

## LIST OF FREQUENTLY USED PLANNING DEFINITIONS

1. **Comprehensive Plan.** An official document adopted by a local government in which are set forth the general, long-range policies regarding the future development of the community. Comprehensive plans are adopted by ordinance. The plan policies are mandatory and have the force and effect of law. Comprehensive plans must address the statewide planning goals and should deal with matters of local concern as well. Plans consist of policy statements and a comprehensive plan map.
2. **Conditional Use.** Uses that are permitted in a particular zone after review and approval by the local government. The list of conditional uses for each zone includes activities and land uses, such as schools, parks and utility facilities, which normally require special restrictions to assure compatibility with nearby land uses.
3. **Conflict of Interest.** A situation in which personal bias or the prospect of personal gain prevents a member of a public body from carrying out the purposes of that body in a fair and objective fashion. Oregon law contains special conflict of interest requirements for planning commissions.
4. **Criteria.** Standards or policies on which a judgment or decision regarding a permit application may be based.
5. **Easement.** A right to use, for a specified purpose, a particular piece of land owned by another. For example, a parcel that does not have road frontage may gain access through an easement that allows construction of a driveway across the intervening land. the most common forms of easements are for access and for utilities.
6. **Ex Parte.** The expression “ex parte” refers to private meetings or discussions between a member of a reviewing body (such as a planning commission) and a person who has some interest in a case to be heard by that body. Ex parte contacts may create legal problems because they may cause the official to be unduly or unfairly influenced by a special interest in the case.
7. **Findings.** A statement of the criteria, facts, and conclusions used in making a decision. Oregon law requires that many land use decisions be supported by findings. Findings include (1) a statement of the criteria and standards applied in making the decision; (2) a description of the facts relied on; and (3) an explanation of the “justification” for the decision based on the criteria and facts set forth.
8. **Goals.** (1) Mandatory statewide planning standards adopted by the Land Conservation and Development Commission (LCDC). (2) The broadest statement of a community’s aims contained in the comprehensive plan.

9. **Hearing.** A public meeting at which a board, council or commission hears testimony from various parties, reviews information submitted to it, and makes a decision.

Hearings will include (1) some type of advance notice - mail, newspaper, etc.; (2) hearing, deliberation and decision which are open to the public; (3) hearing procedure which is informal; (4) everyone has the opportunity to speak or provide written evidence; and (5) an official record of the meeting is maintained.

10. **Land Conservation and Development Commission (LCDC).** a 7 member board established by Senate Bill 100 in 1973 to develop and administers Oregon's statewide planning goals. LCDC members are lay persons appointed by the governor and confirmed by the senate. LCDC adopts the statewide planning goals and administrative rules; reviews and acknowledges the local comprehensive plans, both initially and at periodic intervals thereafter; and reviews and certifies state agency programs related to land use.

11. **Minimum Lot Size.** The smallest area permitted by ordinance for any new lot or parcel in a particular zone.

12. **Nonconforming Use.** Any land use or structure that does not comply with the zoning regulations that apply to it. It would encompass both a structure built before the enactment of the regulation that made it nonconforming and a prohibited structure built after the regulation's enactment. The former would usually be considered legal as land use regulations are not retroactive. The latter would be illegal having been constructed in spite of the regulations that prohibit it.

13. **Notice.** Information about a land use decision or about a hearing to be held in order to make a land use decision. Notices for hearings are provided through several or all of the following: (1) notice posted on the property; (2) notice of hearing inserted in the legal ads of a newspaper; (3) notice by mail to the owners of property near the subject property; and (4) posting of announcements in the city hall or other public building (or through use of the public access channel on cable TV).

14. **Open-Meeting Law.** An Oregon statute that requires the decisions of public bodies, including city councils and planning commissions, to be made in meetings open to the public. Advance notice of such meetings must be provided. The statute provides that special sessions must be announced at least 24 hours in advance. It also provided for executive sessions that may be closed to the public when they deal with certain topics (labor negotiations, personnel matters, etc.).

15. **Partition.** (1) To divide a unit of land into two or three parcels within a period of one year, usually a calendar year. (2) An area or tract of land that has been partitioned.

**Major partition.** A partition that includes the creation of a road or street.

**Minor Partition.** A partition that does not include the creation of a road or street.

16. **Periodic Review.** The regular review on a periodic basis (usually a number of years) by the Department of Land Conservation and Development of acknowledged local comprehensive plans and land use ordinances. This also involves review and amendment of local plans and ordinance by the city or county on a periodic basis.

17. **Permitted Use.** A land use that is permitted outright in a particular zone. A use allowed to be built or used without special permits or conditions.

18. **Planning Commission.** A group of lay persons appointed by the governing body of a city or county to advise it in matters pertaining to comprehensive planning. The planning commission recommends to the governing body how the comprehensive plan and implementing measures are to be developed. It also may take action on specific land use decisions such as variances, conditional uses, subdivisions, partitions, and zone amendments.

19. **Plat.** A map of a subdivision or partition. The plat shows the location of all public rights of way and easements; the dimensions of lots; and other items as required by the local subdivision ordinance.

20. **Policy.** A statement in a comprehensive plan that expresses clearly what an agency or individual is required to do.

21. **Quasi-judicial action.** A legal action that involves the application of general policies or laws to specific persons or properties. A request for a variance, a conditional use permit, or a rezoning of one small parcel would be regarded as quasi-judicial. Quasi-judicial actions require procedures related to notice of hearing, hearing procedure, findings of fact, ex parte contact, and record made of the hearing.

22. **Right-of-Way.** The strip of publicly owned land on which a city street is built is a right-of-way. Such a strip usually is wider than the actual street surface in order to leave an area for sidewalks and curbs, utility structures such as sewer lines and power poles, and to provide for expansion of the roadway.

23. **Setback.** The placement of a building a specified distance away from a road, property line, other structure, or a river, lake or stream.

24. **Statute.** A law made by the state legislature. Statutory law is to be distinguished from case law, which derives from the judgment of the courts. Oregon's statutory laws, revised and codified, are known as the Oregon Revised Statutes (ORS).

25. **Subdivision.** (1) The act of dividing land into separate lots for future sale and development. (2) A tract of land that has been so divided. Subdivisions involve the division of land into four or more parcels within a year. The subdivision plan is reviewed by the planning commission to see that it meets the subdivision ordinance standards for

lot size and shape, street layout, and the design and installation of improvements such as water and sewer lines. If the local government approves the tentative plan, the subdivider then proceeds with surveying the property and preparing the final plat. The final plat is a map that shows the precise locations and dimensions of all lots, blocks, streets, and easements.

26. **Urban Growth Boundary (UGB).** The boundary line separating the city and urbanizable area surrounding the city from rural areas. It indicates the outermost limit of a city's planned expansion. The UGB is a part of the comprehensive plan. It must be adopted by the city it surrounds and by the county in which it is located. The UGB may be amended as a comprehensive plan amendment which requires city and county agreement.

27. **Variance.** A quasi-judicial decision to lessen or otherwise modify the requirements of a land use ordinance - for instance, allowing a home to be built 3 feet from a side lot line when the ordinance requirement is 10 feet. Variances for uses are generally illegal. Most variances apply to dimensional standards such as lot size, building height, or setback.

28. **Zone.** A district of a city or county in which certain land uses are permitted. Most city zoning ordinances contain residential, commercial, and industrial zones.

29. **Zoning Ordinance.** An ordinance enacted by a city or county which creates various use zones and which requires within each zone the uses which are permitted and the dimensional standards (i.e. lot size, density, setback, building height, parking, etc.) which apply to these uses;

These definitions are derived from "Land Use Planning in Oregon", by Mitch Rohse, Oregon State University Press, 1987.