

**19. Goal 15 – Willamette River Greenway.** Goal 15, Paragraph (C)(3)(j) does not provide a blanket exemption from development review for expansions or intensifications of existing urban uses that are located within the Willamette River Greenway, but merely recognizes that urban uses that were already located along the riverfront at Goal 15’s adoption are allowed to remain along the riverfront without having to be relocated “away from the river.” *Gunderson, LLC v. City of Portland*, 62 Or LUBA 403 (2011).

**19. Goal 15 – Willamette River Greenway.** Challenges to a local government’s amendment of the Willamette River Greenway boundary for compliance with Statewide Planning Goal 15 are not within LUBA’s scope of review. ORS 390.322 gives LCDC jurisdiction to approve greenway boundary amendments, and OAR 660-020-0065(6) provides that such amendments are to be approved by rule making. ORS 197.825(2)(d) provides that LUBA does not have jurisdiction to review administrative agency decisions that result in rule making. *Gunderson, LLC v. City of Portland*, 62 Or LUBA 403 (2011).

**19. Goal 15 – Willamette River Greenway.** A city finding that the “top of the bank” is located entirely within 50 horizontal feet of the high water line is not supported by substantial evidence, where the applicant submitted a survey showing that at two points the top of the bank is further than 50 horizontal feet, and the city cites no specific evidence to the contrary. *Kingsley v. City of Portland*, 55 Or LUBA 256 (2007).

**19. Goal 15 – Willamette River Greenway.** Where a city code requires that one of two different methods for determining the top of the bank be applied, depending on which of two specified site conditions are found, the choice of method for determining the top of the bank is governed by the corresponding site condition, notwithstanding that the resulting top of the bank is discontinuous. The city errs in determining the location of the top of the bank based not on one of the two specified methods, but rather on the city’s preference for a continuous setback. *Kingsley v. City of Portland*, 55 Or LUBA 256 (2007).

**19. Goal 15 – Willamette River Greenway.** Goal 15 requires that local comprehensive plans designate lands within the Willamette River Greenway that are suitable for acquisition so that they may be put to one of a number of uses identified in Goal 15. *Willamette Oaks, LLC v. City of Eugene*, 46 Or LUBA 813 (2004).

**19. Goal 15 – Willamette River Greenway.** A final city decision to purchase property within the Willamette River Greenway is a land use decision, where the city is required to apply its comprehensive plan provisions that identify the property the city will purchase within the Willamette River Greenway for Willamette River Greenway purposes. *Willamette Oaks, LLC v. City of Eugene*, 46 Or LUBA 813 (2004).

**19. Goal 15 - Willamette River Greenway.** A statement that the requested Willamette River Greenway permit is to allow placement of a dwelling on the identified subject property is sufficient to satisfy the requirement of ORS 197.763(3)(a) that the notice of hearing “[e]xplain the nature of the application and the proposed use or uses which could be authorized.” *Reeves v. Yamhill County*, 28 Or LUBA 123 (1994).