

**Chapter 17.28**

**GW — GREENWAY CONDITIONAL  
USE DISTRICT**

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- 17.28.010 Purpose.**

The purpose of the greenway conditional use district is to implement the comprehensive plan and to provide compatibility between intensification, change of use, or development therein and the Willamette River Greenway Program.

**Statutory Reference:** ORS 390.310 to 390.368

**History:** Ord. 1131 §2 (part), 1990.

**17.28.020 Applicability.**

The greenway conditional use district is a superimposed district applied in combination with other zoning districts as designated on the Gladstone Plan and Zoning Map and in compliance with state law.

**Statutory Reference:** ORS 390.310 to 390.368

**History:** Ord. 1131 §2 (part), 1990.

[**Ed. Note:** The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

**17.28.030 Uses allowed with development permit.**

Intensification, change or development of uses allowed outright, accessory uses allowed or conditional uses allowed under the primary zoning district shall be allowed in a GW zoning district subject to GMC Section 17.28.040 (requirements to obtain a development permit) and Chapter 17.70 (conditional uses).

**Statutory Reference:** ORS 390.310 to 390.368

**History:** Ord. 1131 §2 (Part), 1990; Ord. 1323 §1 (part), 2002.

**17.28.040 Requirements to obtain a development permit.**

In a GW zoning district, a development permit for intensification, change or development of uses identified in GMC Section 17.28.030 (uses allowed with development permit) may be approved, pursuant to GMC Division VII (administrative procedures), if the applicant demonstrates that the proposal complies with the following:

(1) Commitment to an Urban Use. That the land has been committed to an urban use before December 6, 1975. In determining whether the land was committed to a commercial, recreational, industrial, port, residential or other similar urban use, the economic, developmental and locational factors shall be considered including such factors as the comprehensive plan, zoning ordinance and similar plans or policies. In determining whether a commitment to an urban use has occurred on particular lands, the nature and character of other urban uses in the vicinity of the property in question shall be considered, as well as the capability of the land to fulfill the purpose of the greenway statute. In any case, such commitment will be deemed to have occurred if a permit for the change of use was granted as of December 6, 1975, and under which permit substantial construction has been undertaken July 1, 1976. Other lands which are in a natural, scenic, historical or recreational condition on December 6, 1975, shall not be deemed committed to urban use.

(2) Additional Requirements for Lands Committed to an Urban Use. Upon finding that land has been committed to an urban use, then the intensification, change of use, or development shall be permitted when the standards of GMC Section 17.28.050 and the following have been satisfied:

(a) That, to the greatest possible degree, the intensification, change of use or development will provide maximum practicable landscaping, aesthetic enhancement, open space or vegetation between the activity and the river; and

(b) That, to the greatest possible degree, public access will be provided by appropriate legal means to and along the river.

(3) Lands not Committed to an Urban Use. Upon finding that land has not been committed to an urban use, then the intensification, change of use or development shall be permitted when the standards of GMC Section 17.28.050 and the findings below have

been satisfied:

(a) To the greatest possible degree, the intensification, change of use, or development is compatible with scenic, natural, historical and recreational character of the green way;

(b) To the greatest possible degree the intensification, change of use, or development will provide the maximum practicable landscaping, aesthetic enhancement, open space or vegetation between the activity and the rivers; and

(c) Where necessary, reasonable public access will be provided by appropriate legal means to and along the river.

**Statutory Reference:** ORS 390.310 to 390.368

**History:** Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

### 17.28.050 Special standards.

Before intensification, change of use or development may be allowed in an area either committed to an urban use or an area not committed to an urban use, affirmative findings must be made showing compliance with the following standards:

(1) Fish and Wildlife Habitat. Significant fish and wildlife habitat shall be protected.

(2) Scenic Qualities and Views. Identified scenic qualities and viewpoints shall be preserved.

(3) Protection and Safety. A development shall provide for the maintenance of public safety and protection of public and private property, especially from vandalism and trespass to the maximum extent practicable.

(4) Vegetative Fringe. The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable.

(5) Development Away from the River. 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 urban uses, including port, industrial, commercial and residential uses, uses pertaining to navigational requirement, water and land access needs and related facilities.

(6) Greenway Setback. A setback line shall be established on a case-by-case basis for any development, intensification, or change of use in the greenway. This setback line shall be sufficient to protect, maintain, preserve, enhance the natural, scenic, historic and recreational qualities of the greenway.

**Statutory Reference:** ORS 390.310 - 390.368

**History:** Ord. 1131 §2 (part), 1990.

### 17.28.060 Coordination with state agencies.

Immediately upon receiving application for an intensification, change of use, or development within the boundaries of this zone, the city shall immediately forward a copy of said application by certified mail to the Department of Transportation, return receipt requested. The city shall also promptly advise the Department of Transportation of any action taken on an application for intensification, change of use, or development within the zone.

**Statutory Reference:** ORS 390.310 - 390.368

**History:** Ord. 1131 §2 (part), 1990.