

A PROPOSED WILLAMETTE RIVER GREENWAY PLAN
AND ORDINANCE FOR LINN COUNTY

BY

SHERMAN R. SWANSON

A RESEARCH PAPER

submitted to

THE DEPARTMENT OF GEOGRAPHY

in partial fulfillment of
the requirements for the
degree of

MASTER OF SCIENCE

January 1980

Directed by

DR. GORDON E. MATZKE

TABLE OF CONTENTS

Preface.....	1
Willamette River Greenway.....	3
The Nature of the Greenway.....	3
The Greenway Planning Process.....	4
Greenway Management Policies.....	5
Criteria and Procedures for Greenway Development Permits.....	10
Sections:	
1. Purpose and Intent.....	10
2. Definitions.....	11
3. Application of the Overlay Zone.....	14
4. Uses.....	14
5. Greenway Development Permit.....	16
6. Permit Review.....	17
7. Notification.....	18
8. Use Management Considerations and Criteria.....	19
9. Appeal.....	23
Footnotes.....	25

PREFACE

My introduction to the Willamette River Greenway came in the spring of 1979 while I worked for the Linn County Planning and Building Department writing a Willamette River Greenway Background Report. The report will be a part of the Background Studies for the 1980 Comprehensive Plan.¹ Following the bulk of my work on the inventories in the Background Report, I began attending Planning Advisory Committee Meetings. After several meetings discussing the Willamette River Greenway, each committee adopted a set of policies. Using the policies I wrote "Willamette River Greenway," a proposed section of the Linn County Comprehensive Plan.² The plan will be presented for approval to the Linn County Planning Commission and the Board of Commissioners before submission to the Oregon Land Conservation and Development Commission in July of 1980. Because each county must adopt implementing ordinances upon final adoption of their plan, I have also drafted a proposed ordinance for the Willamette River Greenway in Linn County.

This paper includes the proposed "Willamette River Greenway" section of the Linn County Comprehensive Plan and "Criteria and Standards for Greenway Development Permits," the proposed implementing ordinance. In drafting the ordinance I borrowed extensively from the Greenway ordinance of Marion County.³ I have italicized those parts of the ordinance

which I altered.

I am indebted to many people for their insight and assistance. I specifically want to thank the staff of the Linn County Planning and Building Department, the individuals serving in the Central Linn - Harrisburg and Albany Planning Area Planning Advisory Committees, Roger Ellingson, and Dr. Gordon E. Matzke.

WILLAMETTE RIVER GREENWAY⁴

The Nature of the Greenway

The Willamette River Greenway is the embodiment of the desires of the people of Oregon to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. It is not the intention of the Greenway program to take land away from private riparian owners or to create a corridor of public land. Indeed, the continued use of Greenway land for such purposes as farming is encouraged. However, it is recognized that our ability to protect this heritage for future generations is greater now than it will ever be again. In a valley with high economic growth, the pressures to convert riverside lands to uses which would detract from the rich and unique river environment will be great.

Much of the land within the Greenway is restricted from developmental uses by the nature of the land and by present uses. In Linn County, 95 per cent of Greenway lands are presently in restrictive agricultural or open land use zones that prohibit many forms of development.⁵ In addition, over 82 per cent of the riverbank is within the floodplain and is not suitable for most forms of development.⁶ A Floodplain Overlay Zone requires County review of all structures proposed for the floodplain.⁷

The Willamette River Greenway is a means for achieving local control of some land use decisions. For a Greenway landowner,

this means any proposed development, change or intensification of use must be compatible with Greenway goals. It does not change the landowner's right to prevent trespass. For Greenway users, this program insures continued enjoyment of a precious resource while emphasizing responsibility to the Greenway environment and landowners. While the public use of private lands is forbidden, there have been numerous units of Greenway land purchased, or identified for purchase, from willing sellers. These will be developed in a variety of ways for public use.

The Greenway Planning Process

The idea of a Greenway was first formalized into state law in 1967.⁸ In 1973, the State Legislature gave responsibility to the Oregon Department of Transportation (O.D.O.T.) for writing a plan.⁹ They also gave responsibility to the Land Conservation and Development Commission (L.C.D.C.) for evaluation and much of the administration of this plan. In 1975, the L.C.D.C. established Goal 15, the lengthy and explicit Willamette River Greenway Goal, of its Statewide Planning Goals and Guidelines.¹⁰ After extensive public hearings, they adopted the Greenway boundary in 1977. Maps with the exact boundaries are available in the Linn County Planning and Building Department.¹¹ Also, the Greenway is shown on the County Land Use Plan Map.¹²

Linn County adopted its "Criteria and Standards for Willamette River Greenway Conditional Use Permits" in 1978.¹³ In 1979, a background report was written describing cultural and natural Greenway resources.¹⁴ It is a part of the Background Studies for the Comprehensive Plan. Central Linn - Harrisburg and Albany Planning Area Planning Advisory Committees then helped establish a set of Greenway policies for Linn County (see below). From the policies, a county ordinance was developed establishing the Willamette River Greenway Overlay Zone. This ordinance establishes local control and allows citizen involvement in Linn County Greenway land use decisions.¹⁵

Greenway Management Policies

These Greenway management policies will guide and direct any action taken by the State, County, and property owners with respect to the Willamette River Greenway:¹⁶

1. The continued private use of Greenway land for such purposes as farming is encouraged and consistent with the goals and objectives of the Greenway. Therefore, it is not necessary to acquire all of the land along the river for public use. The majority of these lands shall remain in private ownership. Scenic easements shall be encouraged.

2. Most public access should be in urban areas and public parks. Only limited public access shall be provided in rural areas.
3. All public access and recreational facilities shall be located, designed, and operated so as to minimize adverse effects including trespass and vandalism to adjacent property or farm use.
4. Preservation, restoration, or enhancement of areas of ecological, scientific, historical, or archeological significance shall be considered.
5. Conditional uses shall be consistent with the purposes of the Greenway.
6. Any proposed development, change, or intensification of use shall be compatible with the site, the surrounding areas, and the environment. It shall provide for the public safety and protection of property, especially from vandalism and trespass, to the maximum extent practicable.
7. Recreational facilities shall be provided without substantially affecting the long-term capacity of the land for farm use.

8. A minimum building setback line of 100 feet from the ordinary high water line of the Willamette River (usually represented by the line of permanent vegetation) shall be established except for non-residential farm use structures, and except for buildings and structures in conjunction with a water-related or a water-dependent use.¹⁷
9. Development shall be located away from the river to the greatest possible extent.
10. Development, change, or intensification of use shall provide the maximum possible landscaped area, aesthetic enhancement, open space, or vegetation between the activity and the river.
11. Sensitive fish and wildlife habitat, as identified by the Oregon Department of Fish and Wildlife, shall be protected. This shall include but not be limited to fish spawning sites, fresh water marshes, great blue heron, osprey, and eagle nest trees and an adjacent zone of trees around these nest trees.¹⁸
12. The natural vegetative fringe along the river shall, to the maximum extent practicable, be maintained for the purposes of assuring scenic quality, protecting fish and wildlife, protecting the bank from erosion, and screening uses from the river.
13. Scenic qualities and viewpoints shall be preserved.
14. The partial harvest of timber shall be permitted beyond the vegetative fringes in areas not covered by a scenic easement when the harvest is consistent with an approved

plan under the Forest Practices Act, or, if not covered by the Forest Practices Act, then with an approved plan under the Greenway compatibility review provisions. The plan shall insure that the natural scenic qualities of the Greenway will be maintained to the greatest extent practicable, or restored within a brief period of time.

15. The quality of air, water, and land resources in and adjacent to the Greenway shall be preserved in the development, change, or intensification of use of land within the Greenway.¹⁹
16. Extraction of aggregate deposits shall be conducted in a manner designed to encourage multiple use. Extraction shall minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, and safety. Necessary reclamation shall be guaranteed.
17. The development of areas acquired for public use shall be reviewed by the County through public hearings to determine compatibility with other activities along the river.
18. Bowers Rocks State Park land within the Greenway shall be designated on the Linn County Comprehensive Plan; however, development of this park is not supported. This area shall be zoned exclusive farm use.²⁰
19. Stream bank stabilization as recommended by the U.S. Army Corps of Engineers shall be considered a high priority need for Linn County and shall include the use of rip-rap,

- gravel bar removal, and dredging as appropriate means.²¹
20. Willamette River Greenway boundaries shall be shown on county zoning maps and referred to in the zoning ordinance and the subdivision ordinance.
 21. Implementation measures for managing uses within the Greenway shall include provisions for the use management considerations and requirements, set forth in Section C, paragraph 3 of Goal #15 of the L.C.D.C. Statewide Planning Goals and Guidelines.²²
 22. Implementation measures for managing uses within the Greenway shall include zoning for exclusive farm use, flood plains, and open space.
 23. A County Greenway compatibility review process (as outlined in Goal #15) shall be developed to review any proposed development, change, or intensification of use within the Greenway boundary.²³
 24. The Greenway boundary in Linn County shall be subject to review and possible revision at the time the County Comprehensive Plan is review and updated.

CRITERIA AND PROCEDURES FOR GREENWAY DEVELOPMENT PERMITS

ORDINANCE NO. _____ 24

THE LINN COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

CHAPTER I. The following is to be adopted in the Linn County
Zone Code No. _____ 25

SECTION 1. PURPOSE AND INTENT. The purpose of the Greenway
Mangement (GM) Overlay Zone is to:

- A. Protect the natural, *agricultural*, recreational, scenic and *economic* qualities of lands along the Willamette River in Linn County;
- B. *Consider the* preservation, restoration, *or enhancement* of historical sites, structures and facilities *and areas of archeological, ecological, or scientific significance* along the Willamette River;
- C. Establish standards and requirements for the use of lands within the Willamette River Greenway in Linn County;
- D. Provide for the review of any intensification of use, change of use, of development on properties located within the Willamette River Greenway in Linn County;
- E. Implement the goals and policies of the Linn County Comprehensive Plan of 1980; and
- F. Implement the goals and policies of the State of Oregon's Willamette River Greenway Program,

SECTION 2. DEFINITIONS.

A. CHANGE OF USE shall mean making a different use of the land or water other than that which existed on December 6, 1975. *Change of use shall include* a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. *Change of use shall not include the modification or expansion of a preexisting* building or other structure which does not substantially alter or affect the land or water upon which *such edifice* is situated, or the completion of a structure for which a valid permit has been issued as of December 6, 1975 and under which permit substantial construction has been undertaken by July 1, 1976, or the sale of property. An existing open storage area shall be considered to be the same as a building.

Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for the purpose of this *Ordinance*.

B. INTENSIFICATION shall mean additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure

not excluded below is an intensification when it will substantially alter the appearance of the structure. Intensification shall not include the completion of a structure for which a valid permit was issued as of December 6, 1975 and under which permit substantial construction has been undertaken by July 1, 1976. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment *of a single family residence*. Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this Goal. Seasonal increases in gravel operations shall not be considered an intensification of use.

- C. WATER-DEPENDENT: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production or source of water.

- D. WATER-RELATED: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.
- E. HOUSEBOATS AND HOUSEBOAT MOORAGES: Houseboats shall mean any floating structure designed as a dwelling for occupancy by one family and having only one cooking facility. Houseboat moorage shall mean the provision of facilities for two or more houseboats.
- F. NATURAL VEGETATIVE FRINGE: *The naturally vegetated area that provides a transition between the water of a river and the most landward edge of this naturally vegetated area.*²⁶
- G. ORDINARY HIGH WATER LINE: *The level to which waters ordinarily annually rise usually represented by the line of permanent vegetation. In areas without vegetation, this line may be determined with nearby permanent vegetation either upstream or downstream or by the location of a*

high bank extending out of the floodplain.

SECTION 3. APPLICATION OF THE OVERLAY ZONE.

- A. The provisions of the Chapter shall apply to all lands within the Willamette River Greenway Boundary of Linn County as shown on the official County zoning maps. The boundary is shown in detail on aerial photo maps on file with the Linn County Planning Department. Interpretation of the exact location of the boundary shall be made by the Planning Director from these photo maps.
- B. The provisions of this Chapter shall apply to lands within the Willamette River Greenway Boundary of Linn County in addition to any standards and requirements of the Floodplain Overlay Zone that may apply to such lands.²⁷
- Nothing in this Chapter shall be construed to constitute a waiver or suspension of the provisions of any primary zone or Floodplain Overlay Zone within the Willamette River Greenway. In the case of any conflict between the provisions of this Chapter and the provisions of any other chapter of this Ordinance, the more restrictive provisions shall apply.

SECTION 4. USES. All activities, uses of land and site development requirements set forth in underlying specific zone districts within the Greenway Management Overlay Zone and houseboats and houseboat moorages shall be permitted subject to obtaining a Greenway development permit for

all proposed development, change, or intensification of use of land or water except for the following which need not have a Greenway permit.

- A. Customary dredging and channel maintenance conducted under permit from the State of Oregon;
- B. Seasonal increases in gravel operations as provided under permit from the State of Oregon;
- C. The placing by a public agency of signs, markers, aids, etc. to serve the public;
- D. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses of public lands, except that a substantial increase in the level of development of existing public recreational, scenic, historical or natural uses on public lands shall require review as provided by this Chapter;
- E. Erosion control operations not requiring a permit from the Division of State Lands;
- F. Farm uses;
- G. Reasonable emergency procedures necessary for the safety or protection of property;
- H. Maintenance and repair usual and necessary for the continuance of an existing use;
- I. Landscaping, construction of driveways, repair or maintenance of existing structures, and the construction or

placement of accessory structures other than guest houses, provided that such activities are conducted in conjunction with uses already existing on the same property and that they are accomplished in a manner compatible with the purpose of this Chapter;

- J. The propagation of timber or the cutting of timber which is done for public safety or personal non-commercial use or which does not require a permit in accordance with the Forest Practices Act;²⁸
- K. Water intakes and utilities in conjunction with an agricultural use and single family residences;
- L. Private docks and warfs not more than two feet above water level, less than 100 square feet in area, not located on the main channel, not including any plumbing or electrical services and not more than one such facility per property ownership; and
- M. *On scenic easements acquired under ORS 390.332 (2) (a) the maintenance authorized the the statute and ORS 390.368.*²⁹

SECTION 5. GREENWAY DEVELOPMENT PERMIT. Except as provided in Section 4 of this Ordinance, a Greenway Development Permit shall be obtained before any development, change of use or intensification commences within the Willamette River Greenway Boundary.

A Greenway Development Permit may be obtained by making application with the Linn County Planning Department on forms supplied by that office. Information contained in the application and supplied by the applicant shall include but not be limited to:

- A. Plot Plan showing the following:
 - 1. The area of the proposed use or activity;
 - 2. The proximity of the activity to the Willamette River at low and high water level and the location of the top of the terrace bank;
 - 3. The location of any existing vegetative fringe along the river bank or other significant vegetation.
- B. Statements, drawings, or photos of the proposed external appearance of proposed activity as viewed from the river;
- C. Statements demonstrating compliance with the provisions of this Chapter;
- D. Any additional information determined by the Director to be necessary to demonstrate compliance with this Chapter.

SECTION 6. PERMIT REVIEW. The Linn County Planning Director is hereby appointed to administer and implement this Chapter by granting or denying Greenway Development permit applications in accordance with its provisions. The procedure for review of permit applications shall be by the administra-

tive review process as defined in Chapter _____
of this Ordinance.³⁰

The Director shall review Greenway development permits to determine that the requirements of this Ordinance have been met. The Director may impose conditions, restrictions or limitations upon a permit in order to accomplish the provisions of this Ordinance.

SECTION 7. NOTIFICATION.

- A. In addition to the notification requirements of this Ordinance, written notice including the Greenway development permit application will be sent immediately to the Oregon Department of Transportation and to all property owners within 250 feet of the subject property. Notice to the Department of Transportation will be sent by certified mail - return receipt requested. The Director shall allow ten (10) days from the date of mailing to respond before a decision is made.
- B. Any of the affected agencies, property owners or Planning Director may, during the ten day notice period, request a public hearing. If a written request for a hearing is received by the Director, the Director shall schedule a public hearing before the Linn County Planning Commission which shall *consider the application at a public hearing in the manner prescribed in the Appeals section of the Linn County Zoning Ordinance, and shall make a deter-*

mination as to approval or denial of the application.

- C. Notice of the Planning Director's decision shall be mailed to the Department of Transportation.

SECTION 8. USE MANAGEMENT CONSIDERATIONS AND CRITERIA. In reviewing an application for a Greenway Development permit, compliance with the following considerations and criteria shall be determined.

- A. Agricultural lands shall be preserved and maintained for farm use.
- B. *Sensitive fish and wildlife habitats as identified by the Oregon Department of Fish and Wildlife and the Linn County Greenway Background Report shall be protected. This shall include but not be limited to fish spawning sites, fresh water marshes, and great blue heron, osprey, and eagle nest trees and an adjacent area of trees around these nest trees.*
- C. Significant natural and scenic areas, viewpoints and vistas shall be preserved.
- D. The natural vegetative fringe along the river shall be maintained to the maximum extent practicable in order to assure scenic quality, protection of *fish and wildlife* habitat, protection from erosion, and screening of uses from the river.

- E. The commercial harvesting of timber shall be *permitted beyond the vegetative fringes in areas not covered by a scenic easement, and shall be done* in a manner which will insure that the natural scenic qualities of the Greenway will be maintained or will be restored *within a brief period of time.*
- F. Areas of ecological, scientific, historical, or archeological significance shall be *considered* for protection, preservation, restoration, or enhancement.
- G. The quality of the air, water, and land resources in and adjacent to the Greenway shall be protected in the development, change of use or intensification of use of land within the Greenway Management Zone.
- H. Areas of annual flooding, flood plains as identified by the U.S. Army Corps of Engineers, and wetlands shall be preserved in their natural state to the maximum extent possible to protect *water related functions of the natural landscape.*
- I. Areas considered for development, change or intensification of use which have erosion potential shall be protected from loss by appropriate means which are compatible with the provisions of the Greenway Management Zone.
- J. Extraction of aggregate deposits shall be conducted in a manner designed to *encourage multiple use.* Extraction

shall minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety. Necessary reclamation *shall be guaranteed.*

- K. The proposed development, change or intensification of use is compatible with existing uses on the site and the surrounding area.
- L. Any public recreational use or facility shall not substantially interfere with the established uses on *adjacent* property.
- M. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.
- N. Public access to and along the river shall be considered in conjunction with subdivision, commercial and industrial development and public lands acquisition where appropriate. This access should be located and designed to minimize trespass and other adverse affects on adjoining property.
- O. *A minimum building setback line of 100 feet from the ordinary high water line of the Willamette River shall be established except for non-residential farm use structures and except for buildings and structures in conjunction with a water-related or a water-dependent use.*

- P. Development, *change, or intensification of use* shall be directed away from the river to the greatest possible extent.
- Q. Development, change or intensification of use shall provide the maximum possible landscaped area, *aesthetic enhancement*, open space, or vegetation between the activity and the river.
- R. Private docks, wharfs, and covered storage shall be limited to one per property ownership, shall not extend more than ten (10) feet above water level, and shall be limited to 300 square feet of gross area. Walkways to the dock, wharf or covered storage shall be not more than five (5) feet wide. When approving covered storage Criteria a, b, c, e and f in 'S' below shall be considered.
- S. Houseboats and houseboat moorages shall satisfy the following *requirements and criteria for houseboat location*:
1. Criteria for houseboat location:
 - a. The water depth of mean low water should be five feet or more;
 - b. Siltation problems should not preclude the economic use of the waterway for moorages;
 - c. The area should be shielded from adverse wind patterns, large wave wash, icy conditions and other hazards;

- d. Adequate land area should be available to accommodate parking and other accessory building requirements;
- e. The proper operation and maintenance of dikes should not be affected by the moorage;
- f. The adjacent lands should not have significant recreational, ecological or wildlife habitat value;
- g. The moorage should not directly abut productive agricultural lands; and
- h. *The location shall be consistent with the non farm related dwelling criteria of ORS 215.213(3).*³¹

2. Density and development requirements:

- a. The maximum density of houseboats shall not exceed one for each property ownership.
- b. Two automobile spaces shall be provided for each houseboat.
- c. All ramps, walkways and moorage spaces shall be designed, constructed and maintained to provide maximum safety in all weather conditions.
- d. Lighting adequate to provide for the safety of residents and visitors shall be provided throughout a houseboat moorage.

SECTION 9. APPEAL. The Linn County Planning Commission shall hear and decide appeals of this *Article* in accordance with the *Article Section* _____ of this Ordinance when it is alleged there is an error in

any requirement, decision or determination made by the Planning Director in the enforcement or interpretation of this *Article*.³²

FOOTNOTES

- 1 The Background Studies will be printed along with the County Comprehensive Plan of 1980. Each will be available for public use at the Linn County Planning and Building Department, Linn County Courthouse, Albany, Oregon.
- 2 The Linn County Comprehensive Plan will be printed in 1980. It will be a statement of purpose and policy for land use and public facility decisions. The "Willamette River Greenway" will be part of its "Land Use Element."
- 3 Roger Ellingson, a planner for the State Parks and Recreation Branch of the Oregon Department of Transportation, recommended patterning the Linn County Greenway ordinance after the Marion County ordinance: Marion County Board of Commissioners, "Ordinance No. 555," Marion County Zone Code No. 516, (Salem, Oregon: Marion County, 1979).
- 4 The following 7 pages will appear essentially as they are in the Linn County Comprehensive Plan. Any changes will be those of the Linn County Planning Commission or Board of Commissioners.
- 5 Sherman Swanson, "Willamette River Greenway Background Report for Linn County," as yet unpublished, Background Studies for the Linn County Comprehensive Plan, (Albany, Oregon: Linn County Planning and Building Department, 1980), p. 8.

- 6 Ibid., p. 29.
- 7 When the County Zoning Ordinance is updated a Floodplain Overlay Zone will be added. The update is scheduled for the spring of 1980.
- 8 Legislative Counsel Committee of the Legislative Assembly of the State of Oregon, "Willamette River Greenway 390.310 to 390.368," Oregon Revised Statutes, (Salem, Oregon: State of Oregon, 1976), Vol. 3.
- 9 Oregon State Parks and Recreation Branch Department of Transportation, A Proposal for the Willamette River Greenway, four volumes (Salem, Oregon: State of Oregon, 1976).
- 10 Oregon Land Conservation and Development Commission, Statewide Planning Goals and Guidelines, (Salem, Oregon: State of Oregon, 1977), pp. 12-15.
- 11 The Zoning Section Maps are available for use at the front desk of the Linn County Planning and Building Department, Linn County Courthouse, Albany, Oregon.
- 12 The Linn County Land Use Plan Map will be printed along with the County Comprehensive Plan of 1980. It will be available at the Linn County Planning and Building Department, Linn County Courthouse, Albany, Oregon.

- 13 Linn County Board of Commissioners, "Article 26.5,"
Linn County Zoning Ordinance, (1978), Vol. 51, pp. 112-17.
- 14 Swanson, op. cit.
- 15 See the proposed ordinance beginning on page 10 of this paper.
- 16 These policies are recommended by the staff, especially by Sherman Swanson, of the Linn County Planning and Building Department. The substance of each was adopted by one or both of the Central Linn-Harrisburg and Albany Planning Area Planning Advisory Committees.
- 17 The two Planning Advisory Committees (P.A.C.s) are in disagreement over the use of the ordinary high or low water line. The staff recommends the use of the ordinary high water line because of its greater distinctness, and visibility in all seasons of the year.
- 18 There is disagreement over the inclusion of the phrase "as identified by the Oregon Department of Fish and Wildlife." The staff recommends including it because of the expertise of the Department of Fish and Wildlife. There is also disagreement over the term shall. The staff recommends shall, as opposed to should, because it follows the wording in Goal 15, the Willamette River Greenway Goal, of the L.C.D.C, Statewide Planning Goals and Guidelines.

- 19 There is disagreement over this policy. The staff recommends including it because it is consistent with the philosophy of the Greenway and should encourage continued agricultural use of Greenway land.
- 20 There is disagreement over the wording of this policy. The staff recommends this wording because it conforms to the wording in L.C.D.C. Goal 15, yet conveys the public objection to a park in this location.
- 21 This policy does not refer to any particular report or proposal and may be considered to relate to future reports or proposals.
- 22 Oregon Land Conservation and Development Commission, op. cit., p. 13.
- 23 Ibid., p. 14.
- 24 This ordinance is proposed for implementation of the Linn County Comprehensive Plan. After adoption the ordinance will be given a number.
- 25 This ordinance is proposed for adoption into the Linn County Zone Code. After adoption it will be given a number.

- 26 This definition was taken from the Yamhill County Commissioners, Ordinance No. 203, (McMinnville, Oregon: Yamhill County, 1979), p. 8.
- 27 A floodplain overlay zone will be added to the County Zoning Ordinance when it is updated in the spring of 1980.
- 28 Oregon State Department of Forestry, Field Guide to the Oregon Forest Practice Rules, Fifth Revision (Salem, Oregon: State of Oregon, 1978).
- 29 Legislative Counsel Committee, loc. cit.
- 30 The administrative review process will be defined when the Linn County Zoning Ordinance is updated in the spring of 1980.
- 31 Legislative Counsel Committee, op. cit., Oregon Revised Statutes 215.213 (3), Vol. 2.
- 32 The appeals process will be defined when the Linn County Zoning Ordinance is updated in the spring of 1980.