CHAPTER 33.440
GREENWAY OVERLAY ZONES

(Amended by: Ord. No. 171219, effective 7/1/97; Ord. No. 175837, effective 9/7/01; Ord. No. 176443, effective 5/30/02; Ord. No. 176784, effective 9/6/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177368, effective 5/17/03; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 182429, effective 1/16/09; Ord. No. 183534, effective 7/1/10)

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General

33.440.010 Purpose

The Greenway regulations are intended to:

- Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers;
- Establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway;
- Increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems, and helping to create a pleasant, aesthetically pleasing urban environment; and
- Implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368; and
- Implement the water quality performance standards of Metro's Title 3, which are intended to protect and improve water quality to support designated beneficial water

uses, and to protect the functional values of the water quality resource area which include: providing a vegetated corridor to separate protected water features from development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features.

33.440.030 Greenway Overlay Zones

A. Purpose. The purpose of the greenway overlay zones is to implement the land use pattern identified in the Willamette Greenway Plan and the water quality requirements of Metro Code 3.07.340.B (Title 3). There are five greenway overlay zones, each with its own focus and purpose. The purpose of each of the overlay zones is stated below.

1. River Natural. The River Natural zone protects, conserves, and enhances land of scenic quality or of significant importance as wildlife habitat.

2. River Recreational. The River Recreational zone encourages river-dependent and river-related recreational uses which provide a variety of types of public access to and along the river, and which enhance the river's natural and scenic qualities.

3. River General. The River General zone allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the waterfront, and which enhance the river's natural and scenic qualities.

4. River Industrial. The River Industrial zone encourages and promotes the development of river-dependent and river-related industries which strengthen the economic viability of Portland as a marine shipping and industrial harbor, while preserving and enhancing the riparian habitat and providing public access where practical.

5. River Water Quality. The River Water Quality zone is designed to protect the functional values of water quality resources by limiting or mitigating the impact of development in the setback.

B. Where these regulations apply. The regulations of this chapter apply to all land and fills and structures in water within the Willamette Greenway Plan boundary designated on the Official Zoning Maps with River Natural, River Recreational, River General, River Industrial, or River Water Quality overlay zones except that the area within the interior of Ross and Hardtack Islands which is presently subject to the Ross Island Management Plan will not be subject to the regulations of this chapter during such time as the Ross Island Management Plan remains in effect. In addition, the public trail standards of Section 33.440.240 below apply to all lands designated on the Willamette Greenway Plan with the recreational trail symbol but which are outside of the greenway zones. However, the regulations of this chapter do not apply within the South Waterfront subdistrict of the Central City plan district. Sites in the South Waterfront subdistrict are instead subject to Section 33.510.253, Greenway Overlay Zone in South Waterfront Subdistrict.

C. Removal or remediation of hazardous substances. For projects limited to the removal or remediation of hazardous substances conducted under ORS 465.200 through 465.510 and 465.900, the regulations of this chapter apply only to the portion of the site located within the boundaries of the removal or remedial action areas, as delineated by the Department of Environmental Quality.

D. Map symbols. The greenway overlay zones are shown on the Official Zoning Maps with the following map symbols:

Overlay Zone	Map Symbol
River Natural	n
River Recreational	r
River General	g
River Industrial	i
River Water quality	q

33.440.050 Relationship to State and Federal Reviews

In addition to any City requirements, all development within or riverward of the greenway setback, including fills, must be approved by the Oregon Division of State Lands and the U.S. Army Corp of Engineers.

33.440.060 Sunset Provision

The River Water Quality Overlay Zone will be deleted from the Zoning Code when revised Willamette River Greenway regulations are adopted.

Use Regulations

33.440.100 Use-Related Restrictions

A. Generally. In most cases, the greenway zones do not restrict primary uses that are allowed in the base zones by right, with limitations, or as a conditional use. Exceptions to this are in the River Recreational, River Industrial, and River Water Quality zones. The restrictions on uses are stated in Subsection B. below. The location of development for an allowed use is regulated by the development standards below. **Any** changes to the land associated with the use are subject to greenway review unless exempted. See 33.440.310 and 33.440.320 below.

B. Use restrictions.

1. River Recreational zone. Primary uses in the River Recreational zone are limited to recreational uses which are river-dependent or river-related.

2. River Industrial zone. In the River Industrial zone, river-dependent and river-related primary uses are allowed by right on sites that front the river. Primary uses that are not river-dependent or river-related may be allowed on sites that front the river if they are approved through greenway review. They must comply with the approval criteria of 33.440.350.B. below. There are no special use restrictions on sites that do not have river frontage.

3. River Natural and River General zones. There are no special use restrictions in the River Natural and River General zones.

4. River Water Quality zone. In the River Water Quality zone, use restrictions apply only within the greenway setback. Primary uses that are river-dependent or river-related are allowed and do not need to comply with Section 33.440.345, Supplemental Application Requirements or the approval criteria of Subsection 33.440.350.G. Primary uses that are not river-dependent or river-related may be allowed if they are approved through greenway review. Existing uses that change to a non-river-dependent or non-river-related use are subject to greenway review.

Development Standards

33.440.200 Application of the Development Standards

Any changes to land or development within the greenway zones, including rights-of-way, are subject to the development standards of this chapter.

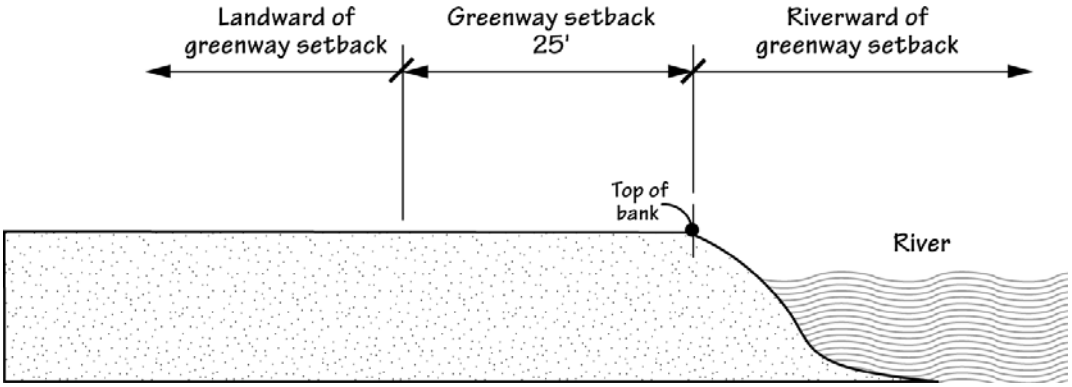
33.440.210 Development in the Greenway Setback

A. General. The requirements of this section focus on whether the development is **river-dependent** or **river-related**. The focus is not on the primary use of the land. For example, a marine freight terminal is a river-dependent primary use, but not all development associated with the terminal is river-dependent. The dock and loading cranes are river dependent, but the parking lot, storage areas, and corporate offices are not. Another example is a multi-dwelling complex. The residential units are not a river-dependent or river-related primary use. A boat dock for the residents is river-dependent, but parking and storage areas are not.

B. The setback areas.

1. Generally. The greenway setback extends from the top of the bank to a point 25 feet landward of the top of the bank, except in the River Water Quality overlay zone. See Figure 440-1.

Figure 440-1
Greenway Setback



2. River Water Quality overlay zone. The greenway setback in the River Water Quality zone extends from the top of the bank to a point 50 feet landward of the top of the bank for sites with less than 25 percent slope, or to a point 200 feet landward for sites with 25 percent or greater slope. See Figure 440-2 and Table 440-1.

3. Wetlands in the River Water Quality overlay zone. The greenway setback is 50 feet around the delineated edge of the wetland in addition to the setback from the top of the bank.

Figure 440-2
Greenway Setback in the River Water Quality Zone

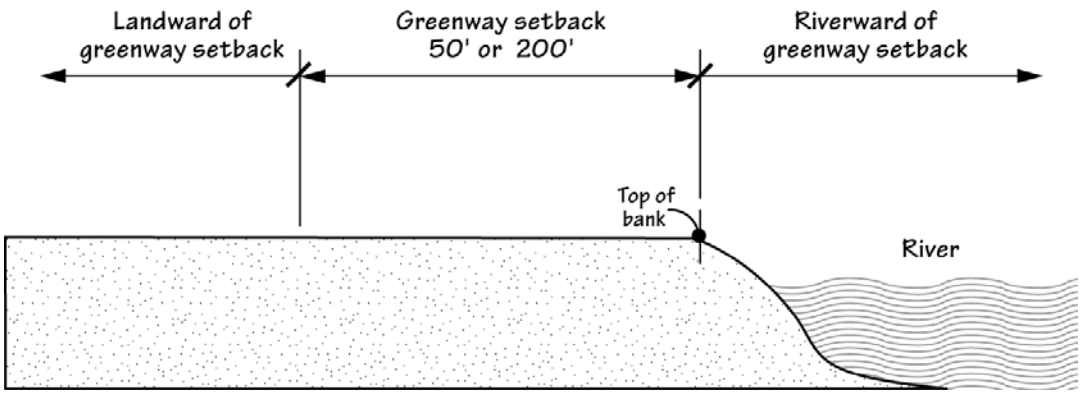


Table 440-1
Setbacks for River Water Quality Zone

Slope Landward of Top of Bank	Width of Vegetated Corridor [1]
< 25%	50 feet
≥ 25% for 150 feet or more [2]	200 feet

[1] To establish the width of the vegetated corridor, slope is measured in 25-foot increments landward of top of bank until slope is less than 25%
[2] Vegetated corridors in excess of 50 feet apply on steep slopes only in the *uphill* direction from the protected water feature.

C. Development regulations.

1. Development landward of the greenway setback. Development, exterior alterations, excavations, and fills landward of the greenway setback are not required to be river-dependent or river-related and are subject to greenway review, unless exempt under Section 33.440.320, Exemptions.

2. Development within the greenway setback. Development, exterior alterations, excavations, or fills within the greenway setback that are river-dependent or river-related may be allowed if approved through greenway review, unless exempt under Section 33.440.320, Exemptions. Development, exterior alterations, excavations, or fills that are not river-dependent or river-related require greenway review and a Greenway Goal Exception to locate in the greenway setback.

3. Development riverward of the greenway setback. Riverward of the greenway setback, development, exterior alterations, excavations, or fills that are river-dependent or river-related may be allowed if approved through greenway review, unless exempt under Section 33.440.320, Exemptions. Development, exterior alterations, excavations, or fills that are not river-dependent or river-related require greenway review and a Greenway Goal Exception to locate riverward of the greenway setback.

33.440.220 Floor Area Ratios
The maximum floor area ratio (FAR) is 2 to 1 for the first 200 feet inland measured from the ordinary high water line, except in any of the following situations:

A. The site is already subject to a more restrictive FAR;

B. The site is located in the Central City plan district, where the plan district FAR limits apply; or

C. The use is an industrial use in an IH or IG base zone.

33.440.230 Landscaping

A. **Required landscaping.** Landscaping must be provided to conserve or re-establish vegetative cover within or riverward of the greenway setback. The landscaping must comply with the standards specified below. This is in addition to any landscape requirements of other chapters of this Title. The greenway landscape requirements may be included in any overall percentage-of-site landscape requirements of the base zone. Landscaping is not required where it would significantly interfere with a river-dependent or river-related use or development, or where the Fire Marshal finds that it would pose a safety hazard.

B. **Landscaping standards.** Required greenway landscaping must comply with the standards stated below.

1. A minimum of one tree for every 20 feet of river frontage.

2. A minimum of one shrub for every two feet of river frontage. However, if the greenway trail is proposed to be wider than 12 feet, the shrub calculations will be based on a minimum of one shrub per 25 square feet of area within and riverward of the greenway setback that is not paved or reveted. Areas of high human use which provide public access to the river, such as a beach, are exempt from the shrub calculations.

3. Remaining areas which are not paved or reveted surfaces must have living ground cover.

4. All trees and shrubs are to be planted generally within and riverward of the greenway setback.

5. The standards are for calculation purposes only, and do not require or imply linear planting. Grouping of trees and shrubs is encouraged, particularly on the riverbank.

C. **Native plants.** All landscaping must comply with the native plant requirement of the Willamette Greenway Plan.

D. Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use. The regulations of this subsection apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the standards of this section, and the alterations are over the threshold of Paragraph D.1, below, the site must be brought into conformance with the development standards listed in Subsections A, B, and C, above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.

1. Thresholds triggering compliance. The standards of Subsections A, B, and C must be met when the value of the proposed alterations on the site, as determined by BDS, is more than $145,200. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.

2. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.

3. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, and C, above, are also included.

33.440.240 Public Recreational Trails

A. Purpose. Public recreational trails provide public access to and along both sides of the Willamette River. Public recreational trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

B. Public recreational trail requirements. All sites with a public recreational trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Public Recreational Trails, provide and install the official Greenway Trail signs as required by the Parks Bureau, and meet the trail design guidelines contained in the Willamette Greenway Plan.

C. Recreational trails in the River Natural and River Water Quality zones. Recreational trails must be designed to minimize disturbances on the natural environment of the River Natural and River Water Quality zoned lands.

33.440.250 Public Viewpoints

A. Purpose. Public viewpoints provide stopping places along the Greenway trail and the Willamette River where the public can view and enjoy the natural, scenic, recreational, and economic qualities of the Greenway. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

B. Viewpoint requirements. All sites designated with a viewpoint symbol on the Willamette Greenway Plan are required to provide a public viewpoint. The

viewpoint must meet the viewpoint design guidelines contained in the Willamette Greenway Plan. In addition, the viewpoint must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Public Recreational Trails. In order to qualify for the maintenance and liability provisions, the viewpoint must be located along the physically continuous trail segment.

33.440.260 View Corridors

A. **Purpose.** View corridors provide visual access and connections to the river for neighborhoods and business districts who might otherwise be visually cut-off from the river. View corridors are generally extensions of existing public rights-of-way through to the river. View corridors are one tool used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

B. **Provision of corridors.** All view corridors identified in the Willamette Greenway Plan must meet the view corridor design guidelines contained in the Willamette Greenway Plan.

33.440.270 Nonconforming Uses and Development

Nonconforming uses and development in the greenway zones are subject to the regulations and reviews of Chapter 33.258, Nonconforming Situations. The additional regulations stated below apply to development within or riverward of the greenway setback that is not river-dependent or river-related.

A. The development may continue.

B. The development may be changed to an allowed river-dependent or river-related development by right.

C. The development may be changed to another nonconforming development if within a building. If it is outdoors, it may not be changed to another nonconforming development.

D. The development may be expanded, but not within or riverward of the greenway setback.

Greenway Review

33.440.300 Purpose

Greenway review ensures that all proposed changes to a site are consistent with the Willamette Greenway Plan, the Willamette Greenway design guidelines and, where applicable, the water quality element of Title 3 of Metro's Urban Growth Management Functional Plan. The purpose of greenway review is to ensure that:

- Development will not have a detrimental impact on the use and functioning of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities and natural habitat of lands along the river;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;
- Practicable alternative development options are considered, including outside the River Water Quality zone setback; and

- Mitigation and enhancement activities are considered for development within the River Water Quality zone.

33.440.310 When Greenway Review Applies
Unless exempted in 33.440.320 below, the following items are subject to greenway review:

A. New development;

B. Exterior alterations to development, including the removal of trees and shrubs and the application of herbicides;

C. A change of use or development within or riverward of the greenway setback, where the use or development is no longer river-dependent or river-related;

D. Changes to the land and structures in the water, including excavations and fills, bridges, and docks;

E. The dedication or extension of rights-of-way and any new development or improvements in rights-of-way when within the River Natural zone or within or riverward of the greenway setback;

F. Non river-dependent or river-related primary uses in the River Industrial Zone; and

G. Non river-dependent or river-related primary uses in the River Water Quality Zone.

33.440.320 Exemptions from Greenway Review
Greenway review is not required for any of the situations listed below. The situations listed below are still subject to the Greenway development standards. The situations are:

A. As illustrated in Figure 440-3, alterations to development in the River Industrial zone that are outside of the areas listed below:

1. The greenway setback;

2. Riverward of the greenway setback;

3. Within 50 feet landward of the greenway setback; or

4. Within 50 feet of River Natural zoned land;

B. Alterations to development landward of the greenway setback when not in or within 50 feet of River Natural zoned land, that either do not require a building permit or are valued at less than $25,000;

C. Changes to the interior of a building where there are no exterior alterations;

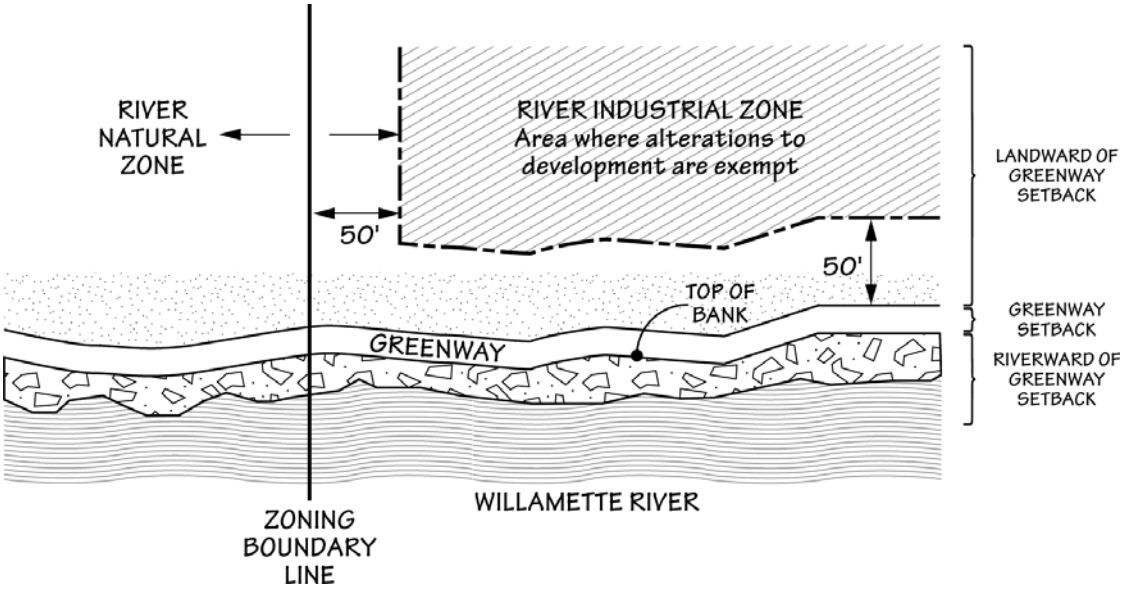
D. Development of or changes to the greenway trail or access paths provided that all development standards including the standards of Chapter 33.272, Public Recreational Trails, are met. Development of or changes in a viewpoint or view corridor, as indicated on Map 440-1, will require greenway review;

E. Activities allowed by the base zone which are usual and necessary for the use and enjoyment of an existing house, including the modification of existing accessory structures or facilities, and the construction of driveways;

F. Excavations and fills under 50 cubic yards;

G. The normal maintenance and repair necessary for an existing development;

Figure 440-3
Exemptions from Greenway Review



H. Dredging, channel maintenance, and the removal of gravel from rivers;

I. Emergency procedures necessary for the safety or protection of property. In the River Water Quality overlay zone setback, temporary emergency procedures for the safety or protection of property that result in permanent measures must meet the regulations of this chapter after the emergency has passed;

J. The placement of up to 4 single piles, or 2 multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use;

K. Signs; and

L. Removal of vegetation identified on the Nuisance Plants List.

33.440.330 Procedures
All development that does not require a Greenway Goal Exception is processed through the Type II procedure. All development that requires a Greenway Goal Exception is processed through a Type III procedure, and must be approved by City Council. See Section 33.440.360, Greenway Goal Exception and Chapter 33.850, Statewide Planning Goal Exceptions.

33.440.340 Notice to State Parks and Recreation Division.
BDS will forward a copy of all applications for greenway review to the Parks and Recreation Division of the Oregon Department of Transportation. The applications will be sent certified mail-return receipt requested. The notice of decision on all greenway reviews will also be forwarded to the Parks and Recreation Division.

33.440.345 Supplemental Application Requirements
In addition to the application requirements of Section 33.730.060, Application Requirements, the information below is required for Greenway review applications. River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from these Supplemental Application Requirements.

A. Supplemental site plans. One copy of each plan must be at a scale of at least one inch to 100 feet.

1. An existing conditions site plan, showing the following:

   a. Topography shown by contour lines at two foot vertical contours in areas of slope less than 10 percent and at five foot vertical contours in areas of slope ten percent or greater;

   b. The top of bank and the setback area;

   c. Distribution outline of shrubs and ground covers with a list of most abundant species;

   d. Trees identified by species, including the location of the drip line;

   e. Streams, wetlands, other water bodies, and drainage patterns, using arrows to indicate the direction of major drainage flow;

   f. Existing improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, and bridges;

   g. Areas of known soil or groundwater contamination, areas of uncontained hazardous materials, and underground storage tanks; and

   h. Stormwater management facilities.

2. A development proposal site plan including:

   a. A grading plan showing proposed alteration of the ground at two foot vertical contours in areas of slopes less than 10 percent and at five foot vertical contours in areas of slopes ten percent or greater;

   b. Proposed improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, bridges; stormwater facilities; and

c. Areas where existing topography and vegetation will be left undisturbed.

3. A construction management site plan including:

a. Areas that will be disturbed, including equipment maneuvering areas;

b. Location of site access and egress;

c. Equipment and material staging and stockpile areas;

d. Erosion control measures; and

e. A tree preservation plan that meets the standards of Section 33.248.065.

B. River Quality overlay zone. The following information is required for Greenway review applications for development, exterior alterations, excavations, and fills in the River Water Quality overlay zone setback:

1. A mitigation or remediation plan including:

a. Detailed plans or drawings describing any proposed mitigation or remediation activities;

b. Distribution outline, species composition, and percent of ground covered with ground cover plants, shrubs, and trees to be seeded or planted;

c. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;

d. Water bodies to be created, including depth; and

e. Planting specifications consistent with Section 33.248.090, Mitigation and Restoration Plantings.

2. Narrative. The following written narratives are required:

a. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular development. The alternatives must be evaluated on the basis of their impact on the functional values of the water quality resource area. The impact evaluation is based on the functional values identified in the Purpose Statement, Section 33.440.010. An impact evaluation includes:

(1) Identification, by characteristics and quantity, of the functional values found on the site;

(2) Evaluation of alternative locations including outside the River Water Quality overlay zone setback, design modification, or alternative methods of development to determine which options reduce the significant detrimental impacts on the functional values of the site; and

(3) Determination of the alternative that best meets the applicable approval criteria and identification of significant detrimental impacts that are unavoidable.

b. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining functional values at and near the construction site and a description of how undisturbed areas will be protected. For example, describe the timing of construction, how construction equipment will be controlled, and describe how trees will be protected in conformance with Section 33.248.065, and erosion controlled in conformance with Title 10, Erosion and Sediment Control Regulations.

c. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to counteract unavoidable significant detrimental impacts that result from the chosen development alternative as identified in the impact evaluation. A mitigation or remediation plan includes:

(1) A description and analysis of how significant detrimental impacts will be avoided, minimized, or mitigated, as follows:

- Significant detrimental impacts must be avoided where practicable;
- Where avoiding significant detrimental impacts is not practicable, the impact must be minimized, and the impacts mitigated. The mitigation must meet the following:
  - The mitigation must be on the construction site, and must enhance the same kind of resource.
  - If it is not practicable to mitigate impacts using the same kind of resource, a different kind of resource may be used.

(2) Functional values to be restored, created, or enhanced on the mitigation or remediation site

(3) Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;

(4) Construction timetables;

(5) Operations and maintenance practices;

(6) Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

33.440.350 Approval Criteria

The approval criteria for a greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with **all** of the approval criteria that apply to the site. A greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

A. For all greenway reviews. The Willamette Greenway design guidelines must be met for all greenway reviews.

B. River frontage lots in the River Industrial zone. In the River Industrial zone, uses that are not river-dependent or river-related may locate on river frontage lots when the site is found to be unsuitable for river-dependent or river-related uses. Considerations include such constraints as the size or dimensions of the site, distance or isolation from other river-dependent or river-related uses, and inadequate river access for river-dependent uses.

C. Development within the River Natural zone. The applicant must show that the proposed development, excavation, or fill within the River Natural zone will not have significant detrimental environmental impacts on the wildlife, wildlife habitat, and scenic qualities of the lands zoned River Natural. The criteria applies to the construction and long-range impacts of the proposal, and to any proposed mitigation measures. Excavations and fills are prohibited except in conjunction with approved development or for the purpose of wildlife habitat enhancement, riverbank enhancement, or mitigating significant riverbank erosion.

D. Development on land within 50 feet of the River Natural zone. The applicant must show that the proposed development or fill on land within 50 feet of the River Natural zone will not have a significant detrimental environmental impact on the land in the River Natural zone.

E. Development within the greenway setback. The applicant must show that the proposed development or fill within the greenway setback will not have a significant detrimental environmental impact on Rank I and II wildlife habitat areas on the riverbank. Habitat rankings are found in the *Lower Willamette River Wildlife Habitat Inventory*.

F. Development riverward of the greenway setback. The applicant must show that the proposed development or fill riverward of the greenway setback will comply with all of the following criteria:

1. The proposal will not result in the significant loss of biological productivity in the river;

2. The riverbank will be protected from wave and wake damage;

3. The proposal will not:

   a. Restrict boat access to adjacent properties;

   b. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;

   c. Interfere with fishing use of the river;

   d. Significantly add to recreational boating congestion; and

4. The request will not significantly interfere with beaches that are open to the public.

G. Development within the River Water Quality overlay zone setback. If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality overlay zone setback the approval criteria below must be met. River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from the approval criteria of this subsection.

1. Streets, right-of-way dedications, driveways, walkways, outfalls, and utilities. For streets, right-of-way dedications, driveways, walkways, outfalls, and utilities, the applicant's impact evaluation must demonstrate that all of the following are met:

   a. Proposed development or right-of-way (ROW) locations, designs, and construction methods have the least significant detrimental impact to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;

   b. The location, design, and construction method of any outfall or utility proposed within a River Water Quality overlay zone has the least significant detrimental impact to the functional values of the water quality resource area than other practicable alternatives including alternatives outside the River Water Quality overlay zone setback;

   c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts. Where a water body is crossed, the location, design, and construction method of that crossing has the least significant detrimental impact to the functioning of the water body and considering practicable alternatives;

   d. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;

   e. All significant detrimental impacts on functional values that cannot be avoided will be mitigated by meeting the requirements of Subsection 33.440.350.H; and

   f. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.

2. Public safety facilities. For public safety facilities, the applicant's impact evaluation must demonstrate that all of the following are met:

   a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;

   b. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;

   c. All significant detrimental impacts on functional values will be offset through a mitigation plan;

d. The mitigation plan meets the requirements of Subsection 33.440.350.H; and

e. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.

3. Resource enhancement projects. In the River Water Quality overlay zone setback, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:

a. There will be no significant detrimental impact on functional values;

b. There will be a significant improvement of at least one functional value; and

c. The project is generally consistent with the recommendations of any applicable City-adopted watershed restoration plans.

4. Public recreational facilities. Public recreational trails, rest points, view points, and interpretative facilities will be approved if the applicant's impact evaluation demonstrates that all of the following are met:

a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;

b. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts. Where a water body is crossed, the location, design, and construction method of that crossing has the least significant detrimental impact to the natural functioning of the water body, considering practicable alternatives;

c. The public benefits of the proposal outweigh all significant detrimental impacts;

d. Areas disturbed during construction that do not contain permanent development will be restored with native vegetation appropriate to the site conditions and found on the *Portland Plant List*;

e. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;

f. All significant detrimental impacts on functional values that cannot be avoided will be compensated for through a mitigation plan meeting the requirements of Subsection 33.440.350.H; and

g. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.

5. Other development, excavations, and fills in the River Water Quality overlay zone setback. Where development, exterior alterations, excavation, or fill is proposed in the River Water Quality overlay zone setback, the applicant's impact evaluation must demonstrate that all of the following are met:

a. Proposed development minimizes the loss of functional values, consistent with allowing those uses generally permitted or allowed in the greenway overlay zone without a land use review;

b. Proposed development locations, designs, and construction methods are less detrimental to the functional values of the water quality resource area that other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;

c. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed;

d. Areas disturbed during construction that do not contain permanent development will be restored with native vegetation appropriate to the site conditions and found in the *Portland Plant List*;

e. All significant detrimental impacts on functional values will be offset through mitigation;

f. The mitigation plan meets the requirements of Subsection 33.440.350.H;

g. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time; and

h. Where significant restoration or enhancement opportunities have been identified in City-adopted watershed restoration plans or where previous restoration projects have taken place, the proposed development will not preclude those restoration or enhancement opportunities or damage existing restoration projects.

H. Mitigation or remediation plans. Where a mitigation or remediation plan is required by the approval criteria of this chapter, the applicant's mitigation or remediation plan must demonstrate that the following are met:

1. Except when the purpose of the mitigation could be better provided elsewhere, mitigation will occur:

   a. On site and as close as practicable to the area of disturbance;

   b. Within the same watershed as the proposed use or development; and

   c. Within the Portland city limits.

2. The applicant owns the mitigation or remediation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation or remediation plan; or can demonstrate legal authority to acquire property through eminent domain;

3. The mitigation or remediation plan contains a construction timetable and a minimum 1 year monitoring and maintenance plan that demonstrates compliance with Subsection 33.248.090.E and includes the following elements:

   a. Identification of the responsible party or parties that will carry out the mitigation or remediation plan;

b. Identification of clear and objective performance benchmarks that will be used to judge the mitigation or remediation plan success; and

c. A contingency plan that indicates the actions to be taken in the event that performance benchmarks are not met.

33.440.360 Greenway Goal Exception

A. 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 setback. A greenway goal exception is not required to add revetments to a riverbank.

B. Approval criteria. Requests for greenway goal exceptions will be approved if the review body finds the applicant to have shown that all of the following approval criteria are met:

1. The proposed use is allowed in the base zone by right, with limitations, or as a conditional use;

2. The proposal will not have a significant adverse effect on the inventoried greenway values of the site or on abutting sites or water areas;

3. The proposal will not significantly reduce lands available for river-dependent or river-related uses within the City;

4. The proposal will provide a significant public benefit;

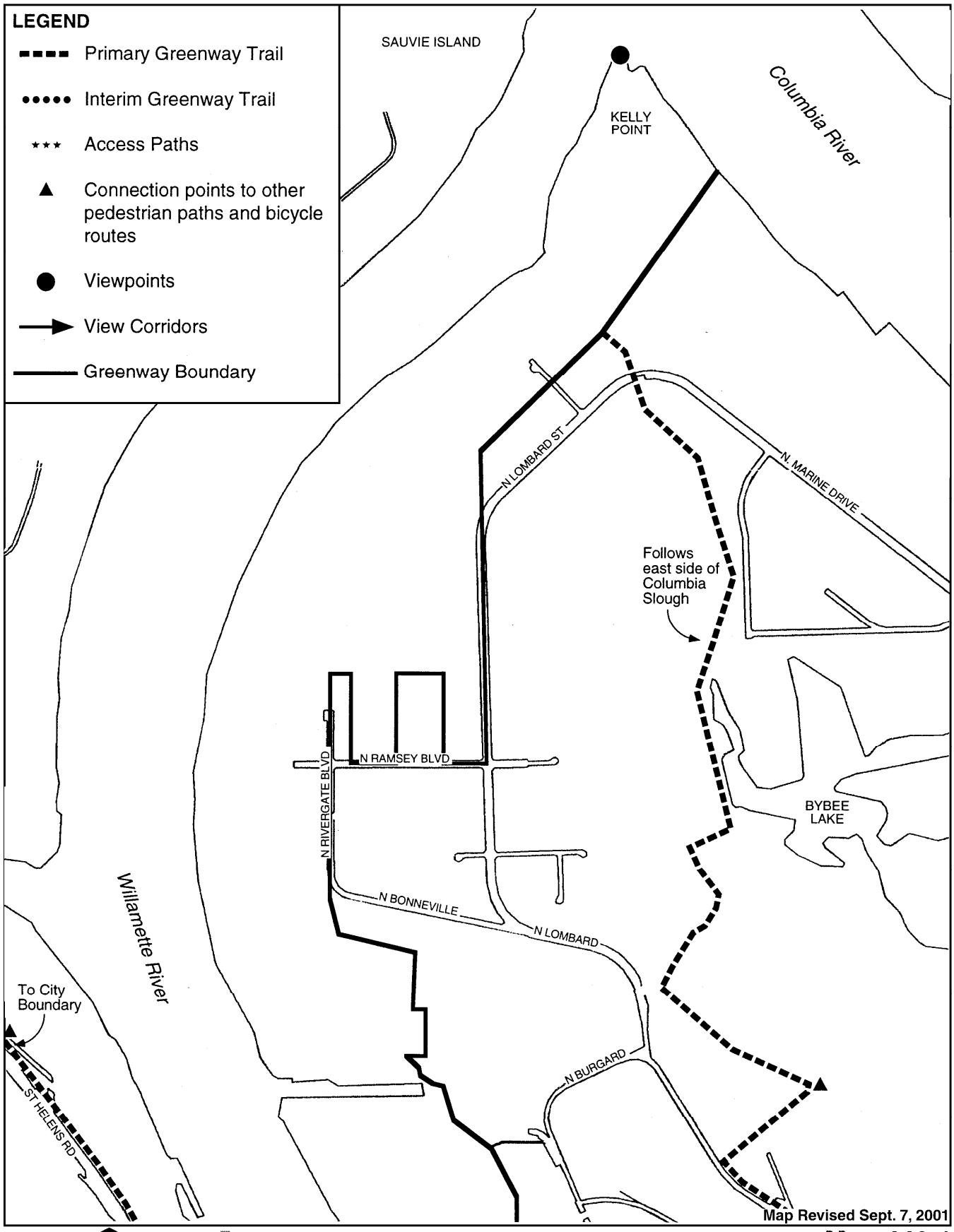
5. The intensification of existing uses or change in use must be limited, to the greatest possible degree, so that such lands will remain compatible with the preservation of the natural, scenic, historical, and recreational qualities of such lands;

6. The proposal cannot reasonably be accommodated in a location which does not require a goal exception;

7. 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;

8. The proposal is compatible with other adjacent uses, or will be so rendered through measures designed to reduce adverse impacts; and

9. Development and fills riverward of the greenway setback must show that there are no practical on-site alternatives which achieve the same level of public benefit.



NORTH

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Scale in Feet

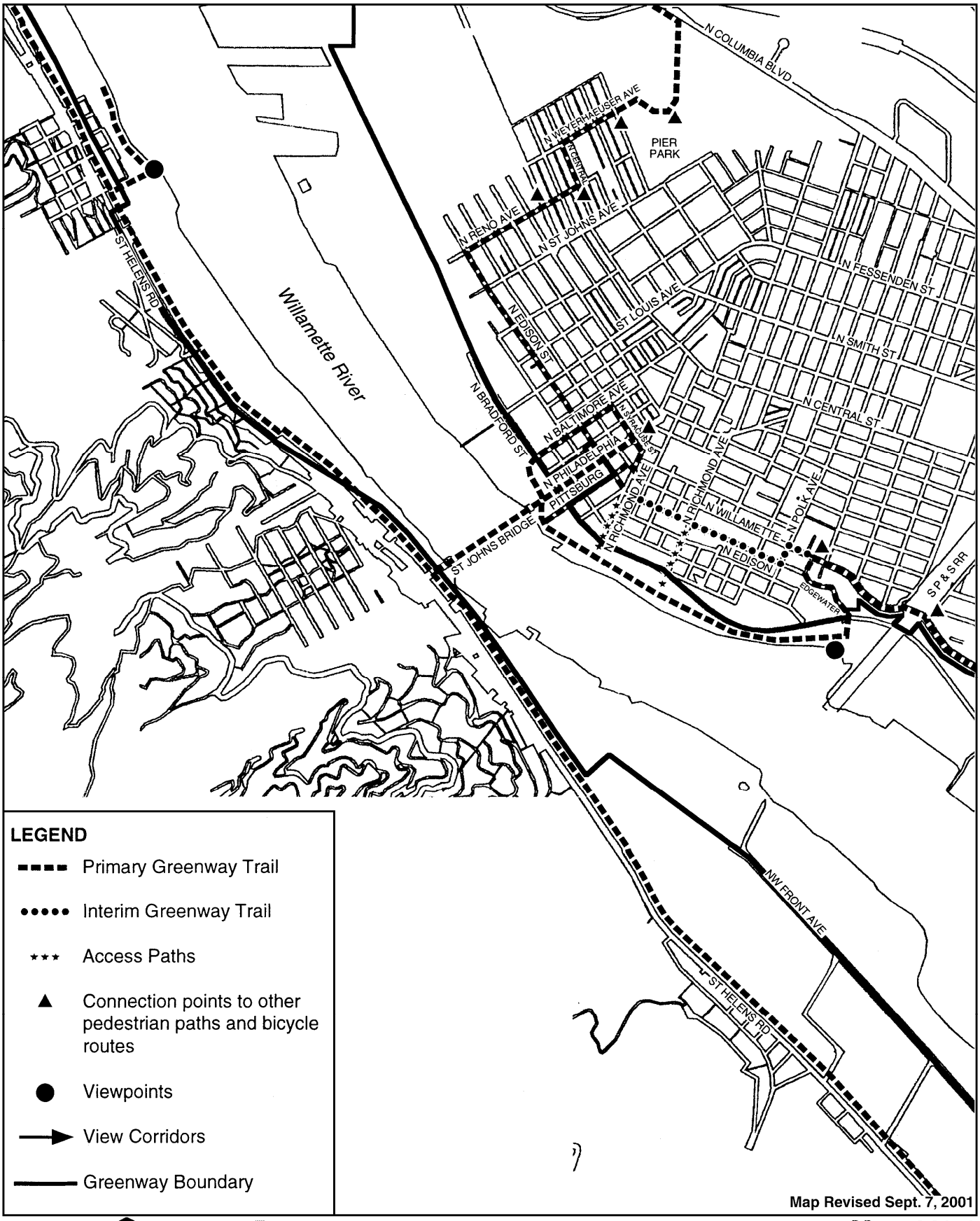
GTS/Graphics 6-18-97

Map 440-1

Willamette Greenway Public Access Map

Map 1 of 5

Bureau of Planning • City of Portland, Oregon



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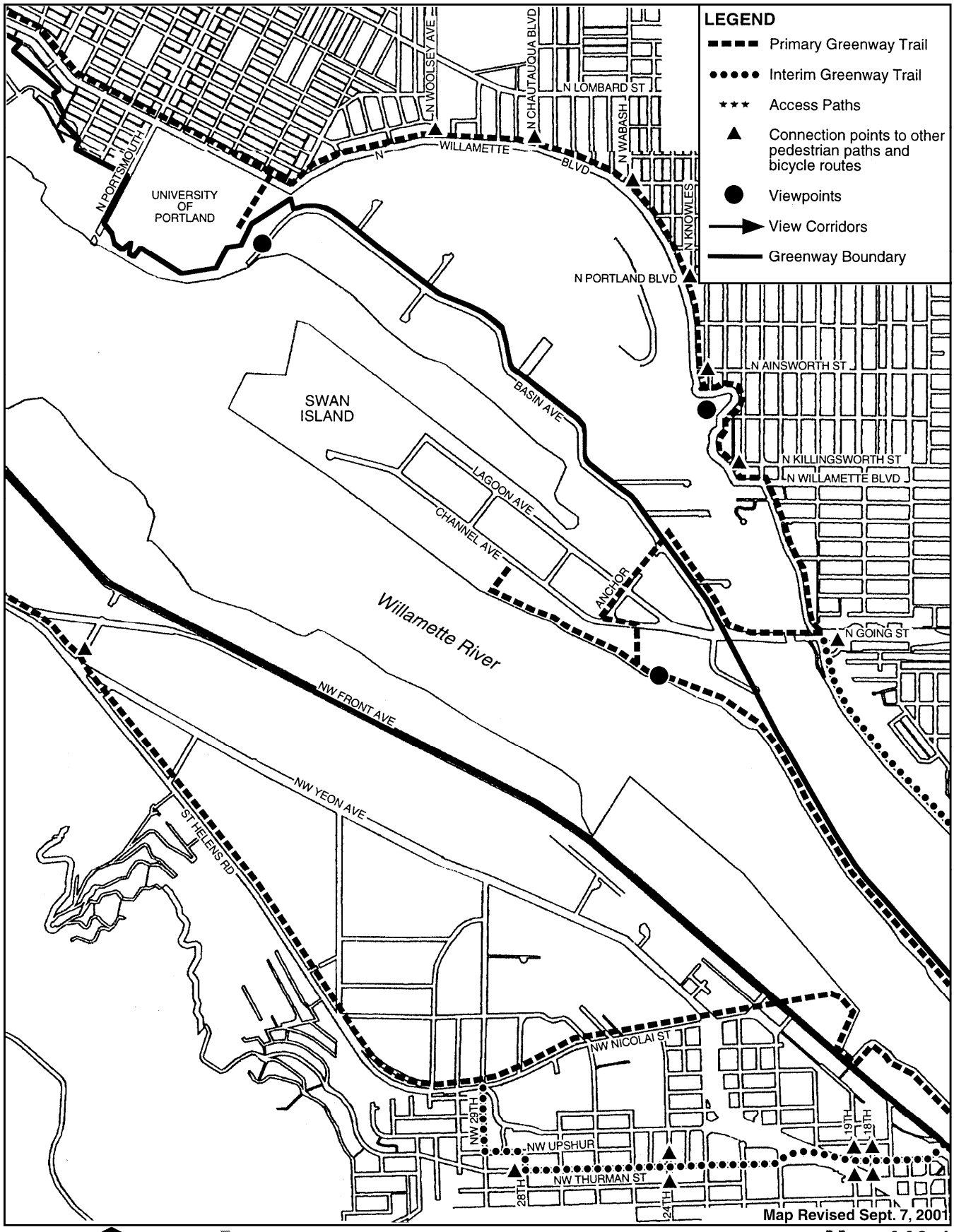
GTS/Graphics 6-18-97

Map 440-1

Willamette Greenway Public Access Map

Map 2 of 5

Bureau of Planning • City of Portland, Oregon



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Map 440-1

Willamette Greenway Public Access Map

Map 3 of 5

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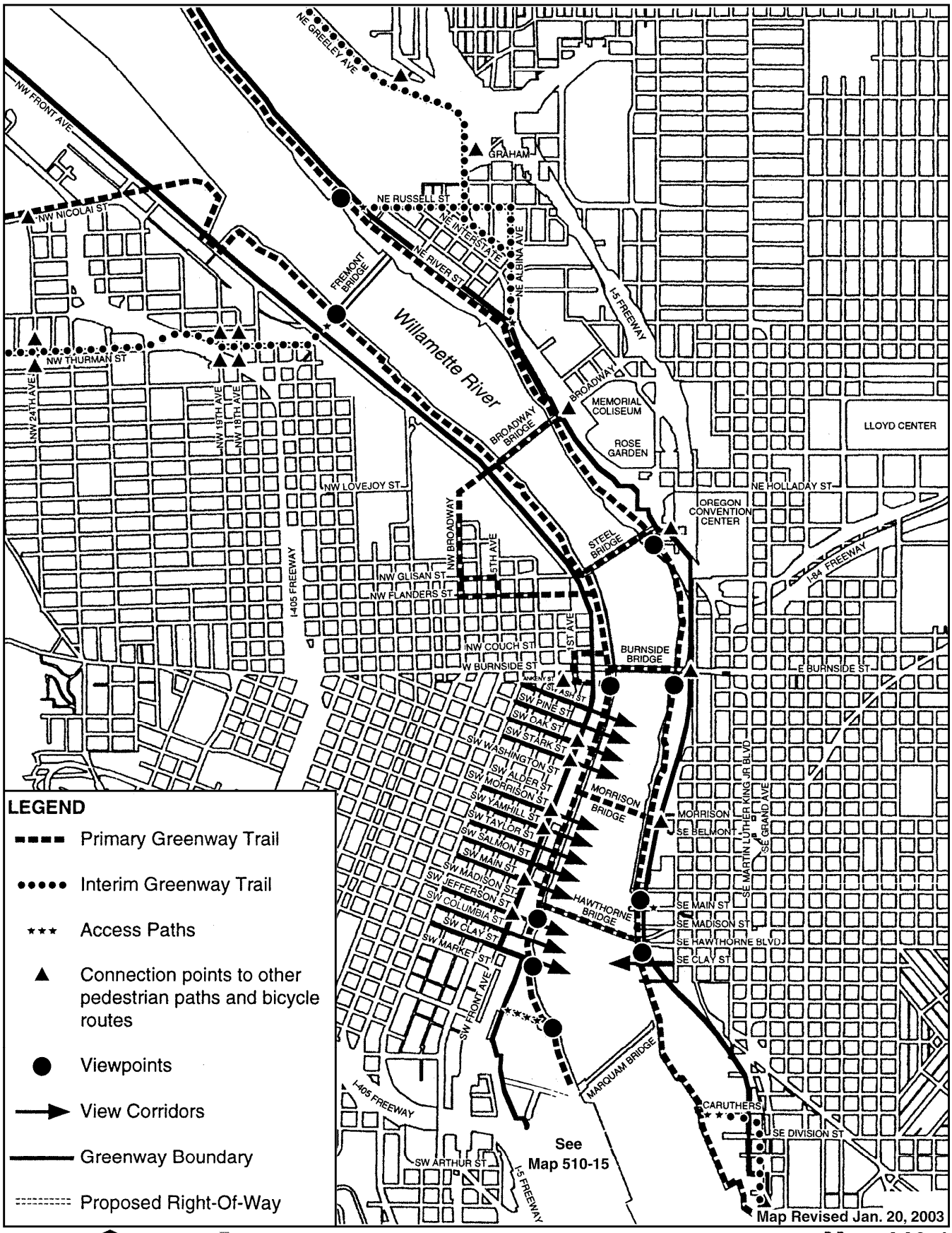

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GTS/Graphics 9-3-97

Map 440-1

Willamette Greenway Public Access Map

Map 4 of 5

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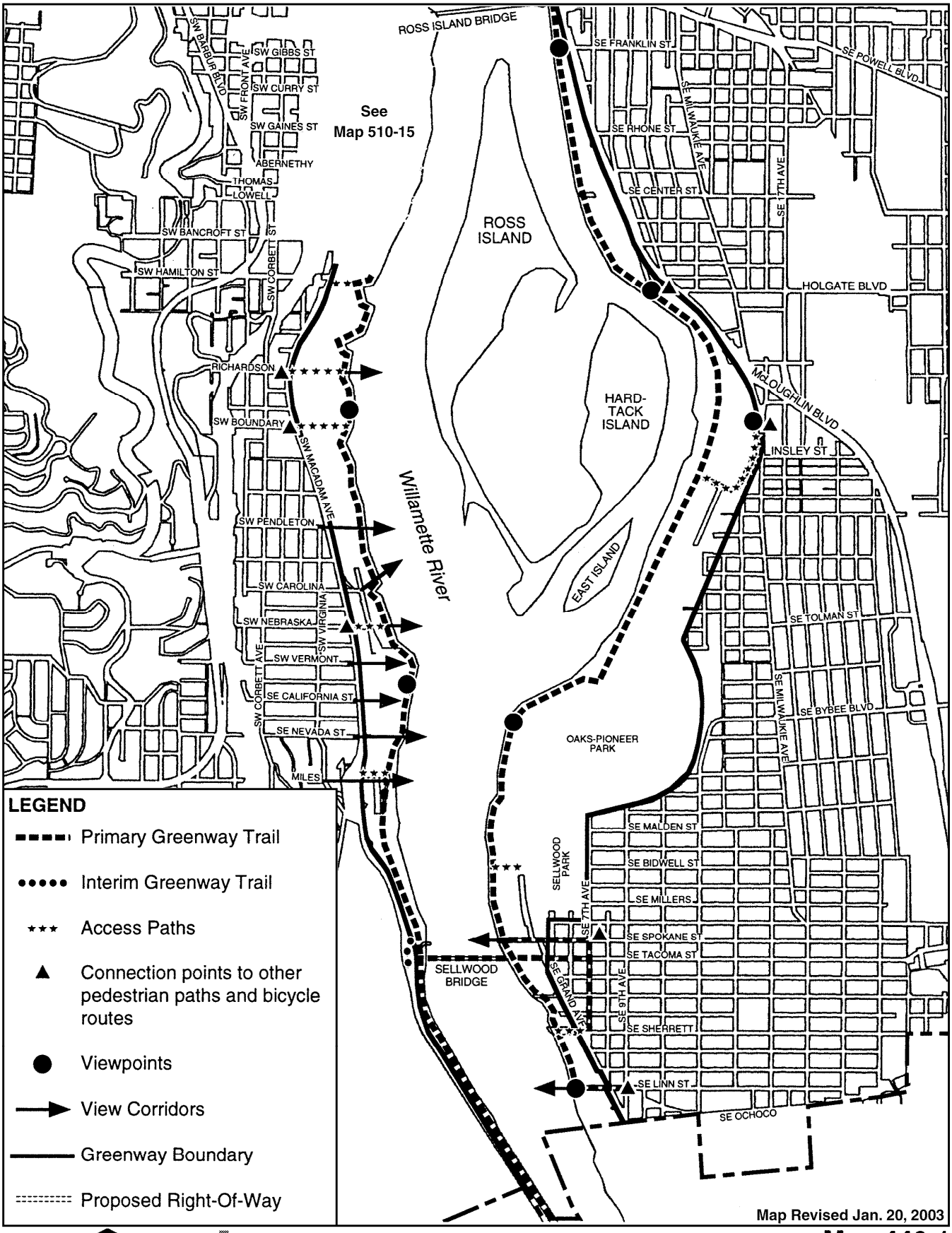

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Scale in Feet

GTS/Graphics 9-3-97

Map 440-1

Willamette Greenway Public Access Map

Map 5 of 5

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