



# City of Portland

Office of the  
City Administrator  
1221 SW 4th Ave. # 110  
Portland, OR, 97204

X @PortlandGov  
f PortlandORGov  
@portlandgov

portland.gov  
503-823-4000

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## Community and Economic Development Service Area

### MEMORANDUM

Date: May 30, 2025  
To: Planning Commissioners, Urban Forestry Commissioners  
From: Mieke Keenan, Project Manager, Community and Economic  
Development Service Area  
cc: Patricia Diefenderfer, Sandra Wood, Jenn Cairo, Terri Thiesen,  
Christina Ghan  
Re: Code Alignment Project - Staff Proposal and Additional Amendments

In preparation for the Planning Commission's upcoming June 10 hearing and the Urban Forestry Commission's June 12 continued hearing, staff are providing this memo to summarize the Code Alignment Project proposal, staff's requested actions from each of the commissions, and to introduce additional amendments for your consideration.

### Requested Actions

For the **Planning Commission hearing on June 10, 2025**, staff will present an overview of the project. Following initial clarifying questions from the Planning Commission, the hearing will offer the public an opportunity to provide testimony. Following public testimony, the Planning Commission will deliberate before taking further action.

Staff recommend that the Planning Commission recommends City Council:

- Adopts the Code Alignment Project report.
- Incorporates the revised code amendments described in this memo.
- Amends Title 33, Planning and Zoning, as described in the Code Alignment Project Proposed Draft.
- Amends Title 11, Trees, as described in the Proposed Draft and as amended by the amendments described in this May 30, 2025, memo.

For the **Urban Forestry Commission continuation of their May 15 hearing on June 12, 2025**, staff will present additional information in response to testimony received and questions raised by the Urban Forestry Commission. The Commission may choose to reopen the hearing for additional testimony or complete their deliberations before taking further action.

Staff recommend that the Urban Forestry Commission recommends City Council:

- Adopts the Code Alignment Project report.
- Incorporates the revised code amendments described in this memo.
- Amends Title 11, Trees, as described in the Proposed Draft and as amended by the amendments described in this May 30, 2025, memo.

### Summary of the Code Alignment Project Package

The Code Alignment Project provides for temporary suspensions of some rules that apply to proposals to add to or alter existing development. The suspensions would last until January 1, 2029, which aligns with the Housing Regulatory Relief Project temporary regulatory suspensions for residential development.

There are four cost-based upgrade thresholds that are proposed for suspension, one in each of the following City Titles: Title 11, Title 33, Title 17 and Title 24. The Urban Forestry Commission is charged with making recommendations to changes in Title 11, while the Planning Commission is charged with making recommendations to changes to development-related regulations in Title 11, in addition to their purview over Title 33. The Portland City Council is the only body that will hear testimony on proposed changes to Titles 17 and 24.

The four cost-based upgrade thresholds subject to this proposal are as follows:

1. Street Tree Planting (Title 11). These apply to all developments that have a project value of more than \$25,000
2. Street Improvements (Title 17). These apply to all developments that have a project value greater than 35% of the assessed improvement value for the site.
3. Seismic Evaluation Report (Title 24). These apply to additions and alterations with a project value of more than \$362,000.
4. Non-conforming site upgrades (Title 33). These apply to additions and alterations with a project value of more than \$356,300.

The project proposes to suspend the application of these upgrade requirements until January 1, 2029. In the case of street tree planting, these upgrades would continue to be required for new building construction and projects where street improvements are being constructed. Additionally, for street improvements, these upgrades would continue to apply to significant additions and alterations on institutional use sites (like schools and hospitals).

The project proposed draft report includes five proposed amendments, one to Title 33 and four to Title 11, that are intended to reduce unnecessary procedural burdens for certain types of applications. These include:

- relief from zoning code development upgrades on nonconforming sites (Table 1: Amendment A).
- relief from street tree planting in conjunction with alterations and additions (Table 1: Amendment B).
- relief from submitting a separate tree plan for projects that are unlikely to impact existing trees on site, such as for interior alterations or additions within the same building footprint (Table 1: Amendment C)
- greater flexibility to approve smaller tree planting stock sizes than may otherwise be required by the code (Table 1: Amendment D).
- a technical amendment aligning the Title 11 on-site tree density requirement with the non-conforming upgrade amendment proposed in Title 33 (Table 1: Amendment F).

## **Additional Amendments for Commission Consideration**

After publication of the Proposed Draft on May 5, 2025, staff identified one additional amendment and two proposed revisions to existing proposed amendments to Title 11 for the Commissions to consider.

### **New proposed amendment:**

This new amendment is a technical change to correct an erroneous reference to the South Waterfront “plan district”. This area is correctly referred to the South Waterfront “subdistrict” of the Central City plan district. (Table 1: Amendment E)

### **Revisions to amendments in the Proposed Draft:**

One proposed amendment in the project report limits street tree planting to “new development”. This revision (Table 1: Amendment D.1) tightens this street tree planting upgrade requirement so that it applies to “new buildings” as opposed to “new development”. The term “new development” is a broad a term that would inadvertently capture too many projects, including things like utilities, decks, garbage enclosures, etc. The change to “building” is more reflective of the intent to require street trees in conjunction with more significant new construction.

Another revision (Table 1: Amendment F.1) provides more clarity for required minimum tree planting sizes. The current code gives discretion to the City Forester to require smaller or larger street tree sizes to “suit the site conditions”. In the Proposed Draft report, the Forester’s discretion was expanded by removing the reference to suiting site conditions, with the intent to enable the Forester to allow smaller tree sizes in response to available nursery stock, large scale planting initiatives, or accepted best practice for tree planting viability with certain tree species. Subsequently, staff were alerted to another issue with the Code. The language specifies that not only may the Forester allow smaller tree sizes, they may also require larger tree sizes, which could be perceived as capricious and has not been the City’s practice. Moreover, with the change to the form of government, administrative discretion within the permitting purview is granted to the City

Administrator, as opposed to bureau level administrators. So this revision would grant the City Administrator the authority to only reduce required tree sizes.

**Table 1.** Summary of proposed amendments

Amendment	Code Section	Summary	Location
A.	33.258.070.D.2. Nonconforming Development	Suspends non-conforming upgrades until January 1, 2029	Proposed Draft Report
B.	11.50.020 When a Tree Plan is Required	Allows City Administrator to waive tree plan when alterations will not impact trees	Proposed Draft Report
C.	11.50.050 On-site tree density standards	Technical change to align language in Title 11 with proposed changes to Title 33	Proposed Draft Report
D.	11.50.060 Street Tree Planting Standards	Suspends street tree planting requirement for additions and alterations until January 1, 2029	Proposed Draft, revised by Amendment D.1. below
E.	11.60.020.A Tree Planting Specifications, Prohibited Locations	Technical change to correct reference to South Waterfront Subdistrict	Amendment E below
F.	11.60.020.B. Tree Planting Specifications, Planting Size	Allows City Administrator to reduce minimum planting size requirements	Proposed Draft, revised by Amendment F.1 below

## Code Language for Revisions to Proposed Amendments

### Amendment D.1. – 11.50.060 Street Tree Planting Standards

#### 11.50.060 Street Tree Planting Standards.

##### A. Where these regulations apply.

1. This Section applies to projects within or fronting on any City-owned or -managed streets.
2. Until January 1, 2029, street trees are required when new buildings are proposed or when street improvements are proposed or required. On and after January 1, 2029 street trees are required where the project value is more than \$25,000.
3. For developments that require street tree planting. For alterations where the project value is more than \$25,000, the cost of required street tree improvements is limited to 10 percent of the value of the proposed development.

### Amendment E – 11.60.020 Tree Planting Specifications

#### 11.60.020 Tree Planting Specifications

The following specifications apply to trees planted to meet a requirement of this Title. These specifications may be combined with other requirements as necessary to ensure trees are properly selected, spaced, and sized.

##### A. Prohibited locations.

1. In the South Waterfront Subdistrict of the Central City Plan district area, planting trees is not allowed between the riverfront trail and the river at major or minor viewpoints as designated in Portland City Code Title 33 Planning and Zoning.
2. In the Columbia South Shore Well Field Wellhead Protection Area as designated in Title 21, planting trees over the top of polyethylene geomembrane liners installed to meet the requirements of the Columbia South Shore Well Field Wellhead Protection Manual is prohibited.
3. Trees may not be planted on or within 25 feet south of the toe of the Marine Drive levee slope.

11.60.020 Tree Planting Specifications

The following specifications apply to trees planted to meet a requirement of this Title. These specifications may be combined with other requirements as necessary to ensure trees are properly selected, spaced, and sized.

B. Planting size. Unless a smaller planting size is approved by the City Administrator, the minimum tree planting sizes are as follows: ~~In general, the following represent the minimum tree planting size standard; however, the City Forester may allow smaller or require larger trees, to suit the site conditions.~~