

50.05.009 GREENWAY MANAGEMENT OVERLAY DISTRICT

1. PURPOSE, APPLICATION

a. Purpose

The purpose of the Greenway Management Overlay District (GM) is the following:

- i. To protect the natural, scenic and recreational qualities of lands along the Willamette River in Lake Oswego;
- ii. To preserve and allow for the restoration of historical sites, structures, and facilities along the Willamette River;
- iii. To implement the goals and policies of the State of Oregon's Willamette River Greenway Program;
- iv. To implement the goals and policies of the Lake Oswego Comprehensive Plan Greenway Element;
- v. To establish standards and requirements for the use of lands within the Willamette River Greenway Compatibility Review Boundary in Lake Oswego; and
- vi. To provide for the review of any intensification of use, change of use, or development on properties located within the GM Overlay as indicated on the official zoning map. Uses of the land and water not compatible with the Greenway and not provided for in this Code shall be prohibited within the GM Overlay.

b. Overlay Boundary

This overlay district establishes the Greenway Compatibility Review Boundary and is intended to superimpose additional protection and regulation upon property which may alter the requirements of the underlying zone. The boundary extends 150 ft. shoreward from the ordinary low waterline of the Willamette River and to those areas within the river that are within the Lake Oswego City limits.

c. Applicability

The provisions of this section shall apply to lands in the Willamette River Greenway Compatibility Review Boundaries in Lake Oswego in addition to any standards and requirements of the primary zoning district to which this designation may apply. Nothing in this section shall be construed to constitute a waiver or suspension of the provisions of any zoning district within the GM Overlay. In the case of any conflict between the provisions of this section and the provisions of any other section of this Code, the more restrictive provisions shall apply.

(Ord. 2579, Repealed and Replaced, 03/20/2012)

2. DEVELOPMENT REVIEW

- a.** All development within the GM Overlay District shall be reviewed pursuant to the provisions in LOC Article [50.07](#), Review and Approval Procedures.
- b.** In reviewing applications for development in the GM Overlay District, in addition to the requirements of LOC Article [50.07](#), Review and Approval Procedures, and except as provided in subsection 2.c of this section, the reviewing authority shall determine that the following criteria are met:
- i.** Significant fish and wildlife habitats will be protected.
 - ii.** Significant natural and scenic areas, viewpoints and vistas will be protected.
 - iii.** Areas of ecological, scientific, historical or archeological significance will be protected to the maximum extent possible.
 - iv.** The quality of the air and water in and adjacent to the Willamette River will be maintained in the development, change of use, or intensification of use of land within the GM Overlay.
 - v.** Areas of annual flooding, water areas, and wetlands will be retained in their natural state to the maximum possible extent to provide for water retention, overflow and other natural functions as well as protect the health, safety and welfare of the public. Areas subject to the 100-year flood level are also regulated by the floodplain standard.
 - vi.** The natural vegetative fringe shall be maintained to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river.
 - vii.** Areas considered for development, change or intensification of use which have erosion potential will be protected from erosion by means compatible with the natural character of the Greenway.
 - viii.** Any recreational needs proposed by the development will be satisfied in a manner consistent with the natural limitations of the land. Conflicts with adjacent land uses will be minimized.
 - ix.** Public safety and protection of public and private property will be maintained to the maximum extent practicable, especially from vandalism and trespass.
 - x.** Nonwater related or dependent structures shall be located west of and no closer than 25 ft. to the following setback lines:

(1) For property located from the northern City limits to the northern bank of Oswego Creek (in George Rogers Park), the setback line is the contour elevation line that establishes the Army Corps of Engineers 50-year floodplain line.

(2) For property located in George Rogers Park from the southern bank of Oswego Creek to the southern boundary of the park, the setback line is the western edge of the paved pedestrian path.

(3) For property located from the southern boundary of George Rogers Park to the southern City limits, the setback line is the western right-of-way line for Old River Road.

The Compatibility Review Boundary Line becomes the setback line at any point where the above-described setback lines lie to the west of the Compatibility Review Boundary Line.

c. It is recognized that all of the criteria listed in subsection 2.b of this section may not be applicable to every site. In some cases, the criteria may conflict on a given site. In such cases, the reviewing authority shall balance the applicable criteria in order to protect the Willamette River, and the resources located along its banks, from the effects of development, to the greatest extent possible.

(Ord. 2526, Amended, 12/18/2012; Ord. 2579, Repealed and Replaced, 03/20/2012)

3. PERMITTED USES

The following uses are permitted within the GM district:

a. Activities to protect, conserve, enhance and maintain scenic, historical and natural uses on public lands.

b. Parks and other recreational facilities, including those designated in the Comprehensive Plan.

c. Erosion control operations not requiring a permit from the Division of State Lands.

d. Tree removal for public safety, erosion control, or personal noncommercial use.

e. Construction of driveways, modifications of existing structures and the construction or placement of such accessory structures or facilities which are usual and necessary to the use and enjoyment of existing improvements.

f. Other uses legally existing on December 16, 1982; provided, however, that any change or intensification of such use shall require review as provided by this Code.

g. Single-family dwellings and accessory structures associated with such dwellings.

(Ord. 2526, Amended, 12/18/2012; Ord. 2579, Repealed and Replaced, 03/20/2012)

4. WILLAMETTE RIVER GREENWAY BOUNDARY

The Willamette River Greenway Boundary as adopted, and as it may be amended by the Land Conservation and Development Commission, is hereby adopted as the Greenway Boundary in the City of Lake Oswego.

[**Cross-Reference:** see also underlying base zone.]

(Ord. 2579, Repealed and Replaced, 03/20/2012)