and its incorporated cities will be used to coordinate urban growth.

(D) The major purpose of the Land Use Element is to establish the goals and policies governing each of the designations on the *Comprehensive Plan* Map. There is a set of policies to apply to each *Plan* designation.

(1) Three of the designations –
(a) Agricultural Resource,
(b) Forest Resource, and
(c) Farm/Forest – which apply to 95 percent of the county are primarily for protecting agricultural land and forest land from the encroachment of incompatible uses.

(2) The other four *Plan* designations–
(a) Rural Residential,
(b) Rural Center (unincorporated communities with a mixture of residential, commercial, and/or industrial uses),
(c) Commercial, and
(d) Industrial – allow for uses not directly dependent on the capability of the land for resource use. Linn County is taking an exception to Statewide Planning Goals #3 (Agricultural Lands) and #4 (Forest Lands) for the land designated in these four categories. The completed exceptions statement is on file at the planning and building department.

(E) The goals and policies in the first three *Plan* elements – Citizen Involvement, Natural Resources, and Community Facilities and Development – shall be construed to apply throughout the county unless there are specific limitations in the goal or policy statement. Each land use designation on the *Plan* map shall be interpreted based on the goals and policies in the appropriate sections of the Land Use Element. The *Plan* map is a graphic result of the goals and policies set forth in the elements of the *Comprehensive Plan*. Every development action taken pursuant to the implementing ordinances adopted by Linn County shall

be guided by the *Comprehensive Plan*'s goals and policies.

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99]

900.600 Implementation measures; generally

(A) In addition to the zoning ordinance, the county has also revised its ordinance governing land divisions. Other implementation measures include the citizen and agency involvement programs, the building code, and various administrative actions. The various implementation procedures are discussed in more detail in the section on *Plan* implementation.

(B) The Land Development Code adopted to implement the *Plan* will be reviewed at the time of the next *Plan* update. This review should assess the effectiveness of the implementation measures in achieving the goals of the *Plan*. Close coordination between the *Comprehensive Plan* and its implementation can maintain and improve the health, safety, order, convenience, prosperity, and welfare of the citizens of Linn County.

[Adopted 80-335 eff 9/2/80; amd 01-627 §1 eff 11/20/01]

900.700 Plan implementation

(A) The completion of the Linn County *Comprehensive Plan* marks the end of one stage in the planning process and the beginning of another. Writing the policies and ordinances and drawing the *Plan* map comprise the first stage; implementation of the *Plan* through these *Plan* components is the second stage.

(B) The policies are implemented in several ways.

(1) One way is through the Land Development Code, which translates the general language of the policies into specific property development standards and uses that will be allowed. An example of this type of policy is the Farm/Forest Lands policy stating "Linn County shall adopt zoning that will maintain the resource orientation of Farm/Forest Lands." The Land Development Code implements this policy by requiring standards that will carry out the intent of this policy.

(2) A second means of policy implementation is the *Plan* update process. By specifying that something will be done during *Plan*

update, information that is not available at the time of *Plan* adoption can be incorporated into the *Plan*, and the *Plan* can also be updated to account for changing circumstances. An example of this type of policy, from the Farm/Forest Lands policy section, is as follows: “Linn County shall complete cubic foot site class mapping of forest lands as a part of the first *Comprehensive Plan* update following completion of the county soil survey.”

(3) A third method of policy implementation is through the agency involvement program. Some land use actions have an impact on public agencies which provide services to a given area. Through the agency involvement program, these agencies are notified of the proposed land use action and are provided an opportunity for comment. One policy specifying this is “Linn County shall utilize its agency involvement program to request comments on the impact of proposed *Comprehensive Plan* amendments, zone changes and other land use actions on forest resource lands.”

(C) The implementation of the Land Development Code and the *Plan* map occurs through applying the zoning districts to the *Plan* designations and by administering the Land Development Code. Some of the zoning districts apply to more than one *Plan* designation, and some apply to only one. This is demonstrated on the implementation matrix.

(D) The ongoing process of *Plan* implementation is carried out through *Plan* monitoring and update in conjunction with citizen involvement. This allows new information to be incorporated into the *Plan* and for the *Plan* to keep pace with the changing needs of the county.

(E) In addition to these means of implementing the *Comprehensive Plan*, the day-to-day administration of land use actions through the Land Development Code is also a way of *Plan* implementation.

(F) There are also procedures to amend the Land Development Code text or boundaries and the *Comprehensive Plan* map or text. In each case, application must be made through the planning department and final approval is granted by the

board of commissioners. The *Plan* amendment process is outlined in the citizen involvement element while the zone amendment procedure is described in the Land Development Code.

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99; amd 01-627 §1 eff 11/20/01]

IV. *PLAN* MAP

900.900 *Comprehensive Plan* map

(A) The *Comprehensive Plan* Map is not a zoning map, although these two maps shall be closely coordinated with one another.

(B) The zoning map and Land Development Code is the most significant of the tools available to carry out the general, long-range goals of the *Plan*. Within the same *Plan* designation several different zoning districts may be used.

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99; amd 01-627 §1 eff 11/20/01]

Statutory References and Other Authorities:

ORS 203

Legislative History of Chapter 900:

Adopted 80-335 Exhibits A and E 8/27/80 eff 9/2/80

Amendments to 80-335

- #1 95-026 §? eff 2/1/95¹
- #2 95-398 §? eff 8/16/95²
- #3 95-449 §? eff 12/13/95³
- #4 95-456 §? eff 12/13/95⁴
- #5 99-190 §? eff 5/19/99
- #6 01-627 §1 eff 11/20/01
- #7 02-398 §1 eff 10/8/02

¹Articles rewritten and replaced: “Transportation” section of the “Community Facilities and Development Element.”

²Articles rewritten and replaced: “Introduction” and “Background and Summary Issues” in “Citizen Involvement” section.

³Articles rewritten and replaced: “Transportation” section of the “Community Facilities and Development Element.”

⁴Articles rewritten and replaced: “Urbanization.”