

## 33.537 Johnson Creek Basin Plan District

# 537

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#### Map 537-1 Johnson Creek Basin Plan District

### General

#### 33.537.010 Purpose

The Johnson Creek Basin plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services. At certain locations, the density of development is limited by applying special regulations to new land division proposals. In addition, restrictions are placed on all new land uses and activities to reduce stormwater runoff, provide groundwater recharge, reduce erosion, enhance water quality, and retain and enhance native vegetation throughout the plan district. At other locations, development is encouraged and mechanisms are included that provide relief from environmental restrictions.

This plan district is intended to be used in conjunction with environmental zoning placed on significant resources and functional values in the Johnson Creek basin, to protect resources and functional values in conformance with Goal 8 of the Comprehensive Plan and Statewide Planning Goal 5.

#### 33.537.020 Where These Regulations Apply

The regulations of this chapter apply in the Johnson Creek Basin plan district. The boundaries of the plan district are shown on Map 537-1 at the end of this chapter, and on the Official Zoning Maps.

The regulations of Sections 33.537.010 through 33.537.120 apply to all sites in the plan district. The regulations of Section 33.537.125 apply to sites that abut the Springwater Corridor, sites where any portion is within the combined flood hazard area and sites where any portion is within the South

subdistrict. The regulations of Section 33.537.130 apply to sites that abut the Springwater Corridor. Where any portion of a site is in the combined flood hazard area, the entire site is exempt from the regulations of Section 33.537.140 and is instead subject to the regulations of Section 33.537.150. The regulations of Section 33.537.160 apply to sites in the Johnson Creek Flood Risk Area. The South subdistrict, Springwater Corridor, and Flood Risk Area are shown on Map 537-1.

### **33.537.030 Items Subject to These Regulations**

The following are subject to the development standards and required reviews of this chapter.

- A. New development and exterior alterations;
- B. New above or below ground utilities that are not in public rights-of-way; and
- C. Removal of trees 6 or more inches in diameter.

### **33.537.040 Items Exempt from Environmental Regulations**

The following items are exempt from environmental overlay zone regulations within the plan district, as they are compatible with the purposes of the plan district and will not adversely impact significant resources and functional values.

- A. Construction and maintenance of a public recreation trail and support facilities within the Springwater Corridor; and
- B. Maintenance within existing rights-of-way, including road widening, rebuilding of bridges, resurfacing, and installation of curbs and sidewalks.

## **Development Standards**

### **33.537.100 General Development Standards**

The standards of this section apply to the entire Johnson Creek Basin plan district.

- A. The following are prohibited within the Johnson Creek floodway. Exceptions to this are fences, public bridges, outfall structures, and fire hydrants, which are allowed subject to standards set by the Bureau of Environmental Services.
  - 1. New above ground structures;
  - 2. Alterations to existing commercial and industrial structures that exceed 50% of the assessed value; or
  - 3. Increase of building coverage.
- B. Release of water from Powell Butte reservoirs into Johnson Creek is prohibited unless there is a system malfunction or when the release would result in no more than a 10 percent increase in water volume at any point in the creek during the release period. Water discharged during scheduled release periods must be dechlorinated.
- C. Groundcovers and shrubs identified on the Nuisance Plants List may be removed.
- D. Planting of plants listed on the Nuisance Plants List is prohibited.

- E. All vegetation removal activities must be surrounded or protected in a manner to prevent erosion and sediment from leaving the altered site.

### **33.537.110 Transfer of Development Rights**

- A. **Purpose.** These transfer of development rights regulations preserve development opportunities for new housing and reduce development pressure on environmentally sensitive sites. The regulations allow development rights to be transferred from sites with the Environmental Protection Overlay Zones or sites where any portion of the site is in the combined flood hazard area to areas that can accommodate the additional density without environmental conflict.
- B. **Regulations.** Transfer of development rights between sites in the plan district is allowed as follows. "Development rights" are the number of potential dwelling units that would be allowed on the site. Bonus density is not transferable.
  - 1. Sending sites.
    - a. Sites in single-dwelling zones where at least 50 percent of the site is within the Environmental Protection overlay zone may transfer development rights.
    - b. Sites in single-dwelling zones where any portion of the site is in the combined flood hazard area may transfer development rights.
  - 2. Receiving sites. All sites within the Johnson Creek plan district may receive development rights from sending sites except:
    - a. Sites in the RMP zone;
    - b. Portions of a receiving site that are in either a "c" or "p" Environmental overlay zone;
    - c. Sites where any portion of the site is in the combined flood hazard area; and
    - d. Portions of a receiving site in Land Class I or II within the South subdistrict. Land Class I and II are defined in Section 33.537.140.E, Maximum Density for Land Divisions and Planned Developments.
  - 3. Maximum density. The density of the receiving site may not exceed 200 percent of the allowable density.
  - 4. Transfer procedure. Transfer of development rights is allowed as follows:
    - a. Planned Development (PD) required. The receiving site must be approved for development as a PD. The purpose of the PD review is to ensure that the extra density is developed appropriately on the receiving site according to the requirements and approval criteria of this subsection and the approval criteria in Chapter 33.665, Planned Development Review.
    - b. Sending site included. The sending site must be a part of the application for PD review on the receiving site. The purpose of this requirement is to allow the City to track the reduced development potential on sending sites.

- c. Covenant required. The owner of the sending site must execute a covenant with the City that reflects the reduced development potential on the sending site. The covenant must meet the requirements of 33.700.060. The covenant must be recorded within 90 days of the PD approval, or if the PD includes a land division, before the Director of BDS's approval of the final plat.
5. Approval Criteria. In addition to the PD approval criteria in Chapter 33.665, Planned Development Review, the transfer will be approved when the review body finds that all the following approval criteria have been met:
  - a. A PD proposed for the site that includes the transferred density has been approved; and
  - b. The owner of the sending site has executed a covenant with the City that reflects the reduction in potential density for the sending site.
6. Adjustments prohibited. Adjustments to the provisions of this section are prohibited.

### **33.537.120 Bonus Density**

- A. Purpose.** Density bonuses promote denser development and encourage development in areas that have full and efficient urban services. They also encourage development patterns that reduce impact on environmentally sensitive sites.
- B. Qualifying situations.** Density bonuses are allowed except where prohibited. Density bonuses are prohibited on:
  1. Portions of a site that are in Environmental Protection or Conservation overlay zones;
  2. Sites where any portion of the site is in the combined flood hazard area; or
  3. Portions of a site in Land Class I or II within the South subdistrict. Land Class I and II are defined in Subsection 33.537.140.E, Maximum Density for Land Divisions and Planned Developments.
- C. Maximum density.** Proposals that meet the requirements of Subsection D, below, may increase their maximum density by 50 percent. Bonus density may be combined with transfer of development rights. The maximum increase in density that will be allowed when bonus and transfer development rights are combined is 100 percent.
- D. Requirements.** Proposals to use density bonuses must meet the following:
  1. Development. Development must be any housing type that has at least two units in each structure or attached houses and must meet the development standards for residential development in the RM1 zone. Adjustments to this paragraph are prohibited.
  2. Planned Development (PD) required. The proposal must be approved for development as a Planned Development. In addition to the PD approval criteria in Chapter 33.665, Planned Development Review, the following standards must be met:
    - a. Access to transit. Access from each dwelling unit within the proposal to a transit street or transitway, as identified in the Transportation Element of the City's Comprehensive Plan, must be provided. The access must be by a direct route

that is not more than one-quarter mile long. A direct route is one that follows public or private streets. A direct route may also include a pedestrian path developed as part of the proposal if the City receives an access easement for public use of the pedestrian path.

- b. Sewer and water. Development sites within the project must be served by City sanitary sewer and water lines located in dedicated rights-of-way.
- c. Storm water retention and detention. All storm water originating on the site must be managed to ensure that development on the site does not contribute to flooding. Stormwater collection systems must be designed so that the post development stormwater flow rate off the site is no greater than the pre-development flow rate off the site.

### **33.537.125 Tree Removal Standards**

- A. Purpose.** The regulations of this section limit tree removal to protect the scenic and recreational quality of the Springwater Corridor, reduce stormwater runoff, flooding, erosion, and landslides and protect water quality and native vegetation.
- B. Where these regulations apply.** The standards of this section apply to trees that are 6 or more inches in diameter in the following locations:
  - 1. Within 20 feet of the Springwater Corridor right-of-way;
  - 2. On sites where any portion of the site is within the combined flood hazard area; and
  - 3. On sites where any portion of the site is within the South Subdistrict as shown on Map 537-1.
- C. Standards.** Trees 6 or more inches in diameter may not be removed unless one or more of the following are met:
  - 1. The tree is determined by an arborist to be dead, dying or dangerous and needs to be removed;
  - 2. The tree is listed on the Nuisance Plants List;
  - 3. The tree is within 10 feet of existing or proposed buildings and structures attached to buildings, such as decks, stairs, and carports, or within 10 feet of a proposed driveway or right-of-way improvements;
  - 4. The tree must be removed due to installation, repair, or maintenance of water, sewer, or stormwater services. For new installation of services, tree removal allowed under this provision is limited to a single 10 foot wide utility corridor per site;
  - 5. The tree is within a proposed roadway or City-required construction easement;
  - 6. The tree is at least 6 and up to 12 inches in diameter and does not meet any of the other standards of this Subsection, but is replaced with two trees. Replacement plantings must meet Section 33.248.030, Plant Materials. Trees removed within 20 feet of the Springwater Corridor must be replaced within the 20 feet of the Springwater Corridor; or

7. Trees that do not qualify for removal under C.1 through 6 may be removed if approved through tree review as provided in Chapter 33.853, Tree Review. However, where the tree removal requires environmental review, only environmental review is required.

- D. Tree removal without development.** When no development is proposed, tree removal allowed under the standards of Subsection C.1 through 5, above, is subject to the tree permit requirements of Title 11, Trees.

### **33.537.130 Springwater Corridor Standards**

- A. Purpose.** This section ensures protection of the Springwater Corridor as a transportation, recreation and scenic amenity.
- B. Where these regulations apply.** The standards of this section apply to sites that abut the Springwater Corridor. These regulations do not apply within a public right-of-way. The Springwater Corridor is shown on the Official Zoning Maps and on Map 537-1 at the end of this chapter.
- C. Standards.**
1. General standards.
    - a. Motor vehicle areas. Motor vehicle parking, loading, and maneuvering areas are not allowed within 20 feet of a lot line abutting the Springwater Corridor;
    - b. Waste collection and waste storage areas. In multi-dwelling, C, E, I, and IR zones, exterior waste collection and waste storage areas must be screened from the corridor, the screen must be at least five feet deep and meet the L2 standard of Chapter 33.248, Landscaping and Screening;
    - c. Tree removal. Trees within 20 feet of a lot line abutting the Springwater Corridor are subject to the tree removal standards of 33.537.125.
  2. Special setback standards.
    - a. Landscaped buffer required. New development and expansion of existing development, including buildings, other structures, fences, parking and loading areas, paved and graveled areas, and exterior display and storage areas, must be set back and provided with a landscape buffer along lot lines abutting the Springwater Corridor.
      - (1) R zones. In R zones, a 20 foot landscaped buffer is required along a lot line that abuts the Springwater Corridor. The buffer must meet the L1 standard of Chapter 33.248, Landscaping and Screening.
      - (2) C, E, and I zones. In C, E, and I zones, a 10 foot landscaped buffer is required along a property line that abuts the Springwater Corridor. The buffer must meet the L1 standard of Chapter 33.248, Landscaping and Screening.
    - b. Bicycle and pedestrian paths. Connections for bicycles and pedestrians are allowed through the setback area.

### 33.537.140 South Subdistrict Development Standards

- A. Purpose.** These regulations mitigate the negative impacts that may result from the development of areas where flooding and landslides are common. The impermeable clay soils of the steep-sided Boring Lava hills to the south of the creek contribute to rapid stormwater runoff in the winter, and contribute to flooding. Unlike the flatter areas north of the creek, in the South subdistrict there are numerous small streams that can quickly carry stormwater runoff to Johnson Creek. The extensive tree canopy on these hillsides helps to slow stormwater runoff. Limitations on development density, tree removal, and impervious surface area reduce stormwater runoff, provide groundwater recharge, reduce erosion, protect water quality, and retain native vegetation. These regulations work together to protect watershed health while allowing the safe and efficient development of unconstrained lands.
- B. Where these regulations apply.** The regulations of this section apply in the South subdistrict as shown on Map 537-1. Where any portion of a site is in the combined flood hazard area, the entire site is exempt from the standards of this section and is instead subject to the regulations of Section 33.537.150, Floodplain Development Standards.
- C. Tree removal.** Tree removal is subject to the standards of 33.537.125.
- D. Impervious surface.** No more than 50 percent of any site may be developed in impervious surface. Building eaves are included in the calculation of impervious surface.
- E. Maximum Density for Land Divisions and Planned Developments.** The maximum allowed density of development for Land Divisions and Planned Developments is determined by calculating the number of acres in each land classification and multiplying those figures by the following fractions in Table 537-1, below.

All land in the South subdistrict is divided into three land classifications, Classes I through III. Class I lands are generally the steepest sites having the greatest amount of natural hazards while Class III lands are generally flat without natural hazards. This land classification system is the basis for many of the regulations of this chapter.

Table 537-1 Land Class Characteristics and Density Restrictions		
Land Class	Characteristics of the Land Class	Maximum Density
Class I lands	Located on slopes with a grade of 30 percent or greater.	One-fourth the maximum density allowed in the base zone.
Class II lands	Located on slopes with grade of 20 percent or greater, but less than 30 percent.	One-half the maximum density allowed in the base zone.
Class III lands	Located on slopes with grade of less than 20 percent.	Maximum density allowed in base zone.

### 33.537.150 Floodplain Standards

- A. Purpose.** The regulations of this section manage development in the floodplain in order to protect the quality and natural functions of the floodplain and reduce the loss of property in areas where flooding is common. Together, these regulations help reduce stormwater

runoff, provide groundwater recharge, reduce erosion, retain and enhance native vegetation, and enhance water quality.

- B. Where these regulations apply.** These regulations apply to sites where any portion of the site is in the combined flood hazard area.
- C. Housing Types.** In the RM1 and RM2 zones, allowed housing types are limited to residential structures with at least two units in each structure and attached housing. A house is allowed on lots of record that cannot accommodate more than one dwelling unit under the provisions of Section 33.120.205, Density. Adjustments to this section are prohibited.
- D. Tree removal.** Tree removal is subject to the standards of 33.537.125.
- E. Impervious surface.** No more than 50 percent of any site may be developed in impervious surface. Building eaves are included in the calculation of impervious surface.

### **33.537.160 Johnson Creek Flood Risk Area**

- A.** Where the entire site is within the Johnson Creek Flood Risk Area, as shown on Map 537-1, land divisions and PDs are prohibited.
- B.** Where a portion of the site is within the Johnson Creek Flood Risk Area, as shown on Map 537-1, land divisions and PDs are allowed only if the portion of the site in the Flood Risk Area is placed in a tract.

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*(Added by Ord. No. 164472, effective 8/16/91. Amended by: Ord. No. 168698, effective 4/17/95; Ord. No. 169763, effective 3/25/96; Ord. No. 170495, effective 8/21/96; Ord. No. 170806, effective 1/17/97; Ord. No. 172208, effective 5/13/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177689, effective 7/19/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 181357, effective 11/9/07; Ord. No. 183534, effective 7/1/10; Ord. No. 184235, effective 11/26/10, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 186053, effective 1/1/15; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190834, effective 10/1/22; Ord. No. 191477, effective 3/1/24.)*

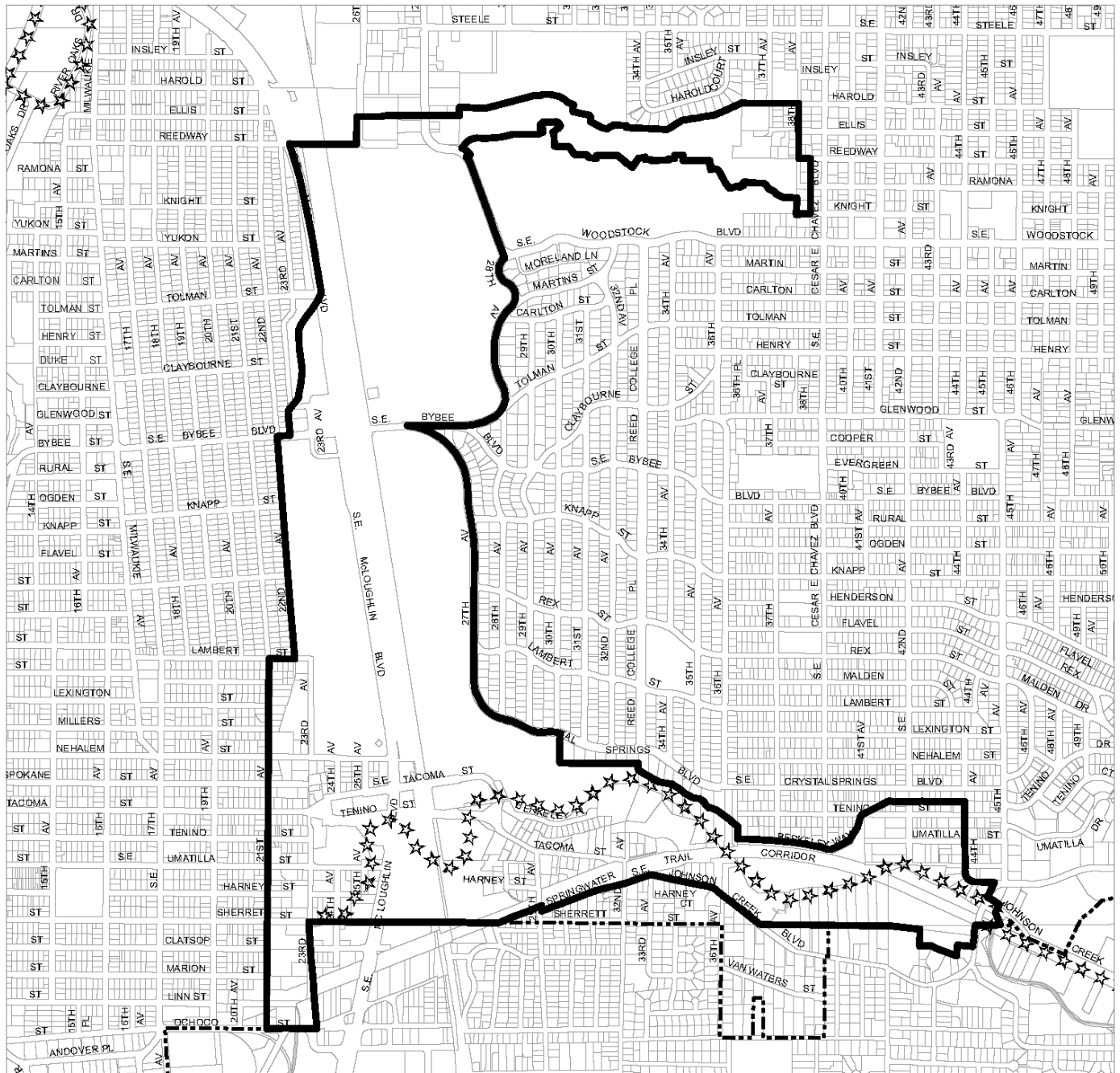


# Johnson Creek Basin Plan District

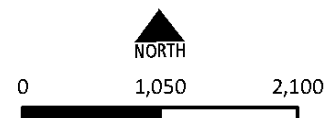
# Map 537-1

Map 1 of 8

Map Revised January 1, 2015



- City Boundary
- Plan District Boundary
- South Subdistrict
- Flood Risk Area
- ☆☆☆☆ Recreation Trail



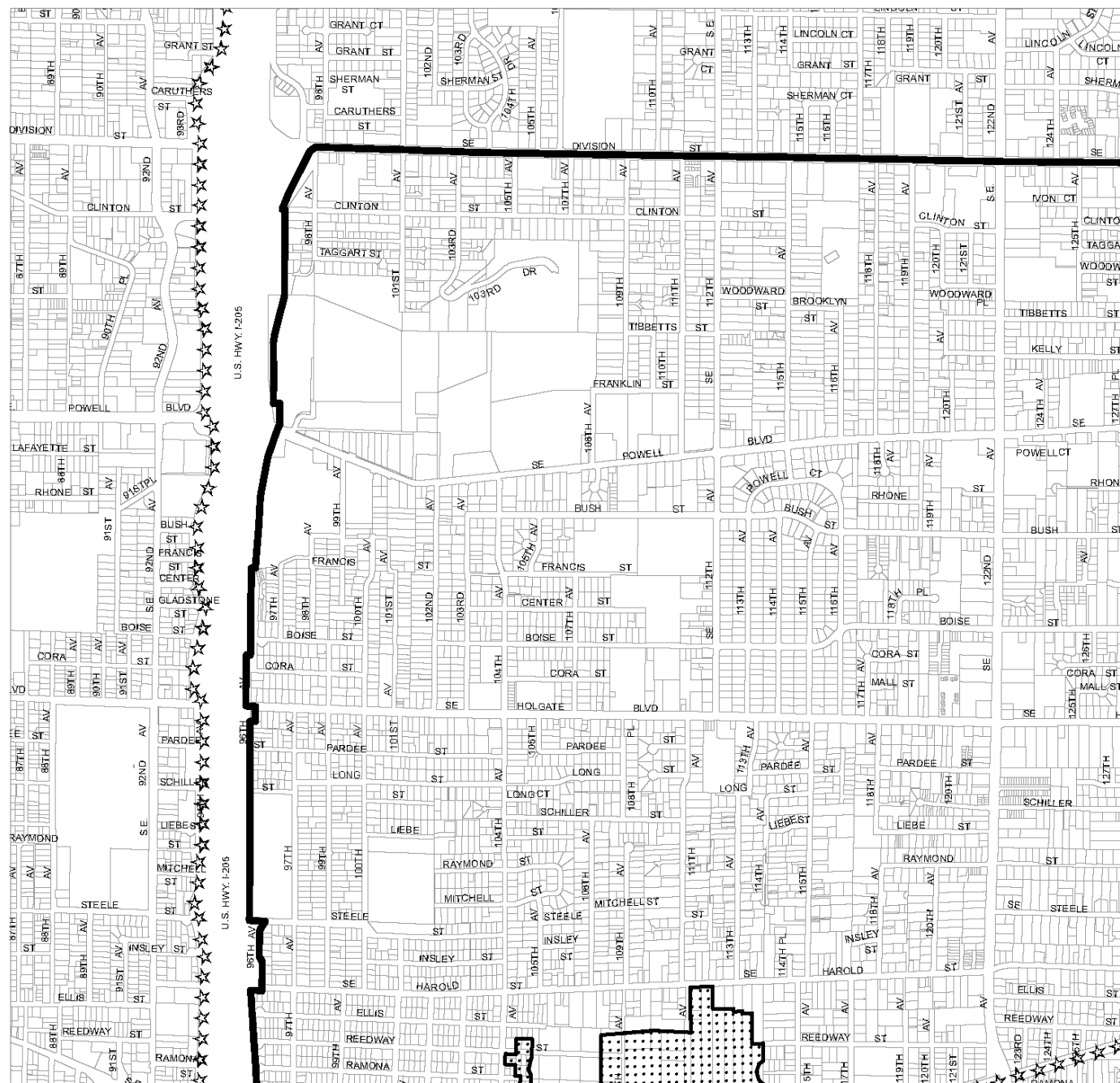
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Bureau of Planning and Sustainability  
Portland, Oregon

# Johnson Creek Basin Plan District

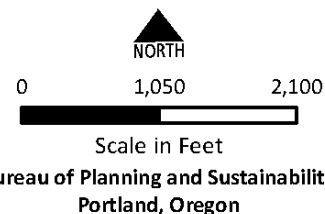
# Map 537-1

Map 2 of 8

Map Revised January 1, 2015



- City Boundary
- Plan District Boundary
- South Subdistrict
- Flood Risk Area
- ☆☆☆☆ Recreation Trail

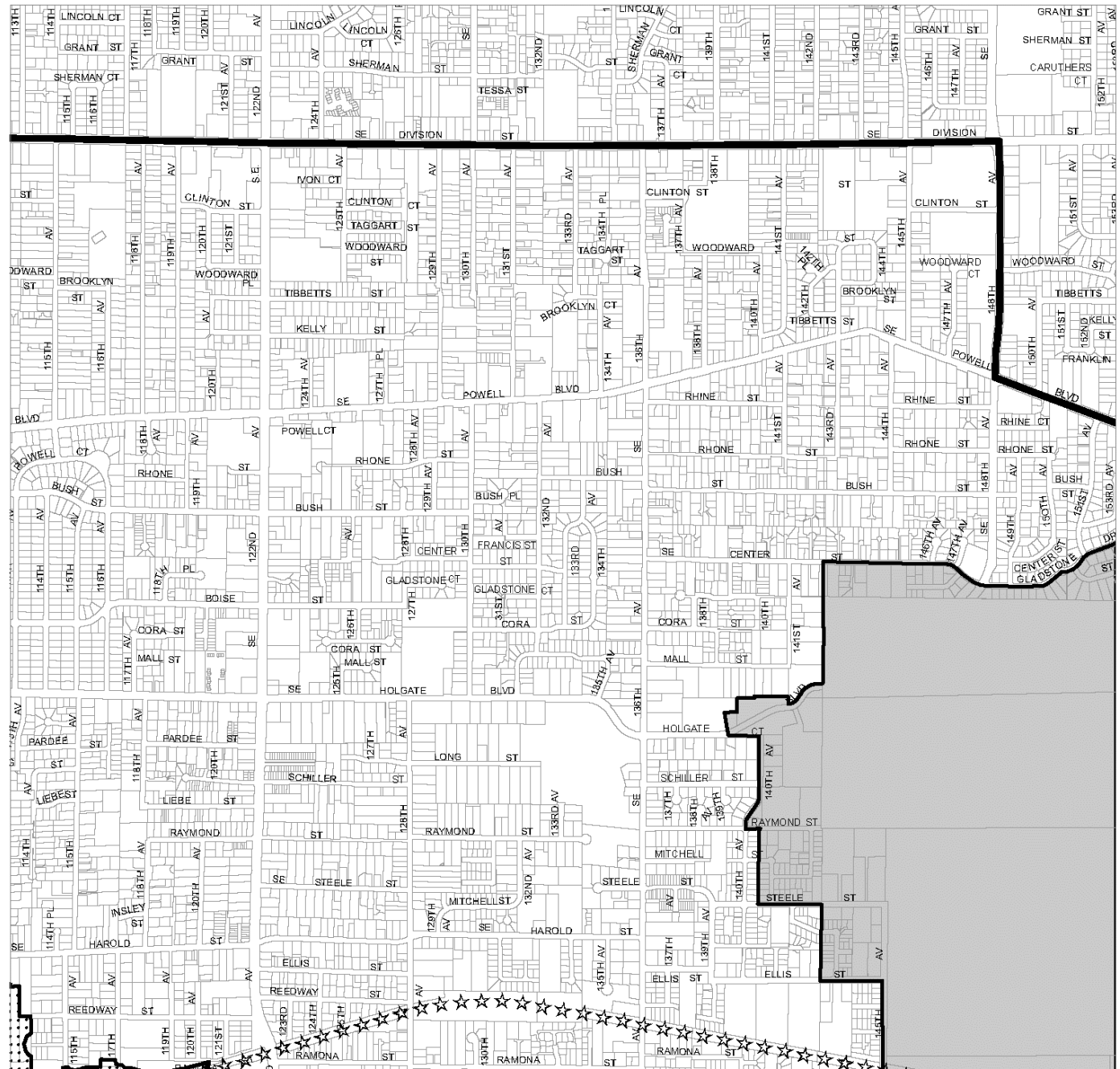


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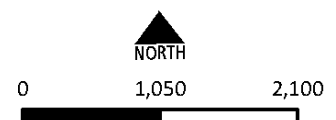
# Map 537-1

Map 3 of 8

Map Revised January 1, 2015



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- South Subdistrict
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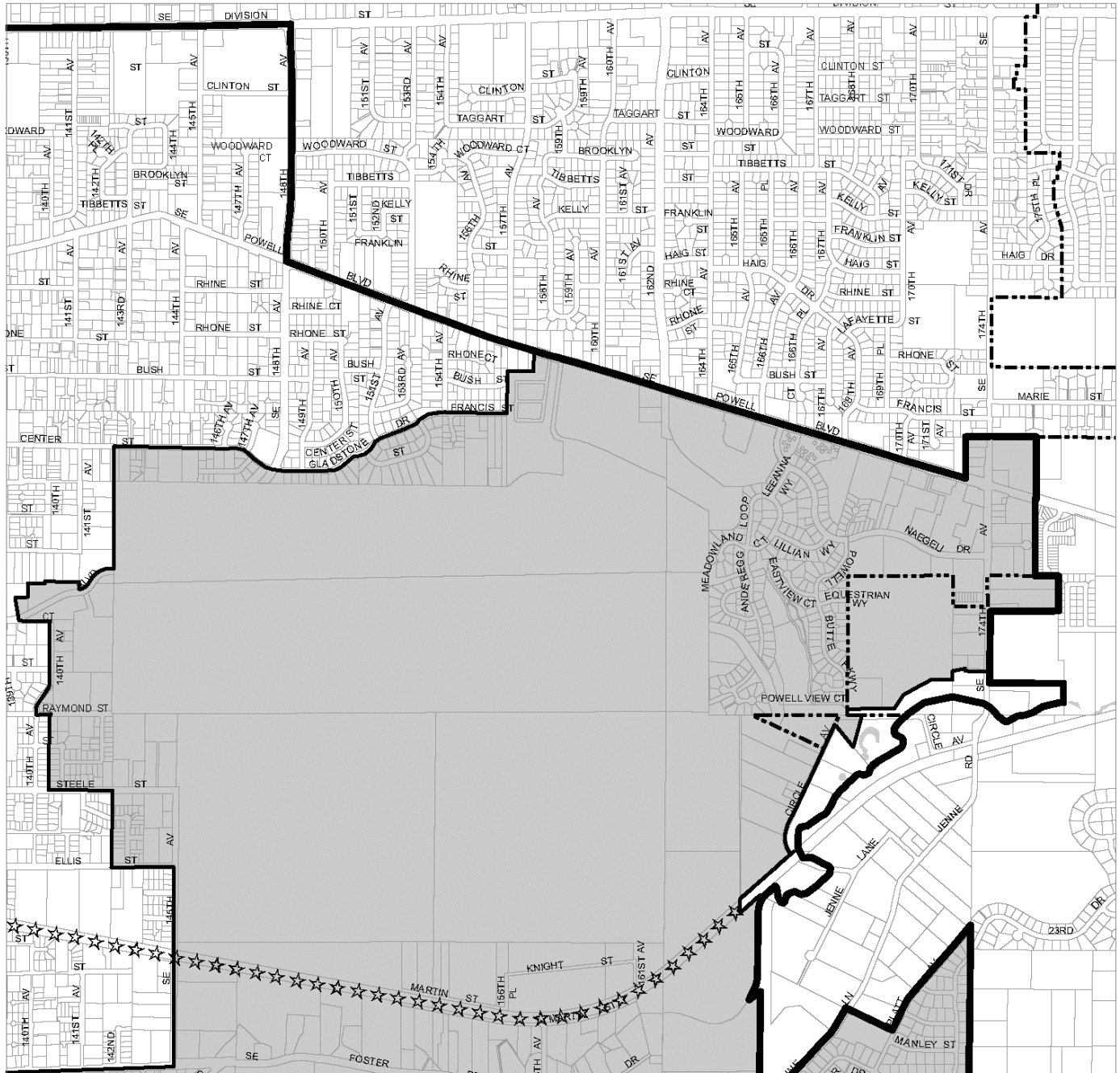
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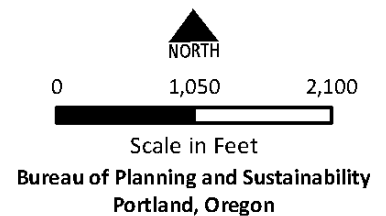
# Map 537-1

Map 4 of 8

Map Revised January 1, 2015



- City Boundary
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- South Subdistrict
- Flood Risk Area
- ☆☆☆☆ Recreation Trail

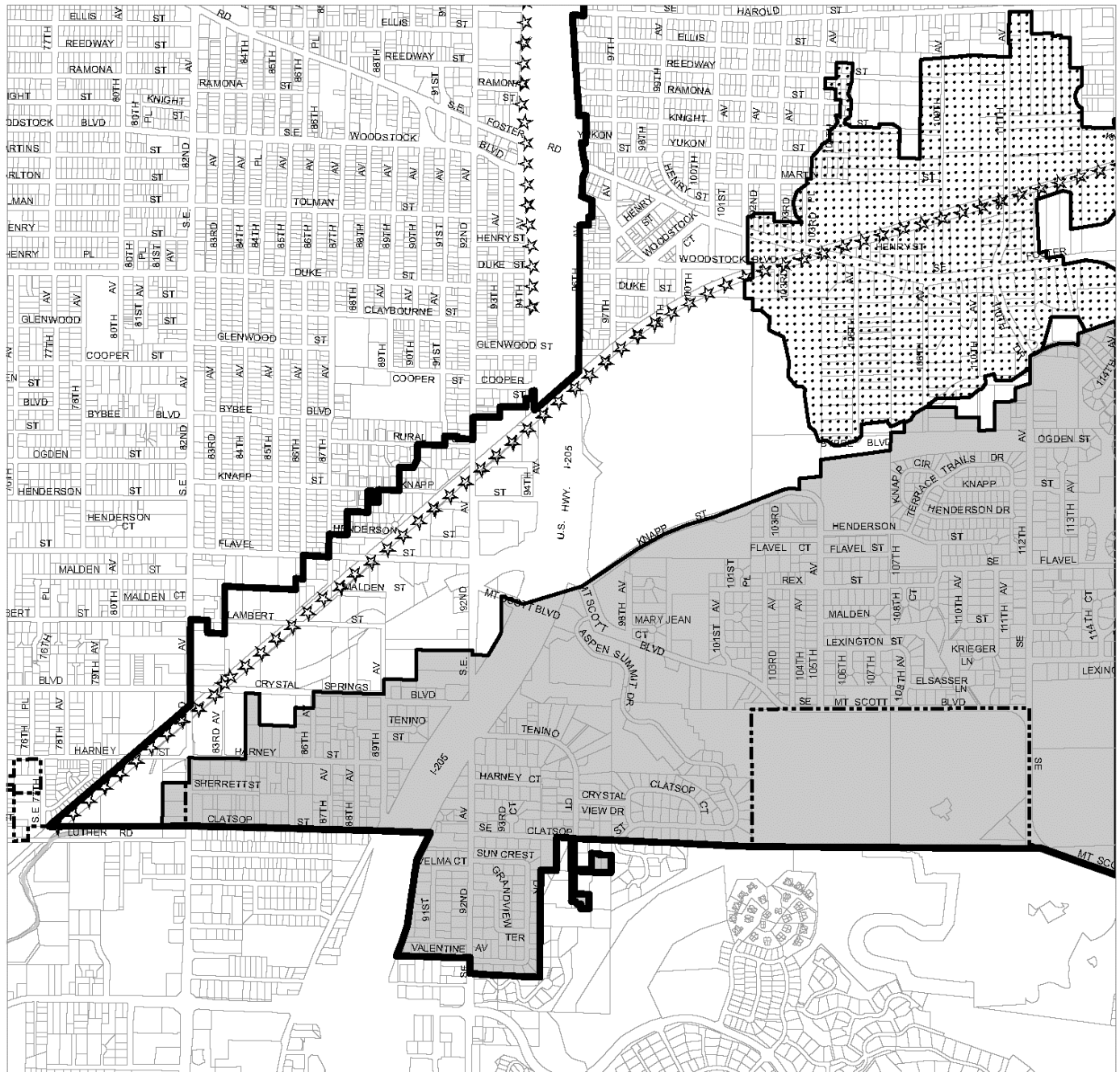


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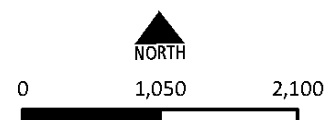
# Map 537-1

Map 5 of 8

Map Revised January 1, 2015



- City Boundary
- Plan District Boundary
- South Subdistrict
- Flood Risk Area
- ☆☆☆☆ Recreation Trail



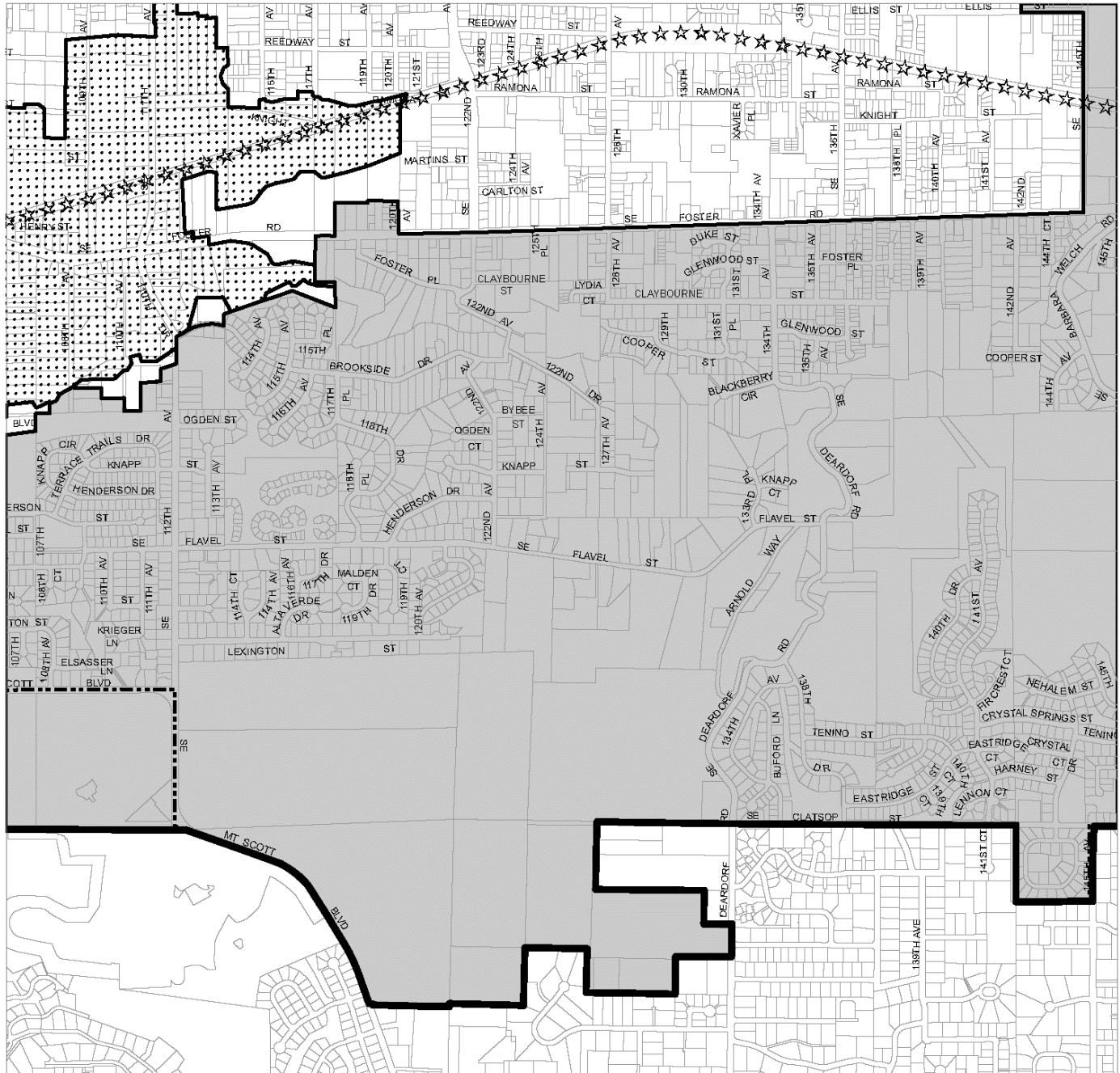
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# Johnson Creek Basin Plan District

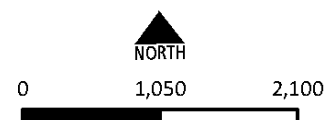
# Map 537-1

Map 6 of 8

Map Revised January 1, 2015



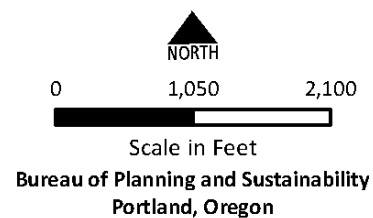
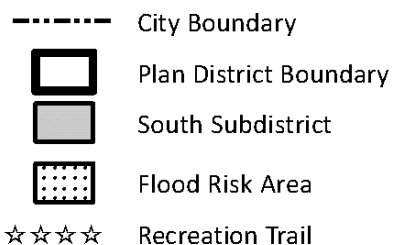
- City Boundary
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Portland, Oregon

# Map 537-1

Map Revised January 1, 2015



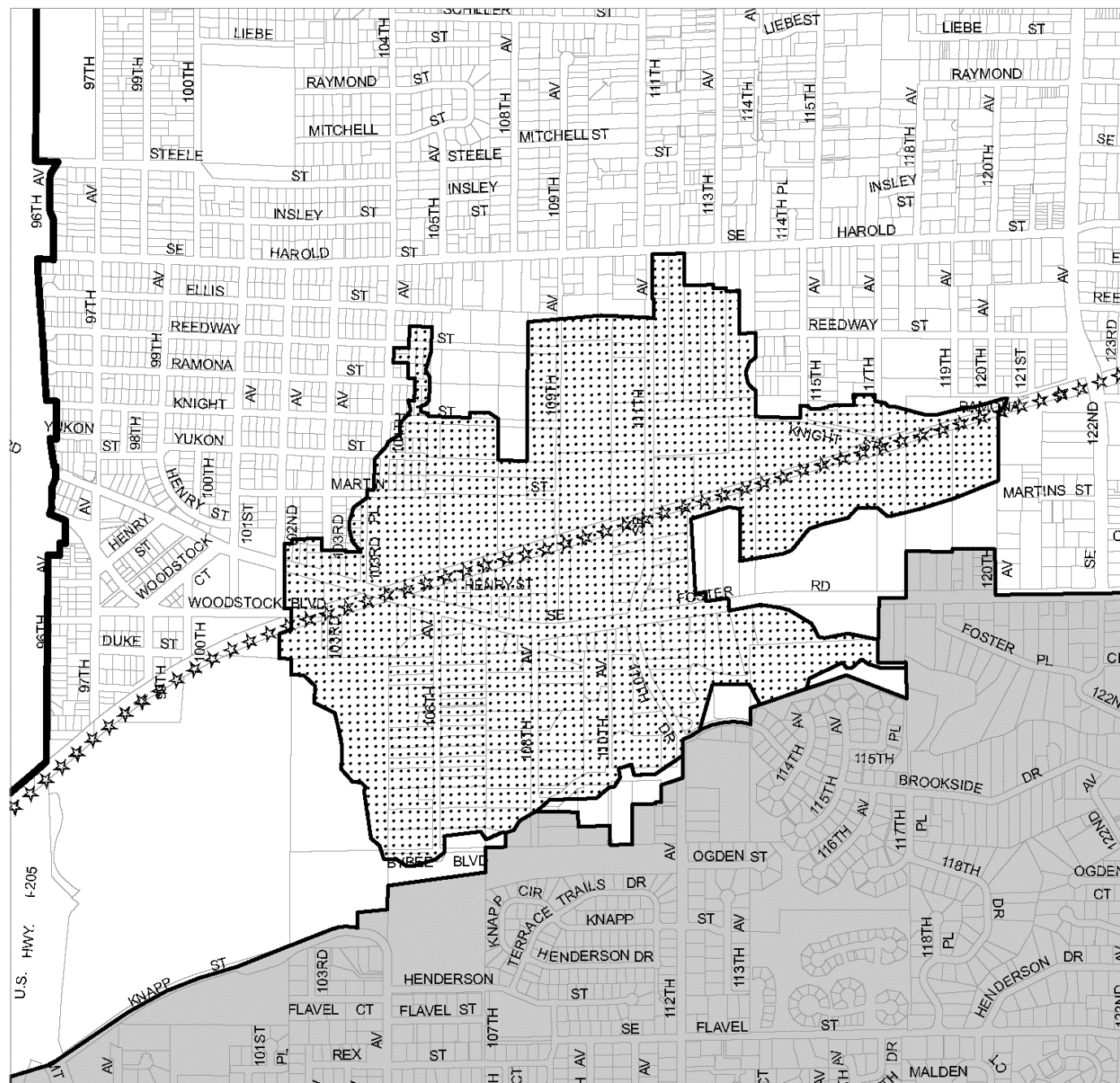


# Johnson Creek Basin Plan District

# Map 537-1

Map 8 of 8

Map Revised January 1, 2015



- City Boundary
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