

TITLE 9

COMMUNITY DEVELOPMENT

CHAPTER 904

COMMUNITY FACILITIES AND DEVELOPMENT ELEMENT CODE

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904.010 Title

This Chapter, LCC 904.010 to 904.999, shall be known and may be cited as the “Linn County Community Facilities and Development Element Code” or simply as the “Community Facilities and Development Element Code.”

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

904.020 Application

(A) This element of the Linn County Comprehensive Plan includes material related to five of the statewide planning goals:

- (1) Goal #8 Recreational Needs;
- (2) Goal #10 Housing;
- (3) Goal #11 Public Facilities and Services;
- (4) Goal #12 Transportation; and
- (5) Goal #13 Energy Conservation.

(B) Goals #8, 11, and 12 deal with the provision of these facilities and services that constitute the "infrastructure" of the community.

(C) Goal #10 requires the forecasting of population growth and the assessment of future housing needs.

(D) Goal #13 directs us to increase our awareness of the energy impacts of various land uses.

(E) An adequate level of key facilities is essential to the support of future development. In rural areas these key facilities and services include public schools, solid waste management, and the road network. Other facilities and services, such

as fire and police protection or parks are important to the public health, safety, and welfare.

(F) The provision of adequate housing is dependent upon a suitable framework for rural and urban development, and the availability of energy supplies. Government policies and actions which regulate or affect the location, type, density, and cost of housing also play an important role in the provision of adequate housing. Housing considerations are therefore, an important part of any comprehensive planning program.

(G) Planning for the location of recreational opportunities, the types of housing available, the arrangement of public facilities and services, and the mix of different modes of transportation has an effect on the possibilities for citizens to conserve energy.

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

I. PUBLIC AND MAJOR FACILITIES AND SERVICES

904.100 Public facilities

(A) Public facilities and services promote the public health, safety, and welfare, and protect air, land, and water quality.

(B) Public facilities affect the rural community by providing needed public, safety and transportation services in proximity to rural residents and unincorporated communities.

(C) In the area outside the urban growth boundaries of incorporated cities it is important to establish the levels of service appropriate to rural lands. At rural densities, it is necessary for individual households to furnish their own water supply and sewage disposal.

(D) One purpose of land use planning is to help ensure that development does not exceed the capacity of man-made and natural systems. Urban densities put pressures on the environment through wastes that can threaten air, land, and water quality. Key facilities including water systems, sewer systems, storm drains, and solid waste disposal sites are needed to protect the environment and maintain the quality of life of

areas at urban densities. Public facilities are furnished through user fees and taxes levied upon the communities served.

(E) The capacities of public facilities and services are important both for what they indicate about the existing level of service and the ability to accommodate future growth. The need for expensive new facilities for water and sewage treatment should be avoided by controlling residential density on rural lands. Growth without adequately planning for supporting facilities and services adversely affects public health, safety and the environment and can lead to increased government expenditures. . Fiscal and physical planning will be required to balance public needs and limited resources.

[Adopted 80-335 eff 9/2/80; amd 01-627 §1 eff 11/20/01; amd 16-206 §1 eff 7/5/16]

904.110 Major facilities and services

(A) Major facilities are large scale improvements designed to provide regional services such as power generation or power transmission, transportation, and public health and safety. Generally, these facilities are located away from populated areas and may be dependent upon proximity to renewable resources, transportation systems, or other locational factors. Transmission and pipeline facilities often provide interstate as well as regional services.

(B) Energy generating facilities, transmission facilities, pipelines and airports in addition to local review are subject to federal and state regulations. .

(C) Impacts from a major facility can affect land use, wildlife habitats and visual quality. These impacts need to be assessed and compatibility with nearby sensitive land uses demonstrated before land use approval can be given.

[Adopted 80-335 eff 9/2/80; amd 01-627 §1 eff 11/20/01; amd 16-206 §1 eff 7/5/16]

904.120 Domestic water supply

(A) Water supplies in Linn County come from either surface or underground sources. Most rural residents rely upon ground water through individual wells for domestic water supply. Goal 11 (Public Facilities) allows water systems in rural

areas. Establishment or extension of a water system cannot be used as a basis for increasing the residential density within an exception area.

(B) There are important concerns about ground water quality and quantity in Linn County. The reliability of some foothill aquifers is unknown and other aquifers on the valley floor have been found to be vulnerable to contamination. Steps to assure safe drinking water supplies are needed for documented problem areas.

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

904.130 Sewage disposal

(A) Expansion and/or improvement of municipal sewage treatment facilities will be needed in order to accommodate growth and water quality regulations. Alternatives to conventional treatment system would be desirable in those communities which lack a sewer system.

(B) Residences in rural Linn County rely on subsurface waste disposal systems for sewage disposal. Some rural development and rural commercial areas are served by Department of Environmental Quality regulated lagoon systems. Permits are usually issued for conventional subsurface systems, but alternative systems may also be permitted.

(C) The prudent course of action for Linn County is to control the need for municipal sewage systems outside of incorporated cities in order to keep government and taxpayer costs down. This can be accomplished by limiting allowable densities in rural residential areas. Municipal sewage disposal service is considered an urban public facility under OAR. Municipal sewer service to rural lands is not appropriate unless it is for mitigation of a public health hazard.

[Adopted 80-335 eff 9/2/80; amd 01-627 §1 eff 11/20/01; amd 16-206 §1 eff 7/5/16]

904.140 Storm drainage and runoff control

The prompt removal of excessive storm waters has a number of important benefits. Lack of planning for adequate drainage has resulted in problems where planning could have produced benefits. Storm drainage in rural areas is ordinarily controlled through the use and modification

of surface drainage ways. Development practices that avoid storm drainage problems are the least expensive alternatives.

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

904.150 Solid waste

Solid waste disposal activities in Linn County are within the framework established by the Department of Environmental Quality. Linn County has assumed responsibility for implementation of solid waste management within the county. Franchises for solid waste collection and disposal are issued to private firms according to the requirements of the Linn County Solid Waste Administration Code. The majority of Linn County's solid waste goes to Coffin Butte landfill. Located in Benton County, Coffin Butte is a regional landfill currently receiving solid waste from neighboring mid-Willamette counties. The landfill has a capacity under the current cell development plan to last at least 53 years. There are waste transfer stations located in Lebanon and Sweet Home.

[Adopted 80-335 eff 9/2/80; amd 01-627 §1 eff 11/20/01; amd 16-206 §1 eff 7/5/16]

904.160 Public schools

(A) The impacts of growth upon schools must be anticipated when considering new development proposals so that system capacity and the quality of educational services can be maintained and improved. The location of schools should be compatible with both educational needs and the community land use pattern.

(B) Population growth from new developments in Linn County will have relatively less impact on schools than upon other types of public facilities and services. The declining birth rates of recent years will reduce the proportion of school age children in the total population. School enrollments are forecast to grow less rapidly than the overall population. Some school districts will be hard pressed to keep up with new development while other districts seem to already have sufficient capacity for the next 20 years.

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

904.170 Utilities

(A) Energy and public telephone services in Linn County are provided by private utility companies. No significant problems are foreseen in maintaining system capacity or providing utility service in Linn County over the next 20 years. Wireless communication facilities need to be sited in a manner that provides adequate service without overpopulating the skyline with towers.

(B) Utility services, including wireless communication facilities, should be coordinated with other key facilities and services in order to reduce total development costs. This should include full use of easements and rights-of-way in order to reduce total costs and visual impacts.

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

904.180 Law enforcement

(A) Law enforcement services and proximity to public safety facilities is important to the maintenance of community standards.

(B) The primary concern of comprehensive land use planning in this regard is with new developments and the ensuing population growth that increases demand for police protection. The coordination of development with law enforcement providers can minimize the impacts of growth upon police protection.

(C) Local and regional law enforcement and public safety facilities must be sited in locations that ensure the efficient provision of public safety services while limiting adverse impacts to surrounding rural land uses.

[Adopted 80-335 eff 9/2/80; amd 01-627 §1 eff 11/20/01; amd 16-206 §1 eff 7/5/16]

904.190 Fire protection

(A) Fire prevention and protection activities in Linn County address structural, wild land and forest fires. City fire departments and rural fire protection districts (RFPDs) have responsibility for local fire suppression in most of the settled area of the county. The Linn District of the Oregon State Department of Forestry handles suppression of fires on forest land in eastern Linn County in conjunction with the United States Forest Service.

(B) Many places within the county do not have adequate protection for structures. State forestry and RFPDs complement each other in these areas where forest and residential uses are mixed. Continued development in areas outside RFPDs increase the possibility of future losses of life and property.

(C) RFPDs have identified fire protection problems with access due to road layout or steep terrain, high risk due to type of building materials and poor visibility of many rural addresses. Rural fire protection can be improved by limiting development in unprotected areas and review of development proposals in terms of fire prevention and protection.

[Adopted 80-335 eff 9/2/80; amd 01-627 §1 eff 11/20/01; amd 16-206 §1 eff 7/5/16]

904.200 Goals for public and major facilities and services

(A) To develop a timely, orderly and efficient arrangement of public and major facilities to serve as a framework for urban and rural development.

(B) To support the provision of needed public and major facilities for all residents of Linn County.

(C) To support the provision of needed health and public safety services for all residents of Linn County.

(D) To ensure the efficient and economical provision of public and major facilities and health safety services for the citizens of Linn County.

[Adopted 16-206 eff 7/5/16]

904.210 Policies for public facilities and services

(A) The policies for public facilities and services are set forth in subsection (B) of this section.

(B) *Policies.*

(1) The levels of urban and rural facilities and services shall be primarily related to the scale of facility required by the population density in order to remain within the carrying capacity of air, land, water resources and consistent with

administrative rules regarding water and sewer services.

(2) Cities are the preferred providers of urban levels of service, especially sewer and water service.

(3) Public facilities and services shall be provided Linn County, State or Federal agencies, or special districts, as appropriate.

(4) Linn County shall seek to prevent reduction of existing levels of public facilities and services brought about by new development.

(5) Linn County shall investigate the need to protect and conserve ground water and whether areas with identified problems warrant the establishment of ground water protection measures.

(6) Linn County will, through provisions in LCC review development proposals in order to reduce drainage impacts to property.

(7) Linn County shall review the work of the Upper Willamette Resource Conservation and Development Project toward an area wide storm drainage assessment.

(8) Linn County shall consider accessibility of emergency services, health services, and public safety services through the land use review process.

(9) Linn County shall inform homeowners in areas outside rural fire protection districts of the benefits of joining existing districts or forming rural fire departments of their own to protect lives and property in the area.

(10) Linn County shall request that utility lines be placed underground in subdivisions and planned unit developments and coordinated with road development activities where feasible. Wireless communication facilities need to be developed in a manner that maximizes existing facilities and provides co-location opportunities.

(11) A major facility shall be designed to minimize adverse impacts on public facilities. If an adverse impact is identified, a plan to reduce such impacts shall be developed and implemented.

(12) Linn County shall coordinate with utility companies and state and federal agencies in

the placement of energy and communication transmission lines and encourage these facilities to be sited so as to:

(a) Limit impacts on land owners by following property lines where feasible;

(b) Jointly utilize or parallel existing rights-of-way in so far as safety and reliability permit;

(c) Maintain productive use of the land in so far as possible; and

(d) Mitigate adverse environmental impacts.

(13) Linn County will seek and consider information about the provision of police and fire protection in the development of plans, land decision proposals and land use decisions.

(14) Linn County will encourage and support upgrading the level and quality of police and fire protection and facilities, and other public safety facilities and services, in rural areas.

(15) Linn County will coordinate with appropriate jurisdictions, agencies, and health care providers to increase accessibility of health and social services to the general public, especially to the elderly, the handicapped and the young, by overcoming geographic, architectural and transportation barriers.

(16) Linn County will cooperate with appropriate governmental jurisdictions, agencies and service providers in developing a coordinated approach for the planning and delivery of health and social services.

(17) Linn County will promote the consolidation of government facilities and services in an effort to provide centralized, attractively designed building and open space assemblages to better accommodate the use of facilities and services by and for the public.

(18) Linn County will promote the joint-use of public buildings for use by governmental bodies and for use by and for the public for organizational and public meetings; for recreational, personal enrichment and educational uses; and for the provision of public health and safety services.

IMPLEMENTATION OF PUBLIC FACILITIES POLICIES	Policy #
(1) Linn County shall review each proposal for a comprehensive plan amendment, conditional use, subdivision, urban growth boundary amendment, or zone amendment for its impact on public facilities and services.	1, 2, 3, 4, 6, 7, 9, 10, 11, 15
(2) Linn County shall review proposals for public and major facilities and services to ensure adequate provision of health, public safety, educational, recreational, and transportation facilities and services while minimizing impacts to surrounding land uses and natural areas.	1, 2, 3, 4, 6, 8, 9, 11, 13, 14, 15, 16, 17, 18
(3) Linn County shall review the adequacy of water supply, sewage disposal, and access to public roads, at the site of proposed new construction.	1, 2, 3, 4
(4) Linn County Environmental Health Division shall publicize methods for the proper care and maintenance of domestic water supply and subsurface sewage disposal systems.	1, 3, 5
(5) Linn County Environmental Health Division shall encourage citizens to use the existing garbage collection services especially in areas where illicit dumping is a problem	1, 3, 5
(6) Linn County Road Department shall coordinate roadside ditching with area wide drainage projects or plans.	1, 3, 5
(7) Linn County shall implement the agency involvement program through the following actions:	
(A) Notify the Linn County Environmental Health Division of comprehensive plan amendments, rezones, planned unit developments, subdivisions, urban growth boundary amendments, and conditional use permit applications.	1, 2, 3, 4, 6
(B) Notify the Linn Soil and Water Conservation District of development proposals requiring storm drainage plans.	1, 4, 6, 7
(C) Notify the appropriate school district(s) of comprehensive plan amendments, rezones, planned unit developments, subdivision, and urban growth boundary amendments that could have an impact upon school enrollments and facilities.	1, 4
(D) Notify the sheriff's office of all subdivision, planned unit development and recreation facility proposals.	1, 4, 9
(E) Notify the Linn District of the State Forestry Department of all subdivisions, planned unit developments, or recreational facility proposals in areas under Linn district jurisdiction.	1, 4, 9, 10
(F) Notify the local district fire chief of all subdivision and planned unit development proposals in rural fire protection districts.	1, 4, 10

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99; amd 01-627 §1 eff 11/20/01; amd 16-206 §1 eff 7/5/16]

904.220 Policies for major facilities and services

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

(B) *Policies.*

(1) The county is aware of the impact a major facility may have and will review the following major facilities through applicable provisions in Linn County Code, administrative rules and state statutes unless the county decision authority is preempted by state or federal law or regulation.

(a) Dams and associated reservoirs and generating facilities producing power for public use by sale;

(b) Solid waste disposal sites (excluding disposal sites for septic tank pumping or cesspool cleaning services and transfer stations);

(c) Public use airports.

(d) Roads and highways requiring a new right-of-way in excess of 120 feet in width and over 1,320 feet in length and which are not replacing an existing road or highway;

(e) Power transmission corridors of 69KV capacity or greater; and

(f) Pipelines (excluding buried pipelines).

(2) The county shall be involved at the initiation of the planning process for a major facility in order to identify local concerns at an early stage of project development. The county may conduct public hearings on proposed major facilities when the local decision process is pre-

empted and it is in the county's interest to be actively involved in project development.

(3) The development of a major facility may be permitted as specified in Linn County Code

(4) The county will coordinate its major facility review with other agencies having an interest in the project.

(5) If review of a major facility has begun at the state or federal level, then the applicant shall provide to the county all materials submitted to other reviewing agencies.

(6) A final development plan for a major facility shall be reviewed by the county through the land use process and conditions may be established to regulate operations and site development. The planning commission or board of commissioners may designate conditions of approval when deemed appropriate.

IMPLEMENTATION	#
Linn County will use procedures established in the comprehensive plan, zoning ordinance and agency involvement program to evaluate major facilities.	1-10

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99; amd 01-627 §1 eff 11/20/01; amd 16-206 §1 eff 7/5/16]

II. TRANSPORTATION

[Refer to the Linn County Transportation Plan codified in LCC Chapter 907.]

III. HOUSING

904.300 Housing; background

(A) The certified 2000 census population of Linn County was 103,069. This represents an increase of 13,574 or 15% over the 1980 census. Most of the growth occurred during the late 1980's and 1990's when the region recovered from an earlier economic downturn. Most of the growth of Linn County in recent decades has occurred within the cities and this "rural-to-urban shift" trend is expected to continue to occur. In 1999, Linn County adopted a coordinated 2020 population for the 13 incorporated communities and the county (see case CP-2-99 for more information). The countywide 2020 population is estimated to be 133,508. This would represent an annual

growth rate of 1.23%. The unincorporated part of the county is expected to add about 6,000 more people (0.65% annual growth rate) by 2020. The 2020 population for the largest five communities in the county is: Albany 46,950; Lebanon 18,019; Sweet Home 9,485; Harrisburg 3,897; and Brownsville 2,136. It is expected, , that most of the growth of the county housing stock will occur within these cities.

(B) In recent years, the most significant issue to be dealt with when planning for housing is its increasing cost. As housing costs continue to go up, it becomes increasingly more difficult for low and moderate income households to obtain adequate housing. Governments can affect the cost of housing in several ways, some of which are: the availability of buildable land, zoning regulations, systems development charges, permit procedures and availability of housing assistance. Therefore, it is important that potential effects on housing costs are considered when government policies are determined and actions carried out.

(C) Another issue that must be considered is the allocation of regional housing need. It is important that each jurisdiction provide for its fair share of the regional housing need in terms of types, costs and assisted housing. .

(D) Finally, housing needs and supplies can be monitored only if adequate and current information is available. A common system of data collection within a region, such as Linn and Benton Counties, can enable monitoring of housing need and supply on regional basis. It is important, therefore, that an updated, regional and consistent data base is maintained so that decisions affecting housing supply can be made on an informed basis.

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

904.310 Housing; goal

To encourage development of a range of housing opportunities by type, cost, tenure, and location, that will fulfill housing needs in Linn County.

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

904.320 Housing; policies

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

(B) *Policies.*

(1) Linn County will continue its coordination efforts in the assessment of, and planning for, regional housing needs in order to assure:

(a) Fair share¹ distribution of housing types and price levels;

(b) Fair share distribution of assisted housing; and

(2) Consistent housing policies and coordinated actions.

(3) Linn County will cooperate with local, state, and federal agencies to develop programs and funding sources that provide support for the maintenance and rehabilitation of existing housing and provide assistance to low and moderate income households to obtain housing.

(4) Linn County will maintain and regularly update a data inventory of:

(a) The type and condition of existing housing stock; and

(b) The current supply of buildable residential lands.

(5) Linn County will investigate alternative methods of permit processing and may change permit processing procedures in an effort to streamline the development permit process.

(6) Linn County will permit manufactured homes in the same manner as single-family dwellings are permitted.

(7) Linn County will adopted procedures and standards to permit home occupations where they do not conflict with surrounding land uses.

¹The term fair share refers to the regional allocation of assisted and non-assisted housing. This is more fully discussed in the “housing background report.”

IMPLEMENTATION	#
(1) The county will take responsibility for facilitating coordination with the cities in the county and with Benton County on topics of regional housing concern.	1,2
(3) Linn County will provide relevant housing data to agencies involved in providing housing assistance and provide information to the public on housing assistance.	3
(4) The county will monitor the number of building permits for new dwellings and manufactured home permits that are issued and the location for which they are issued, and the supply of land suitable for rural residential use within the residential designations. Available data on housing condition will be obtained and regularly updated.	4
(5) The county will investigate alternatives to the current permit processing procedures being used and may alter current procedures to increase permit processing efficiency and decrease processing time.	5
(6) Manufactured homes will be listed as permitted uses in the zoning ordinance wherever single-family dwellings are listed.	6
(7) The Land Development Code will permit home occupations conditionally.	7

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

IV. RECREATIONAL NEEDS

904.400 Recreational needs; background

(A) Linn County is rich in existing and potential recreational opportunities. This is due, in part, to the varied landscapes and large public domain. The types of recreational activities occurring most frequently in Linn County are camping, fishing, picnicking, boating, hunting, hiking, skiing and swimming. , The public and private sectors provide recreation sites for these activities.

(B) Linn County adopted a parks plan in 1996 which states that the “county’s primary niche in the provision of park land is largely outside of the larger urban areas and federal resource lands, and away from the intensive agricultural lands in the far west portion of Linn County. It is in the remaining rural areas, and particularly on sites with water orientation, where a diversity of dispersed recreation experiences can be provided and where the county role will be predominant.”

(C) Development of future proposals for recreational facilities should include consideration of the recreational needs of the county as determined through recreation studies and public input.

(D) Linn County should encourage the private sector to contribute to the supply of recreation facilities.

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

904.410 Recreational needs; goals

(A) To provide diversified, year-round recreation opportunities which promote the health, safety and general welfare of Linn County residents and visitors.

(B) To provide recreational opportunities which meet the needs of all citizens in Linn County.

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

904.420 Recreation needs; policies

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

(B) *Policies.*

(1) Linn County shall, within its capabilities, protect designated recreation sites from the encroachment of incompatible land uses.

(2) Linn County shall, within its capabilities, maintain and improve its parks system through coordination and cooperation with federal, state and local governmental agencies and private enterprise.

IMPLEMENTATION	#
(1) The Farm/Forest, Exclusive Farm Use, and Forest Conservation and Management zoning districts shall be applied to public recreation sites. These zones shall allow the development of recreational facilities. Overnight facilities shall require a conditional use permit.	1, 4
(2) The Linn County Planning and Building Department in cooperation with the Linn County Parks Department shall review all proposed recreation developments in Linn County, to insure they are in compliance with the Linn County Comprehensive Plan.	2, 3
(3) The Linn County Planning Staff shall implement the Linn County agency involvement program. Through this program, the U.S. Forest Service, Bureau of Land Management, State Parks Department, U.S. Army Corps of Engineers, City Parks Departments, and Linn County Parks Department shall be encouraged to coordinate recreation planning.	2, 3

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

V. ENERGY CONSERVATION

904.500 Energy conservation; background

(A) The need to conserve energy is becoming increasingly apparent as supplies of non-renewable sources of energy become scarcer and more expensive. Our high level of dependence on these non-renewable resources makes energy conservation and the development of renewable energy sources important planning considerations.

(B) By adopting Goal #13, "Energy Conservation," the Land Conservation and Development Commission recognized the need to increase the state's reliance on renewable sources of energy. Goal #13 mandates that "Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles".

(C) Energy can be conserved through a wide variety of planning and planning related techniques. These include providing for residential development near employment and shopping areas, while discouraging residential development in more distant areas; providing public transportation as an alternative to private automobile use; and designing subdivisions to allow for solar utilization in dwellings.

(D) Several statewide land use goals in addition to Goal #13 also address energy conservation. Some of the goals and policies in the Public and Major Facilities and Transportation section of this element are also intended to promote energy conservation.

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

904.510 Energy conservation; goal

To conserve energy.

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

904.520 Energy conservation; policies

(A) The Linn County Comprehensive Plan shall include development patterns that allow and encourage the conservation of energy used for transportation.

(B) General information on energy conservation and renewable energy sources shall be made available to the public through the county planning and building department.

(C) Linn County will protect with resource plan designations (Agricultural Resource, Forest Resource or Farm/Forest) those sites and areas identified as having potential for future energy generation.

(D) Linn County shall investigate the feasibility of incorporating solar access protection measures into the implementing ordinances during the first comprehensive plan update.

IMPLEMENTATION	#
(1) An effort has been made to identify lands for rural residential use near employment and shopping areas in order to conserve energy used for transportation	1
(2) There are a number of informational pamphlets published by the Oregon Department of Energy and OSU Extension Service which include energy conservation programs and techniques available to the homeowner. Information on renewable energy sources is also available from these sources.	2
(3) All of the sites and areas identified as having potential for future energy generation are located in areas with resource plan designations. These plan designations, along with the zoning that is applied to them, will protect these sites from development that would preclude their future use for energy generation.	3
(4) During the first comprehensive plan update, the feasibility of incorporating solar access protection measures into the zoning ordinance will be investigated. Several model ordinances of this type are available.	4

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

Statutory References and Other Authorities:

ORS 203

Legislative History of Chapter 904:

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

Amendments to 80-335

- #1 95-026 §? eff 2/1/95²
 - #2 95-398 §? eff 8/16/95³
 - #3 95-449 §? eff 12/13/95⁴
 - #4 95-456 §? eff 12/13/95⁵
 - # 5 99-190 §? eff 5/19/99
 - #6 01-627 §1 eff 11/20/01
 - #7 16-206 §1 eff 7/5/2016
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²Articles rewritten and replaced: “Transportation” section of the “Community Facilities and Development Element.”

³Articles rewritten and replaced: “Introduction” and “Background and Summary Issues” in “Citizen Involvement” section.

⁴Articles rewritten and replaced: “Transportation” section of the “Community Facilities and Development Element.”

⁵Articles rewritten and replaced: “Urbanization.”

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