

CHAPTER 173

GREENWAY MANAGEMENT OVERLAY (GM) ZONE

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173.010. PURPOSE. The purpose of the Greenway Management Overlay Zone (GM) is the following:

- (A) To protect the natural, scenic and recreation qualities of lands along the Willamette River in Polk County;
- (B) To preserve and allow for the restoration of historical sites, structures, and facilities along the Willamette River;
- (C) To implement the goals and policies of the State of Oregon's Willamette River Greenway Program;
- (D) To implement the goals and policies of Polk County's Comprehensive Plan;
- (E) To establish standards and requirements for the use of lands within the Willamette River Greenway in Polk County; and
- (F) To provide for the review of any intensification of use, change of use, or development on properties located within the Willamette River Greenway of Polk County.

173.020. APPLICATION OF THE OVERLAY ZONE.

- (A) The provisions of this Chapter shall apply to all lands within the Willamette River Greenway of Polk County.
- (B) The provisions of this Chapter shall apply to lands within the Willamette River Greenway of Polk County in addition to any standards and requirements of the Flood Plain Overlay Zone that may apply to such lands. Nothing in this Chapter shall be construed to constitute a waiver or suspension of the provisions of any primary zone or Flood Plain Overlay Zone within the Willamette River Greenway. In the case of any conflict between the provisions of this Chapter and the provisions of any other chapter of this Ordinance, the more restrictive provisions shall apply.

173.030. SITE DEVELOPMENT REQUIREMENTS. For any lot or parcel located within the Willamette River Greenway of Polk County the requirements for the following shall be determined by the primary zone except when such requirements are specifically modified by this Chapter.

- (A) Minimum area;
- (B) Maximum density;
- (C) Front yard;
- (D) Side yard;
- (E) Rear yard;
- (F) Building height;
- (G) Lot or parcel coverage;
- (H) Off-street parking and loading; and
- (I) Signs

173.040. PERMITTED USES. Within any Greenway Management Zone, no structure shall be used, constructed, erected, or altered and no lot or parcel shall be used or occupied for any purposes except the following:

- (A) Customary dredging and channel maintenance conducted under permit from the State of Oregon;
- (B) Seasonal increases in gravel operations as provided under permit from the State of Oregon;
- (C) The placing by a public agency of signs, markers, aids, etc., to serve the public;

- (D) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses of public lands, except that a substantial increase in the level of development of existing public recreational, scenic, historical, or natural uses on public lands shall require review as provided by this Chapter;
- (E) Erosion control operations not requiring a permit from the Division of State Lands;
- (F) Agriculture as defined in ORS 215.203 (2);
- (G) Reasonable emergency procedures necessary for the safety or protection of property;
- (H) Maintenance and repair usual and necessary for the continuance of an existing use;
- (I) Landscaping, construction of driveways, repair or maintenance of existing structures and the construction or placement of accessory structures other than guest houses, provided that such activities are conducted in conjunction with uses already existing on the same property and that they are accomplished in a manner compatible with the purpose of this Chapter;
- (J) The propagation of timber or the cutting of timber which is done for public safety or personal non-commercial use or which does not require a permit in accordance with the Forest Practices Act;
- (K) Uses legally existing on the effective date of this Ordinance; any change or intensification of such use, however, shall require review as provided by this Ordinance.

173.050. CONDITIONAL USES.

- (A) All uses permitted in the primary zone but not permitted in the Greenway Management Zone, and all partitions and subdivisions, shall be considered conditional uses. Such uses shall be subject to the general provisions of Chapter 119 of this Ordinance, "Conditional Uses."
- (B) An application for a conditional use in the Greenway shall be approved by the Hearings Officer or the Planning Director only if the proposed activity is found to be in substantial compliance with a majority of the following applicable criteria:
 - (1) Agricultural lands will be preserved and maintained for farm use.
 - (2) Significant fish and wildlife habitats will be protected.
 - (3) Identified natural and scenic areas, viewpoints and vistas will be preserved.
 - (4) Areas of ecological, scientific, historical or archeological significance will be protected, preserved, restored, or enhanced to the maximum extent possible.
 - (5) The quality of the air, water and land resources in and adjacent to the Greenway will be preserved to the maximum possible extent in the development, change of use, or intensification of use of land within the Greenway Management Zone.
 - (6) Areas of annual flooding, floodplain, and wetlands will be preserved in their natural state to the maximum possible extent to protect water retention, overflow, and natural functions.
 - (7) The natural vegetative fringe along the river will be maintained to the maximum extent that is practical in order to assure scenic quality, protection of wildlife, protection from erosion, and screening the uses from the river.
 - (8) The harvesting of timber will be done in a manner which will ensure that wildlife habitat and natural scenic qualities of the Greenway be maintained or will be restored.
 - (9) The proposed development, change, or intensification of use is compatible with the site, and the surrounding area.
 - (10) The proposed development, change or intensification of use, if located within

50 feet of the ordinary high water line, is a water-dependent use.

- (11) Areas considered for development, change or intensification of use which have erosion potential will be protected from loss by appropriate means which are compatible with the provisions of the Greenway Management Zone.
- (12) Extraction of aggregate deposits will be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, guarantee necessary reclamation.
- (13) Any public recreational use or facility will not substantially interfere with the long-term capacity of the land for farm use.
- (14) Any public recreational use or facility will be developed, maintained, and operated in such a way as to minimize adverse affects on adjacent properties.
- (15) Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, will be provided to the maximum extent practicable.
- (16) A minimum building setback line of 50 feet from the ordinary high water line of the Willamette River will be provided except for non-residential structures provided in conjunction with farm use and except for buildings and structures in conjunction with a water-related or a water dependent use
- (17) Necessary public access will be provided to and along the Willamette River by appropriate legal means for all development except development related to agriculture or development of single-family residences and accessory structure when such development occurs for the personal use of the property owner.
- (18) The development will be located away from the river to the greatest possible extent.
- (19) The development, change, or intensification of use provides the maximum possible landscaped area, open space, or vegetation between the activity and the river. [AMENDED BY ORDINANCE #88-21, DATED NOVEMBER 30, 1988.]

173.060. CONDITIONS. The Planning Director or Hearings Officer, shall have the power to impose, conditions, restrictions, or limitations upon a conditional use in the Greenway Management Zone if such conditions, restrictions, or limitations are found to be necessary in order to accomplish one or more of the following:

- (A) To protect the public health, safety, or welfare;
- (B) To protect the health or safety of any person in the vicinity of the proposed conditional use;
- (C) To protect property or improvements in the vicinity of the proposed conditional use;
or
- (D) To accomplish the purpose of the Greenway Management Zone.

173.070. NOTIFICATION. Notification regarding requests for conditional uses in the Greenway Management Zone will be done in accordance with the procedures established for all conditional uses in Chapters 119 and 111 of this Ordinance. In addition, notification regarding such requests shall be sent to the Oregon State Department of Transportation and to the Polk County Soil and Water Conservation District. Notification of the Oregon State Parks Department shall be given by certified mail, return receipt requests, and shall be sent within seven days of the receipt of the application for the conditional use. Notification of the Polk County Soil and Water Conservation District shall be given in accordance with the notification procedures established for conditional uses in this Ordinance.