ACCESSORY DWELLING UNITS

Category: Residential Construction

Revised: March 15, 2019 [Rebecca Esau], Director

Responsible Bureau Sections: Development Services Center
1900 SW Fourth Avenue
Portland, OR 97201
503-823-7310

Residential Inspections
1900 SW Fourth Avenue
Portland, OR 97201
503-823-7388

I. BACKGROUND
The Portland Zoning Code allows Accessory Dwelling Units (ADUs) to be added on a site accessory to a house, attached house, or manufactured home in all Residential zones, all Commercial zones, and the Central Employment (EX) zone as described in Chapter 33.205 of the City Zoning Code. ADUs provide additional housing units that are compatible with the look and scale of single dwelling development, make more efficient use of existing housing stock and infrastructure, and provide a mix of housing options. They can be created by converting part of an existing house, adding area to an existing house, converting an existing structure, or constructing a new building.

This program guide outlines the application and review procedures for obtaining a permit to create an ADU and provides a summary of key zoning and construction standards. This guide does not address the use of additional sink agreements for additional sinks that are not part of an ADU. For information regarding the use of additional sink agreements, please see City Code Guide CC/33/#2.

II. ADU DEFINITION
The Zoning Code defines an Accessory Dwelling Unit as a smaller, auxiliary dwelling unit on the same lot or with a house, attached house or manufactured home. Tender houses for floating homes are not included in this definition; a floating home cannot have an ADU. The unit includes its own independent living facilities with
provisions for sleeping, cooking, and sanitation, designed for residential occupancy independent of the primary dwelling unit. (The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

III. APPLICATION AND REVIEW PROCESS

A. Application Requirements

1. **Construction of a new building.** When an ADU is proposed in a new building, the permitting and inspection process is the same as that of new single-family house construction. Please visit our website at www.portlandoregon.gov/bds and the Development Services Center (DSC) for additional information on how to submit an application for new construction of a detached ADU.

2. **Conversion of an existing space or addition.** When an ADU is proposed in existing space, either through conversion of a garage or accessory structure, or within the house, or when an addition to an existing building is proposed, a visit to the DSC is recommended.

   a. **Information required for DSC visit.** The initial DSC visit provides an opportunity to discuss the space, design and structural issues that may be associated with the development of an ADU. In order for the DSC staff to provide the best information possible, a simple single-line site and floor plan drawing is required. This drawing will be used to determine if it is possible to provide an ADU in the existing space, and should show:

   1) The approximate building square footage; and

   2) The existing ceiling heights of the attic, basement, structure or garage being converted.

   Photos of the existing interior and exterior views of the building are not required, but may be useful in assisting with project assessment.

   b. **Preliminary review.** At the initial DSC visit, those interested in creating an ADU can meet with a Life Safety Plans Examiner (Building Code) and a Land Use Services Planner (Zoning Code). The Plans Examiner and the Planner will review the simple drawing and discuss the project to determine any immediate concerns with the proposal. Please visit our website to determine the hours for general questions at www.portlandoregon.gov/bds.
B. Review Process

1. Permit Applications. Complete building permit applications with plans must be submitted for ADUs, whether they are created within an existing building or as a new building. Applications will be taken in for review prior to issuance; ADU permits are not typically issued “over the counter”.

a. See Brochure #6, “What Plans Do I Need?” for more information on submittal requirements for converting a portion of an existing structure to an ADU or adding on to an existing structure.

b. See “New Single Family Residence Application Packet” for submittal requirements for ADUs created as a new detached building.

c. Additional Requirements for Detached ADUs

1) If the detached structure is more than 15 feet tall and is proposing to use the zoning code option of matching the exterior finish details of the primary structure, a scaled exterior elevation of the accessory structure and the primary structure showing the matching elements is required. See IV.B.2.d, below.

2) If the detached structure is using the zoning code option of meeting prescribed exterior finish material standards, or is subject to the Community Design Standards, a detailed elevation with specifications is required in order to demonstrate the standards are met. See IV.B.2.d.

2. Fees and System Development Charges (SDCs). The development of an ADU requires building permit fees, water service fees and System Development Charges (SDCs). In some instances, fees or SDCs can be substantial. Fees and SDC charges are based on the information below.

a. Building Permit Fees. Building permit fees are based on the value of the work to be done. Most permit fees are unique to a project and will be determined at the time of application.

b. System Development Charges. The construction of ADUs or the conversion of existing structures to ADUs is typically subject to System
Development Charges (SDCs) that are levied by the Portland Parks and Recreation, Environmental Services, Transportation, and Water Bureaus.

1) **SDC Waiver.** All SDCs will be waived for ADU projects when:

   a) a complete building permit application was submitted on or before July 31, 2018, provided that the ADU receives approval of final inspection no later than June 30, 2020; or

   b) a complete building permit application is submitted on or after August 1, 2018, provided that the ADU is not used as an Accessory Short-Term Rental (ASTR) for a period of 10 years following approval of final inspection of the building permit for the ADU. An application for SDC waiver must be submitted to the Revenue Bureau prior to permit issuance. In addition, a restrictive covenant must be recorded and submitted to the Revenue Bureau prior to permit issuance. Information and forms on the SDC Waiver Program may be found on the website at www.portlandoregon.gov/bds.

2) **Transportation SDCs.** For ADUs where the SDC is not waived, the Bureau of Transportation charges an SDC. Rates are updated annually on July 1. Please contact the Bureau of Transportation to determine the current rate. (See “Contact Information” at the end of this Program Guide.)

3) **Environmental Services SDC.** For ADUs where the SDC is not waived, the Bureau of Environmental Services charges an SDC. The amount of the SDC will be based on fees that were paid previously and the addition of an ADU based on the current sewer connection charge. Rates are updated annually on July 1. Please call the Bureau of Environmental Services (BES) for the current charge. (See “Contact Information” at the end of this Program Guide.)

In some cases, it may be necessary to increase the size of the sewer or wastewater line or to provide the ADU with a separate connection to the sanitary sewer system. In these cases, additional fees will be required even if SDC charges are waived.
4) **Parks and Recreation SDC.** For ADUs where the SDC is not waived, Portland Parks and Recreation charges an SDC for the creation of any ADU. The fee changes annually on July 1. Please call Parks and Recreation for the current rate. (See “Contact Information” at the end of this Program Guide.)

5) **Water Bureau SDC.** The Water Bureau does not automatically charge an SDC when an ADU is constructed. If the ADU can be added without changing the size of the existing water service, there is no charge. (See “City Utility Connections,” Section A below.) Upon request, the Water Bureau can verify the existing water service size. If an increase in water service is required, then there is a charge for increasing the service along with the differential cost increase for the larger service. Please contact the Water Bureau, (See “Contact Information” at the end of this Program Guide).

Applicants may choose to use a shared meter for the primary structure and the ADU, or have a separate water meter installed for the ADU.

a) **Shared meter for primary structure and ADU.** When using a shared meter, the meter size will be determined by the total fixture unit count for the entire property. The Water Bureau will first determine the size of meter the primary structure requires. If, after adding in the additional fixtures for the ADU, the meter requires a larger size, the SDC fees to increase the meter size will be waived. When increasing the size of an existing meter, fees to change the meter will still apply.

When increasing meter size, it may be necessary to install a new tap in the street to accommodate the larger meter. If a new installation is required, the applicant is responsible for all fees to install the new service line.

b) **Dedicated meter for the ADU.** If a dedicated meter is used for the ADU, only fixtures within the ADU will used to determine the meter size. The maximum SDC credit will be waived. The applicant will be responsible for the service installation fee.

In all cases, the maximum amount waived will not exceed the current SDC fee for a 5/8” meter.
IV. SUMMARY OF ZONING STANDARDS
The base zones (Chapters 33.110, Single-Dwelling Zones, Chapter 33.120, Multi-dwelling Zones, Chapter 33.130, Commercial Zones, and Chapter 33.140, Employment and Industrial Zones) provide standards for all detached accessory structures, including detached ADUs. Chapter 33.205 of the Portland Zoning Code provides the additional requirements for all Accessory Dwelling Units (ADUs). The Portland Zoning Code can be found at www.portlandoregon.gov/zoningcode. Below is a summary of those standards. For more information, call the Zoning Information line (see “Contact Information” at the end of this Program Guide) or visit the Development Services Center.

A. General

1. ADUs are allowed on sites that are zoned Residential, Commercial, and in the Central Employment (EX) zone and can be created as an accessory to a house (detached single family dwelling), an attached house (rowhouse) or a manufactured home. ADUs are not allowed with other development types (e.g. duplexes or floating homes) and only one ADU is allowed per site. An ADU is also not allowed with an attached house using the provision for attached houses on corners in 33.110.240.E.

2. The total number of residents that can live in both units (the ADU and the primary house) is limited to the total allowed for a household. Under the Zoning Code, a household is defined as follows:

   Household. One or more persons related by blood, marriage, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit; or one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than 5 additional persons, who live together in one dwelling unit.
3. Short Term Rentals and Home occupations

a. ADUs are allowed on sites with a Type A accessory short-term rental as described in Chapter 33.207 of the Portland Zoning Code. A Type A accessory short-term rental is where no more than 2 bedrooms are rented to overnight guests and the guest rents the bedroom(s) for fewer than 30 consecutive days. ADUs are allowed to be used as Type A accessory-short-term rentals with the appropriate permit. However, bedroom(s) used as accessory short-term rentals cannot be located in the ADU if an SDC waiver was given based on a recorded covenant as described in Section III.B.2.b.

b. ADUs are allowed on sites with a Type B accessory short-term rental as described in Chapter 33.207 of the Portland Zoning Code, if the Type B accessory short-term rental meets the approval criteria for conditional uses in sub-section 33.815.040.B.1 of the Portland Zoning Code. However, those bedroom(s) cannot be located in the ADU if an SDC waiver was given based on a recorded covenant as described in Section III.B.2.b. A Type B accessory short-term rental is where 3 to 5 bedrooms are rented to overnight guests.

c. ADUs are not allowed on sites with a Type B home occupation. A Type B home occupation is one in which the residents use their home as a place of work, and either one employee or customers come to the site. Examples are counseling, tutoring, and hair cutting and styling.

B. Size Allowances

1. General. The maximum size of an ADU may be no more than 75% of the living area of the house or 800 square feet, whichever is less. Living area is calculated by excluding the following areas from the overall gross building area:

a. The thickness of the exterior walls;

b. Garage areas;

c. Basement areas where the ceiling height measured from the floor is less than 6 feet 8 inches; and

d. Any other building areas where the floor to ceiling height is either less than 5 feet, or areas not accessible by a stairway.
For example, if an existing house has 1,000 square feet of living area after subtracting all spaces described above, the ADU size is limited to 750 square feet. For a house that has 2,500 square feet of living area, 75% of the floor area would be 1,875 square feet. In this case, however, the ADU size is limited to no more than 800 square feet.

2. **Additional requirements for detached ADUs.** In addition to the size limitations listed above, detached ADUs are limited by the following conditions:

   a. **Height.** The maximum height for a detached ADU is 20 feet when located outside of the required setbacks for the zone. If a detached ADU is allowed to be located within the required setbacks for the zone, the maximum height for the ADU is 15 feet.

   b. **Building coverage.** The building coverage for a detached ADU may not be larger than the building coverage of the house, attached house or manufactured home. The combined building coverage for all detached accessory structures may not exceed 15% of the total site area.

   c. **Location.** Detached ADUs must be set back 40 feet from a front lot line or behind the rear wall of the house, attached house or manufactured home.

   d. **Exterior details.** For detached ADUs that are more than 15 feet high, additional standards for the exterior of the ADU are required. Exterior finish materials, roof pitch, trim, eaves, window orientation and dimension must be the same or visually match those of the house, attached house or manufactured home in type, size and placement, OR must be made from wood, composite boards, vinyl or aluminum products composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern with boards 6 inches or less in width. The detached ADU must also meet certain standards relating to roof pitch, trim, windows, and eaves. See Section 33.110.250 for Single-dwelling zones or 33.120.280 for Multi-dwelling, Commercial, or EX zones.

   ADUs in “d” Design overlays (33.420), or some historic designations (33.445) may be subject to additional design requirements. These ADUs must meet the Community Design Standards (33.218), where allowed to use Community Design Standards, or they must be approved through Design review or Historic Resource review.
C. Entrances. Only one main entrance may be located on the street-facing facade of the house, attached house or manufactured home unless the house, attached house or manufactured home contained additional entrances before the ADU was created. An exception to this regulation is an entrance that does not have access from the ground, such as an entrance from a balcony or deck. Detached ADUs are exempt from this standard.

D. Parking. Additional on-site parking is not required for an ADU. However, if parking is required for the existing dwelling unit, that parking must either be retained or replaced on-site. Any replacement parking must meet the parking standards in Chapter 33.266 of the Portland Zoning Code.

E. Adjustments. If any of the ADU development standards are not met, an Adjustment (variance) review is required, as outlined in Zoning Code Chapter 33.805. An Adjustment review is a discretionary land use review that requires approximately 8-10 weeks to process. Adjustment requests will be approved or denied based on the approval criteria in Chapter 33.805; there is no guarantee of approval.

V. CONSTRUCTION STANDARDS
ADUs must comply with the requirements of the Oregon Residential Specialty Code (ORSC) for two-family dwellings as modified by the alternative standards listed in this Section (V., Construction Standards). The ORSC and the alternative standards listed in this Section also apply when an ADU is created within an existing detached or attached structure. However, if the building containing the ADU is subject to the Oregon Structural Specialty Code (OSSC), the ADU must comply with the requirements of the OSSC; this Section (V) does not apply.

A. Electrical System

1. Electrical panels. ADUs must have electrical circuits completely independent of the main dwelling unit. It is recommended that the ADU be served by a separate service or panel. If this is not feasible, the electrical panel serving the main dwelling unit may be approved for this use. This panel must be in a common area with direct access from both units, or the ADU occupants shall have ready access via a building manager. In this case, the building management’s contact information should be provided to the ADU occupant and management must be available 24 hours a day to provide access.
2. **Electrical license.** All new electrical work shall be conducted by a licensed electrical contractor. Exemptions allowing homeowners to perform electrical work on their own homes do not apply to work for the creation or alteration of an ADU. If a new electrical service is installed for the ADU, or for both the ADU and the primary dwelling, a licensed electrical contractor must perform such installation work.

B. **Heating System.** The ADU and the primary dwelling unit shall have separate, independent heating systems and air conditioning systems (where air conditioning is provided), including direct access to their own system for service and repair, except as allowed as follows.

1. **Mechanical Closets.** For conversions or additions, the furnace which supplies heat to the primary dwelling unit may remain in its original location, provided the primary dwelling unit’s access to the furnace is either direct (without entering the ADU), or through a common space. If access to the furnace is provided through a common space, the furnace shall be in a closet with adequate combustion air supply. The closet shall be considered part of the primary dwelling and therefore it shall be separated per section V.D.2 below.

2. **Ductwork.** For conversions and additions, existing ductwork serving the primary dwelling, but located within the ADU, may be left in place provided it is:
   
   a. Permanently sealed and terminated at the point where the ductwork enters the ADU; and
   
   b. All exposed ductwork for the primary dwelling unit located below the ceiling line of the ADU is wrapped with one layer of 5/8” type “X” gypsum board.

3. **Radiant Systems.** For conversions and additions, existing radiant systems may be used or extended to the ADU provided both the ADU and the primary dwelling have separate climate controls. In such cases, a single boiler may serve both the primary dwelling and the ADU.

**Note Regarding Combustion Air:** When existing area(s) are converted to an ADU all existing fuel fired equipment, including but not limited to a furnace or water heater, within that area(s) must be supplied with adequate combustion air per code.
C. Plumbing System. The ADU and the primary dwelling unit shall have separate, independent water supply and sanitary sewer systems, except as allowed as follows:

1. Water Supply. If a single water supply line has been approved through the Water Bureau (see “City Utility Connections,” Section VI.A, below), the primary dwelling unit and the ADU may use an approved common water supply provided one of the following criteria is met for each dwelling:

   a. Conversions or additions. Each individual fixture has a shut-off valve or a whole dwelling shut off valve is installed, accessible to both units.

   b. New construction. Each unit is supplied with a control valve accessible to that unit.

   c. The water supply line downstream from the meter may also need to be upsized depending on the number of fixtures being added.

2. Sewer. The ADU and the primary dwelling may use a common building sewer line provided:

   a. No more than three water closets (toilets) are on a single 3-inch line; and

   b. New Fixtures. When the floor level of the ADU is lower than the next uphill manhole cover in the street, a backwater valve(s) for the drain piping serving each new plumbing fixture in the ADU is required. For basement conversions, the drain piping serving the plumbing fixture(s) located above the basement level cannot drain through the backwater valve(s) serving the new basement plumbing fixture(s), and it must connect to the building sewer downstream from the new basement fixture(s). When a backwater valve(s) is installed, it must remain accessible for maintenance and replacement within the ADU.

D. Fire and Life Safety

1. Occupant Designation. Submittal drawings used to permit ADUs shall have clearly labeled rooms which indicate the occupant of the space. For example;
   - ADU Tenant
   - Primary Dwelling
   - Common (shared)

   These labels are the basis for reviewing submittals for compliant Fire, sound transmission (STC), and impact isolation (IIC) separations.
2. Separation Between Dwellings and between a Dwelling and Common Space. Except as modified within this program guide, dwellings shall be separated from each other and from common space by wall and floor assemblies having not less than one-hour fire-resistance rating, 45-STC, and a 45-IIC rating for floor / ceiling assemblies.

a. New Construction. Where a new wall or floor/ceiling is constructed, such new wall or floor/ceiling shall be constructed to comply with the Oregon Residential Specialty Code (ORSC) requirements for two-family dwellings.

1) A door between dwelling units in newly constructed buildings shall be allowed provided that door is:
   - Minimum sixty-minute fire-resistance rated; and
   - Self-closing; and
   - Smoke gasketed.

2) A door between a dwelling unit and common space must be a minimum of 1-3/8 inch thick solid wood, honeycomb core steel, or 20-minute fire-resistance rated.

b. Existing conditions. For the purpose of this sub-section, a condition shall be considered existing if it was permitted, installed, and received a final inspection approval more than two-years prior to the ADU permit application date. Finishes that do not meet these criteria must be removed and brought up to current code, per Section D.2.a, above. This program guide allows the following reductions in the Fire, STC, and IIC separations, when existing elements and / or assemblies are used to achieve dwelling separation;

1) Separation walls. Existing stud framed walls which serve as separation walls shall be covered on both sides with;

   a) Existing lath and plaster in sound condition; or
   b) Existing half-inch (minimum) gypsum wallboard in sound condition

   If the existing finishes remain in place, no additional improvements for Fire or STC separation are required for the existing separation walls. Minor patching shall be permitted at the discretion of the building inspector.
2) **Floor / Ceiling Separations.** Existing floor joists with existing subfloor and covering material (e.g. carpet, tile, hardwood) which serve as part of the floor / ceiling separation shall be permitted to remain in place without any improvements.

Existing ceiling finish material attached to existing floor framing shall be permitted to remain as part of the proposed floor / ceiling separation if it meets the following criteria:

a) Existing lath and plaster in sound condition; or

b) Existing half-inch (minimum) gypsum wallboard in sound condition

If the existing finishes remain in place, no additional improvements for Fire, STC, or IIC separation are required for the existing floor / ceiling separation. Minor patching shall be permitted at the discretion of the building inspector.

2. **Ceiling height, stairs, light, ventilation, emergency egress, and energy conservation.** New buildings or additions which create an ADU, and new elements in existing buildings shall comply with the ORSC. Existing conditions and elements in existing buildings may use the Habitable Space Standards Code Guide (ORSC/3/#1) with the following revisions:

a. **Hallways.** Existing hallways shall be at least 2 feet 6 inches wide. The ceiling height shall be at least 6 feet 8 inches, except that hallways with a sloping ceiling may have a ceiling height of 6 feet 2 inches at the lowest side when the ceiling height at the center of the required hallway is at least 6 feet 8 inches.

b. **Doors**

1) **Dwelling Entrance Doors.** All interior and exterior doors serving as or leading to the primary entrance to an ADU shall be at least 6 feet 8 inches high and at least 30 inches wide.

2) **Other doors.** Doors within the dwelling shall be at least 6 feet 4 inches high and shall be at least 30 inches wide.

c. **Stairs.** The stairway has at least 6 feet 4 inches of headroom measured vertically from the sloped line of the tread nosings or from the landing or platform on that portion of the stairway, measured to the lowest overhead projection or ceiling. See Figure 1.
VI. CITY UTILITY CONNECTIONS

A. Water. Water Bureau regulations require that each separate structure have a separate water service. Water Bureau staff will review each application on a case-by-case basis to see if a single service can be used. They will also determine if an existing service will need to be up-sized. This determination will depend on the total number of plumbing fixtures being served.

B. Sanitary and Stormwater Sewers. Applicants have the option of connecting the ADU to the existing sanitary sewer system connection or having a separate connection for the ADU. If a separate connection is made, there will be additional permit and connection fees.

In most cases, stormwater from either attached or detached ADUs will be required to be disposed of on site. In most cases, installation of a stormwater treatment facility will be required when the ADU creates 500 or more square feet of impervious surface.
VII. OTHER REQUIREMENTS OR CONSIDERATIONS

A. **Title 11, Trees.** Ground disturbance or construction staging that impacts a root protection zone of an existing tree may trigger tree preservation requirements for trees located on private property and/or in the public right-of-way. The value of a project may also trigger tree planting requirements for private property and/or in the public right-of-way. More information may be found at the Portland Trees website at [www.portlandoregon.gov/trees](http://www.portlandoregon.gov/trees).

B. **Septic Tanks or Cesspools.** If a septic tank or cesspool exists on site, it must be located. If it is within 10 feet of a new structure, it must be decommissioned.

C. **Temporary Street Use Permits.** To reserve on-street parking, close sidewalks, travel or bike lanes, or to close streets to facilitate construction, contact the Temporary Street Use Permit (TSPU) Office (see “Contact Information” at the end of this Program Guide) for information and requirements or apply for permits on-line at [www.tsup.info](http://www.tsup.info).

D. **Addresses.** Addresses for sites with an ADU will be assigned as a single street address (number) with A and B used to designate each separate unit. The address of the ADU must be permanently affixed on the main entrance of the ADU. The address of the ADU must be legible from the public way providing primary access to the building. When the building mounted address is not visible from the public way, a duplicate address must be permanently affixed to a permanent structure at the entrance from the primary public way to the property.

E. **Existing “Accessory Rental Units.”** Existing Accessory Rental Units (ARUs), which were created by permit under previous zoning regulations, will be considered ADUs under the new regulations. Because of the change in some standards, these pre-existing ADUs may be nonconforming to one or more Zoning Code standards. For additional information, please contact Planning and Zoning. (See “Contact Information” at the end of this Program Guide.)

F. **Discontinuance of Accessory Dwelling Units or Accessory Rental Units.** To discontinue using an existing ADU or ARU as an independent living unit, a building permit is required. The purpose of the permit is to document that the accessory unit no longer exists as a separate legal living unit.

The kitchen sink in the former ADU will need to be capped off or, if the unit was within the house, the owner will need to execute an additional sink covenant with the City. Permanent cooking facilities in the ADU or ARU must be abandoned by removing the appliance (and exhaust hood) and permanently capping the exhaust duct serving the hood. If a gas range is being abandoned, the gas piping
branch serving that appliance must be abandoned and permanently capped at the point where it originated at the trunk line. If an electric range is being abandoned, the circuit breaker(s) and receptacle serving the range must be removed, with the electrical wiring cut flush with the side of the service panel or subpanel, so that it cannot be easily reconnected. The wiring at the receptacle must be cut flush with the side of the outlet box and a blank cover plate installed.

G. “Illegal” Accessory Units. Property owners may use the procedures and standards of this Program Guide to legalize existing ADUs that were constructed without a building permit. Verification of the compliance of concealed building components that were covered without inspection will be at the discretion of the building inspector.

H. County Assessment and Taxation. Property taxes are not assessed or collected by the City of Portland. It is recommended that applicants consult their county assessment and taxation office to determine how property taxes may be affected by the addition of an ADU to the property.
CONTACT INFORMATION:
Bureau of Development Services
Development Services Center:
503-823-7310
Residential Inspections:
503-823-7388
Planning and Zoning:
503-823-7526
Hours and General Questions:
503-823-7300
https://www.portlandoregon.gov/bds

Bureau of Transportation
503-823-7002

Bureau of Transportation-Temporary Street Use Permits
503-823-7365

Bureau of Environmental Services
503-823-7761

Portland Parks and Recreation
503-823-5105

Portland Parks and Recreation-Urban Forestry
503-823-8733
trees@portlandoregon.gov

Portland Water Bureau
503-823-7368 or
devrev@portlandoregon.gov

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