

## Chapter 84

### Greenway Management Overlay (/GM)

**84.005 Purpose.** (1) The Greenway Management Overlay Zone shall protect the natural, scenic, and recreational qualities of lands along the Willamette River in Benton County, and implement the goals and policies of the State of Oregon's Willamette River Greenway Program.

(2) Nothing in this chapter is intended to authorize public use of private property. Public use of private property is a trespass violation unless owner permission is given in a particular situation, or appropriate easements and access have been acquired in accordance with applicable laws. [Ord 26, Ord 90-0069]

**84.010 Application.** The Greenway Management Overlay Zone is applied to lands along the Willamette River identified on the Oregon State Highway Division Willamette River Greenway Maps on file at the Development Department, 180 N.W. 5th Street, Corvallis, which maps are incorporated by reference into this code. [Ord 26, Ord 90-0069]

*[[The Community Development Department is no longer located at the above referenced address. This statement is for clarification only, and is not part of Benton County Code.]]*

#### PERMITTED USES

**84.105 Permitted Uses.** The following uses are allowed in the Greenway Management Overlay Zone:

- (1) Existing gravel extraction operations operating under permit from the Oregon Department of Geology and Mineral Industries (DOGAMI) or Division of State Lands (DSL).
- (2) Signs, markers, aids, etc., placed by a public agency on public lands to serve the public, or signs on private lands no larger than one and one half square feet to identify private property.
- (3) Activities to protect, conserve, enhance and maintain public scenic, historical and natural uses on public lands.
- (4) Recreational development including minor land alterations for drainage, portable chemical toilets, fire rings, fencing, signing, walking trails on State-owned lands and parks and other recreational facilities as designated in the Comprehensive Plan. More intensive recreational development requests shall be reviewed by the County Parks Board and by the Planning Official.
- (5) Erosion control operations not requiring a permit from the Division of State Lands.
- (6) Farm use.
- (7) The cutting of timber for public safety, erosion control, or personal noncommercial use.
- (8) Reasonable emergency procedures necessary to protect an existing use or facility for the safety or protection of property.
- (9) Maintenance and repair of an existing use or improvement.
- (10) Landscaping, construction of driveways, modifications of existing structures, and the construction or placement of accessory structures or facilities commonly provided in conjunction with existing improvements.

(11) Other legally existing uses, provided, however, that any change or intensification of such use shall require review as provided by this chapter. [Ord 26, Ord 90-0069]

## **CONDITIONAL USES**

**84.305 Conditional Uses.** The following uses may be allowed in the Greenway Management Overlay Zone by conditional use permit approved by the Planning Official:

- (1) All permitted uses in the primary zone which are not permitted in the Greenway Management Overlay Zone.
- (2) Boat moorage.
- (3) Water intake and utilities not associated with a farm use, dwelling, or manufactured dwelling.
- (4) Facilities for the purpose of generating power for private or public use.
- (5) Dwelling.
- (6) Operations conducted or the exploration, mining, and processing of geothermal resources, aggregate, and other mineral resources or other subsurface resources. [Ord 26, Ord 90-0069]

**84.310 Notice of Application for Conditional Use Permit.** The Oregon Department of Fish and Wildlife, and the Parks and Recreation Division of the Oregon Department of Transportation shall be given notice by certified mail within two (2) days of receipt of an application for a conditional use permit in the Greenway Management Overlay Zone. Both agencies shall also be notified of the final decision taken by the County on such applications. [Ord 26, Ord 90-0069]

**84.315 Conditional Use Criteria.** The decision to approve a conditional use permit in the Greenway Management Overlay Zone shall be based on the following criteria as applicable. The proposed use shall:

- (1) Preserve and maintain existing agricultural lands for farm use.
- (2) Protect significant fish and wildlife habitats.
- (3) Protect and enhance significant natural and scenic areas, viewpoints and vistas.
- (4) Protect, restore, or enhance areas of ecological, scientific, historical, or archaeological significance.
- (5) Maintain or enhance the quality of the air and water in and adjacent to the river.
- (6) Retain in their natural state areas of annual flooding (the two and ten year flood plains), water areas, and wetlands to the maximum possible extent. Areas subject to the base flood level shall be retained in open space uses.
- (7) Maintain the natural vegetative fringe by all means practicable to assure scenic quality, protection of wildlife, protection from erosion, and screening of uses from the river.
- (8) Be compatible with the site, the surrounding area and the environment.
- (9) Protect areas which have erosion potential by means compatible with the natural character of the Greenway.
- (10) Satisfy recreational needs by public and private means in a manner consistent with the natural limitations of the land, and minimize conflicts with adjacent land uses.
- (11) Provide public safety and protection of public and private property, especially from vandalism and trespass.

(12) Provide the maximum possible open space, natural vegetation, or landscaped area between the activity and the river.

(13) Provide public access to and along the river including pedestrian, bicycle, and water-related uses as necessary to implement the Greenway Plan within urbanizing areas.

(14) Meet applicable criteria for the review of boat moorage set forth by the Parks and Recreation Division of the Oregon Department of Transportation. [Ord 26, Ord 90-0069]

**84.320 Aggregate Extraction in the Greenway.** In addition to complying with the requirements of BCC 84.315, conditional use permits for extraction of known aggregate deposits shall demonstrate that such operations will be conducted in a manner designed to minimize adverse effects on prime agricultural soils, water quality, fish and wildlife, recreation areas, vegetation, bank stability, stream flow, visual quality, and public safety, and to guarantee necessary reclamation for approved subsequent use. Mining of point bars is considered an effective method of minimizing bank erosion. [Ord 26, Ord 90-0069]

**84.405 Siting Standards.** All structures allowed in the Greenway Management Overlay Zone shall be sited in compliance with the standards of the primary zone, BCC Chapter 99, and the following additional standards:

(1) No structure or use shall be placed in a manner likely to cause contamination of a stream, lake or other body of water as established by the Oregon Department of Environmental Quality.

(2) A structure which is not a water dependent use shall not be placed closer than 75 feet of the ordinary high water line of any stream or river. [Ord 26, Ord 90-0069]