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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 a major public trail, to be set back a certain distance from the top of bank. In the South Waterfront subdistrict, the setback is 100 feet. In the Central Reach the river setback is 50-foot river setback. The area outside of South Waterfront and Central City have a 25-foot greenway setback requirement.

A greenway goal exception is 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.

## 33.840 Greenway Goal Exception

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### Sections

- 33.840.010 Purpose
- 33.840.020 When a Greenway Goal Exception is Required
- 33.840.040 Procedure
- 33.840.100 Application Requirements
- 33.840.200 Approval Criteria

#### **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 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.