

## **CHAPTER 3.30**

### **WILLAMETTE RIVER GREENWAY (WRG) OVERLAY**

#### **Section 3.30.10 - PURPOSE**

The Willamette River Greenway is an Overlay that coincides with the adopted Greenway boundary and applies to all development permitted by the underlying zones. The objectives of this Overlay and this Chapter are as follows:

- a. Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River;
- b. Maintain or improve air and water quality within the Greenway;
- c. Implement goals and policies of the State's Willamette River Greenway Program as required by the Oregon Revised Statutes, as amended;
- d. Implement policies of the City's Comprehensive Plan;
- e. Establish standards and requirements for the use of lands within the Willamette River Greenway in the City of Corvallis;
- f. Provide for review of any intensification of Use, change of Use, or development within the Greenway;
- g. Increase and maintain public access to and along the Willamette River to create urban recreational opportunities, provide linkages to other transportation corridors, and provide for multiple use of urban land; and
- h. Ensure development is consistent with floodwater flow mitigation and management of a Natural Resource or Natural Hazard.

#### **Section 3.30.20 - CONDITIONAL DEVELOPMENT**

Development within this Overlay, regardless of the classification in the underlying zone, requires Conditional Development approval in accordance with the provisions of Chapter 2.3 - Conditional Development. In addition to notification requirements of Chapter 2.0 - Public Hearings, written public notice and a Notice of Disposition shall be mailed to the Oregon Department of Parks and Recreation. Development as used in this Section includes change of Use, intensification of land, or intensification of Water-dependent or Water-related Uses, except for those activities listed as exemptions in

Section 3.30.30 below. Development also includes proposed increases in air discharges that require permit approval by the Oregon Department of Environmental Quality (DEQ).

### **Section 3.30.30 - EXEMPTIONS**

The following development activities do not require Conditional Development approval, provided they are consistent with requirements of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, the Natural Resource provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions:

- a. Customary dredging and channel maintenance conducted under permit from the state;
- b. Seasonal increases in gravel operations under permit from the state;
- c. Erosion control operations not requiring a permit from the Oregon Department of State Lands and that constitute a reasonable emergency necessary for safety or the protection of property.
- d. Scenic easements acquired under ORS 390.332, as amended, and their maintenance as authorized by that statute and ORS 390.368, as amended.
- e. Addition or modification by public utilities for existing utility lines, wires, fixtures, equipment, circuits, appliances, and conductors.
- f. Flood emergency procedures and the maintenance and repair of existing flood control facilities, provided the maintenance and repair of existing flood control facilities is consistent with Section 2.11.40.
- g. Signs, markers, aids, and similar items, placed by a public agency to serve the public.
- h. Residential Accessory Development (excluding structures), such as lawns, gardens, and play areas outside of the areas required to be protected by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, the Natural Resource provisions of Chapter 4.2 - Landscaping, Buffering, Screening,

and Lighting, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

- i. Storage of equipment or material associated with Permitted Uses, providing it complies with applicable provisions of this Code.
- j. Minor repairs or alterations to an existing structure for which no Building Permit is required.
- k. A change of Use of a building or other structure that does not substantially alter or affect the land or water upon which it is situated.
- l. Landscaping consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.
- m. Construction of driveways.
- n. Maintenance and repair, usual and necessary for the continuance of an existing Use.
- o. Reasonable emergency procedures necessary for the safety or protection of property.
- p. Other activities similar to those listed in "a," through "o," above. The Director shall make such determinations and provide notice in accordance with Chapter 2.16 - Request for Interpretation.

#### **Section 3.30.40 - REVIEW CRITERIA**

Conditional Development within the Willamette Greenway Overlay may be approved only when the Planning Commission, after considering cumulative effects within the City's Greenway, finds that the development standards in Section 3.30.50 and the following criteria are met:

- a. Public access to and along the river shall be provided to the maximum extent practicable and to the extent that public access does not interfere with established Uses on the property.

- b.** Significant Natural Hazards and Natural Resources shall be protected consistent with the requirements of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, the Natural Resource provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.
- c.** Significant natural and scenic areas, viewpoints, and vistas shall be preserved.
- d.** The quality of air, water, and land resources in the Greenway shall be protected to the maximum extent practicable.
- e.** The Minimum Assured Development Area (MADA) shall be consistent with Chapter 4.11 - Minimum Assured Development Area (MADA).
- f.** The natural vegetative fringe along the river shall be protected and enhanced to the maximum extent practicable to ensure scenic quality, protection of wildlife, protection from erosion, and screening of Uses from the river.
- g.** Any public Recreational Use or facility shall not substantially interfere with established Uses on adjoining property.
- h.** Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.
- i.** Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, and safety, and to guarantee necessary reclamation.
- j.** Development, change, or intensification of Use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.
- k.** Development shall be sited to maximize distance from the river to the greatest extent practicable.
- l.** In applying "a," through "k," above, to development proposals within the Willamette River Greenway, consideration should be given to the provisions of this Code, Corvallis 2020 Vision Statement, Comprehensive Plan, Downtown Streetscape Plan, Riverfront Commemorative Park Plan, and other applicable City documents.

However, where conflicts arise, direction must be taken from the Corvallis Comprehensive Plan and this Code.

### **Section 3.30.50 - DEVELOPMENT STANDARDS**

Proposed development within the Willamette Greenway Overlay shall comply with the following standards:

#### **a. Site Modifications**

1. Except as provided in Section 3.30.30, above, existing predominant topographical features of the bank line and escarpment shall be protected and maintained.
2. Disturbance necessary for construction or establishment of a Water-related or Water-dependent Use, as defined in Chapter 1.6 - Definitions, and measures necessary to reduce existing or potential bank and escarpment erosion, landslides, or flood hazard conditions may be permitted upon approval by the Director or Floodplain Administrator or designee. However, such activities shall be consistent with Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
3. Stability shall be assured considering the stress imposed on the bank and land area between the low water mark of the river and Top-of-bank.
4. The hydraulic and flood carrying capacity of the river and the hydraulic effect of the river on the bank shall be considered, and steps shall be taken to ensure minimal adverse effects by and upon the proposal, consistent with Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
5. The applicant shall demonstrate adherence to the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, the Natural Resource provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.
6. If applicable, the applicant shall submit certification by a registered professional engineer that the standards specified in "2," and "3," above, have been met. Where necessary to properly evaluate a proposal, an

applicant may be required to furnish further studies such as a soils survey and analysis, foundation study, or hydrologic study performed by competent professionals.

**b. Landscaping, Natural Hazards, and Natural Resources** - The following provisions shall apply:

1. All areas of the site within the WRG Overlay shall be landscaped and addressed consistent with the provisions of the underlying zone; and the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.
2. Required landscaped areas shall be continuously maintained, irrigated with permanent facilities sufficient to maintain the plant material, and covered by living plant material capable of attaining 90 percent ground coverage within three years. Required vegetation areas shall be subject to the provisions of Section 4.13.50.d. Landscaping and lighting shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. If there is a conflict between the provisions of Section 4.13.50.d and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Section 4.13.50.d shall prevail.
3. Living plant materials shall be compatible with and enhance the riparian environment.

**c. Structures** - All buildings and structures, including supporting members, and all exterior mechanical equipment shall be screened, colored, or surfaced to blend with the riparian environment. Surfaces shall be nonreflective.

**d. Signs and Graphics** - In addition to compliance with applicable provisions relating to signs and graphics in Chapter 4.7 - Sign Regulations, no sign or graphic display inconsistent with the purposes of the Greenway shall have a display surface oriented toward or visible from the Willamette River.

**e. Parking and Unenclosed Storage Areas**

1. Parking, loading, and unenclosed storage areas located within the WRG Overlay shall be screened from the river to the extent practicable in

accordance with Chapter 4.1 - Parking, Loading, and Access Requirements and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

2. Parking, loading, and unenclosed storage areas located outside of but adjacent to the WRG Overlay shall be screened from such Overlay to the extent practicable.

f. **Greenway Setback** - Minimum building setback distances from the ordinary high water line of the Willamette River shall be as outlined in Table 3.30-1 - Minimum Setbacks.

<b>Table 3.30-1 - Minimum Setbacks</b>	
<b>Area</b>	<b>Minimum Setback</b>
1. Lands in the WRG Overlay from the northern City limits to the southern edge of 777 NE Second Street (Assessor Map No. 11-5-35AD, Tax Lot 3000)	20 ft. westerly from Top-of-bank
2. Lands in the WRG Overlay from the southern edge of 777 NE Second Street (Assessor Map No. 11-5-35AD, Tax Lot 3000) to Harrison Street	50 ft. westerly from Top-of-bank
3. Lands in the WRG Overlay between Harrison Street and B Street, at the Top-of-bank and including the existing bike path	A landscaping strip sufficient to separate the bike path, and consistency with the Riverfront Commemorative Park Plan
4. Lands in the WRG Overlay south of B Street to the southerly City limits	100 ft. westerly from Top-of-bank
Setback distances do not apply to Water-dependent Uses that require a river bank location, or Water-related Uses that require direct access to the river.	
None of the minimum setbacks in this table shall conflict with the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, the Natural Resource provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Should a conflict arise, the stricter provision shall prevail.	

