

Willamette River Greenway Code Amendments

Frequently Asked Questions | December 2022



1. What is the Willamette River Greenway?

The [Willamette River Greenway](#), established through [Statewide Planning Goal 15](#), is a corridor land along the Willamette River, in which development is planned and built with recognition of the unique qualities of the Willamette River. To implement state law, cities and counties, including Eugene, were required to adopt a Greenway boundary, a Greenway section in their comprehensive plan, and standards for new development, changes of use, and intensification of uses within the Greenway boundary area.

At the local level, Eugene adopted a Greenway boundary, adopted a Willamette River Greenway element into the [Eugene-Springfield Metropolitan Area General Plan](#), and adopted Greenway development standards and land use processes in the Eugene Code, consistent with state law. Eugene's existing standards were intended to maintain physical and visual access to the river, to preserve landscaped area, open space or vegetation near the river, and to direct development away from the river. Directing development away from the river does not mean development is prohibited within the Greenway. It means that the site design generally should provide open space and access between the development and the river as appropriate on a case-by-case basis.

2. What is a Willamette River Greenway Permit and when is it required?

A Willamette River Greenway Permit is required prior to new development, changes in use, or intensification of uses within the Willamette River Greenway. Intensification of use includes any increase or expansion of the area or amount of an existing use or development. For example, a Willamette River Greenway Permit is required when remodeling the exterior of a building if it will substantially alter the appearance of the structure or if the use of the site will change as a result of development. However, not all changes to a property require a Willamette River Greenway Permit. General maintenance and repair, landscaping changes, and/or minor modification of existing structures typically does not require a permit.

Willamette River Greenway Permit applications are approved or denied by the City's Hearings Official following a public hearing. The Hearings Official is an objective and unbiased professional who analyzes whether a proposal meets the approval criteria set out by the City's code. The Hearings Official's decision on a Willamette River Greenway application may be appealed to the Planning Commission.

3. Why is the City initiating this project?

The City's current Willamette Greenway approval criteria comply with the requirements of Goal 15 but contain language that is subjective. Separately, a state statute, ORS 197.307(4),

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requires cities to provide a set of clear and objective approval criteria applicable to housing. The proposed Willamette River Greenway Code Amendments will create a set of clear and objective approval criteria that are available for applicants proposing housing within the Greenway; therefore, complying with both ORS 197.307(4) and Goal 15. If the proposed code amendments are adopted by the City Council, an applicant proposing housing will be able to choose whether to utilize the new clear and objective Greenway approval criteria or the existing discretionary approval criteria. The existing discretionary Greenway approval criteria will continue to apply to applicants proposing development that is not housing.

4. What are the changes proposed as part of this project?

The proposed Willamette River Greenway Code Amendments include:

- The addition of a clear and objective set of approval criteria available for proposed housing within the Willamette River Greenway boundary. An applicant may choose to proceed under the clear and objective standards (Clear and Objective Track) or the discretionary standards (Discretionary Track). The clear and objective standards include the following:
 - Establishment of a 100-foot setback from the river for new housing (the Greenway Setback);
 - A map of the Greenway Setback;
 - A map showing public access points;
 - Limitations on building façade length within 100 feet of the Greenway Setback;
 - Limitations on walls and fencing within and near the Greenway Setback;
 - Pedestrian access requirements for multi-unit developments;
 - Native landscape buffer requirements; and
 - Tree preservation and removal requirements.
- The proposed Willamette River Greenway Code Amendments add tree preservation and removal requirements to the existing discretionary approval criteria for Willamette River Greenway permits.

Up-to-date versions of these proposed Willamette River Greenway Code Amendments and related maps are available on the City's [Land Use Code Amendments webpage](#).

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

State law requires that local governments adopt and apply clear and objective standards, conditions, and procedures regulating the development of housing. This is to ensure that communities do not only use discretionary or subjective criteria to deny housing projects. Subjective standards include language such as “to the maximum extent possible” and “to the greatest degree”.

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

6. Is the purpose of the Willamette River Greenway to prevent development from happening?

No, the purpose of Statewide Planning Goal 15 and the Willamette River Greenway is not to prohibit development within the Greenway. Goal 15 explicitly allows development within the Greenway boundary but requires that development within the Greenway be directed away from the river, provide landscaping, vegetation or open space between the activity and river, and requires that necessary public access to and along the river is maintained. 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 River Greenway Permit utilizing the new clear and objective approval standards, or utilizing the existing discretionary approval criteria.

7. What if a property already has an approved Willamette River Greenway Permit?

Properties that have already applied for and received a Willamette River Greenway Permit can develop in accordance with their approved permit, project, and site design. None of the new standards or approval criteria will apply to a previous Willamette River Greenway Permit approval unless an applicant re-applies for an entirely new Willamette River Greenway Permit.

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

The 100-foot Greenway Setback proposed as part of the clear and objective approval criteria clearly delineates where the development of new housing and other structures is prohibited and where uses are limited near the river, as a clear and objective means of ensuring protection of the land nearest to the river, consistent with Goal 15. The 100-foot setback distance is also generally consistent with the City’s existing [Goal 5](#) regulations that specify allowed uses and additional protections for riparian areas along the river.

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

In cases where the setback is not 100 feet, it is due adopted plans or special area zones where different setbacks have already been established. As shown on the [setback map](#), there are three 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](#).

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10. Is any development allowed within the Willamette River Greenway setback?

If applicant proposing housing chooses to utilize the new set of clear and objective approval criteria for proposed housing, the only new structures that applicant may build within the Greenway setback are pedestrian paths and public accessways. Other structures may be allowed within the Greenway Setback area under certain circumstances, but those structures would be subject to the discretionary Willamette River Greenway Permit approval criteria. Structures within 100 feet of the river may also be required to comply with the City's adopted Goal 5 regulations.

11. Will the proposed land use code changes affect access to the riverbank park system for pedestrians and bicyclists?

The proposed Willamette River Greenway Code Amendments will not affect any of the existing pedestrian or bicycle access to or along the river. The proposed code amendments are likely to result in greater access to the riverbank park system because the proposed clear and objective standards require public access points and pathway connections for new multi-unit developments and continue to allow multi-use paths within the Greenway Setback.

12. Why is the Planning Commission holding a second public hearing on these code amendments, after several meetings already devoted to this project over the last year?

Several substantial changes have been made to the proposed Willamette River Greenway Code Amendments since the initial version of the proposed amendments was considered at the March 8, 2022, Planning Commission public hearing. Based on public input and Planning Commission direction at two additional meetings in June and August of last year, the proposed Willamette River Greenway Code Amendments have now been updated. A second public hearing on the updated amendments has been scheduled for the January 10, 2023, Planning Commission meeting. A brief summary of changes made to the proposed Willamette River Greenway Code Amendments, along with a links to past meeting materials and recordings can be viewed on the City's [project webpage](#).

13. What are some of the major changes that are included in the updated code amendments?

The following changes have been made to proposed Willamette River Greenway Code Amendments since the March 8, 2022, Planning Commission public hearing:

- The addition of tree preservation and removal standards to both the proposed clear and objective approval criteria (Clear and Objective Track) and the existing discretionary approval criteria (Discretionary Track) for Willamette River Greenway Permits, to enhance the protections applied to new development within the Greenway.

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- The proposed Willamette Greenway Code Amendments now provide that all Willamette Greenway Permit applications, whether subject to the approval criteria in the Clear and Objective Track or the Discretionary Track, will undergo a Type III process, which consists of a public hearing and initial decision by the Hearings Official and a local appeal to the Planning Commission.
- The maximum length of building facades was reduced to 75 feet when buildings are located within 100 feet from the proposed Greenway Setback to help facilitate views to and from the river.
- Clarification that pedestrian paths and public accessways are the only new structures permitted within the Greenway Setback under the Clear and Objective Track. Other structures may be allowed within the Greenway Setback area, but those structures would be subject to the discretionary Willamette Greenway Permit approval criteria.
- Allowance for parking areas between buildings and the Greenway Setback to eliminate conflicts with other standards that generally prohibit vehicle use areas between buildings and adjacent streets.

14. How can I provide comments on the proposed Willamette River Greenway Code Amendments? What are the next steps in the process for adopting the Willamette Greenway Code Amendments?

You can email comments to greenwaytestimony@eugene-or.gov, and mail comments to c/o Jeff Gepper, Senior Planner, 99 W. 10th Avenue, Eugene, OR 97401. You can also testify before the Eugene Planning Commission at their next public hearing on **Tuesday, January 10, 2023** at 5:30pm. The Planning Commission public hearing will be held via Zoom. Meeting materials and links to watch and participate are available [here](#).

Following the January 10th public hearing, the Planning Commission will meet later in January or February to deliberate and make a recommendation to the Eugene City Council. After the Planning Commission makes their recommendation, the City Council will hold a second public hearing and make a final decision. The City Council meeting dates are not yet confirmed but are expected to occur sometime in the Spring.

15. How can I learn more?

To learn more, visit the City's [Land Use Code Amendments](#) webpage or contact:

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