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190934

Ordinance

Waive Street Tree Planting Standards Code on SW 10th Ave between Jefferson St and Main St for the approved additions to the Portland Art Museum (waive Code Section 11.50.060)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland Art Museum is comprised of two separate buildings, each located on their own city block and is located between SW Park Avenue and SW 10th Avenue and SW Main Street and SW Jefferson Street.
2. On July 5, 2018, the Portland Art Museum filed an application for a Type III Historic Resource Review for new additions to the Portland Art Museum, including a new 4-story entry pavilion within the vacated portion of SW Madison Street connecting the two existing buildings and a 2-story loading bay and 2nd floor gallery along Jefferson Street.
3. The Portland Historic Landmarks Commission approved the Historic Design Review for the new additions to the Portland Art Museum by approving LU 18-198009 on March 11, 2019. This included the approval of Exhibits C-1 through C91. Exhibit C-15 depicts a planting plan without the four existing trees but did not expressly identify them for removal. Records indicate that UF staff entered a “no concerns” response with respect to LU 18-198009 and the exhibits.
4. With the approval to remove the four trees along SW 10th Avenue the street tree density standards per PCC 11.50.060 are no longer met. To meet the street tree planting standards in PCC 11.50.060, additional trees would be required to be planted. This includes two trees along SW Park Avenue, one tree along SW Main Street, one tree along SW Jefferson Street and one tree along SW 10th Avenue.
5. Council finds that adding a street tree on SW 10th will inhibit accessibility and access to the main entry. Accordingly, Council finds that waiving the street tree planting standards and not requiring an additional tree to be planted along SW 10th Avenue is necessary here. All other street tree planting standards remain and two trees on SW Park Avenue, one tree on SW Jefferson Street and one tree on SW Main Street shall be planted as required by code.
6. PCC 11.50.060 provides that when the required number of trees cannot be planted, a fee in lieu of planting may be required. Council finds that

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

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Requested Agenda Type

Consent

the tree on SW 10th cannot be planted and that a fee in lieu of planting is required in the amount of \$1,125 per the Trees Fee Schedule per Title 11.

7. BDS and Urban Forestry have identified and implemented improvements towards improving tree regulation transparency and communication in the land use review process. This included reviewing existing land use review documents and revising the current land use review template to provide additional clarity as to the applicable requirements. The new template was implemented on March 31, 2022. In addition, Urban Forestry has held a training for staff and updated the Tree Inspector manual and associated standard operating procedures.
8. Council wishes to acknowledge the good work and cooperation that BDS and Urban Forestry staff have undertaken to improve its implementation of the City's Tree Code and its land use review process.

NOW, THEREFORE, the Council directs:

- A. The Street Tree Planting Standards in Code Section 11.50.060 are waived on SW 10th Avenue for the Portland Art Museum so that no additional tree is required to be planted along SW 10th Avenue as part of this project. Portland Art Museum will pay a fee in lieu of planting in the amount of \$1,125.

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
July 20, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

The proposed ordinance is not a permanent legislative action; it is limited to waiving the street tree density standard per PCC 11.50.060. In order to meet the street tree density standards, a tree would have been required to be planted on SW 10th Avenue. However, adding a tree on SW 10th Avenue would inhibit accessibility and access to the main entry as planned. When the required number of trees cannot be planted a fee in lieu may be required. The ordinance waives the requirement to plant an additional tree and instead a fee in lieu in the amount of \$1125 will be paid.

Financial and Budgetary Impacts

The proposed ordinance does not result in a permanent legislative action; instead it waives the street tree density standard per PCC 11.50.060. The ordinance does not amend the budget or allocate any resources to implement.

Community Impacts and Community Involvement

The proposed ordinance will enable the Portland Art Museum to preserve the appearance, accessibility and access to the main entry as planned. The proposed ordinance only waives the density standard for one tree on 10th Avenue and four trees will be planted as required. The Portland Art Museum was involved in the waiver of the density standard in the proposed ordinance. Allowing the waiver of the density standard allows for the project to be completed as desired by the Portland Art Museum and allows for a fee in lieu to be paid. BDS and Urban Forestry have identified and implemented improvements towards improving tree regulation transparency and communication in the land use review process.

100% Renewable Goal

The proposed ordinance does not have any impact on the City's total energy use.

Budget Office Financial Impact Analysis

No fiscal impact—this ordinance is a one-time waiver of the City's Title 11 Tree Code, and any foregone tree permit revenue is mitigated by the property owner's agreement to pay a one-time fee of \$1,125.

Agenda Items

619 Consent Agenda in [July 13, 2022 Council Agenda](#)

Passed to second reading

Passed to second reading July 20, 2022 at 9:30 a.m.

646 Consent Agenda in [July 20-21, 2022 Council Agenda](#)

Passed

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Absent

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea