### WILSONVILLE CODE

**PLANNING AND LAND DEVELOPMENT**

**CHAPTER 4 – SECTIONS 4.500 – 4.515**

**WILLAMETTE RIVER GREENWAY**

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WILLAMETTE RIVER GREENWAY

Section 4.500. General Purpose.
The general purposes of this Section are to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Section 4.504. General - Greenway Boundaries.
The Willamette River Greenway Boundaries in the City shall be the same as the Oregon State Parks and Recreation Department Willamette River Greenway Boundaries, and shall be defined on the City of Wilsonville Zoning and Comprehensive Plan Maps. The boundary is generally 150 feet from the ordinary low water line unless otherwise defined by the Map and this Section. Given that the Greenway Boundary does not always parallel the banks of the River, contact should be made with the City’s Planning Department to verify boundary locations.

Section 4.506. General - Uses Permitted Outright.
(.01) The following are outright permitted uses within the Willamette River Greenway Boundary:
   A. The placing, by a public agency, of signs, markers, aids, etc. to serve the public.
   B. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical, and natural uses on public and private lands, except that changes of use, intensification of use or development shall require Conditional Use Permit review as provided by this Code.
   C. Agriculture as defined in ORS 215.203(2).
   D. Reasonable emergency procedures necessary for the safety or protection of property.
   E. Maintenance and repair usual and necessary for the continuance of an existing use not defined as intensification of use or change of use.
   F. Uses legally existing on December 6, 1975.

Section 4.508. Conditional Use Permit - Uses Permitted Conditionally.
(.01) The following uses may be allowed within the Willamette River Greenway Boundaries subject to a Conditional Use Permit by the Development Review Board:
   A. All uses permitted in the underlying zone which are not listed as permitted uses in Section 4.506.
   B. All uses which are classified as intensification of use, change of use or development, other than tree removal, which shall be governed by the provisions of Section 4.600.
Section 4.510. **Conditional Use Permit - Findings In Support of Granting.**

(.01) A Greenway Conditional Use Permit may be granted by the Development Review Board upon making the findings required in Section 4.184 (Conditional Use Permits) and the following additional findings:

A. That to the greatest extent possible, the maximum possible landscape area, open space or vegetation between the activity and the river are provided,

B. That to the greatest extent possible, necessary public access in accordance with the Comprehensive Plan will be provided to and along the River by appropriate legal means.

C. That the change of use, intensification of use, or development complies with this Code, all other applicable City Ordinances, the Comprehensive Plan, and the Oregon State Parks and Recreation Department Greenway Plan.

Section 4.512. **Conditional Use Permit - Application Procedures.**

(.01) All Conditional Use Permits shall be applied for and reviewed by the Development Review Board in accordance with Section 4.184.

(.02) Within five (5) days of receipt of a complete application by the City, a copy of the application shall be forwarded to the Oregon State Parks and Recreation Department by Certified Mail, with a return receipt requested. Notice of the action taken by the City on the application shall also be submitted to the Oregon State Parks and Recreation Department within five (5) days of the action.

Section 4.514. **Conditional Use Permit - Use Management Standards.**

(.01) The natural scenic views, historical character and recreational qualities of the Willamette River shall be protected by preservation and enhancement of the vegetative fringe along the river bank.

(.02) A plan to remove any tree or trees shall be reviewed by the Development Review Board under the procedures of Section 4.600, et seq. Based on the standards and procedures of Section 4.620.10, mandatory mitigation shall be required as a condition of approval for any conditional use permit granted under this Section.

(.03) Developments shall be directed away from the river to the greatest possible degree; provided, however, lands committed to urban uses within the Greenway shall be permitted to continue as urban uses, including port, industrial, commercial and residential uses, uses pertaining to navigational requirements, water and land access needs and related facilities.

(.04) All development after the effective date of this ordinance, except water dependent and water related uses, shall be set back a minimum of 75 feet upland from the top of each bank.

(.05) Fish, riparian and wildlife corridors leading into the river channel shall remain open.
Section 4.514. Conditional Use Permit - Use Management Standards.

(.06) All development, change of use or intensification of use shall demonstrate, to the maximum extent possible, maintenance of public safety and protection of public and private property, especially from vandalism and trespass.

[Chapter Amended Ord. No. 210, 5/3/82]

[Chapter Amended Ord. No. 516, 5/7/01]