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November 6, 2014

John Cole
Bureau of Planning and Sustainability
1900 SW Fourth Avenue
Portland, Oregon 97201

Re: University of Portland Comments on Proposed Campus Institution
Development Review Procedures

Dear John,

Thank you for taking the time to brief me on the Proposed Campus Institution Development Review Procedures put forth by your Bureau. This letter contains our comments on the proposal. But before we offer those comments, we would like to share some important institutional history with you; a history that shapes how we view the proposed changes to the institutional planning process.

As you know, the University recently received an uncontested approval of its new Conditional Use Master Plan in May of 2013. We are barely one year into development under that new master plan. This latest master plan follows decades of previous master plans that have set the course for how the University will continue to develop its 113-year-old campus on the North Portland bluff.

The investment the University has made in the 2013 master plan and the previous master plans is staggering and measures in the hundreds of thousands of dollars in time and planning resources and hundreds of millions of dollars in facility development. The 2013 Conditional Use Master Plan is somewhat unique. The master plan does not identify specific buildings, building locations, or uses. Instead, it establishes development parameters that give the University the flexibility to evolve over time and the community the certainty that building density, height, parking supply and special events will be managed to reduce impacts on the surrounding neighborhood.

For example, the master establishes height zones with lower heights where the campus borders single family residential uses and greater heights internal to the campus. The master plan adopted design standards for the perimeter uses along N. Willamette Blvd. and a parking matrix that coordinates student enrollment growth with increases in parking supply. It is a living document that could, without artificial limitation, take the University into the next decade or several decades. When the 10-year time frame has expired, we will not have completed the level of development permitted under the plan. Instead, at the expiration of this 10-year time frame, we would simply ask for a continuation of the 2013 plan

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into the future. In short, the 2013 master plan was a significant investment in the University's future and is based on long term projected growth, not on simply the next 10 years.

It is through this historical lens that we offer the following comments on the proposed institutional planning process.

Maintain the Option to Elect the Conditional Use Master Plan Process

We appreciate all of the work the institutional coalition, related task forces and the Bureau of Planning and Sustainability has completed to construct the current proposal. However, we strongly urge the City to maintain an institution's ability to elect the conditional use master plan process, even when their current master plans are amended or expire. In the case of the University of Portland, the historic and current master plans are building blocks that represent millions of dollars of investment. While the City may often invoke the 10-year term for conditional use master plans, universities, like the University of Portland do not plan in 10-year increments. We plan in several decade increments based on fundraising, student enrollment and program projections. That longer term planning investment is memorialized in the master plan. To terminate that investment prematurely after 10 years, or sooner depending on when one requires a change to their master plan, and replace it with another process that has no proven track record, no historical relevance to the institution and much more uncertainty is problematic. This is particularly true when the University of Portland's master plan could appropriately regulate its growth for the next 20 to 30 years.

Further, while the City often invokes the 10-year term, PCC 33.820.060 states that the master plan must include uses for at least the next 3 years and up to 10 years. However, the very next phrase of that code section states "an approved master plan remains in effect until development allowed by the plan has been completed or the plan is amended or superseded." (Emphasis added). The code seems to recognize that institutions may not plan or develop in 10 year increments. In the case of the University of Portland, we fully expected to work within the approved 2013 master plan for decades. The level of investment in the 2103 plan reflects that expectation.

We therefore urge the City to recognize these investments and maintain the option for institutions to amend, extend or request new master plans after any adoption of the proposed new Campus Institution Development Review Procedures.

Eliminate the 10-Year Timeframe

The master plan review is not without its flaws, some or all of which could be corrected in this or another planning process. The 10-year timeframe is one example. As mentioned above, PCC 33.820.060 states that the master plan must include uses for at least the next 3 years and up to 10 years. But when that same section addresses the effective timeline for the master plan it states "an approved master plan remains in effect until development allowed by the plan has been completed or the plan is amended or superseded." The City

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should confirm and restate in this planning process that master plans do not expire after 10 years. Instead, they expire when the approved development is complete or the plan has been amended or superseded.

Non-Conforming Uses and Development Features

The Bureau's concept paper states that once the CI zones are adopted some uses that were approved under the University's master plan can become nonconforming with the new standards and would be prohibited from expansion under PCC 33.258. In addition, another review would be required to establish what kind of changes could be made to the development under 33.258. The negative impact of this change cannot be understated.

As an example, the University of Portland has invested millions of dollars under an approved long term master plan to build the Chiles Center, Merlo Field and the like. If we are required to adopt the CI zone, the Chiles Center may exceed some new height limit based on its location on the perimeter of the campus or Merlo Field may have some element of its operation that would be prohibited. Under the new rules, these uses may become nonconforming and we may not be permitted to expand the Chiles Center or we may have to curtail operations at Merlo Field. This change in the rules would alone have significant detrimental effects on the University and the financial and program investments made in reliance on our approved master plans.

The University therefore strongly urges the Bureau to retain the conditional use master plan election and remove any provision from the CI zone that would render nonconforming any existing use that has been developed under an approved master plan.

Process Issues

The concept mentions that some uses under the new CI regulations will be listed as conditional uses because of their impact on the neighborhood and will be required to go through a Type II or Type III conditional use review. That is what we have now; a Type III conditional use review for master plans. Thus, one interpretation of the new concept is that we would have to abandon our existing conditional use master plan at expiration, apply for a zone change to CI demonstrating the availability of all required services and the capacity to serve, get mapped CI and then go through a conditional use review to permit our uses. Under this scenario, an institution would go through a lengthy rezoning process just to circle back to a similar review that applies now to all institutions outside of plan districts. Based on the approved University of Portland Master Plan, it also seems likely that the regulatory result could be the same or similar. For these additional reasons, the University urges the City to maintain the existing conditional use master plan process at least as an election if the new CI zone is imposed.

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Conclusion

These comments reflect the University of Portland's position on the current concept. As the discussions evolve, we will offer additional comments where warranted.

Thank you for this opportunity to comment. While we have significant concerns with the current proposal, we understand and appreciate that you are still in the concept phase and hope that you consider these comments helpful in reaching a successful result.

Best regards,

RADLER WHITE PARKS & ALEXANDER LLP



Christie C. White

cc: Rev. Mark Poorman, President of the University of Portland
Jim Kuffner, Assistant Vice President of Community Relations