

TITLE 9

COMMUNITY DEVELOPMENT

Subtitle 1 — Comprehensive Plan

CHAPTER 903

NATURAL RESOURCES ELEMENT CODE

TABLE OF CONTENTS

Section Title

I. GENERAL PROVISIONS

- 903.010 Chapter title
- 903.020 Natural resources element; contents

II. ENVIRONMENTAL QUALITY

- 903.100 Subchapter title
- 903.120 Background
- 903.140 Goal for environmental quality
- 903.160 Policies for environmental quality
- 903.180 Policy implementation for environmental quality

III. AREAS SUBJECT TO NATURAL AND GEOLOGIC HAZARDS

- 903.200 Subchapter title
- 903.220 Background
- 903.230 Flood hazards
- 903.240 Mass movement
- 903.243 Ponding and high ground water tables
- 903.245 Fire hazards
- 903.250 Goal for natural and geologic hazards
- 903.260 Policies for natural and geologic hazards
- 903.280 Policy implementation for natural and geologic hazards

IV. OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

- 903.300 Subchapter title
- 903.320 Background
- 903.340 Goal

A. OPEN SPACE

- 903.400 Background

B. NATURAL AREAS

- 903.410 Natural areas
- 903.415 Policies for natural areas
- 903.417 Policy implementation for natural areas

C. SCENIC VIEWS AND SITES

- 903.420 Background
- 903.425 Policies for scenic views
- 903.427 Policy implementation for scenic views

D. HISTORIC AND CULTURAL AREAS

- 903.430 Background
- 903.435 Policies for historic and cultural areas
- 903.437 Policy implementation for historic and cultural areas

E. WILDERNESS, RECREATION TRAILS, AND SCENIC WATERWAYS

- 903.440 Background
- 903.445 Policies for wilderness, recreation trails, and scenic waterways
- 903.447 Policy implementation for wilderness, recreation trails, and scenic waterways

F. FISH AND WILDLIFE AREAS AND HABITATS

- 903.500 Background
- 903.510 Policies for fish and wildlife areas and habitat
- 903.550 Policy implementation of fish and wildlife areas and habitat

G. WATER RESOURCES

- 903.600 Background
- 903.620 Policies for water resources
- 903.650 Policy implementation for water resources

H. MINERAL RESOURCES

- 903.700 Background

Statutory References and Other Authorities

Legislative History of Chapter 903

APPENDIX 1 — INVENTORY OF MINERAL SITES (“1B”) NOT HAVING SUFFICIENT INFORMATION TO MAKE A DETERMINATION OF SIGNIFICANCE

II. ENVIRONMENTAL QUALITY

I. GENERAL PROVISIONS

903.010 Chapter title

This Chapter, LCC 903.010 to 903.999, shall be known and may be cited as the “Linn County Natural Resources Element Code” or simply as the “Natural Resources Element Code.”

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

903.020 Natural resources element; contents

(A) This portion of the Linn County Comprehensive Plan deals with two concerns:

- (1) the basic limitations imposed on man’s activities by the natural environment and
- (2) the elements of the environment that are related to the region’s quality of life.

(B) It includes materials related to three statewide planning goals.

(1) *Goals #6.* Air, Water, and Land Resource Quality deals with the need to protect the county from pollutants that would contaminate the air, water, or land. Regulation of environmental pollutants is designed to ensure that the presence of such substances does not reduce the region’s ability to support life.

(2) *Goal #7.* Areas Subject to Natural Disasters and Hazards applies to lands in Linn County subject to flooding, ponding, high ground water, mass movement and wildfire. The degree of risk associated with the potential hazard needs to be determined whenever development is proposed in such areas. The purpose is to protect individuals and the public from possible loss of life or property.

(3) *Goal #5.* Open Spaces, Scenic and Historic Areas, and Natural Resources is concerned with the retention of natural and cultural elements in the landscape. These elements comprise the region’s quality of life and make the area desirable to live in. Conflicts with the retention of these elements need to be resolved in ways that also serve to retain the quality of life.

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

903.100 Subchapter title

This Subchapter, LCC 903.100 to 903.199, shall be known and may be cited as the “Linn County Environmental Quality Code” or simply as the “Environmental Quality Code.”

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

903.120 Background

(A) Linn County recognizes the importance of maintaining the quality of air, land, and water resources in order to ensure a healthful and livable environment. To that end, research on the existing conditions of the environment has been conducted and documented in the environmental quality background report. The conclusions of that study indicate that while there are specific concerns regarding air and water quality, the overall quality of Linn County’s air, water, and land resources is good.

(B) The maintenance of resource quality in the future is directly related to land use. Impacts to air, land, and water are generated by every land use activity and it is the cumulative effect of these impacts which can create environmental problems. Linn County acts in cooperation with the Oregon Department of Environmental Quality (DEQ) to make sure land use activities are consistent with state and federal environmental regulations. Linn County’s Environmental Health Program is responsible as an agent for DEQ to make sure that subsurface sewage disposal systems are located in areas where the waste can be properly disposed of and not endanger health, water sources, or waterways. Generally, before any building permit can be issued or land use action application accepted (variance, conditional use, or zone amendment), approval for a subsurface sewage disposal system must be obtained.

(C) DEQ administers many air and water quality site and non-site specific programs which affect land use. In order to maintain consistency between DEQ regulations and Linn County land use decisions, DEQ is consulted before local decisions are made. Further, an applicant for a

DEQ air or water discharge permit must first demonstrate that the proposed use is consistent with the local comprehensive plan and zoning ordinance. The effect of this two way communication is to assure that applicable land use and environmental regulations are met before the activity is initiated.

(D) DEQ is also responsible for implementing industrial and commercial noise source control regulations. It is the intent of the county land use plan to separate conflicting uses in order to minimize noise exposure to noise sensitive land uses. However, if noise complaints are received by the county, they are forwarded to DEQ which has the monitoring equipment and personnel to investigate the complaint.

(E) Future land use decisions which may generate environmental impacts will be reviewed by appropriate state and federal agencies. This coordination process will ensure that specific environmental concerns are addressed and that necessary approvals are obtained. Linn County will continue to gather information on environmental conditions as it becomes available. This information will be considered during the plan update process.

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

903.140 Goal for environmental quality

To maintain and improve the quality of the air, water, and land resources of Linn County.

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

903.160 Policies for environmental quality

(A) Linn County shall cooperate with DEQ in implementing air quality standards.

(B) Linn County shall utilize its agency involvement program to request comments on the impact of land use decisions which may effect air quality.

(C) Linn County shall obtain and utilize information from DEQ and other appropriate agencies on the carrying capacity of the county's airsheds.

(D) Linn County shall cooperate with DEQ and other governmental agencies in developing and implementing water quality management

plans for the control of point and non-point sources of pollution.

(E) Linn County shall cooperate with state and federal agencies to control erosion and sedimentation in connection with land development plans.

(F) Linn County shall cooperate with DEQ in applying state laws and standards in reviewing septic tank applications and identifying health hazard areas.

(G) Linn County shall utilize its agency involvement program to request comments on land use decision which may affect water quality.

(H) Linn County shall cooperate with DEQ in implementing noise control regulations.

(I) Linn County shall utilize its agency involvement program to request comments on the impact of land use decisions which may adversely affect noise control standards.

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

903.180 Policy implementation for environmental quality

Implementation of the policies set forth in LCC 903.160 will be accomplished through Linn County's agency involvement program.

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

III. AREAS SUBJECT TO NATURAL AND GEOLOGIC HAZARDS

903.200 Subchapter title

This Subchapter, LCC 903.200 to 903.299, shall be known and may be cited as the "Linn County Natural and Geologic Hazards Code" or simply as the "Natural and Geologic Hazards Code."

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

903.220 Background

(A) The natural and geologic hazards present in Linn County include flooding, ponding, high ground water, mass movement and fire. Other hazards related either to stream bank erosion or septic tank suitability are inventoried and evalu-

ated in the discussion on water quality and natural hazards background report.

(B) The areas known to be subject to natural hazards in Linn County have been inventoried and mapped. This inventory was completed by using maps and other data from various agencies including the Army Corps of Engineers, the Department of Geology and Mineral Industries, USDA Soil Conservation Service, and the Linn District of the State Forestry Department. This hazard inventory is seldom specific enough to be used as an indicator of potential hazards affecting a specific development site. Linn County needs to obtain more detailed information from the appropriate state and local agencies when considering specific future development proposals in these generalized hazard areas, in order to be better able to evaluate the degree of risk associated with the potential hazard affecting the property. The degree of risk will determine the carrying capacity of the land. In areas of high risk, the density of development must be considerably lower.

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

903.230 Flood hazards

(A) The floodplain has often been an attractive site to locate various activities due to topography, fertile soils, and proximity to a source of water supply and transportation. The majority of the rural and urban centers in Linn County have developed on and near the floodplain. The floodplain is subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety, and general welfare. These flood losses are worsened by the cumulative effect of obstructions in flood prone areas which increase flood heights and velocities, and when development is not adequately flood proofed, elevated, or otherwise protected from flood damage.

(B) On January 23, 1974 the Linn County Board of Commissioners voted to become a participant in the National Flood Insurance Pro-

gram. Under major provisions of this program Linn County must:

(1) Review building permit applications for construction in the flood hazard area to determine whether the proposed building sites will be reasonably safe from flooding.

(2) Require that proposed new construction or substantial improvement of existing buildings (including mobile homes) be designed and anchored to prevent flotation, collapse, or lateral movement of the structure.

(3) Require the use of construction methods and practices that will minimize flood damage and the use of construction materials and utility equipment that are resistant to flood damage.

(4) Review subdivision proposals and other proposed new developments to make sure they are consistent with the need to minimize flood damage. This includes requiring new public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize or eliminate flood damage and requiring adequate drainage to reduce the exposure of the development of flood hazard.

(5) Require any new or replacement water system or sanitary sewage system to be designed to minimize or eliminate adverse effects during floods.

(6) Require that a new or replacement on-site waste disposal system be located so as to avoid impairment or contamination from flooding.

(C) Flash floods are among the more destructive natural hazards affecting eastern Linn County. Future development in identified flash flood hazard areas should be strictly regulated to assure that no development is allowed in the flash flood channels and that bridge abutments and similar structures do not significantly alter stream flow.

[Adopted 80-335 eff 9/2/80; amd 10-313 §1 eff 9/22/10]

903.240 Mass movement

Mass movement is another hazard which may limit the density of development in some areas of Linn County. Man-induced causes of mass move-

ment are the result of improper land use or lack of proper engineering. In a slide prone area, development can cause foundation instability which can eventually lead to mass wasting of the land. Man-induced causes of failure on steep slopes include undercutting steep slopes, placing of excessive fill, indiscriminate blasting, improper handling of runoff, or improper placement of fill. Areas of mass movement topography have been identified by the Department of Geology and Mineral Industries (DOGAMI).

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

903.243 Ponding and high ground water tables

Much of the western portion of Linn County is subject to ponding and high ground water. Areas of critical ponding are generally unacceptable for dense development. The reduction of permeable surface arising from paving and other aspects of urbanization can increase runoff and lead to an increase in localized ponding .

[Adopted 80-335 eff 9/2/80; amd 10-313 §1 eff 9/22/10]

903.245 Fire hazards

(A) Structural developments located in forested areas outside of a rural fire district are without adequate fire protection. Forest fires which start outside a developed area may burn into the area. In nearly all cases a fuel break around the development is a good fire protection measure. Fuel concentrations close to structures are unsafe. The Linn District of the State Forestry Department can aid in the identification of potentially unsafe subdivision by reviewing and commenting on future development proposals.

(B) Linn County must continue to use the best hazard information available when identifying areas of the county that are subject to natural or geologic hazards. This information should be used to update the background reports and policies.

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

903.250 Goal for natural and geologic hazards

To protect lives and properties from geologic and natural hazards.

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

903.260 Policies for natural and geologic hazards

(A) The policies for areas subject to natural and geologic hazards are set forth in subsection (B) of this section.

(B) *Policies.*

(1) Linn County shall use the best information available to identify areas subject to flooding, mass movement, and severe ponding, and areas outside rural fire district boundaries. The *Federal Emergency Management Agency (FEMA) Flood Insurance Study for Linn County, Oregon and Incorporated Areas* dated September 29, 2010 and subsequent amendments by that agency shall be the official data source for determining if a property is within a flood hazard area.

(2) *Bulletin 84, Environmental Geology of Western Linn County, Oregon* and subsequent amendments shall be the official source for determining if a property is located within a mass movement area. If a property is within the identified hazard area, the Department shall require an applicant to provide a report from a qualified professional that states the property is not subject to mass movement or that the site can be safely developed using specific construction and site preparation methods.

(3) Linn County shall review development in areas known to be subject to natural disasters and geologic hazards. The degree of risk associated with the hazard present shall determine the allowed density of future development.

(4) Subdivision plats submitted to Linn County for approval shall indicate specific areas potentially subject to natural or geologic hazards.

(5) Linn County shall communicate with the Army Corps of Engineers, USDA Natural Resource Conservation Service, the Linn District of the State Forestry Department, and other federal or state agencies in efforts to protect the citizens of Linn County from natural disasters and

geologic hazards in areas potentially subject to development which could intensify adverse conditions in areas subject to geologic or natural hazards.

(6) Open space uses such as agriculture, forestry, and recreation shall be permitted in identified flood hazard areas.

(7) Linn County shall continue to regulate fill and excavation activities in Linn County in order to protect lives and properties from the potential adverse affects of foundation instability.

(8) Linn County shall encourage fire protection service appropriate to the level of development in all areas of the county. Future subdivisions and planned unit developments located outside a rural fire district shall be required to be annexed to a rural fire district or contract for fire protection in order to protect the lives and property of the area.

(9) Linn County shall cooperate and communicate with the Linn District of the State Forestry Department regarding future development within the Linn Fire Patrol District.

(10) Linn County recognizes the potential for forest fire when rural residential areas abut forested areas. Preventive measures should be taken by the rural resident to minimize the fire hazard potential.

(11) If a development is proposed in an area known to have geologic or natural hazards, the county may require the applicant to submit a report which details the extent of the hazard. The county, before approving the proposal, must find that presence of a hazard will not be detrimental to the development .

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99; amd 01-627 §1 eff 11/20/01; amd 10-313 §1 eff 9/22/10]

903.280 Policy implementation for natural and geologic hazards

(A) The policy set forth in LCC 903.260 (B) (1) shall be implemented by the following:

(1) The Linn County Planning and Building Department shall continue to implement the rules and regulations established for the National Flood Insurance Program (NFIP) by the

Federal Emergency Management Agency (FEMA) and shall continue to implement the Oregon Structural Specialty Code (OSSC) and the Oregon Residential Specialty Code (ORSC). All development within the identified flood hazard areas shall also comply with LCC Chapter 870 (Floodplain Management Code).

(B) The policy set forth in LCC 903.260 (B) (6) shall be implemented by the following:

(1) Linn County Development Code shall permit open space uses such as agriculture, forestry, and recreation in identified flood hazard areas.

(C) The policy set forth in LCC 903.260 (B) (7) shall be implemented by the following:

(1) The Linn County Planning and Building Department shall continue to regulate fill and excavation activities in Linn County by implementing the Building Code (LCC Chapters 810 (Specialty Codes), 820 (Dangerous Building Codes), 850 (Fill and Excavation Code) and 870 (Floodplain Management Code)).

(D) The policy set forth in LCC 903.260 (B) (10) shall be implemented by the following:

(1) The Land Development Code (LCC Chapters 920 to 938) shall establish planning regulations which shall require space for adequate fuel breaks within each lot by regulating lot size, location, and setback of structures.

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99; amd 01-627 §1 eff 11/20/01; amd 10-313 §1 eff 9/22/10]

IV. OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

903.300 Subchapter title

This Subchapter, LCC 903.300 to 903.999, shall be known and may be cited as the “Linn County Open Spaces, Scenic and Historic Areas, and Natural Resources Code” or simply as the “Open Spaces, Scenic and Historic Areas, and Natural Resources Code.”

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

903.320 Background

Open spaces, scenic and historic areas, and natural resources are those elements in any landscape that are consciously or unconsciously regarded by residents and visitors as contributing to the area's quality of life. They are largely public goods; commonly appreciated and needed, but susceptible to individual actions that appropriate them for private desires. The loss of such elements through gradual incremental changes or as sudden alterations causes a perceptible decline in the quality of life and affects the public's welfare. Efforts to retain these resources are measures of the value a community places on its livability.

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

903.340 Goal

Conserve open spaces, protect natural and scenic resources, and resolve conflicts in a manner that retains these resources.

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

A. OPEN SPACE

903.400 Background

(A) The open spaces of Linn County provide agricultural and forest resources, mineral and aggregate materials, fish and wildlife habitat, scenic views and sites, recreational opportunities and other natural resources. Threats to this open space character also challenge the viability of the other resources that occur within the open space areas.

(B) The conversion of open space to relatively high density residential uses, the loss of high value open space lands surrounding urban communities and development adjoining public recreation open spaces represent the significant threats to the general open space resource.

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

B. NATURAL AREAS

903.410 Natural areas

(A) Natural areas seek to preserve examples of significant natural ecosystems for comparison with those influenced by man, preserve gene pools of typical, rare and endangered plants and animals and provide areas for ecological and environmental study. Twelve protected natural areas exist in Linn County.

(B) As with fish and wildlife habitat, natural areas are threatened by attempts to bring such areas into agricultural and forest resource production.

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

903.415 Policies for natural areas

(A) The policies for natural areas are set forth in subsection (B) of this section.

(B) *Policies.*

(1) Linn County shall cooperate with public and private efforts to preserve and protect natural areas. Concerned agencies shall be contacted when land use proposals affecting potential natural areas are received. Further evaluation of the delayed decision natural area sites will occur as specific information becomes available. Conflicting uses, if any, and the environmental, social, economic and energy consequences of such uses will be determined at that time. Linn County will then apply the necessary mechanisms that either protect the resource site, fully allow conflicting uses to occur, or limit conflicting uses.

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

903.417 Policy implementation for natural areas

(A) The policy set forth in LCC 903.415 (B) (1) shall be implemented by the following:

(1) The Linn County agency involvement program includes federal and state agencies involved in natural area management.

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

C. SCENIC VIEWS AND SITES

903.420 Background

The gradual, erosional types of change especially affect scenic views of the landscape. Water areas, outlying buttes and foothills are especially visible and provide a picturesque landscape.

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

903.425 Policies for scenic views

(A) The policies for scenic views are set forth in subsection (B) of this section.

(B) *Policies.*

(1) Linn County shall cooperate with the U.S. Forest Service and the U.S. Bureau of Land Management in reviewing planning efforts for outstanding scenic views and sites occurring on federal lands.

(2) Linn County shall protect the scenic resources of McDowell Creek Falls Forest Park through continued ownership and management of the site as a county Forest-Park.

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

903.427 Policy implementation for scenic views

(A) The policies set forth in LCC 903.425 (B) shall be implemented by the following:

(1) The Agricultural Resource, Forest Resource, and Farm/Forest plan designations shall be used on the Linn County Comprehensive Plan to conserve open space, protect the scenic resource and sensitive fish and wildlife habitats. Land use proposals subject to Linn County review that have undesirable impacts on these resources shall be reviewed during the plan amendment, zone amendment and conditional use permit process.

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

D. HISTORIC AND CULTURAL AREAS

903.430 Background

Historic and prehistoric cultural areas provide an understanding of past land uses, life styles

and cultural values. It provides a sense of social continuity and evidence of earlier culture's relationships with their environments. Such resources are not fully inventoried in Linn County. Without adequate knowledge of the remaining areas and their interrelationships, significant historic areas cannot be retained as portions of the cultural landscape.

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

903.435 Policies for historic and cultural areas

(A) The policies for historic and cultural areas are set forth in subsection (B) of this section.

(B) *Policies.*

(1) Linn County will maintain an updated inventory of historic resources for use as a source of background information for historic preservation planning in the county.

(2) Historic resources in Linn County will be evaluated for significance with a system that is based on National Register of Historic Places criteria.

(3) Linn County will develop and maintain a register of historic resources determined to be significant and worthy of preservation.

(4) The Historic Resource Commission is responsible for historic resource planning in the county.

(5) Linn County will seek to coordinate its historic preservation efforts with historic preservation programs, organizations, and agencies that exist at the local, private, federal, and state levels.

(6) When needed, Linn County will seek available state, federal, and other outside funding for historic resource survey, planning, repair, maintenance, rehabilitation, and restoration.

(7) Approval from the county is required for alteration or demolition of structures listed on the National Register of Historic Places and structures voluntarily listed on the Linn County Register of Historic Resources.

(8) In order to encourage continued use, rehabilitation, and preservation of significant historic structures, Linn County will allow limited flexibility in the use of historic structures and the size of lots and number of residences permitted on lots where historic structures are located.

(9) Linn County shall inform citizens about historic preservation, historic resources in Linn County, and how these resources may be affected by the planning process.

(10) Linn County will cooperate with Oregon State University's efforts to conduct a complete inventory of archaeological sites and artifacts in Linn County. When such an inventory is completed, Linn County shall protect the identified sites.

(11) The development of a major facility shall be accomplished in a manner not having a significant adverse impact on an historic area.

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99; amd 01-627 §1 eff 11/20/01; amd 11-354 §1 eff 10/12/11]

903.437 Policy implementation for historic and cultural areas

(A) The policy set forth in LCC 903.435 (B) (1) shall be implemented by the following:

(1) Linn County shall review and update the Linn County Inventory of Historic Resources as funds permit.

(B) The policies set forth in LCC 903.435 (B) (1) to (8) shall be implemented by the following:

(1) A Linn County Historic Resource Commission shall be established and shall have the following duties:

(a) Maintain the Linn County Inventory of Historic Resources as a depository of information about historic resources in Linn County and as a source of historic resources for inclusion on the Linn County Register of Historic Resources;

(b) Receive and take action on requests to include a potential historic resource on, or remove a listed resource from the Linn County Register of Historic Resources;

(c) Review and act on permit applications for proposed alterations and demolitions of historic resources listed on the Linn County Register of Historic Resources or National Register of Historic Places;

(d) Review and act on Historic Resource district applications;

(e) Review and comment on proposed land use actions and programs that may impact historic resources listed on the Linn County Register of Historic Resources or National Register of Historic Places;

(f) Attempt to obtain up-to-date information on private, federal, and state historic preservation organization and agency activities and seek to maintain county programs that are consistent with these activities;

(g) Recommend to the State Historic Preservation Office, historic resources for nomination to the national Register of Historic Places;

(h) Seek funding for historic resource survey, planning, repair, maintenance, rehabilitation, or restoration;

(i) Receive and act on requests for monetary assistance for repair, maintenance, rehabilitation, and restoration if funds are available for such work; and

(j) Perform other duties relating to historic resources upon request of the Linn County Board of Commissioners.

(C) The policy set forth in LCC 903.435 (B) (7) shall be implemented by the following:

(1) Procedures and criteria for review of proposed alterations and demolitions of structures listed on the Linn County Register of Historic Resources and National Register of Historic Places will be adopted.

(D) The policy set forth in LCC 903.435 (B) (8) shall be implemented by the following:

(1) The Land Development Code includes an Historic Resource Overlay (HRO) which, through zone amendment procedures, may be applied to properties listed on the National Register of Historic Places. Consideration will be given to establishing lower fees for review of

HRO proposals than those charged for review of other similar land development proposals.

(E) The policy set forth in LCC 903.435 (B) (9) shall be implemented by the following:

(1) Linn County will publish a brochure that will include information about historic preservation in the planning process and will publish a tour map of historic resources in Linn County.

(F) The policy set forth in LCC 903.435 (B) (10) shall be implemented by the following:

(1) An inventory of archaeological sites has been proposed by OSU in the Willamette Valley.

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99; amd 01-627 §1 eff 11/20/01; amd 11-354 §1 eff 10/12/11]

E. WILDERNESS, RECREATION TRAILS, AND SCENIC WATERWAYS

903.440 Background

Wilderness, Oregon recreation trails, and scenic waterways are operated by federal or state agencies in response to national and statewide desires. Wilderness impacts are largely the result of recreational use and regulated by USFS management policies. The Pacific Crest Trail extends for over 30 miles in Linn County. As the purposes of wilderness and recreational trails conflict somewhat, the trail poses management problems in the two wildernesses. Scenic waterway status for the North and South Santiam Rivers is still pending and must await adequate study.

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

903.445 Policies for wilderness, recreation trails, and scenic waterways

(A) The policies for wilderness, Oregon recreation trails, and scenic waterways are set forth in subsection (B) of this section.

(B) *Policies.*

(1) Linn County shall cooperate with and support the Oregon Parks and Recreation branch's efforts to establish a trails system linking the urban areas of Linn County to the national trails system.

(2) The development of a major facility shall be accomplished in a manner not having a significant adverse impact on a sensitive fish or wildlife habitat or scenic or historic area.

(3) Linn County shall cooperate with the Oregon Parks and Recreation branch's efforts to analyze segments of the North and South Santiam Rivers for possible identification as Oregon scenic waterways. When the studies have been completed, Linn County shall determine whether sufficient local support exists to warrant designation as scenic waterway.

(4) Linn County shall cooperate with federal efforts to preserve and properly manage the wilderness resources of Mt. Jefferson and Mt. Washington Wilderness.

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

903.447 Policy implementation for wilderness, recreation trails, and scenic waterways

(A) The policy set forth in LCC 903.445 (B) (4) shall be implemented by the following:

(1) The Linn County agency involvement program includes federal and state agencies involved in wilderness management.

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

F. FISH AND WILDLIFE AREAS AND HABITATS

903.500 Background

(A) Other components within open space areas are specifically threatened by land use activities.

(B) Fish and wildlife populations in Linn County annually add substantially to the local economy, but the sensitive habitat areas supporting this resource are being lost. The filling and draining of aquatic habitat and wetlands, the clearing of riparian zones, and the removal and burning of roadside vegetation, hedgerows and unused areas remove or reduce the capabilities of sensitive habitat.

(C) High density development in or adjacent to sensitive habitat, the fragmentation of resource lands to small parcels and normal agricultural and

forest practices exert a widespread influence on native wild species.

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

903.510 Policies for fish and wildlife areas and habitat

(A) The policies for fish and wildlife areas and habitat are set forth in subsection (B) of this section.

(B) Policies.

(1) Linn County will cooperate with the Oregon Fish and Wildlife Department, the Linn County cities, the U.S. Agricultural Stabilization and Conservation Service, the Bureau of Reclamation, and the Soil and Water Conservation Districts of the region to identify and recognize areas of sensitive fish and wildlife habitat.

(2) Big game habitats have been jointly identified and mapped by the Oregon Department of Fish and Wildlife (ODFW) and the county. These maps, available in the planning and building department, show which areas of the county are within major, peripheral and impacted habitats. Development in these habitat areas will be closely monitored. Changes in habitat areas will be mapped and evaluated annually to determine if changes in standards are warranted.

(3) The major and peripheral habitats are protected from most conflicting uses through application of the Forest Conservation and Management (FCM), Exclusive Farm Use (EFU), and Farm/Forest (F/F) zones. The FCM, EFU, and F/F zones encourage resource activities and limit potentially conflicting uses. Because of the recreational, economic, aesthetic, and ecological value of fish and wildlife, the potential impact on sensitive habitats will be assessed on planning permit applications for conditional uses, variances, and zone and plan amendments. Siting standards, including the use of setbacks and clustering methods, will be used to lessen impact on habitats.

(4) The major and peripheral habitat map shows dwelling unit density per section (640 acres). Where the combined density of existing and approved, but not constructed dwellings,

exceed the ODFW acceptable density standards, the section is considered impacted and is not subject to wildlife habitat management considerations. Various sections which do not exceed ODFW density recommendations, but which have Rural Residential zoning, are also considered impacted.

(5) The county recognizes that beneficial management of wildlife habitats can be obtained through careful siting of dwellings and structures. Additionally, it is recognized that excessive housing development reduces habitat and sport hunting opportunities, therefore, the county will review proposed development for consistency with ODFW density recommendations.

(6) The county recognizes that within the major habitat the ODFW recommended dwelling unit density per section one unit per 80 acres (8 units per section). When dwellings are sited using clustering techniques, then ODFW finds that one unit per 40 acres (16 units per section) is acceptable for habitat maintenance.

(7) The county recognizes that within the peripheral habitat the ODFW recommended density is one unit per 40 acres (16 units per section). When dwellings are sited using clustering techniques, then the ODFW finds one unit per 20 acres (32 units per section) is acceptable.

(8) The county shall require clustering provisions for new dwellings located in the major and peripheral habitat. Application of clustering techniques will preserve habitat and provide for uniform density standards of 16 units per section in the unimpacted major habitat and 32 units per section in the unimpacted peripheral habitat.

(9) The county will review all development requests in the major wildlife habitat areas for conformity with density standards with the exception of those sections which are identified as being impacted. If the density standard cannot be achieved, then a variance may be initiated. ODFW will be notified and their comments taken into consideration before action is taken on a proposal occurring outside of an impacted area which exceeds the recommended density.

(10) Clustering techniques shall be used to implement the ODFW acceptable density standard in the major and peripheral game ranges. Clustering means all of the following as applicable to the situation:

- (a) Locating dwellings and structures near each other and existing roads;
- (b) Locating dwellings and structures to avoid habitat conflicts and utilize least valuable habitat areas; and
- (c) Minimize road development to that necessary to support the residential use.

(11) Linn County will continue to support and encourage sport hunting, trapping and angling and cooperate with public agencies to maintain and enhance recreational hunting, trapping, and angling opportunities for the public.

(12) Linn County will rely upon the Oregon Forest Practices Act, the Willamette River Greenway program, a building setback provision and an overlay district to protect identified sensitive riparian habitat and sensitive nesting areas.

(13) The development of a major facility shall be accomplished in a manner not having a significant adverse impact on a sensitive fish or wildlife habitat or scenic or historic area.

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

903.550 Policy implementation of fish and wildlife areas and habitat

(A) The policies set forth in LCC 903.510 (B) (2) to (1) shall be implemented by the following:

(1) The Agricultural Resource, Forest Resource, and Farm/Forest plan designations shall be used on the Linn County *Comprehensive Plan* to conserve sensitive fish and wildlife habitats. Land use proposals subject to Linn County review that have undesirable impacts on these resources shall be reviewed during the plan amendment, zone amendment and conditional use permit process.

(B) The policies set forth in LCC 905.420 (B) (1), (2) (10) (11), and (12) shall be implemented by the following:

(1) The Linn County agency involvement program includes federal and state agencies involved in fish and wildlife management.

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

G. WATER RESOURCES

903.600 Background

The development potential of water areas and wetlands is especially marketable. These areas, however, supply many vital functions for man; waste carriage and dispersal, flood water retention, and fish and wildlife habitat. These functions and many others, however, are not presently salable. Ground water resources are ample, but currently not fully utilized. Increased agricultural use of ground water is to be anticipated.

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

903.620 Policies for water resources

(A) The policies for water resources are set forth in subsection (B) of this section.

(B) *Policies.*

(1) Linn County will support the establishment of minimum stream flows to ensure the continuance of beneficial in-stream uses.

(2) Linn County shall cooperate with the Oregon Department of Water Resources' efforts to properly manage the use and development of surface and ground water resources.

(3) River basins shall be used to identify and study the natural resources of Linn County.

(4) The National Wetlands Inventory Maps shall be the official data source to determine if a property is affected by wetlands. Linn County shall cooperate with the Oregon Division of State Lands' efforts to limit or mitigate development within inventoried wetland.

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

903.650 Policy implementation for water resources

(A) The policies set forth in LCC 903.620 (B) (1), (2), and (3) shall be implemented by the following:

(1) The Linn County agency involvement program includes federal and state agencies involved in fish and wildlife management.

(B) The policy set forth in LCC 903.620 (B) (4) shall be implemented by the following:

(1) Linn County shall use the National Wetlands Inventory (NWI) maps to determine if a property is affected by wetlands. The Linn County Planning Department shall provide notice to the Division of State Lands (DSL) of all land use applications and building permits that propose development with an inventoried wetland as identified on the NWI maps.

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

H. MINERAL RESOURCES

903.700 Background

Minerals are essential to modern man's needs. Significant porphyry deposits of copper, molybdenum and other minerals occur in the Quartzville, Blue River, and Cone Peak mining districts. Mining of these materials may result in housing, transportation and environmental quality impacts. Mining these resources will be reviewed by agencies responsible for administration of public land.

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

[903.701 to 903.999 are reserved for future use]

Statutory References and Other Authorities:
ORS 203; LCC Chapters 810 (Specialty Codes), 820 (Dangerous Building Codes), 850 (Fill and Excavation Code) and 870 (Floodplain Management Code)

Legislative History of Chapter 903:

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 10-313 §1 eff 9/22/10 (new FEMA boundaries)
 - #8 11-354 §1 eff 10/12/11
-
-

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."

APPENDIX 1 — INVENTORY OF MINERAL SITES (“1B”) NOT HAVING SUFFICIENT INFORMATION TO MAKE A DETERMINATION OF SIGNIFICANCE

MINERAL SITES:

Name	Township	Range	Section	Tax-lot
Prospect Mt./Zeleny	10S	1E		5100
Prospect Mt./Zeleny	11S	1E	06	200
Drummond	12S	2W	26	1600
Moore	12S	2W	35	405