



# City of Portland Historic Landmarks Commission

## Type III Land Use Review

### MEMORANDUM

**Date:** May 16, 2025  
**To:** Historic Landmarks Commission  
**From:** Benjamin Nielsen and Tanya Paglia, Design / Historic Review Team  
503-865-6519, benjamin.nielsen@portlandoregon.gov  
503-865-6518, tanya.paglia@portlandoregon.gov  
**Re:** LU 25-007018 HRM – Irvington Town Homes  
Type III Design Review – May 19, 2025

The intent of this memo is to provide agency responses that were not available at the time the staff report for LU 25-007018 HRM (Irvington Town Homes) was published.

- The following Bureaus do not object to the proposal and have sent comments included in exhibits E.4, E.5, and E.6 which are attached:
  - The Water Bureau (Exhibit E.4) noted the following:
    - All applicable Water code requirements shall apply at the time of development and permit review.
  - The Urban Forestry Section of PP&D (Exhibit E.5) noted the following:
    - Permits required after land use approval are subject to all applicable development standards and all provisions of the City Code, including Title 11. Title 11 regulations will be applied during the permit review process.
  - The Environmental Services Review Section of PP&D (Exhibit E.6) noted the following:
    - Although requested, PP&D Public Infrastructure staff did not receive a utility plan or a stormwater management plan for review. The applicant should be aware that the placement of stormwater facilities or sanitary disposal systems could impact the design and layout of the site.
    - The proposed development will be subject to BES standards and requirements during the building permit review process.



## City of Portland, Oregon - Portland Permitting & Development

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# Water Bureau

DATE: May 6, 2025

TO: Benjamin Nielsen  
Portland Permitting & Development

FROM: Bryan Vittori  
Development Review and Services

SUBJECT: Review of **25-007018 HRM AD**

The Water Bureau has reviewed the proposed action and has the following comments:

PP&D Public Infrastructure – Bryan Vittori - Water Review (Water) has no specific approval criteria related to Historic Reviews (HR). These comments are provided to inform the applicant of water requirements that will apply to future development of the sites.

- The Water Bureau has no concerns with this proposal.
- All applicable Water code requirements shall apply at the time of development and permit review.

Conditions of Approval: None

Please call me if you have any questions or comments. My phone number is 971-917-5458.



# Urban Forestry

## Land Use Review Response

Date: May 08, 2025  
From: Travis Jones  
971-442-2566, [Travis.Jones@portlandoregon.gov](mailto:Travis.Jones@portlandoregon.gov)

Case File: 25-007018-000-00-LU

Location: 1806 NE 12TH AVE

Proposal: HLC HEARING SCHEDULED: The applicant requests Historic Resource Review for a new, multi-dwelling residential development in the Irvington Historic District with five dwelling units divided between two buildings. The proposal includes four three-bedroom dwelling units, each with their own structured parking space accessed off a shared, central driveway, and one studio unit. The proposed buildings are approximately 49'-0" tall from grade to their peak (the actual height measurement of the buildings as defined by the zoning code would be slightly lower), and both are clad in brick at their ground floors, stucco and some areas of fiber cement shingle siding on floors two and three, and fiber cement shingle siding on the dormers and portions of the gable ends on floor 4. Remaining portions of the gable ends are proposed to be clad with fiber cement panel siding. Elevated decks cross over the driveway between both buildings and provide outdoor space for the four 3-bedroom units.

Two (2) Modifications to zoning code development standards are requested:

1. 33.120.220.B.1, Minimum front building setback. The standard requires a minimum front building setback of 10'-0". The applicant requests a Modification to allow the front setback (i.e., the setback from NE 12th Ave) to be 7'-6".
2. 33.120.220.B.1.a, Minimum side setback. The standard requires a minimum side setback from the NE Schuyler St lot line of 5'-0". The applicant requests a Modification to allow the street side setback to be 0'-6" for both buildings.

Historic Resource Review is required for new development in the Irvington Historic District. Modifications may be requested to site-related zoning code development standards that are not met.

Urban Forestry has reviewed the proposal for its impact on existing city trees, street trees and heritage trees, street tree planting requirements and related mitigation in accordance with Title 11, Trees and for potential impacts upon urban tree canopy. It is the applicant's responsibility to disclose all aspects of their land use proposal that may impact required street tree plantings and existing street trees during the land use review process.

UNLESS EXPLICITLY STATED HEREIN, THIS REVIEW DOES NOT APPROVE STREET TREE REMOVALS AND DOES NOT PROVIDE ANY EXEMPTIONS TO TITLE 11 REQUIREMENTS.

Permits required after land use approval are subject to all applicable development standards and all provisions of the City Code, including Title 11. Title 11 regulations will be applied during the permit review process.

**PLEASE NOTE THERE MAY BE OTHER APPLICABLE TREE REQUIREMENTS AS PER TITLE 33 PLANNING & ZONING.**



## A. Response Summary

Urban Forestry does not object to approval of the land use proposal. The proposed development will be subject to Title 11 regulations during the permit review process.

### A. Tree Plan ([11.50.070](#))

A Title 11 compliant tree plan must be submitted with each phase of development review and permitting including land use reviews, building permits, and public works permits. The same tree plan shall be included with each permit.

A tree plan was submitted with the land use proposal, and additional tree information is required.

- a. Proposed tree activity
  1. Indicate trees to be retained and proposed tree protection
  2. Indicate trees to be removed
  3. Show location, species, planting size and number of trees to be planted
- b. Protection plan
  - i. The protection plan must describe the potential impacts of construction methods, staging areas, equipment usage, loading areas, and building materials that will impact regulated trees. The plan must describe how the existing street, heritage, and city trees will have continued protection, in accordance with the protection requirements of 11.60, during the proposed development.

## B. Street Trees

### 1. *Existing Street Conditions*

According to available GIS data, the frontages have the following configuration.

- a. NE Schuyler St: The site has approximately 100 feet of street frontage. The right-of-way is improved with pavement, curbs, planting strip, and sidewalks. There are no overhead high voltage power lines. There are four street trees.

A field visit by Urban Forestry staff have confirmed the following trees:

- i. Norway Maple, 28", fair condition
  - ii. Norway Maple, 23", fair condition
  - iii. Norway Maple, 20", fair condition
  - iv. Norway Maple, 21", fair condition
- b. NE 12<sup>th</sup> Ave: The site has approximately 50 feet of street frontage. The right-of-way is improved with pavement, curbs, planting strip, and sidewalks. There are no overhead high voltage power lines. There are no street trees.

### 2. *Street Tree Protection Specifications* ([11.60.030](#))

The applicant has not provided a street tree protection plan. Tree protection is required for all trees required to be retained in accordance with Title 11 Trees, Protection Methods (11.60.030). Tree protection shall follow either the Prescriptive or Performance path. Protection methods must be shown on the tree plan. If using the Performance path, the alternate tree protection plan must be prepared by an arborist who has visited the site. The protection plan must describe the potential impacts of construction methods, staging areas, equipment usage, loading areas, and building materials that will impact regulated trees.

**The two middle Norway maples will be impacted by the proposed driveway. If choosing to retain them than a Performance Path Protection plan created by a certified arborist will be**



**required. Norway maples are on Portland nuisance tree list and are not required to be preserved.**

3. *Street Tree Planting* ([11.50.060.C](#))

The applicant has provided a street tree planting plan. One street tree must be planted or retained for each full increment of 25 linear feet ([11.50.060.C.1](#)). Street trees must be planted at a minimum 2 caliper inches.

Trees required to be planted as part of the proposed development are subject to Title 11 regulations during the permit review process.

When the required number of trees cannot be planted, a fee in lieu of planting may be required during the permit review process. Fees-in-lieu will be charged in accordance with the [Title 11 Trees Fee Schedule](#).

## **C. Heritage Trees**

1. *Heritage Trees* ([11.20.060](#)):

There are no heritage trees located on or adjacent the site on the City of Portland's Heritage Tree list.

## **D. Recommendations**

Urban Forestry has no objection to the proposed project.





## City of Portland, Oregon - Portland Permitting & Development

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### Environmental Services - Land Use Response

**Date:** May 8, 2025

**To:** Benjamin Nielsen, PP&D Land Use Services  
503-865-6519, [Benjamin.Nielsen@portlandoregon.gov](mailto:Benjamin.Nielsen@portlandoregon.gov)

**From:** Abigail Cermak, PP&D Public Infrastructure – Environmental Services  
503-823-7577, [Abigail.Cermak@portlandoregon.gov](mailto:Abigail.Cermak@portlandoregon.gov)

**Case File:** LU 25-007018

**Location:** 1806 NE 12TH AVE

**R#:** R182572, R182572

**Proposal:** HLC HEARING SCHEDULED: The applicant requests Historic Resource Review for a new, multi-dwelling residential development in the Irvington Historic District with five dwelling units divided between two buildings. Two (2) Modifications to zoning code development standards are requested: 1) 33.120.220.B.1 - Minimum front building setback. The applicant requests a Modification to allow the front setback from NE 12th Ave to be 7'-6". 2) 33.120.220.B.1.a - Minimum side setback. The applicant requests a Modification to allow the street side setback from NE Schuyler to be 0'-6" for both buildings. Historic Resource Review is required for new development in the Irvington Historic District.

The following comments are based on the land use review plans and documents provided to the PP&D Public Infrastructure - Environmental Services (BES) staff. Some references to Portland City Code (PCC) are included below; the applicant may also refer to the Auditor's Office [Online Charter and Code page](#).

#### A. RESPONSE SUMMARY

Although requested, PP&D Public Infrastructure staff did not receive a utility plan or a stormwater management plan for review. The applicant should be aware that the placement of stormwater facilities or sanitary disposal systems could impact the design and layout of the site.

The proposed development will be subject to BES standards and requirements during the building permit review process.

#### B. SANITARY SERVICE

1. *Existing Sanitary Infrastructure:* According to available GIS data, the following sewer infrastructure is located in the vicinity of the project site:
  - a. Public 8-inch PVC sanitary-only sewer in NE Schuyler St (BES as-built #E10762).
  - b. Public 8-inch clay (VSP) combined sewer in NE 12<sup>th</sup> Ave (BES as-built #unknown).
2. *Service Availability:* Sanitary connections from private property that are to be permitted according to PCC 17.32.090 must be separately conveyed to the property line and connected through individual laterals to a City sanitary or combined sewer. All discharge must be connected via a route of service approved by the BES Chief Engineer.
  - a. *Proposed Development:* The applicant did not provide a utility plan showing sanitary connections for this development. However, as there are sewer mains in both NE Schuyler St and NE 12<sup>th</sup> Ave are available to serve the development, BES has no concerns. At building permit, the applicant must provide a utility plan showing all proposed sanitary connections for the development. Please see below regarding sanitary pumping and the proposed basement units.

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3. *Private Sanitary Pumping:* Because of the proposed basement units, it may not be feasible to construct a gravity-only private sewer from the proposed development. If pumping sanitary flows will be proposed, the applicant should note that it must be approved by both BES and PP&D Plumbing during review of building permit plans, and the sewer must transition to gravity flow prior to entering the right-of-way. If sanitary pumping is required, this could impact the layout of the basement units.
4. *Water Main and Sewer Main Locations:* According to available GIS data, a water main is located between the proposed development site and the combined and storm-only sewer mains in NE 12<sup>th</sup> Ave and the sanitary-only main in NE Schuyler St. Any new connection(s) to the sewer main will cross the water main and will require a [Water Utility Protection Plan](#). Sanitary laterals must meet required separation distances according to the Water Bureau; the applicant should contact the assigned Water Bureau reviewer or the Water Bureau general email ([devrev@portlandoregon.gov](mailto:devrev@portlandoregon.gov)) with questions related to required separation distances.
5. *Connection Requirements:* Connections to the City sewer system must meet the standards of the City of Portland's [Sewer and Drainage Facilities Design Manual](#), [PCC 17.32.090](#), administrative rules [ENB-4.07](#) and [ENB-4.17](#), and all other relevant City codes and rules. Sanitary sewage from private property must be separately conveyed to the property line and connected through individual laterals for discharge to the City separate sanitary or combined sewer. Per [ENB-4.07](#), sewer connection permits are required to make new connections to City mains and laterals, relocate or upsize existing laterals, and repair sewers in City right-of-way. The permittee is responsible for verifying the location, depth and size of an existing sewer lateral and for ensuring the lateral is clear of obstructions prior to connection.

*BES does not have specific approval criteria related to historic resource reviews. Staff has provided the above information in order to assist PP&D Land Use Services with review of relevant approval criteria and to inform the applicant of sanitary disposal requirements that will apply to future development of the site.*

## **C. STORMWATER MANAGEMENT**

1. *Existing Stormwater Infrastructure:* According to available GIS data, the following stormwater infrastructure is located in the vicinity of the project site:
  - a. Public 12-inch concrete (CSP) storm sewer in NE 12<sup>th</sup> Ave (BES as-built #3337).
2. *General Stormwater Management Requirements:* Development and redevelopment sites that include any of the triggers listed in PCC 17.38.040 are subject to the policies and standards of PCC 17.38.035, Portland's [Stormwater Management Manual](#) (SWMM) and [Source Control Manual](#) (SCM). Projects must comply with the current adopted version of the SWMM as of the permit application date. Note that BES prioritizes the use of vegetated and infiltration facilities due to environmental, storm system, and urban design benefits (Section 1.3.3). A fundamental evaluation factor in the SWMM is the Stormwater Infiltration and Discharge Hierarchy (Section 1.3.4), which sets the framework that will be used to determine when a project's stormwater runoff must be infiltrated onsite and when offsite discharge will be permitted, and the parameters that must be met for either scenario. If tested infiltration rates on a property are greater than or equal to 2 inches per hour, onsite infiltration will be required unless the site qualifies for the ecoroof exception per Sections 3.2.5 and 5.2.1, or infiltration is determined infeasible due to site conditions described in Chapter 2 of the SWMM. Maximum building coverage allowed by the zoning code, including below grade development, does not exempt the applicant from stormwater requirements.
3. **2025 SWMM: A new version of the SWMM went into effect on March 1<sup>st</sup>, 2025.** There will be a three-month grace period during which applications can meet either the 2020 SWMM or the 2025 SWMM. At the end of that three-month period (June 1<sup>st</sup>, 2025), the 2025 SWMM must be met for all projects with the exception of building permits with an 'in date' no later than June 1<sup>st</sup>, 2025, Public Works permit projects with Concept Development plans



accepted by the City for review, or City-initiated projects at or past 60% design prior to that date. Note that land use review does not vest a project under the 2025 SWMM; therefore, BES reviews land use cases for conformance with the 2025 SWMM unless the applicant clearly expresses a preference for the 2020 SWMM and expects the building permit to be submitted prior to June 1<sup>st</sup>. Although staff will attempt to identify and describe potential impacts of the updated SWMM to this proposal, it is the applicant's responsibility to also review the provided information and revisions in the context of the development proposal. Additional information and a summary of changes are available at: <https://www.portlandoregon.gov/bes/swmm>

4. *Private Property Stormwater Management:* Stormwater runoff from this project must comply with all applicable standards of the SWMM and the SCM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee.
  - a. *Proposed Development:* Staff reviewed the geotechnical report from Hardman Geotechnical Services Inc. (dated July 22, 2024) which included open-hole falling head infiltration test results of 15 inches per hour on this site. Based on this information, onsite infiltration is feasible and will be required.

Staff did not receive a stormwater management report for the proposed development. However, it appears there is enough space on the site to provide onsite infiltration facilities, such as drywells.
  - b. *Stormwater Report Required:* At building permit, the applicant must submit a stormwater report and preliminary utility plan showing stormwater management facilities sized according to SWMM standards. The applicant should refer to Section 2.3.1 of the SWMM and/or coordinate with BES staff to determine the appropriate design approach for this project. Unless onsite infiltration is deemed infeasible based on site conditions described in Section 2.2.2 of the SWMM, infiltration testing results must be included with the submitted stormwater report. Refer to Section 2.4 to determine the appropriate infiltration testing method for the proposed project. Infiltration test pits must be as close as possible to proposed infiltration facilities; include on a plan the approximate location of the test pit(s).
  - c. *Infiltration Facility Setback Requirements:* Required minimum setback distances from infiltration facilities to slopes, property lines, foundations and other features are described in Section 2.2.4 and Table 2-1 of the SWMM. Most infiltration facilities must be set back 5 feet from parcel property lines and 10 feet from foundations, as measured to the high water level at the edge of vegetated facilities, the middle of drywells, and the edge of soakage trenches. Note that no setbacks are required for property lines with the right-of-way. Additional specific setback requirements are described for rain gardens, filter strips, downspout extensions, and ponds (see Section 2.2.4 of the SWMM). BES will review all proposals to reduce required setbacks. Stormwater facilities with reduced setbacks may need to be designed under the Presumptive or Performance Approach and additional documentation and analysis (such as analysis from a geotechnical engineer, structural engineer, registered geologist or other environmental professional) may be required as described in Section 2.2.4 of the SWMM. Drywells placed under buildings are reviewed as a setback encroachment. They may be allowed provided the drywell is sized to infiltrate the 100-year design storm or an overland escape route is provided.
5. *Public Right-of-Way Stormwater Management:* Stormwater runoff from public right-of-way improvements as required by the City of Portland Bureau of Transportation (PBOT) must be managed according to the standards of the SWMM and the Sewer and Drainage Facilities Design Manual.
  - a. It does not appear the required public right-of-way improvements will trigger BES public stormwater drainage improvements.

*BES does not have specific approval criteria related to historic resource reviews. Staff has*



*provided the above information in order to assist PP&D Land Use Services with review of relevant approval criteria and to inform the applicant of stormwater management requirements that will apply to future development of the site.*

**D. CONDITIONS OF APPROVAL**

BES has no recommended conditions of approval.

**E. ADMINISTRATIVE REVIEW**

The applicant may request a modification of a decision presented in this response, as applicable, via an administrative review as outlined in PCC sections 17.06.050, 17.32.150, 17.33.100, 17.34.115, 17.36.110, 17.38.060 and 17.39.120 and in those sections' associated administrative rules. Some portions of this response are not decisions, but guidance related to requirements that this proposal may be subject to during City review of other processes, such as a building permit or public works permit review. While these are not decisions that are ripe to be considered through an administrative review, if the outcome of a future administrative review needs to be anticipated at this time in order to inform the land use action, the administrative review process may be utilized. Some items, such as technical standards, are not reviewable. For guidance on whether a modification can be requested and whether the land use process is the proper time to request it, consult with the BES staff identified above prior to submitting a request.

There is no fee charged for an administrative review, and all BES penalties and late fees will be stayed pending the outcome of the review process, as applicable. To request an administrative review, the applicant must complete the Administrative Review Request Form (located here: [www.portlandoregon.gov/bes/68285](http://www.portlandoregon.gov/bes/68285)) and submit it to the Systems Development staff listed above within 20 business days of the mailing date of this response. The applicant should coordinate with the PP&D Land Use Services planner to determine whether applying for an administrative review would have an impact on state-mandated land use timelines.