

Willamette Greenway Code Amendments

Frequently Asked Questions | February 2022



1. What is the Willamette River Greenway?

The [Willamette River Greenway](#), established through [Statewide Planning Goal 15](#), is a corridor of water and land in which development is planned and built with recognition of the unique qualities of the Willamette River. To implement Goal 15, cities and counties, including Eugene, were required to adopt a Greenway section in their comprehensive plan, create a Greenway Boundary, and establish standards for new development, new uses, and intensification of uses within the boundary area. The standards were intended to maintain physical and visual access to the river, preserve habitat and vegetation near the river, and to direct development away from the river.

Directing development away from the river does not mean development is prohibited. It means that the site design needs to provide open space and access as appropriate in a case by case analysis. At the local level, Eugene adopted a Willamette Greenway element into the [Eugene-Springfield Metropolitan Area General Plan](#) and adopted local development standards and land use processes to ensure consistency with the State's Goal.

2. Why is the City initiating this project?

Currently, when a property owner is looking to develop land within the boundary of the Willamette Greenway, it requires a [Willamette Greenway permit](#). This permit is required regardless of the intensity of development and whether properties are directly adjacent or relatively far away from the Willamette River. The language in the Willamette Greenway standards include phrases like "maximum extent possible" and "to the greatest possible degree". This subjective and sometimes unclear language results in inconsistent decision-making and is a challenge for implementing Goal 15 by effectively regulating development within the Greenway.

This project is intended to provide a clear and objective set of approval criteria and standards for the review and approval of housing development within the Greenway. This creates a consistent and clear way to apply standards and regulate development in the Greenway. It also addresses an existing conflict between state law and Goal 15. While state law ([ORS 197.307](#)) requires cities to apply clear and objective standards to housing, the current standards are subjective, and people developing any housing within the Greenway do not have an ability to develop it with clear and objective standards. The new proposed Willamette River Greenway approval criteria for housing are intended to maintain consistency with Goal 15's intent for development within the Greenway while offering a clear and objective path for housing development.

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More information about the State’s guidance on this topic, from staff at the Department of Land Conservation and Development (DLCD) can be found [here](#).

3. What do you mean by “clear and objective” standards?

Oregon Revised Statute [\(ORS\) 197.307\(4\)](#) requires that local governments adopt and apply clear and objective standards, conditions, and procedures regulating the development of “needed housing.” This is to ensure that communities do not only use discretionary or subjective criteria to deny housing projects. Subjective code standards include language such as “to the maximum extent possible” and “to the greatest degree” and can result in inconsistent decision-making and unreasonable cost and delay for housing projects.

Cities that have a clear and objective land use application approval path can also adopt alternative or “discretionary” approval criteria. Applicants may elect the alternative path to allow greater flexibility in housing development proposals. The proposed Willamette Greenway Code Amendments will provide two approval paths: a clear and object path and a discretionary path.

4. What are the components of this project?

The proposed Willamette Greenway Code amendments include:

- Changes to the City’s existing Willamette Greenway permit procedures to establish a [Type II](#) land use application process
- A clear and objective set of [approval criteria](#) available for proposed housing within the Willamette Greenway.
- A [map](#) showing a setback from the Willamette River applicable to proposed housing uses
- A Design Plan, as required by Goal 15.

Up to date versions of these proposed code components are available on the [Land Use Code Amendments webpage](#).

5. Is the purpose of the Willamette Greenway to prevent any development from happening?

No, the intention of Goal 15 and the Willamette River Greenway is not to disallow all development within the Greenway. The purpose of the regulations is to ensure that development that does happen is compatible within the Willamette River Greenway and buffered by the Willamette Greenway Setback to protect the quality of the river while allowing appropriate development to happen. Properties within the Greenway will still be able to develop according to their existing zoning, and proposed housing will have



the option of applying for Willamette Greenway permit approval subject to the new clear and objective approval standards as required by State law.

6. Are the existing Greenway standards proposed to go away?

No. The new clear and objective path will be added as an option only for proposed housing development. The existing code language and [Type III process](#) that is required to hold a public hearing with the Hearings Official will continue to be applicable for non-residential developments. Applicants proposing housing can choose between the clear and objective standards (new) following the [Type II process](#), or the discretionary standards (existing) following the [Type III process](#).

7. What are the new proposed standards applicable to the Willamette Greenway setback?

The new clear and objective standards for proposed housing development in the Greenway include a combination of setback requirements to maintain open spaces along the river, building massing standards, pedestrian access requirements, limited parking and vehicle use areas, and native landscaping standards for additional buffering along the Willamette River Greenway Setback. The specific standards in the draft code can be found [here](#).

8. What is the Greenway Setback and why is it a 100-feet?

The Willamette Greenway boundary includes large areas of land that are sometimes thousands of feet away from the river. This project includes the creation of a Greenway Setback that clearly delineates where the development of new housing and other structures is generally prohibited and uses are limited adjacent to the Willamette River. The 100-foot setback was chosen because it is consistent with the City's existing [Goal 5](#) protections. The Willamette River is already a protected resource, as required through the City's implementation of Statewide Planning Goal 5. In 2005, the City's [Goal 5](#) regulations created a 100-foot setback and conservation area through the Water Resource Conservation Overlay zone. This project makes the City's [Goal 5](#) and [Goal 15](#) regulations consistent by using the same 100-foot setback and use regulations for what is allowed within the setback.

9. Why is the setback not always 100 feet on the map?

In cases where the setback is not 100 feet, it is due to existing residential development or adopted plans or special area zones with different setbacks already established. In certain areas, as shown the [setback map](#), existing residential development is proposed to be exempt from the new proposed setback. There are also 3 areas where the setback



is already established by other plans or special area zones: the [Willakenzie Area Plan](#), [Downtown Riverfront Plan](#), and the [Riverfront Park Study](#).

10. What development is allowed within the Willamette Greenway setback?

Under the new proposed Type II process, development within the Willamette River Greenway Setback is limited to only water-related uses, water-dependent uses, and the uses listed in [EC 9.4930\(2\)-\(5\)](#). This generally prevents new structures within the setback, subject to some exceptions like public access facilities, boat ramps or similar water-related amenities, utilities, and public improvements such as bike paths or stormwater treatment facilities.

11. What standards apply to housing development within the Willamette Greenway that is adjacent to the Willamette Greenway setback?

There are two sets of standards that new housing development could choose to meet: the clear and objective standards (what is proposed in these amendments), and the existing discretionary path. The proposed clear and objective standards include requirements for additional buffering and to limit development along or near the Greenway Setback. These include:

- *A maximum length of building facades* within 40 feet of the Greenway setback line.
- *Landscaping standards* including low screen landscaping (including requiring the planting of canopy trees every 30 feet), prohibiting solid and/or masonry walls, prohibiting fences and certain fencing materials, prohibiting parking between buildings and the Greenway setback, and limiting plantings to native plant species identified in adopted Goal 5 lists.
- *Access standards* including on-site pedestrian paths and public access connections, where required.

12. What is the relationship between this project and the Middle Housing code Amendments? Is middle housing required to be allowed within the Willamette Greenway?

The [Middle Housing Code Amendments](#) are implementing state law that requires large cities in Oregon, including Eugene, to allow middle housing in residential areas. The Middle Housing Code Amendments must be adopted by June 30, 2022 which is the goal for adopting the Willamette Greenway Amendments. While the Middle Housing Code Amendments already went through the Planning Commission public hearings process, they did not include any amendments to the Greenway Code. The proposed Willamette Greenway Code Amendments will have a separate Planning Commission public hearing

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and, while they include middle housing, are applicable to all housing, including single family homes.

Middle housing is not required by the State to be allowed within the Willamette Greenway. However, amendments are needed if a city wants to mesh middle housing and Greenway objectives in a manner consistent with clear and objective housing rules. To comply, existing subjective Greenway compatibility review standards will need to be supplemented by an additional set of objective standards that comply with the Goal 15—as proposed by this project. If adopted, applicants will be able to choose the path and set of criteria they would like to pursue. The State Department of Land Conservation and Development (DLCD) [recognizes](#) that the development of middle housing along the Willamette River is a good policy outcome. And the Planning Commission’s Middle Housing Code Amendments recommendation supported allowing middle housing in all parts of the city.

13. Will the proposed code amendments affect safe and convenient access to the riverbank park system for pedestrians and bicyclists?

Yes. Along with creating more public access points for pedestrians and bicyclists per the proposed standard in Question 13, multiuse paths will continue to be an allowed use within the Greenway Setback.

14. Will Willamette Greenway permits no longer go to the Hearings official?

If applicants choose to pursue the clear and objective path, the proposed Willamette Greenway clear and objective standards will be a [Type II land use process](#) which means that they will no longer go to a public hearing with a Hearings Official. [Type II](#) land use applications are reviewed and approved by the Planning Director and do not require a public hearing. If an applicant chooses to pursue the alternative standards, they will still go to a public hearing with the Hearings Official as required with [Type III process](#).

15. What if an applicant pursues the clear and objective standards and I disagree with the Planning Director’s decision?

Similar to other land use decisions, if you disagree with the Planning Director’s decision or findings, you may appeal the decision.

16. How can I learn more?

To learn more you can visit the [Code Amendments webpage](#) or contact Senior Planner Jeff Gepper at JGepper@eugene-or.gov.

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17. Where and how can I provide my public comment?

To provide your public comment, you can email greenwaytestimony@eugene-or.gov and testify to the Planning Commission on **Tuesday March 8th** at 5:30pm. The project will remain open for comment after the Planning Commission process through the Council process and comments received will be forwarded to the City Council

18. When does the public hearings process begin?

The Planning Commission public hearing is scheduled for **March 8, 2022 at 5:30pm**. The meeting will be held via zoom. Meeting materials and links to watch are available [here](#). After the Planning Commission makes their recommendation, the City Council will make their final decision in the spring.