

## 33.840 Greenway Goal Exception

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## Commentary

This is a new section in the 33.800 chapter. It is code language that has been moved from 33.440. The text is not underlined for ease of readability except for one proposed addition.

### **33.840 Greenway Goal Exception**

Statewide Planning Goal 15 requires that development be separated from the river. In order to meet this requirement the City of Portland implements a setback requirement within the greenway boundary that requires that development that is non-river-dependent and non-river-related, and not the greenway trail, to be set back a certain distance from the top of bank. In the South Waterfront subdistrict, the setback is 100 feet. Staff's proposal requires a 50 foot river setback as measured from the top of bank in certain areas of the Central Reach. The area outside of Map 475-1 boundary and South Waterfront have a 25 foot greenway setback requirement.

A greenway goal exception is currently required in situations where an applicant proposes to place development that is not river-dependent or river-related within or riverward of the greenway/river setback. Staff proposes moving this procedural code section from 33.440.360, *Greenway Overlay Zones*, into Chapter 800, where the standards for other land use reviews are located. One reference/clarification is provided to this existing code section.

### **33.840.010 Purpose**

Statewide Planning Goal 15 requires that structures be set back from the river to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette River Greenway. This requirement is carried out by a setback standards in the Greenway and River overlay zones that limits development within or riverward of the setback to development that is river-dependent or river-related. A Greenway Goal Exception is required to establish development that is not river-dependent or river-related within or riverward of the setback. The regulations in this chapter describe the review procedure and approval criteria for a Greenway Goal Exception.

### **33.840.020 When A Greenway Goal Exception is Required**

Approval of an exception to Statewide Planning Goal 15 - Willamette Greenway, is required to locate a development or right-of-way that is not river-dependent or river-related within or riverward of the greenway or river setback. A greenway goal exception is not required to add revetments to a riverbank.

### **33.840.040 Procedure**

A greenway goal exception is processed through a Type III procedure, and must be approved by City Council. See also 33.850, Statewide Planning Goal Exceptions.

### **33.840.200 Approval Criteria**

Requests for a greenway goal exception will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A. The proposed use is allowed in the base zone by right, with limitations, or as a conditional use;
- B. The proposal will not have a significant adverse effect on identified natural resources and functional values of the site or on abutting sites or water areas;
- C. The proposal will not significantly reduce lands available for river-dependent or river-related uses within the City;
- D. The proposal will provide a significant public benefit;
- E. The intensification of existing uses or change in use must be limited, to the greatest possible degree, so that such lands will remain compatible with the preservation of the natural, scenic, historical, and recreational qualities of such lands;
- F. The proposal cannot reasonably be accommodated in a location that does not require a goal exception;
- G. Of all other potential locations within the greenway that require a goal exception, there are none with significantly better long-term environmental, economic, social, and energy consequences after mitigation measures;
- H. The proposal is compatible with other adjacent uses, or will be so rendered through measures designed to reduce adverse impacts; and
- I. Development and fills riverward of the river setback must show that there are no practical on-site alternatives that achieve the same level of public benefit.