



House Bill 2001 Guidance – Goal 15 Willamette Greenway

Background

Goal 15 was adopted in 1975 and applies to cities and counties along the Willamette River. The Willamette River Greenway is a corridor of water and land in which development is planned and built with recognition of the unique qualities of the Willamette River.

Goal 15 requires cities and counties to maintain and implement local greenway plans. This includes applying a local review process and criteria to review intensifications of use, changes of use and new development that are consistent with criteria in the goal. Greenway compatibility reviews are intended to insure, “the best possible appearance, landscaping and public access” is achieved for development along the river. Most local codes reflect the subjective language of the goal, and require at least one public hearing, as specified by section F.3. of the goal.

In 2017, the Oregon Legislature passed [Senate Bill \(SB\) 1051](#). This legislation extended the requirement in ORS 197.307 for clear and objective standards to all housing inside an urban growth boundary. Previous to SB 1051, Greenway compatibility review was except from this requirement. The consequence is that today, many local codes governing residential development along the Willamette River are in conflict with current requirements that regulations and procedures applied to housing development be “clear and objective”. To remedy this conflict, most cities and counties that front the Willamette River will need to amend their Greenway compatibility review process in order to allow new and redevelopment of housing along the river.

Relationship of the Willamette River Greenway objectives to Middle Housing

House Bill 2001 requires applicable cities to amend development codes governing the development of housing in areas that allow for the development of single-family detached dwellings to allow the development of middle housing. This has prompted many jurisdictions to consider their existing codes governing the development of housing within their Greenway compatibility review boundary. While the intent of increasing opportunities for middle housing is consistent with Goal 15, the review and process issues described above pose an obstacle. OAR Chapter 660, Division 046 doesn’t require cities to amend their Willamette River Greenway codes. However, amendments are needed if a city wants to mesh middle housing and Greenway objectives in a manner consistent with ORS 197.307. Subjective Greenway compatibility review standards will need to be replaced with objective standards that comply with the Goal 15.

DLCD recognizes that the development of middle housing along the Willamette River is a good policy outcome and notes that is not precluded in administrative rule. This is reflected in OAR 660-046-0010(3)(f):

(f) Goal 15: Willamette Greenway – Pursuant to OAR 660-015-0005, Medium and Large Cities must review intensifications, changes of use or developments to insure their compatibility with the Willamette River Greenway. Medium and Large Cities may allow and regulate the development of Middle Housing in the Willamette Greenway, provided that applicable regulations adopted pursuant to Goal 15 comply with ORS 197.307.



Guidance

While the conflict between Greenway compatibility review standards and the clear and objective requirement for review of housing proposals in ORS 197.307 has existed for some time, House Bill 2001 has brought this issue to light. *At some point, the State of Oregon and local cities and counties will need to reconcile the 1975 Goal 15 development review standards with current housing policy.* Meanwhile, there is a pathway available to adopt local clear and objective review standards for application within a Greenway compatibility review boundary. Goal 15 includes the following provision:

Goal 15, Section F.3.

f. As an alternative to the review procedures in subparagraphs 3(a) to 3(e), a city or county governing body may prepare and adopt, after public hearing and notice thereof to [Oregon Department of Parks and Recreation [OPRD]], a design plan and administrative review procedure for a portion of the Greenway. Such design plan must provide for findings equivalent to those required in subparagraphs 3(b)(1) and (2) of paragraph F so as to insure compatibility with the Greenway of proposed intensification, changes of use or developments. If this alternative procedure is adopted and approved by [OPRD] and LCDC, a hearing will not be required on each individual application.

This goal provision enables a local jurisdiction to adopt a design plan and administrative review procedure for the review of housing development in the Willamette River Greenway, without a hearing for each individual application. To be clear, DLCDC does not think that House Bill 2001 requires local jurisdictions to reconcile middle housing objectives, the “clear and objective” requirement, and Willamette River Greenway objectives. However, the department supports this approach and will provide technical assistance to jurisdictions that choose to pursue such a task. This is a significant land use planning issue and will require DLCDC and local jurisdictions working together to reconcile.

Case Study

So far, no jurisdiction has applied this alternative review procedure to the development of housing along the Willamette River Greenway. If your jurisdiction would be interested in pursuing such a project, please reach out to Sean Edging at sean.edging@state.or.us. Such a project could provide a valuable resource and case study for other jurisdictions to consider in the future. DLCDC will provide technical/planning assistance, and grant funding may also be available, contingent upon approval from the Legislature.