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## MEMO

**Date:** January 13, 2016  
**To:** Planning and Sustainability Commission  
**From:** John Cole, Project Manager  
**Copy:** Tom Armstrong, Joe Zehnder  
**Subject:** Campus Institutional Zoning: Follow-up Information

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At the Planning and Sustainability Commission's December 15 Public Hearing, a number of questions were raised either in public testimony or by Commissioners themselves. This memo attempts to address these questions.

### 1. Overall Summary of Support and Opposition for the Proposed Draft.

Based on submitted testimony, neighborhood associations are generally wary of the base zone proposal although there is written testimony providing conditional support from Dave Johnston, Land Use Chair of the Collinsview Neighborhood Association (testifying as an individual) and Tamara DeRidder, Chair of the Rose City Park Neighborhood Association. Both Mr. Johnston and Ms. DeRidder were active members of the Project Advisory Group.

Northwest District Association and University Park Neighbors are opposed based on a fundamental position that recurring Conditional Use Master Plans and or Impact Mitigation Plans are necessary for addressing conditions unique to their neighborhoods and are beneficial forums for communications between the institutions and neighbors.

Institutions are generally withholding support of the proposal pending the outcome of three issues: 1) They want the option to continue operating under their existing Conditional Use Master Plans (CUMP) and Impact Mitigation Plans (IMP) until their expiration (and beyond): 2) They are seeking additional assurances that existing development will not be considered "non-conforming" under the new zone district standards: and 3) They are seeking additional information regarding the new Transportation Demand Management and Transportation



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1900 SW 4th Avenue, Suite 7100, Portland, OR 97201 | phone: 503-823-7700 | fax: 503-823-7800 | tty: 503-823-6868

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Impact Analysis requirements now being promulgated by PBOT as a component of the Transportation System Plan. These concerns are addressed below.

## **2. Early Termination of Conditional Use Master Plans and Impact Mitigation Plans.**

The proposal is to legislatively rezone the 15 campuses as part of this project and to have the conditional use master plans expire at the end of 2020. The reason for the expiration is twofold:

- I. An interest in simplifying the number of different zoning code regulations that apply to campus institutions. The City is legislatively changing the zoning, which relieves the institutions of the burden and expense of applying individually for the new zones. At the same time it is moving all of the institutions to a single review procedure rather than adding yet another review procedure (base zone) to the CUMP and IMP procedures now in effect. After 2020 all campus institutions would be subject to the same base zones and development review procedures.
- II. The City wants institutions to implement the new TIA/TDM requirements as a means of meeting mode split targets. Expiring existing CUMPs and IMPs is a means of encouraging new TIA/TDM programs from these significant transportation nodes.

PSC options to consider:

- a) Affirm the proposed 2020 expiration date
- b) Provide a transition period that ends later. An expiration date of 12/31/23 would be after the expiration date of all existing CUMPs.
- c) Portland Providence Medical Center is asking that each institution be allowed an additional extension of their CUMP or IMP. This would extend the “transition period” out to the end of the Comprehensive Plan period.
- d) Refrain from legislatively rezoning campuses. Allow institutions the choice of rezoning to

Option b) above may be an acceptable approach that provides the institutions with an ability to fully utilize their existing CUMP entitlements while still moving towards a base zone approach to institutional regulation.

## **3. Transportation Demand Management and Transportation Impact Analysis and Mitigation Requirements**

While the campus zoning project may be the first instance where TDM concerns are raised, this is a citywide proposal by the Bureau of Transportation that will be presented more thoroughly as part of the Transportation Systems Plan (TSP) at the PSC Briefing (2/9/16) and Public Hearing (3/8/16). Code changes presented as part of the campus zoning project merely establish a requirement that TDM/TIA strategies be implemented by campus institutions (as is now the

case) while the specific requirements are being presented as part of the TSP. This is not significantly different from what is already in place.

#### Existing Impact Mitigation Plan Text

##### **33.848.070 Impact Mitigation Plan Requirements**

**G. Transportation.** For each phase of campus development the following must be addressed in the multi-modal transportation plan.

2. Strategies to reduce the number of motor vehicle miles traveled by those traveling to and from the campus, i.e. students, patients, faculty, staff, and visitors

#### Existing Conditional Use Master Plan Text

##### **33.820.070 Components of a Master Plan**

**G. Transportation and parking.** The master plan must include information on the following items for each phase.

1. Projected transportation impacts. These include the expected number of trips (peak, events, and daily), an analysis of the impact of those trips on the adjacent street system, and proposed mitigation measures to limit any projected negative impacts. Mitigation measures may include improvements to the street system or specific programs and strategies to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single occupant vehicles.

#### Proposed Title 33 Text

##### **33.852.110 Approval Criteria for Transportation Impact Reviews**

The request for development or development capacity will be approved if the review body finds that the applicant has shown that all of the following criteria are met:

- B. Adequate transportation demand management strategies will be implemented to reduce the number of trips made to the site by single-occupant vehicles, especially during peak commuting hours.

#### **4. Request to Explicitly Identify Nonconforming Uses or Development Created From Legislative Rezoning as Grandfathered and not Subject to Non-Conforming Upgrade Requirements of 33.258.070**

Nonconforming uses and development are already grandfathered through code section 33.258 which states that both nonconforming uses and nonconforming development are allowed to continue. This is not something that needs to be explicitly stated in the CI code section.

According to existing code section 33.258.070 certain types of nonconforming development must be brought into conformance with current code standards when an alteration valued at more than \$153,450 is made to the site. Development subject to this requirement is limited to

- Landscaping and trees;
- Pedestrian circulation systems;
- Bike parking;
- Screening;
- Required paving of surface parking and exterior storage and display areas.

Other standards including building height, setbacks, building length, ground floor windows, façade articulation, and main entrance requirements are not on the list of required upgrades because it would be too hard/expensive to retrofit an existing building to meet these standard. Exterior alterations that add square footage to an existing nonconforming building would need to conform to the new standards.

**5. Request to Remove Three Legacy Emanuel Lots at the NW Corner of Russel & N Williams From IC Designation and CI2 Zone in Favor of Mixed Use Designation and Zone to Support Community Supporting Housing, School and Commercial Activities.**

Any such change would start with a change to the Comprehensive Plan Map designation that is currently under consideration by the City Council. City staff has forwarded the NNE Business Association letter to Legacy Emmanuel and will assist Legacy Emanuel to consider the implications such a change would have on their development potential.

**6. Request to add “Residential” to Permitted Uses to Allow Housing as Transitional Uses at Campus Boundaries**

Allowed uses were discussed at length with the Project Advisory Group and among staff. One of the main objectives of this project is to provide additional development potential to support healthcare and higher education job growth. Allowing residential development not related to the primary campus use such as student/faculty housing or patient family housing acts to subtract development capacity available to the primary healthcare and higher-education use.

Staff remains opposed to allowing unrelated/non-accessory residential development in the CI1 and CI2 zone.

**7. Small Scale Energy Production Allowance.**

Proposed text is similar to that adopted across numerous zones as part of the “Green Bundle” proposed in RICAP 5 (April 2010). As part of that bundle “onsite power generation” is now permitted in all zones. In RX and IR zones, up to 10 tons per week of biological materials or byproducts from other sites may be used to generate energy. All other Basic Utilities are limited to 20 percent of the floor area on a site, exclusive of parking area, unless specified above.

The PSC could eliminate the allowance for offsite biological material from the CI1 zone if they felt this was prudent in preventing excess truck traffic.

**8. CI Zone & IC Designation Boundaries and Private Inholdings.**

There are approximately 10 instances where exceptions have been made to the IC Institutional Campus Comprehensive Plan Map designation and the corresponding application of the Campus Institution zone. Six of these were at the request of individual property owners and four at the initiation of staff. Private inholdings that are not owned by the institution are the

result of existing zoning code section 33.848.070 B. Institutional campus boundary pertaining to the establishment of an impact mitigation plan boundary that allows an institution to “include land that the institution does not presently control. However, sites must be controlled by the institution to be zoned IR.”

The initial methodology for assigning the IC Institutional Campus Comp Plan designation was to follow approved CUMP and IMP boundaries. However, in reviewing each campus and responding to property owner requests, BPS staff identified ten situations where the proposal is not to apply the IC map designation and retain the current underlying map designation.

The following table provides a complete listing of the Comprehensive Plan Map and Zoning Map revisions that have been made or under consideration during the project’s review.

### Campus Boundary Amendments

Institution Involved	Address/location	Revision	Initiated by	Comment/status
PCC Cascade (IMP)	5534 N Missouri and adjacent ownership	Refrain from CI Comp Plan Designation Retain CS Zone	Property Owner	revision included in current Comp Plan Map
	Various Killingsworth Frontage	Refrain from CI Comp Plan designation Retain CS zone	Staff	revision included in current Comp Plan Map
	2 full blocks, N of Jessup, both sides of Mississippi	Refrain from CI Comp Plan Designation Retain R1 Zone	Staff	revision included in current Comp Plan Map
Concordia (IMP)	2626 NE Dekum	Refrain from IC Comp Plan designation Retain CN1 zone	Property Owner	Comp Plan Map amendment incl. in staff proposed council amendment
	6700 NE 29th	Refrain from IC Comp Plan designation Retain R5 ah Zone	Property Owner	revision included in current Comp Plan Map
	Misc 27th & 30th Avenue frontage (6 lots)	include in IC Comp Plan designation Retain R5 zone	Staff	revision included in current Comp Plan Map
Legacy Emanuel (IMP)	Unaddressed N Kerby	Retain IG1 zone	PDX Facilities	Pending
Legacy Good Sam (IMP)	2244 NW Overton	Refrain from IC Comp Plan Retain RH zone	Property owner	Request submitted and under review
Kaiser Medical Center	2 Blocks N of Failing	Refrain from IC Comp Plan designation Retain existng R1d and Exd zones	Staff	revision included in current Comp Plan Map
Lewis and Clark (CUMP)	Misc lots including 425 SW Maplecrest	Apply IC Comp Plan designation	Property owner	revision included in current Comp Plan Map
	9919-10025 Boones Ferry	Rezone to C11		

## 9. Good Neighbor Agreements

Staff supports the concept of Good Neighbor Agreements and believes that institutions will continue to enter into these with adjoining neighborhood associations even in the absence of requirements from either a CUMP/IMP condition of approval or base zone requirement.

The City Attorney’s Office advises against requiring third party agreements as a condition of zoning code approval. If the PSC would like to include a requirement for a Good Neighbor Agreement this could be added to proposed code section 33.150.050 Neighborhood Contact and Outreach but should clarify that the City is not a party to, nor does it have enforcement responsibilities for such agreements.