

**705 WILLAMETTE RIVER GREENWAY (WRG)**

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705.01 PURPOSE

Section 705 is adopted to:

- A. Protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River;
- B. Maintain the integrity of the Willamette River by minimizing erosion, promoting bank stability, and maintaining and enhancing water quality and fish and wildlife habitats; and
- C. Implement the Willamette River Design Plan set forth in Chapter 3 of the Comprehensive Plan.

705.02 DEFINITIONS

Unless specifically defined in Subsection 705.02, words or phrases used in Section 705 shall be interpreted to give them the same meaning as they have in common usage and to give Section 705 its most reasonable application.

- A. Change of Use: Making a different use of the land or water which requires construction, alterations of the land, water, or other areas outside of existing structures and which substantially alters or affects the land or water.
- B. Develop: To bring about growth or availability; to construct or alter a structure; to conduct a mining operation; to make a physical change in the use or appearance of land; to divide land into parcels; to create or terminate rights of access.
- C. Development: The act, process, or result of developing.
- D. Intensification: Any addition or action which increases or expands the area or amount of an existing use, or the level of activity, including remodeling the exterior of a structure if the remodeling substantially alters the appearance of the structure.
- E. Water-Dependent Use: A use or activity that can be carried out only on, 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.

705.03 AREA OF APPLICATION

Section 705 applies to development, change of use, or intensification of use on lands

and water within the Willamette River Greenway, except:

- A. A change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated;
- B. Landscaping, driveway construction, modifications of existing structures, and the construction or placement of subsidiary structures or facilities which are usual and necessary to the use and enjoyment of existing improvements;
- C. Changes, modifications, and other practices customarily related to those farm uses described in Section 401;
- D. Gravel removal from the bed of the Willamette River when conducted under a permit from the State of Oregon, and when compatible with the purposes stated in Subsection 705.01;
- E. Customary dredging and channel maintenance;
- F. The placing, by a public agency, of signs, workers, or aids to serve the public;
- G. Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;
- H. Acquisition and maintenance of scenic easements by the Oregon Parks and Recreation Department; and
- I. The partial harvest of timber beyond the vegetative fringes in areas not covered by a scenic easement when the harvest is consistent with an approved plan under the Oregon Forest Practices Act (OFPA). If such activity is not covered by the OFPA, it shall be reviewed pursuant to Subsection 104.01(C) to ensure consistency with the purposes stated in Subsection 705.01. Commercial forest activities and harvesting practices shall provide for vegetation buffers and the intended shading, soil stabilizing, and water filtering effects required by the OFPA.

[Amended by Ord. ZDO-230, 9/26/11]

**705.04 STANDARDS FOR INTENSIFICATION, CHANGE OF USE, OR DEVELOPMENT WITHIN THE WILLAMETTE RIVER GREENWAY**

All intensification, change of use, or development shall require a Willamette River Greenway (WRG) permit. The Planning Director may approve a WRG permit, pursuant to Subsection 1305.02, if the applicant provides evidence substantiating the following:

- A. The request is consistent with the purposes stated in Subsection 705.01.

- B. Where necessary, public access has been provided by appropriate legal means to and along the river.
- C. The request will provide the maximum possible landscaped area, open space, or vegetation between the activity and the river. The depth of this area need not exceed 150 feet.
- D. The request will result in the preservation of a buffer or filter strip of natural vegetation along the river bank. The depth of this vegetative buffer or filter strip need not exceed 150 feet, and shall be determined by consideration of the following:
  - 1. The character of the use or development;
  - 2. The width of the river;
  - 3. Steepness of the terrain;
  - 4. Type and stability of the soil; and
  - 5. The type and density of the existing vegetation.
- E. Structures shall observe a minimum setback between 100 and 150 feet from the mean low water level. The setback shall be determined by evaluation of the criteria stated in Subsection 705.04. Residential lots of record and water-dependent uses unable to meet this requirement shall be exempt from this setback.
- F. The maximum height of a dwelling or a structure accessory to a dwelling shall be 35 feet.
- G. Private noncommercial docks and boathouses shall be subject to the following standards, in addition to the other standards in Subsection 705.04:
  - 1. General Provisions:
    - a. Private noncommercial docks, boathouses, and pilings shall either be dark natural wood colors, or painted dark earth tones (dark brown or green).
    - b. The square footage of docks and boathouses is measured as the length times the width of the outer edge of the structure.
    - c. The length-to-width ratio of a private noncommercial dock shall not exceed 3:1.

- d. Only one dock and boathouse is allowed per riverfront lot of record.
2. Oregon City Falls to Multnomah County line:
  - a. Private noncommercial docks shall not exceed 400 square feet.
  - b. Private boathouses are prohibited.
3. Oregon City Falls to Marion County line:
  - a. Private noncommercial docks shall not exceed 700 square feet.
  - b. Private noncommercial boathouses shall not exceed 500 square feet.
  - c. Private noncommercial boathouses shall not exceed 12 feet in height, measured from the platform of the dock to the roof peak.
4. All docks located on state-owned submerged and/or submersible land must be leased or registered with the Oregon Division of State Lands, according to state law.

[Amended by Ord. ZDO-230, 9/26/11]

#### 705.05 PROHIBITED USES

The following uses are prohibited in the Willamette River Greenway (WRG):

- A. Low head hydroelectric dam facilities, which adversely impact fisheries or the scenic and water quality of the river; and
- B. Private noncommercial docks and moorages in the limited use rural portions of the WRG identified on Comprehensive Plan Map III-1e, *Willamette River Greenway Design Plan*.

[Amended by Ord. ZDO-230, 9/26/11]

#### 705.06 SUBMITTAL REQUIREMENTS

An application for a Willamette River Greenway permit shall include the following:

- A. A completed land use application on a form provided by the Planning Director;
- B. A site plan showing existing vegetation and development, and locations of proposed development or activity;

- C. Elevations of any proposed structures;
- D. Exterior materials list for any proposed structures, including type and colors of siding and roofing; and
- E. Cross section of any area within the vegetative buffer or filter strip where grading, filling, or excavating will occur.

[Amended by Ord. ZDO-230, 9/26/11]

705.07 ADMINISTRATION OF SECTION 705

- A. A minimum of 15 working days prior to the issuance of a decision on a Willamette River Greenway (WRG) permit:
  - 1. Written notice, including a copy of the application, shall be sent to the Oregon Parks and Recreation Department, by certified mail-return receipt requested; and
  - 2. Written notice shall be sent to the Oregon Division of State Lands.
- B. Approval of a WRG permit is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void.
  - 1. "Implemented" means all major development permits shall be obtained and maintained, or if no major development permits are required to complete the development contemplated by the approved WRG permit, "implemented" means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A "major development permit" is:
    - a. A building or manufactured dwelling placement permit for a new primary structure that was part of the WRG permit approval; or
    - b. A permit issued by the County Engineering Division for parking lot or road improvements that were part of the WRG permit approval.
- C. If the approval of a WRG permit is not implemented within the initial approval period established by Subsection 705.07(B), a two-year time extension may be approved by the Planning Director, pursuant to Subsection 1305.02, and subject to Subsection 1305.05.

[Amended by Ord. ZDO-230, 9/26/11]