

December 30, 2015

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**VIA EMAIL**

Mr. André Baugh, Chair  
City of Portland Planning and Sustainability Commission  
1900 SW Fourth Avenue, Suite 7100  
Portland, OR 97201

**Re: Proposed Campus Institutional Zoning Project; Comments by Providence Health & Services - Oregon on Proposed CI-2 Zoning District Land Use Regulations;**

Dear Mr. Baugh:

This office represents Providence Health & Services – Oregon (“Providence”). Prior to the conclusion of the initial evidentiary hearing before the Planning and Sustainability Commission (“PSC”) on the legislative amendment, the PSC left the written record open for all parties to submit argument and evidence until December 31, 2015 at 5 p.m. This letter is Providence’s submittal during the open record period.

Please find enclosed as **Exhibit 1** to this letter a copy of my oral testimony to the PSC on December 15, 2015. In addition to my oral testimony, my letter dated December 15, 2015 and prior letters, Providence wishes to make three (3) points for the PSC to consider as it deliberates on the amendment.

First, as the PSC noted in some of its questions to staff, there should be a path for the institutions to work with the City on Transportation Demand Management (“TDM”) requirements. Since the meeting, staff has provided a copy of the proposed Title 17 TDM draft to Providence and other institutions and has scheduled a meeting on the topic for January 14.

Second, the PSC asked staff to explain why early termination of a vested Conditional Use Master Plan (“CUMP”) permit would not be a taking, as Providence explained in its December 15, 2015 letter. The two (2) institutions that testified before the PSC—Providence and the University of Portland—said that they want their CUMPs to remain valid for the original life of the CUMPs.

Finally, Providence asked in its May 12, 2015 letter that the land use regulations be amended to include a provision for one (1) extension of a valid CUMP (**Exhibit 2**). Because the existing CUMP should be retained until its expiration date and because the institutions have relied on their CUMPs for capital planning, a single extension of a CUMP is warranted.

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Providence urges the PSC to consider its testimony and to recommend to the Portland City Council that the CI-2 land use regulations be amended as proposed.

Thank you for your consideration of Providence's testimony.

Very truly yours,



Michael C. Robinson

MCR:rsr  
Enclosure

cc: Ms. Karen Weylandt (via email) (w/ encl.)  
Ms. Michelle Bernard (via email) (w/ encl.)  
Mr. Jeff West (via email) (w/ encl.)  
Ms. Krista Farnham (via email) (w/ encl.)  
Mr. Trent Thelen (via email) (w/ encl.)  
Ms. Marty Stiven (via email) (w/ encl.)  
Ms. Julia Kuhn (via email) (w/ encl.)

TESTIMONY OF MIKE ROBINSON ON BEHALF OF PROVIDENCE HEALTH & SERVICES – PORTLAND AT DECEMBER 15, 2015 PORTLAND PLANNING AND SUSTAINABILITY COMMISSION (“PSC”) PUBLIC HEARING ON THE PROPOSED CI-2 LAND USE REGULATIONS

Good evening, Chair Baugh.

My name is Mike Robinson. My mailing address is 1120 NW Couch Street, Tenth Floor, Portland, OR 97209-4128.

I am here on behalf of Providence Health & Services-Oregon, which owns and operates Portland Providence Medical Center (“PPMC”).

I have submitted a letter to the PSC dated today. Please review it before you deliberate and make a recommendation to the City Council.

Providence appreciates the time that staff has given them and addressed many of Providence’s issues and we appreciate their assistance and professionalism. There is a lot that is right with the land use regulations and Providence appreciates that.

Providence would like you to consider two (2) issues:

1. Eliminate the proposed code language that terminates the CUMP before its 2022 expiration date. PPMC’s CUMP is valid through 2022 and Providence wants the CUMP to remain valid for its entire 10 year period.
2. Eliminate the proposed code language requiring a new Transportation Demand Management Plan until we have seen how that requirement will be implemented by PBOT. Providence’s Comprehensive Transportation Plan for PPMC is attached to our letter.

Thank you for your time tonight.

Notwithstanding that the proposed uses and dimensional standards for CI-1 zoning district might encompass the extent of the allowed CUMP development, Providence requests that the land use regulations include a provision providing that uses and development that are consistent with the approved CUMP but not with the CI-1 land use regulations will not become nonconforming situations. Providence's suggested language is as follows:

**"33. \_\_, Nonconforming Development. Existing and proposed development and uses in conformance with an approved CUMP shall not be subject to the regulations of Chapter 33.258, Nonconforming Situations."**

Exhibit 2 is a comparison of the proposed CI-1 land use regulations with the CUMP approval. As you can see, most of the proposed CI-1 land use regulations match or exceed what is allowed by the CUMP. However, maximum building setbacks, minimum first floor glazing and direct pedestrian access in the proposed CI-1 land use regulations are more restrictive than the CUMP. The above-suggested language provides that the CUMP regulations will control development on the PPMC campus so as not to create nonconforming situations.

## 2. CUMP Amendment and Extension.

Because Providence relies upon the 2012 CUMP for its capital planning, Providence wants assurance that the CUMP will remain effective notwithstanding the adoption of the CI-1 zone and that Providence, if it chooses to do so, may apply for either an extension of the 2012 CUMP or apply for another CUMP approval upon expiration of the current CUMP in 2022. Accordingly, Providence suggests that the CI-1 land use regulations include the following language:

**"33. \_\_, Existing CUMP. A CUMP approved by the City prior to \_\_\_\_, 2016 will continue to be in effect until its expiration date. An approved CUMP may be amended until its expiration date, and an approved CUMP may be extended for one (1) ten-year period pursuant to the regulations in Chapter 33.820 in effect as of \_\_\_\_, 2016."**

## 3. CUMP Amendment Does Not Allow Additional Review.

Providence requests that the CUMP regulations in PCC Chapter 33.820 be amended to specify that existing CUMPs for areas planned and zoned for Campus Institutional uses may be amended without meeting the requirements of the CI-1 zoning district. Providence requests that the City consider the following language: