

## 33.851 South Waterfront Greenway Review

# 851

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### 33.851.010 Purpose

South Waterfront greenway review provides flexibility within the South Waterfront greenway area and ensures that:

- Development will not have a detrimental impact on the use and function of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities;
- Development will contribute to enhanced ecological functions to improve conditions for fish and wildlife;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;
- Development that does not meet the standards of 33.510.253, South Waterfront Greenway Regulations, will be consistent with the Willamette Greenway Plan and the Central City Plan; and
- The timing of greenway improvements may be flexible to ensure successful implementation of the greenway in a more comprehensive manner.

### 33.851.100 Review Procedures

- A. Procedures.** South Waterfront greenway reviews are processed through a Type III procedure. Greenway goal exceptions are 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.
- B. Concurrent Design Review required.**
  1. Procedure. Proposals subject to South Waterfront greenway review are also subject to Design Review, which will be processed through a Type III procedure and reviewed concurrently with the South Waterfront greenway review.
  2. Approval criteria. While all proposals must meet Sections II and III of the South Waterfront Design Guidelines, applicants may choose to meet Section IV, Greenway Development Plan Option, in addition to Sections II and III. If an applicant chooses to meet Section IV of the Design Guidelines, they gain additional flexibility through a development agreement with City Council. The development agreement can set out timing of improvements that differs from that required by Chapter 33.510, and can establish financial arrangements for improvements and maintenance that include City Agencies as partners.

### **33.851.200 Notice to State Parks and Recreation Division**

BDS will send a copy of all applications for South Waterfront 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 South Waterfront greenway reviews will also be sent to the Parks and Recreation Division.

### **33.851.300 Approval Criteria**

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

- A. Consistent with the purpose of the South Waterfront greenway.** The following approval criteria must be met for all proposals:
  1. When compared to the development required by the standards of 33.510.253, the proposal will better enhance the natural, scenic, historical, economic, and recreational qualities of the greenway;
  2. When compared to the development required by the standards of 33.510.253, the proposal will better ensure a clean and healthy river for fish, wildlife, and people;
  3. When compared to the development required by the standards of 33.510.253, the proposal will better embrace the river as Portland's front yard; and
  4. When compared to the development required by the standards of 33.510.253, the proposal will better provide for stormwater management.
- B. Development riverward of top of bank.** If development is proposed riverward of top of bank, the following approval criteria must be met:
  1. The riverbank will be protected from wave and wake damage; and
  2. The proposal will not:
    - a. Result in the significant loss of biological productivity in the river;
    - b. Restrict boat access to adjacent properties;
    - c. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
    - d. Interfere with fishing use of the river;
    - e. Significantly add to recreational boating congestion; and
    - f. Significantly interfere with beaches that are open to the public.
- C. Proposals that do not meet the requirements of 33.510.253.E.** If the proposal does not meet all of the standards of Subsection 33.510.253.E., the following approval criteria must be met:
  1. The proposal will restore and enhance the natural character of the area adjacent to the river and will allow more significant creation of habitat for fish and wildlife that could aid in supporting the recovery of native species of fish; and

2. The proposal will support or enhance the function of the greenway area as an active and vibrant waterfront and will provide sufficient opportunities for human interaction with the greenway.
- D. Buildings within the South Waterfront greenway area.** If the proposal includes buildings that do not meet the standards of 33.510.253.E.5.b, at least one of the following approval criteria must be met:
1. The proposal will increase the area available for riparian plant communities on the site by regrading within the greenway area to decrease the slope of the river bank (i.e., laying back the bank). Proposals meeting this approval criteria must show that the modified slope of the bank will be no steeper than 5:1, and that buildings will be set back at least 100 feet from ordinary high water and at least 30 feet from the modified top of bank;
  2. The proposal will compensate for the reduction in setback through near shore and bank treatments that mimic the conditions found in more natural areas of the Lower Willamette River. Proposals meeting this approval criterion must demonstrate the following:
    - a. Buildings will be set back at least 75 feet from the top of bank;
    - b. The near shore and bank treatments will be installed riverward of top of bank;
    - c. The near shore and bank treatments will provide resource enhancement, reestablish multiple riparian functional values, increase near shore or bank complexity, and be appropriate to the specific conditions of the site and the river. The complexity should be able to be maintained over time by natural river processes; and
    - d. The proposal includes near shore and bank treatments that are valued at 700 dollars or more per linear foot of river facing site frontage.
  3. The proposal will set all buildings back an average of 100 feet from top of bank; proposals meeting this approval criteria must show that buildings will be set back at least 75 feet from top of bank, that at least 50 percent of the length of all building walls facing the South Waterfront greenway area will be set back at least 125 feet from top of bank, and that averaging will better enhance the recreational and ecological functions of the greenway area; or
  4. The proposal meets all of the requirements of the South Waterfront Greenway Development Plan and a modified setback distance has been identified on the site by the City as part of the plan.
- E. Trails, viewpoints, and pedestrian connections.** If the proposal will include trails, viewpoints, or pedestrian connections that do not meet the standards of Subsection 33.510.253.E.5.d.or e. the proposal must meet approval criteria E.1. and E.2., and either E.3. or E.4.:
1. The proposed trail, viewpoints, and pedestrian connections will safely accommodate expected users;

2. The trail will include one or two paths and the width of the proposed trail, or the combined width of the paths that make up the trail, will be at least 18 feet; and
  3. The proposed trail, viewpoints, and pedestrian connections will respond to topographic constraints of the site; or
  4. The proposal meets all of the requirements of the South Waterfront Greenway Development Plan and the proposed trail, viewpoints, and pedestrian connections comply with those identified on the site as part of the plan.
- F. Landscaping and non-landscaped area.** If the proposal will include landscaping or non-landscaped area that does not meet the standards of Subsection 33.510.253.E.5.a.or 5.f., the proposal must meet either approval criteria F.1. or F.2.:
1. The proposal will mitigate for any reductions in vegetative cover through the use of methods including near shore and bank restoration work, bioengineering, or green building technologies, including innovative stormwater management, on the site; or
  2. The proposal meets one of the following:
    - a. The proposal will better support the water quality goals of the City's Stormwater Management Manual;
    - b. The landscaping standards cannot be met on the site because of existing bank and soil conditions such as the presence of riprap or other obstructions;
    - c. The proposal is necessary to ensure bank stability; or
    - d. The proposal will allow greater visual access between the trail and other segments of the greenway, and will enhance safety for trail users.

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*(Added by: Ord. No. 177082, effective 1/20/03; Amended by: Ord. No. 178425, effective 5/20/04; Ord. No. 183518, effective 03/05/10.)*