DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 12-166257 CU MS AD (HO 4120027)

Applicant: University of Portland
c/o Jim Kuffner
5000 N Willamette Boulevard
Portland, OR 97203

Applicant’s Representative: Christe White
Radler White Parks & Alexander
111 SW Columbia Street, #1100
Portland, OR 97201

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representatives: Douglas Hardy and Rachel Whiteside

Site Address: 5000 N Willamette Boulevard

State ID No.: 1N1E18AB 01300, 1N1E18AB 01400, 1N1E18AB 01500, 1N1E18AB 01600, 1N1E18AB 01700, 1N1E18AB 01900, 1N1E18AB 01800, 1N1E18AB 02000, 1N1E18AB 02100, 1N1E18AB 02500, 1N1E18AB 06800, 1N1E18AB 06900, 1N1E18AB 07000, 1N1E18AB 07100, 1N1E18AB 06700, 1N1E07DC 05100, 1N1E07DC 04800, 1N1E18AB 07300, 1N1E18AB 07800, 1N1E18AB 07700, 1N1E18AB 07600, 1N1E18AB 07500, 1N1E18AB 07400, 1N1E18AB 08100, 1N1E18AB 08600, 1N1E18AB 05500, 1N1E18AB 02600, 1N1E18AB 02700, 1N1E18AB 02800, 1N1E18AB 02900, 1N1E18AB 03000, 1N1E18AB 03100, 1N1E18AB 03200, 1N1E18AB 03300, 1N1E18AB 03400, 1N1E18AB 03500, 1N1E18AB 03600, 1N1E18AB 03800, 1N1E18AB 03700, 1N1E18AB 03900, 1N1E18AB 04000, 1N1E18AB 04100, 1N1E18AB 04200, 1N1E18AB 04500, 1N1E18AB 04400, 1N1E18AB 04600, 1N1E18AB 04700, 1N1E18AB 04800, 1N1E18AB 04900, 1N1E18 00300, 1N1E18AB 08700, 1N1E18AB 08900, 1N1E07 00100, 1N1E07CD 09700, 1N1E07CD 09600, 1N1E17B 00300, 1N1E18 00100, 1N1E18B 00100, 1N1E18 00200

Quarter Sections: 2222, 2223, 2224, 2323, 2324, 2325, 2424

Neighborhood: University Park

Business District: North Portland Business Association

District Neighborhood Coalition: North Portland Neighborhood Services

Plan District: None

Zoning: R5 – Single-Dwelling 5,000
R2 – Multi-Dwelling 2,000
EG2 – General Employment 2
IH – Heavy Industrial
c – Environmental Conservation overlay
g – River General Greenway overlay
i – River Industrial Greenway overlay
n – River Natural Greenway overlay
q - River Water Quality Greenway overlay

Land Use Review: Type III, CU MS – Conditional Use Master Plan Review, AD – Adjustment Review

BDS Staff Recommendation to Hearings Officer: Approval with conditions
Public Hearing: The hearing was opened at 9:02 a.m. on November 14, 2012, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 11:21 a.m. The record was held open until 4:30 p.m. on November 27, 2012 for new written evidence, and until 4:30 p.m. on December 4, 2012 for Applicant's rebuttal. The record was closed by the Hearings Officer on November 30, 2012.

Testified at the Hearing:
Douglas Hardy, BDS Staff Representative, 1900 SW 4th, Portland, OR 97201
Christe White, 111 SW Columbia, Suite 1100, Portland, OR 97201
Danielle Hermanny, 5000 N Willamette Boulevard, Portland, OR 97203
Ty Wyman, 851 SW 6th Avenue, Suite #1500, Portland, OR 97204
Andrew Noethe, 7130 N Wall Avenue, Portland, OR 97203
Thomas Karwaki, 7139 N Macrum Avenue, Portland, OR 97203
Veronica Bartlett, 7413 N Stockton, Portland, OR 97203
Leanne Goolsby, 6605 N Monteith Avenue, Portland, OR 97203
Michael Kranyak, Public Safety, 5000 N Willamette Boulevard, Portland, OR 97203
Brock Vasconcellos, 5000 N Willamette Boulevard, Portland, OR 97203
Oliver Swenson, 4917 N Willamette Boulevard, Portland, OR 97203
Dave Devine, 6903 N Wall Avenue, Portland, OR 97203
Pat Ell, 7303 N Chautauqua, Portland, OR 97217
Karen Paule, 6312 N Willamette Lane, Portland, OR 97203
David Gregg, 5940 N Willamette Lane, Portland, OR 97203
James Kuffner, 5000 N Willamette, Portland, OR 97203

PROPOSAL: University of Portland ("The University") is requesting a new Conditional Use Master Plan that will regulate uses and development on the campus over the next ten years. The Conditional Use Master Plan request includes expanding the existing campus boundaries to incorporate additional properties adjacent to the West Campus ("West Campus") area. (See attached Exhibit C.4.) The campus boundaries will also be expanded to include the 35-acre Triangle Park property ("Triangle Park") located at the base of the bluff, and the 45-acre McCormick and Baxter ("M&B") site located northwest of the Triangle Park site. These two sites (Triangle Park and M&B) together comprise what is called the River Campus ("River Campus"). Several properties within the proposed boundaries are not currently owned by The University. The Conditional Use Master Plan would not take effect on these properties until they are under the control of The University.

The proposed Master Plan does not identify specific building uses, locations or sizes. Instead, uses in the Colleges use category (Portland City Code (PCC) 33.920.410) would be allowed, with development on the campus regulated by establishing maximum allowed floor area ratios ("FARs") and building heights that vary in different locations across the campus. The maximum allowed FARs would range from 0.181 on the M&B site to 0.36:1 elsewhere on the campus. The maximum allowed building heights would range from 50 feet along portions of the site’s N Willamette Boulevard frontage up to 75 feet within the interior of the campus. Development will also be subject to all other standards of the various zones that are mapped across the campus, such
as maximum allowed building coverage, minimum landscaped area and required building setbacks. Additionally, new development along much of the campus’ N Willamette Boulevard frontage will be subject to a proposed set of design standards that address such things as building materials, architectural detailing, façade articulation, window area, and main entries. As part of the new Master Plan, a modified lighting plan is proposed for the existing open spaces referred to as the “Pru-Pitch” and “Varsity Field” that are located immediately east of “Merlo Field.” Lighting is also proposed for the Joe Etzel baseball field (“Etzel Field”) to be relocated to the River Campus. The University is requesting that the location of Etzel Field and lighting be approved only for conformance with the Conditional Use Master Plan requirements. Because the relocated Etzel Field, field lighting, and accessory structures will be located in a Greenway overlay zone, a future Greenway Review will be required for these improvements. The Greenway Review will determine the specific location of the field and related lighting. All other development on the River Campus would also be subject to a future Greenway Review.

A minimum parking ratio will be established for the campus that will increase as student enrollment increases. Special events on the campus will continue to operate under an updated Special Events Management Plan ("SEMP"), which focuses on mitigating transportation and parking impacts associated with special events.

In addition to the Conditional Use Master Plan Review, The University is requesting an Adjustment Review to decrease in the R5 zone the minimum required building setback from N Willamette Boulevard from one foot for each two feet in building height, but in no case less than 15 feet, to zero feet. This Adjustment would apply only to the blocks fronting N Willamette Boulevard on the West Campus (Blocks 28-30). The University is also requesting an Adjustment to increase the maximum allowed height of development within the interior of the West Campus (zoned R5) from 50 feet to 75 feet (Blocks 31, 32, 33, 34, 35 and 37). The area of the West Campus where this height increase is requested would be at approximately 270 feet back from the campus’ N Willamette Boulevard frontage.

Several street vacations are also identified in the proposed Master Plan. These include streets located within the West Campus and the River Campus. These street vacations are identified for informational purposes only and will be subject to a future Street Vacation review process.

Finally, The University is currently completing an extensive remediation project along the bank of the Willamette River for a portion of the River Campus. This project is under the supervision of the Environmental Protection Agency ("EPA") and is not subject to Greenway Review. As a result of the remediation project, the riverbank will be graded, relocating the top of bank 35 to 75 feet landward of its current location. The University is requesting, through the Conditional Use Master Plan, to apply the 25-foot setback from the original, pre-restoration top of bank.

RELEVANT APPROVAL CRITERIA: In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- 33.820.050 Conditional Use Master Plan Approval Criteria
- 33.815.105 Institutional and Other Uses in R Zones
33.805.040 Adjustment Approval Criteria

II. ANALYSIS

Site and Vicinity: The University's property, the subject of this case, is located on the east bank of the Willamette River in North Portland. The existing campus is 108 acres in area, and includes the Main Campus and the West Campus. The Main Campus extends north to N Willamette Boulevard, west to N Portsmouth Avenue, with the river bluffs defining the campus to the east and south. The West Campus generally extends a half block north of N Warren Street, with N Monteith Avenue on the east, with an irregular southern boundary roughly following the base of the bluff. Under the proposed Master Plan, the West Campus boundary will extend a half block north to N Willamette Boulevard, west to N McKenna Avenue, and roughly south to N Van Houten Place/N McCosh Street (Exhibit C.4). The proposed Master Plan also includes incorporating the River Campus within the Master Plan boundaries. The River Campus includes the 35-acre Triangle Park site located directly south of the West Campus, and extending to the Willamette River. The River Campus also includes the 45-acre M&B site, located west of the Triangle Park site. The M&B site extends south to the river, west to the railroad main line and north to the railroad branch line.

The University maintains an inventory of 33 buildings within the existing campus boundaries, accommodating approximately 1.3 million square feet of floor area. The buildings house a variety of university functions including classrooms, a library, a chapel, arts facilities and athletic facilities. Approximately 48 acres of the campus is in open space, which also includes several outdoor recreational facilities such as the Merlo soccer field and the current Etzel Field on the Main Campus. Both the soccer and baseball fields, and the Pru-Pitch field located east of Merlo Field, are equipped with stadium lighting. A total of 1,690 parking spaces, mostly in surface lots, are located throughout the existing campus. Other than a railroad branch line, there is no development on either the Triangle Park or M&B sites.

The neighborhood surrounding the campus is largely characterized by low-density, single-dwelling development.

Zoning: The existing and expanded campus is mapped with a variety of base zones and overlays. These include the following:

Main Campus
Multi-Dwelling Residential 2,000 (R2);
River General ("g") Greenway Overlay (along a portion of the bluff);
River Natural ("n") Greenway Overlay (along a portion of the bluff); and
River Water Quality ("q") Greenway overlay (along a portion of the bluff).

West Campus
Single-Dwelling Residential 5,000 (R5);
Multi-Dwelling Residential 2,000 (R2) (along a portion of the bluff);
River Natural ("n") Greenway Overlay (along a portion of the bluff); and
Environmental Conservation ("c") (along a portion of the bluff).

River Campus
General Employment 2 (EG2);
Heavy Industrial (IH);
River General ("g") Greenway Overlay;
River Natural ("n") Greenway Overlay; and
River Industrial (i).

The R2 zone is a low density, multi-dwelling zone, with allowed housing characterized by one to three story buildings. While the R2 zone is primarily intended to provide opportunities for multi-dwelling housing, colleges and other institutional uses are allowed if approved through a Conditional Use review.

The R5 zone is intended to preserve land for housing and to provide housing opportunities for individual households. The use regulations are intended to create, maintain and promote single-dwelling neighborhoods. They allow for some non-household living, such as colleges and other institutional uses if approved as a Conditional Use, but not to such an extent as to sacrifice the overall image and character of the single-dwelling neighborhood.

The EG zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial and industrially related uses. Other commercial uses are allowed to support a wide range of services and employment opportunities. Colleges are an allowed use in the EG. However, because a portion of The University's site is in a residential zone where college uses require a Conditional Use Review, a Conditional Use Review is also required for the portion of the use in the EG2 zone. The development standards for the EG zones are intended to allow new development which is similar in character to existing development.

The IH zone is one of three zones that implements the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development. College uses are prohibited in the IH zone. The IH zone is limited to the M&B site which The University does not currently own, but which they are requesting be included within the expanded campus boundaries. As discussed later in this decision, a condition is proposed that states the Conditional Use Master Plan approved through this review will not take effect on the M&B site until the property is under the control of The University, and until the zoning on the site is changed to one which allows (either by right or through a Conditional Use Review) College uses.

The Greenway overlay zones are intended to implement the land use pattern identified in the Willamette Greenway Plan, and the water quality requirements of Metro Code 3.07.340.B (Title 3). The purpose of each of the individual Greenway overlay zones on the site are as follows:
River General. The River General zone allows for uses and development which are consistent with the base zoning, which allows for public use and enjoyment of the waterfront, and which enhance the river's natural and scenic qualities.

River Natural. The River Natural zone protects, conserves, and enhances land of scenic quality or of significant importance as wildlife habitat.

River Water Quality. The River Water Quality zone is designed to protect the functional values of water quality resources by limiting or mitigating the impact of development in the setback.

River Industrial. The River Industrial zone encourages and promotes the development of river-dependent and river-related industries which strengthen the economic viability of Portland as a marine shipping and industrial harbor, while preserving and enhancing the riparian habitat and providing public access where practical.

Development in the Greenway overlay zones, with exceptions, requires a Greenway Review.

The Environmental Conservation overlay zone conserves important resources and functional values in areas where the resources and functional values can be protected while allowing environmentally sensitive urban development. Development in the Environmental Conservation overlay zone requires an Environmental Review.

Zoning on property in the nearby vicinity surrounding the existing and proposed campus boundaries includes R5 zoning for properties to north of N. Willamette Boulevard, General Industrial 2 (IG2) zoning to the east and south, and Open Space (OS) zoning to the west of the M&B site. Both the nearby IG2 and OS zoned properties are also mapped with Greenway overlay zones.

Land Use History: The University’s current Conditional Use Master Plan dates back to 1993, as approved by LUR 93-00355 CU MS. This original plan was subsequently amended in 1998 (LU 98-00812 CU MS CP ZC AD), in 2003 (LU 03-153861 CU MS AD), and in 2006 (LU 06-137142 CU MS). The current Conditional Master Plan is intended to replace these previous plans, with some of the key elements of these previous plans being carried forth and modified, such as the SEMP, design standards that apply to development near the N Willamette Boulevard periphery, and limits on night games. With the adoption of the proposed Master Plan, the previous Master Plan and subsequent modifications to that Plan will no longer be in effect.

One additional recent land use review of note involved a Comprehensive Plan Map and Zoning Map Amendment approved in 2007 for the Triangle Park portion of the proposed River Campus (LU 06-132925 CP ZC). This review changed the zoning on the Triangle Park site from Heavy Industrial (IH) to General Employment 2 (EG2). City Council approved the land use review with several conditions related to the future use of this Triangle Park site. The conditions of approval are as follows:

"A. Until Metro's Title 4 map is amended to remove the Triangle Park site from the Industrial Area, no single Retail Sales and Service, or Office use may exceed 5,000 square feet of floor area, with the total amount of Retail Sales and Service, and
Office uses on the site not to exceed 20,000 square feet of floor area.

BDS Comment: Based on Metro’s Title 4 Map dated January 2012, the Triangle Park site is still mapped as an Industrial Area. However, the University is proposing no Retail Sales and Service or Office uses on this portion of the campus, or anywhere within the expanded campus boundaries.

B. In addition to conformance with other land use review approval criteria required by Title 33 (Portland Zoning Code), dormitory development proposed on the Triangle Park site must demonstrate at time of land use review how the proposal meets the following criteria:

1. The proposal can be designed and developed so that housing is buffered from potential nuisance impacts from uses allowed by right in the zone; and

2. The proposal includes a design, landscape, and transportation plan which will limit conflicts between residential, employment and industrial uses.

BDS Comment: This condition was written with the idea that potentially there could be a mix of dormitory development and allowed industrial or employment uses on the Triangle Park site. However, the entire Triangle Park site is proposed to be within the expanded boundaries of the University campus, with no uses other than College uses allowed within these boundaries. As such, this condition is not relevant.

C. Retail Sales And Service, and Office uses on the Triangle Park site shall be limited to an equivalent trip cap of 1,880 daily trips, based on the Institute of Transportation Engineers Trip Generation Manual, 7th Edn. The applicant shall provide written verification at time of building permit review that all Retail Sales and Service, and Office uses on the site, both existing and proposed, do not exceed a maximum equivalent daily trip generation of 1,880 trips. Square footage equivalences shall be applied as follows:

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Square Footage</th>
<th>Trip Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Sales And Service Office</td>
<td>23 sq. ft.</td>
<td>1 trip</td>
</tr>
<tr>
<td></td>
<td>91 sq. ft.</td>
<td>1 trip</td>
</tr>
</tbody>
</table>

In addition, Retail Sales and Service uses on the Triangle Park site shall be limited to a maximum of 20,000 square feet. BDS Comment: As no Retail Sales and Service, or Office uses are proposed on the Triangle Park site, this condition is not relevant.
D1. Unless exempted by Zoning Code Section 33.815.040.B, proposals that include up to 60,000 square feet of medical/dental Office or Institutional uses will be permitted on the Triangle Park site only if approved through a Type II Conditional Use review process; proposals that include more than 60,000 square feet of medical/dental Office or Institutional uses will be permitted on the site only if approved through a Type III Conditional Use review process. The approval criterion that will apply to such proposals will be as follows:

The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts due to traffic volume; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies.

D2. The Conditional Use review required by Condition D.1 will not apply if the Triangle Park site is incorporated into the master plan boundary of the University of Portland.

BDS Comment: Because the Triangle Park site is being incorporated within the Master Plan boundaries, Condition D.1 does not apply. The Transportation Master Plan included in Exhibit 4 of the Master Plan document includes a full transportation and parking analysis of proposed development within the expanded Master Plan boundaries.

E. A Route of Service plan shall be provided for proposed sanitary service, including any required private or public easements, and for stormwater treatment and disposal as part of any future Conditional Use land use review submittal on the Triangle Park site. Any public or private easements required to establish the route of service will be subject to review and approval by the Bureau of Environmental Services.”

Hearings Officer Note: A plan for sanitary service and stormwater treatment for the River Campus, including the Triangle Park site, has been submitted by The University and is included as Exhibit A.3 in this decision. The Hearings Officer notes that the Bureau of Environmental Services (“BES”) reviewed this sanitary service and stormwater treatment plan and had no objections.

Agency Review: A Request for Response was mailed on September 24, 2012. The notified bureaus have responded as follows:

BES responded with comments on adequacy of the sanitary and stormwater systems on the site as well as other issues that would apply at time of development. These comments are detailed in Exhibit E.1, and discussed later in this decision in response to the Conditional Use approval criteria. In summary, BES stated that they reviewed the information provided in the Stormwater
and Sanitary Sewer Master Plan Report (Exhibit A.3), indicated that they had no objections to the conceptual sanitary plan for the purposes of the Conditional Use Master Plan. BES also found that sufficient information has been provided to demonstrate that stormwater management requirements could be met. BES stated that it had no objections to the proposed stormwater management approach for the purposes of the Conditional Use Master Plan.

Regarding the request to waive the 25-foot Greenway setback, BES recommended that The University maintain an average 25-foot setback from the restored top of bank across the entirety of the River Campus. Maintaining an average 25-foot setback from the restored top of bank will allow the University flexibility to develop closer to the riverbank where site constraints make that unavoidable, while still providing protection of the functional values of the water quality resource area as identified in Greenway regulation 33.440.010.

The Portland Bureau of Transportation ("PBOT") responded with comments on the transportation-related Conditional Use approval criteria. These comments are detailed in Exhibit E.2, and summarized later in this decision in response to the Conditional Use approval criteria. PBOT concurred with the analysis included in The University’s Transportation Master Plan (attached to Exhibit A.1), with conditions of approval.

The Water Bureau responded with no objections to the proposed Conditional Use Master Plan Review and Adjustment Review, and provided no recommended conditions of approval (Exhibit E.3). The Water Bureau did note that for streets that are proposed to be vacated that have Water Bureau facilities within them, or where the streets are required for access for maintenance purposes for the existing water system, the Water Bureau must formally agree to any such proposed street vacations prior to these streets being vacated. The Hearings Officer notes that the street vacations identified in the proposed Master Plan are for informational purposes only, and are subject to a separate Street Vacation process.

The Office of Health Working Rivers responded with comments that addressed a variety of aspects associated with the proposal (Exhibit E.4). These comments are summarized below, with responsive comments from BDS:

- A condition should be explicit in stating that the Master Plan does not approve any uses on the River Campus, including the proposed ball field, and that each new use must be approved through a Greenway Review.

BDS Response:

"Because the entire River Campus is mapped with a Greenway overlay, pursuant to Zoning Code Section 33.440.310 (When Greenway Review Applies), any development that occurs on this portion of the campus, unless exempted by Zoning Code Section 33.440.320 (Exemptions), is subject to Greenway Review. BDS recommended a condition of approval to clarify that Greenway Review is required for development on portions of the campus within a Greenway overlay."
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Hearings Officer Response: The Hearings Officer concurs with the above-stated BDS response.

- There is no Greenway Trail designation on the River Campus, but The University has agreed to cooperate with plans for the North Portland Greenway Trail through the River Campus site along an existing railroad right-of-way. Care should be taken to properly size the North Portland Greenway trail to avoid conflicts between users, particularly cyclists and pedestrians. In addition, enhanced “bumpouts” would allow users an area of refuge from pedestrian and bike traffic, elevated viewpoints to take in the surrounding landscape and river views, and side trails to river overlooks.

BDS Response:

"There is currently no Public Recreational Trail or Greenway trail designation on the River Campus, so the Zoning Code regulations specific to Public Recreation Trails or Greenway Trails cannot be applied to the campus at this time. Applicant does sit on the Project Advisory Committee for the North Portland Greenway, but supports the future alignment of the trail through the River Campus. Details on the design and exact placement of the trail are still at the discussion stage. BDS suggested that design elements raised by the Office of Healthy Rivers should be discussed as part of the ongoing Project Advisory Committee meetings, and not through this proposed Conditional Use Master Plan."

Hearings Officer Response: The Hearings Officer concurs generally with the BDS response above. The Hearings Officer notes that any decision maker in this case is restricted to considering only those matters raised in relevant approval criteria. As such, any consideration of a Greenway Trail location on The University’s site, if relevant, would be raised during a Greenway review.

- The Willamette River Greenway Public Access Map shows a Public Viewpoint symbol on The University’s site on the bluff above the River Campus. Area should be set aside in this location to provide public views of the river and should include interpretive installations.

BDS Response:

"The viewpoint (identified in the Scenic Views, Sites and Drives Inventory as VP 10-04) is intended to provide views from the bluff to the southeast and clockwise to the west. The view includes Mt. Hood, Mock’s Bottom, the ship repair yards, downtown Portland, and the West Hills. This area is currently identified in the Master Plan as a grassy open area which provides expansive views outward from the campus, and which is easily accessible from the campus. Included in this area is a pathway leading to the viewpoint area, an accessible seating area, as well as an interpretive display regarding a history on Lewis and Clark’s travels in this area."
Hearings Officer Response: The Hearings Officer concurs with the above-stated BDS response.

- The University proposes to maintain the existing 2012 Greenway top-of-bank, so no additional Greenway setback is proposed beyond the reconfigured riverbank. If there is no Greenway Setback, how will the impacts of proposed future development be mitigated if there is no setback or buffer between development and the restored riverbank?

BDS Response:

“Applicant’s request to waive the required 25 foot deep landscaped Greenway setback is discussed in response to Conditional Use Master Plan approval criteria in Section 33.820.070.E (Development Standards).”

Hearings Officer Response: The Hearings Officer provides findings for approval criteria Portland City Code (“PCC”) 33.820.070.E.

- A condition of Master Plan approval should require that the Greenway Review for sports fields on the River Campus include an evaluation of impacts of lighting on wildlife, particularly salmonids.

BDS Response:

“As noted in a previous BDS response, the field lighting for the new Eitzel Field will be subject to a future Greenway Review. Per the approval criteria for that review, the University will be required to provide a light spill diagram to determine whether glare reaches the river and if so, what impacts it may have on biological productivity.”

Hearings Officer Response: The Hearings Officer provides findings for approval criteria PCC 33.820.070.E.

The Fire Bureau responded with no issues or concerns related to the requested land use reviews, but noted that any new development will be required to meet current Fire Code requirements at the time of development (Exhibit E.5).

The Police Bureau responded that they are capable of serving the proposed use with concerns regarding continuing safety and security for the campus (Exhibit E.6). Recommendations on addressing this concern are discussed in response to PCC 33.815.105.D.3.

The Site Development Section of BDS reviewed the proposal and responded with no objection to the approval of the Conditional Use Master Plan and Adjustment Review (Exhibit E.7). Exhibit E.7 is summarized, by the Hearings Officer, as follows:
A soils report will be required at the time of building permit review for the construction of new buildings in order to evaluate whether the foundation design of the proposed structure complies with the Oregon Structural Specialty Code. Site-specific seismic hazard studies will need to be submitted for buildings and/or structures that are defined as essential facilities, hazardous facilities, major structures, and/or special occupancy structures per ORS 455.447(1).

A soils report also will be required at the time of Greenway Review for new buildings in order to evaluate the potential for liquefaction and strength loss and the assessment of related consequences (e.g., differential settlement, lateral spread, and reduction in foundation bearing capacity). If ground improvement is determined to be necessary, design drawings would need to be submitted with the greenway review.

The proposed development is located within the Flood Hazard Area as shown on the Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Map 410183 0080 F, dated November 26, 2010, Zone AE. The FEMA 100 year flood elevation is 31.4 feet North American Vertical Datum ("NAVD") 1988 based on the Flood Profiles provided in the November 26, 2010 FEMA Flood Insurance Rate Study. This area was inundated during the 1996 flood as shown on the Metro Water Quality and Flood Management Area Map. The 1996 inundation elevation is 1.5 feet higher than the FEMA elevation based on measurements at the Morrison Street Bridge. The flood protection elevation is the greater of the 100 year base flood elevation plus 2 feet of freeboard (33.4 feet NAVD) or the 1996 inundation plus 2 feet of freeboard (34.9 feet NAVD). The entire site is shown to have been inundated in 1996; therefore the flood protection elevation is 34.9 feet NAVD (32.8 feet City of Portland datum).

The finished floor elevation of new structures must be at or above the Flood Protection Elevation.

Balanced cut and fill requirements apply to this site. All fill placed at or below the base flood elevation shall be balanced with at least an equal amount of soil material removal below the base flood elevation. The base flood elevation is 31.4 feet NAVD, (29.3 feet City of Portland datum).

• BES will review the project for conformance to the 2008 Stormwater Management Manual. Site Development will review proposed facilities for conformance with the required slope/building setbacks.

• North Van Houten Place provides public access to the proposed River Campus. Improvements to the right-of-way are not proposed at this time. A Site Development Permit will be required for mass grading associated with the street construction and for utility installation, pursuant to Section 24.70.020 B.9.

• Erosion prevention and sediment control requirements found in Title 10 apply to both site preparation work and development. Full compliance with the erosion control requirements of
Title 10, as well as maintenance of the erosion control elements, such as silt fences on private property, storm drain inlet protection and bio bags in the public right-of-way, is the responsibility of the property owner, and the builders of structures on the individual lots.

- A 1200-C permit from the Oregon Department of Environmental Quality is required for construction activities including clearing, grading, excavation, and stockpiling that will disturb one or more acres and may discharge to surface waters or conveyance systems leading to surface waters of the state.

The Bureau of Parks-Forestry Division responded with no concerns regarding the requested land use reviews (Exhibit E.8).

Neighborhood Review: A Notice of Proposal was mailed on October 19, 2012. Prior to the public hearing, on November 14, 2012, the University Park Neighborhood Association ("UPNA") submitted a letter in support of The University’s proposed Master Plan application (Exhibit F.1).

A number of individuals testified at the November 14, 2012 public hearing. The Land Use Chair of the UPNA ("Noethe") testified in support of the application. Noethe described The University’s public outreach efforts in positive terms. Noethe indicated that UPNA was in support of The University’s approach to FAR’s, a proposed trail alignment (River Campus area), Block 30, public safety, and design standards. Another individual ("Karwaki") testified, in support of the application, as the chair of the UPNA, as a member of the local business association, and as a private citizen. Others testified, at the hearing, in support of the application, including nearby residents, the Director of Public Safety for The University and the President of The University’s Associated Students. Letters expressing support of The University’s proposal were submitted at the public hearing and/or during the open-record period (Exhibits H.3, H.6, H.8, H.12, H.13, H.18, H.20, H.24 and H.28).

Two individuals testified, at the November 14, 2012 public hearing, in opposition to the application ("Paule" and "Gregg"). Paule, in her testimony, expressed concern with The University’s response to her and/or the Audubon Society related to complaints she made about one or more lighting units located at the River Campus. Paule also requested that the Hearings Officer consider, in the decision in this case, the wildlife that currently utilizes the River Campus area. Gregg’s testimony was primarily directed towards Etzel Field lighting impacts upon neighboring residential areas.

Three written submissions were received, during the open record period, from persons objecting to The University’s proposal (Exhibits H.5, H.21 and H.27). Exhibit H.5 ("Lancaster Letter") raised transportation related concerns/objections. Exhibit H.21 ("Miller Letter") raised concerns related to The University’s height adjustment request. Exhibit H.27 ("Paule Letter") included a written version of her November 14, 2012 hearing testimony and additional comments related to The University’s response to her River Campus lighting complaint. Finally, Paule in Exhibit H.27, expressed concerns with the “zoning” of the River Campus properties.
The Hearings Officer addresses opposition issues that are related to relevant approval criteria in the findings below. The Hearings Officer, however, shall address briefly in this section of the decision, Paule’s testimony/comments about the “zoning.” Paule, in her passionate hearing testimony, stated that the River Campus “teems with life.” (See Exhibit H.27.) Paule suggested that the River Campus should be “protected” for wildlife/habitat by applying City zoning. The Hearings Officer interprets Paule’s testimony as requesting the Hearings Officer to change the River Campus zoning from the current Heavy Industrial and General Employment to an environmental “protected.” While Paule’s sentiment is compelling, it is not legally supportable. The Hearings Officer notes that PCC 33.700.080.A.1 states “applications for land use reviews will be processed based on the regulations in effect on the date an application is filed with the City.” (See also Oregon Revised Statute 227.173.) Any decision maker in this case, whether it is a Hearings Officer or City Council, must measure the application against “existing” zoning provisions. The Hearings Officer finds that the relevant and appropriate “existing” zoning provisions are those that are listed above under the heading “Relevant Approval Criteria.”

**ZONING CODE APPROVAL CRITERIA**

**Conditional Use Master Plan Review**

**33.820.050 Approval Criteria**

Requests for conditional use master plans will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

**A. The master plan contains the components required by 33.820.070;**

**Findings:** The Hearings Officer finds that the Master Plan contains the components as required by 33.820.070, as discussed in further detail under the findings to Section 33.820.070, below. The Hearings Officer finds that this approval criterion is met.

**B. The proposed uses and possible future uses in the master plan comply with the applicable conditional use approval criteria; and**

**Findings:** A review of how the proposed uses and possible future uses in the Master Plan comply with the applicable Conditional Use approval criteria is detailed in the findings under Section 33.815.105, below. As indicated in that section, the Hearings Officer finds that with conditions of approval the applicable Conditional Use approval criteria are met, and this approval criterion is satisfied.

**C. The proposed uses and possible future uses will be able to comply with the applicable requirements of this Title, except where adjustments are being approved as part of the master plan.**
Findings: The Hearings Officer finds that the proposed uses will be able to comply with the applicable requirements of Title 33, except where Adjustments are approved as part of the Master Plan. Findings for the Adjustments are found later in this decision under PCC 33.805.040.

The University has undertaken a significant cleanup and restoration of 2,200 linear feet of the Willamette River frontage within the River Campus under the supervision of the EPA. The University states, in Exhibit H.11:

"That effort has included a significant re-grading of the riverbank to a 5:1 and 5.5:1 slope. The purpose of this bank lay-back was to create quality riparian and fish habitat in an effort to protect and conserve threatened species in the river. The previous steep sloe could have been maintained and rip-rapped but this alternative was dismissed based on its inferior habitat creation. As a result of the re-grading of the bank to remediate and restore the site, the Top of Bank shifted landward. This shift landward created an opportunity to create an extensive riparian habitat and to expand the Greenway corridor far beyond what would have been its original limits had the old Top of Bank been preserved."

The University went on, in Exhibit H.11, to say that it:

"requests that BDS make a determination that aligning the Greenway setback to be coterminous with the new Top of Bank on this site is no more liberal that what the code would otherwise require. No only do the characteristics of this site further justify such a recommendation...to impose an additional 25-foot setback from the newly created Top of Bank would be to punish the University for frankly doing the right thing for the river; establishing a negative precedent for future river restorations and a disincentive to further the purposes of the Greenway regulations."

BES, in a November 13, 2012 open-record submission (Exhibit H.19), states:

"In the October 31, 2012 BES Land Use Response, BES recommended an average 25-foot setback from the restored top of ban to be maintained across the entirety of the River Campus in order to satisfy Title 33.440.010 and Title 33.820.070.E. BES has since coordinated with the applicant and City staff and received additional information to review. BES has the following additional comments.

The top of ban is different in the northern and southern sections of the University of Portland’s River Campus. PCC 33.910 defines top of bank as the 'first major change in the slope of the incline from the ordinary high water level of a water body. A major change is a change of ten degrees or more. If there is no major change within a distance of 50
feet from the ordinary high water level, then the top of bank will be the elevation 2 feet above the ordinary high water level.' Through a voluntary agreement with EPA to conduct to conduct a remedial clean-up to address contamination found along the shoreline of this site, the bank of southern section of the river campus was laid back and the new top of bank meets the alternate code definition of two-feet above the ordinary high water level. In Figure 1 dated 11/12/12, the University of Portland depicted an average 25-foot setback from the post-restoration top of bank (as defined by Greenway code) across the entire length of the River Campus, as recommended by BES.

Further, BES supports the increased riparian planning area, as depicted in Exhibit H, Figure 2 dated 11/08/12. BES understands these plantings would be in addition to the restoration plantings the University has committed to installing and maintaining under their remediation plan. BES concurs with BDS and recommends that the additional 17-67 feet of Greenway plantings, at a minimum, meet Greenway landscaping standards. A vegetated riparian has many ecological benefits including protecting bank stability and water quality, providing organic inputs to the river, improving near shore habitat for juvenile salmonids and providing habitat for terrestrial and avian species. BES acknowledges that in addition to these Greenway areas, the revised proposal provides an additional 12-foot wide corridor along the river side of the railroad tracks for a Greenway trail.

With these revisions and conditions of approval identified by BDS, BES supports an alternate Greenway setback in the context of this University of Portland Master Plan as satisfying Title 33.400.010 and Title 33.820.070.E."
applicant (dated November 12, 2012 and attached to this memo) that should replace Figure 1 from Exhibit H.11. BES has documented their support of the revised Greenway setback proposal in a separate addendum submitted to the Hearings Office on November 13, 2012.”

The Office of Healthy Working Rivers, in an open-record submission (Exhibit H.23) states, in part, the following:

“Recent work to remediate contamination on the site has been completed and the bank has been regarded to a more gradual slope. The rehabilitated bank meets the alternative code definition for top of bank of 2 feet above the ordinary high water level. Figure 1, dated 11/12/12 shows an average 25 foot setback along the revised top of bank. Moreover, the added riparian plantings shown in Exhibit H, Figure 2 dated 11/8/12 will further enhance the greenway buffer. With these changes there will be adequate buffer between the river bank and any future development on the River Campus.”

The Hearings Officer finds that BDS staff, BES staff and the Office of Healthy Working Rivers staff agree that The University’s top of bank revised request does meet the requirements of PCC 33.400.010 and 33.820.070.E. Additional findings related to The University’s top of bank request are found below under approval criterion PCC 33.820.070.E.

The M&B site, located in the proposed River Campus, is presently zoned IHi. College uses are prohibited in the IH base zone. Additionally, in the River Industrial “i” Greenway overlay zone, only those uses that are river-related or river-dependent are allowed unless the site is determined to be unsuitable for river-related or river-dependent uses. The Master Plan requirements included in Zoning Code Section 33.820.060 state that the Master Plan must include proposed uses and possible future uses that might be proposed during the life of the Master Plan. Because The University proposes potential uses on the M&B site that may occur within the 10-year life of the Master Plan, The University is required to include this property as part of the Master Plan. However, to address the prohibition of College uses in the IH zone, BDS staff recommended a condition of approval indicating that the Master Plan will not take effect on the M&B site until such time that the zoning on the site is changed to one that allows College uses.

All other development standards applicable to the site must be met during building permit submittal and review. The Hearings Officer finds that this approval criterion is met.

**33.820.070 Components of a Master Plan**

The applicant must submit a master plan with all of the following components. The review body may modify the proposal, especially those portions dealing with development standards and review procedures. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases.
A. Boundaries of the use. The master plan must show the current boundaries and possible future boundaries of the use for the duration of the master plan.

Findings: Both the current and proposed boundaries of the Master Plan are described and illustrated in Chapter 2 of the submitted Master Plan (Exhibit A.1). The proposed Master Plan boundaries are attached herein as Exhibit C1.

There are several properties located within the proposed boundaries that are not currently owned by The University. These include the properties located at the following addresses in the West Campus: 5516 N Willamette Boulevard; 5801 N Warren Street; and 5815 N Warren Street. The M&B site, located in the River Campus, is also not owned at this time by The University. The Conditional Use Master Plan regulations (Zoning Code Section 33.820.020.B) state that the Master Plan boundaries can include lands not presently controlled by the use, but that the Plan does not take effect on these lands until they are under the control of The University. For clarification in implementing the Plan over its 10-year life, BDS recommended a condition of approval stating that the Plan will not take effect on these properties until they are under the control of The University.

The Hearings Officer finds that this requirement is satisfied.

B. General statement. The master plan must include a narrative that addresses the following items:

1. A description in general terms of the use's expansion plans for the duration of the master plan;
2. An explanation of how the proposed uses and possible future uses comply with the conditional use approval criteria; and
3. An explanation of how the use will limit impacts on any adjacent residentially zoned areas. The impacts of the removal of housing units must also be addressed.

Findings: A description of The University's expansion plans, other than the boundary expansion, is included in Chapter 4 of the submitted Master Plan (Exhibit A.1), with additional information provided in an addendum (Exhibit A.2). With the exception of the proposed baseball field on the River Campus, the Plan does not identify locations or sizes for proposed development. Instead, development will be regulated by establishing FAR and height zones on the campus, as well as by the development standards included in the Zoning Code for the various base zones that are mapped on the campus. The FAR zones are identified in Figure 11 of the Master Plan (included herein as Exhibit C.2), with the height zones identified in Figure 15 of the Master Plan (and attached herein as Exhibit C.3). Development within the portion of "Willamette Frontage Zone" that is within 100 feet of N Willamette Boulevard and N Willamette Lane will also be subject to proposed design standards at time of building permit review. The "Willamette Frontage Zone" is illustrated in Figure 15 of the Master Plan. A Streetscape Zone along a portion of the campus' N Willamette Boulevard frontage, in which no buildings would be allowed, and a separate No-Build Zone, west of N McKenna Avenue, are also proposed. These areas are also identified in Figure 15 (and attached herein as Exhibit C.3). Special regulations are proposed for how and when development
occurs on the block in the West Campus (Block 30) where there are two properties not owned by The University. Additional regulations on the timing and scale of development are also proposed for the adjacent block (Block 31). These regulations are intended to limit the impact of proposed development on existing non-university residential uses located within the expanded campus boundaries.

Chapter 9 of the submitted Master Plan (Exhibit A.1), an addendum dated September 12, 2012 (Exhibit A.2), provide a detailed explanation on how the proposed uses and possible future uses comply with the Conditional Use approval criteria. The responses to the Conditional Use approval criteria, as well as to the Adjustment approval criteria for the requested setback reduction and building height increase, provide an explanation of how the uses will limit impacts on adjacent residentially zoned areas.

Regarding the loss of any housing units, there are three residential structures within the expanded West Campus Master Plan boundary that may possibly be removed over the life of the Master Plan: 6615 N McKenna Avenue; 5826 N Willamette Boulevard; and 5802 N Warren Street. All three of the houses are owned by The University, and occupied by individuals associated with the University. Additionally, the Master Plan calls for this area of the campus to be developed for The University related housing. As such, the removal of these units will not be reducing housing opportunities.

The Hearings Officer finds that this requirement is satisfied.

C. Uses and functions. The master plan must include a description of present uses, affiliated uses, proposed uses, and possible future uses. The description must include information as to the general amount and type of functions of the use such as office, classroom, recreation area, housing, etc. The likely hours of operation, and such things as the approximate number of members, employees, visitors, special events must be included. Other uses within the master plan boundary but not part of the conditional use must be shown.

Findings: Chapter 3 of the submitted Master Plan (Exhibit A.1) includes a detailed description of the present uses, including the specific buildings, the floor area of each building, the current number of students and staff, the amount of open space (including recreational fields), parking supply, and an explanation on how special events are managed.

Chapter 4 of the Master Plan (Exhibit A.1) identifies proposed uses and possible future uses that would be allowed under the proposed Master Plan. The addendum to the Plan (on pages 7 and 8) more specifically describes the uses that will be allowed within the campus boundaries as classrooms, administrative buildings, labs, student centers, athletic facilities, student and administrative housing, physical plant facilities, libraries, parking, event centers, offices, meeting areas, eating facilities, bookstores, and other uses otherwise described in the Zoning Code as College uses. A condition of approval will specify that uses on the campus are limited to College uses as described in Zoning Code Section 33.920.410.
As noted in the findings above, the size of proposed buildings is not identified in the Plan. Instead, development will be regulated by maximum FARs and height limits established as part of the Master Plan, as well as design standards unique to The University. The expected student enrollment (over a 20 year period), hours of operation for the lighted fields, and management of special events are all identified in Chapter 4 of the Master Plan. Parking associated with these uses is included in Chapter 5 of the Master Plan.

The Hearings Officer finds that this requirement is satisfied.

D. Site plan. The master plan must include a site plan, showing to the appropriate level of detail, buildings and other structures, the pedestrian, bicycle, and vehicle circulation system, vehicle and bicycle parking areas, open areas, and other required items. This information must cover the following:

1. All existing improvements that will remain after development of the proposed use;

Findings: Existing development on the campus is identified in Figure 5 of the Master Plan. The Master Plan shows the specific location and footprint of all buildings on the campus. The Master Plan also shows gateways to the campus, circulation through the campus, and the location of vehicle and bicycle parking. Figure 7 of the Master Plan identifies all existing open space and outdoor recreational facilities within the campus boundaries.

The Hearings Officer finds that this requirement is satisfied.

2. All improvements planned in conjunction with the proposed use; and

3. Conceptual plans for possible future uses.

Findings: As noted above, the proposed Master Plan is not development specific as it relates to the precise location of future development. Chapter 6 of the Master Plan includes site plans that identify the allowed height and FAR zones for future development, with Chapter 4 (and the September 12, 2012 addendum) providing design standards that apply to development within select areas of the campus. Chapter 5 describes how parking will be accommodated on campus. The precise location and size of any development to occur within the River Campus will be determined by future Greenway Reviews, as described in Chapter 7. The Master Plan does include a proposal for relocating the baseball field to the River Campus, and installing field lighting for this facility. This proposal will be reviewed herein solely for conformance with the Conditional Use Master Plan approval criteria. Because the River Campus is mapped with a Greenway overlay zone, a future Greenway Review will be required before this facility can be built.

The Hearings Officer finds this requirement is satisfied.

4. Pedestrian, bicycle, and transit facilities including pedestrian and bicycle circulation between:
a. Major buildings, activity areas, and transit stops within the master plan boundaries and adjacent streets and adjacent transit stops; and
b. Adjacent developments and the proposed development.

Findings: The pedestrian, bicycle and transit facilities are identified in Chapter 6, Figure 20 of the Master Plan. Pedestrian and bicycle facilities for future development that occurs over the life of the 10 year Master Plan will be required to conform to the Zoning Code requirements for the individual base zones mapped on the campus.

The Hearings Officer finds this requirement is satisfied.

E. Development standards. The master plan may propose standards that will control development of the possible future uses that are in addition to or substitute for the base zone requirements and the requirements of Chapters 32.32 and 32.34 of the Sign Code. These may be such things as height limits, setbacks, FAR limits, landscaping requirements, parking requirements, sign programs, view corridors, or facade treatments. Standards more liberal than those of the code require adjustments.

Findings: The University is requesting two Adjustments to the development standards dealing with minimum building setbacks and maximum building height, and these requests will result in standards that are more liberal than what is required by the Zoning Code. As such, as discussed in Paragraph I, below, Adjustments to these standards are proposed.

Additionally, a set of design standards are included in the Plan that will apply to areas within the mapped Willamette Frontage Zone. This zone extends across the entire N Willamette Boulevard and N Willamette Lane frontages, and along a portion of the Main Campus’ N Willamette Boulevard frontage. Specifically, the design standards will apply to development occurring within 100 feet of these two frontages. A second set of voluntary design standards will apply to internal portions of the campus. The two sets of design standards are described in Exhibit 2 of the Master Plan, with modification to the Willamette Frontage Zone design standards included in the September 12, 2012 addendum.

Finally, The University requests an alternate Greenway setback. Because the Zoning Code does not contain provisions for adjusting the Greenway setback, the alternate proposal may not be more liberal than the present Greenway setback. The Hearings Officer incorporates the findings, related to the determination for the Willamette Greenway Plan and the determination of the location of the top of bank, as set forth in PCC 33.820.050.C.

The Willamette Greenway Plan states that the intent of the Greenway setback is to “keep uses back from the river’s edge to conserve and enhance the riverbank’s natural vegetation and to provide the
opportunity for public access along the Willamette River." The Greenway Setback is a minimum of 25 feet landward from the top of the bank.¹

In this case, the top of bank is moving landward by roughly 35-75 feet as part of a remediation effort that includes a bank layback and restoration plantings. Because the Greenway setback is measured from the top of bank, as the bank moves landward, so too does the setback. The University has requested to have the 25-foot setback continue to be measured from the original top of bank (identified by The University as the "2012 TOB").

BDS staff, in the Staff Recommendation to the Hearings Officer (Exhibit H.2) determined that The University’s proposed 2012 TOB request did not meet the Greenway setback purposes/requirements. BDS staff, in an open-record submission (Exhibit H.17), revised its recommendation related to a revised proposal by The University. (See Exhibit H.11.)

BDS staff, in Exhibit H.17, proposed revised findings for this approval criterion. The Hearings Officer quotes, below, the relevant portions of the BDS staff proposed findings:

"Staff found that a setback based upon the 2012 TOB, does not meet the intent of the Greenway setback for the following reasons:

- The 25-foot setback from the pre-restoration top of bank fails to address the 'buffer from the river's edge' envisioned by the Willamette Greenway Plan, as it would leave 10 to 50 feet of river bank (between the requested setback and the new top of bank) unprotected.
- Only a narrow 10-foot strip of plantings (Riparian Zone 1) is proposed above the ordinary high water ('OHW') level, leaving 10 to 65 feet between Riparian Zone 1 and the new top of bank shown on Figure 22 of Exhibit A.2. Further, no plantings are proposed above the new top of bank.
- The site contains both aquatic and terrestrial resources that have been identified in Metro's Nature in Neighborhoods inventory of regionally significant riparian corridors and wildlife habitat. The 40 to 45 feet of restoration plantings primarily considers the portion of the river bank below OHW, failing to adequately address the remainder of the river bank and the important functions that upland plantings provide.

Staff acknowledges the site constraints posed by the existing railroad, a future recreational trail alignment, and the new top of bank within the River Campus. Staff also recognizes that the Conditional Use Master Plan process allows for more flexibility because a development can be constructed in a more

¹ PCC 33.910 defines top of bank as "the first major change in the slope of the incline from the ordinary high water level of a water body. A major change is a change of ten degrees or more. If there is no major change within a distance of 50 feet from the ordinary high water level, then the top of bank will be the elevation 2 feet above the ordinary high water level." At the subject site, ordinary high water is 20.1 feet (NAVD88).
holistic manner. Staff found that an alternative setback could be approved that considers these factors and recognizes the extensive restoration work the University has already undertaken.

An alternate Greenway setback must continue to fulfill the three primary purposes of the setback: (1) provide a buffer to the river; (2) maintain space for conservation and enhancement of natural vegetation; and (3) reserve the opportunity for public access. The applicant’s proposal is to establish the landward side of the Greenway setback at the line identified as Top of Bank on Figure 1 and in the associated memo. This alternate Greenway setback meets the above stated purposes because:

- On average, a 25-foot setback will be maintained from the code-defined top of bank, which is different for the northwestern portion of the River Campus then the southeastern portion. Along the northwestern piece, the top of bank matches Figure 1 and is at roughly elevation 25. Because the bank layback is shallower and there is significantly more grading along the southeastern half, top of bank meets the alternate code definition of two-feet above the ordinary high water level. With the additional planted buffer (shown in salmon on Figure 2), the site, on average, provides adequate buffer to the river.

- Under the previous proposal staff expressed concern that the majority of plantings were below OHW and that a large graded area below top of bank was not proposed for planting at all. The revised proposal includes an additional 17-67 feet of Greenway plantings (shown in salmon on Figure 2), recommends that the landscape standards of PCC 33.440.230, Greenway Landscaping, apply to this area. These plantings would be in addition to the restoration plantings the University has committed to installing and maintaining under their remediation plan.

- In addition to these Greenway areas, the revised proposal provides and additional 12-foot wide corridor along the river side of the railroad tracks for a Greenway trail. This trail is not currently mapped in the zoning code. However, the University has agreed to accept this new trail corridor as currently recommended by the North Portland Greenway Trail Committee, thus reserving the right for public access.

Staff finds that establishing the landward side of the Greenway setback at the applicant-identified post restoration top of bank (Figure 1) is appropriate in the context of the Master Plan and is not more liberal than the current regulation. Conditions of approval are necessary to ensure that Greenway plantings and trail improvements are installed in a timely manner. Greenway plantings must occur at the time of the first development riverward of the railroad tracks.
Because the final trail alignment has not been determined by the North Portland Greenway Trail Committee, trail improvements should be deferred until the final alignment is established. However, trail improvements must be constructed at the time of the first development following determination of the final trail alignment.

With conditions of approval noted above, this component is satisfied.”

The Hearings Officer concurs with the above-quoted BDS comments. The Hearings Officer also finds persuasive comments made by The University (Exhibit H.11), BES staff (Exhibit H.19), and the Office of Healthy Rivers (Exhibit H.23). The Hearings Officer finds that with conditions of approval, as referenced by BDS staff above, this requirement is met.

**F. Phasing of development.** The master plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development. In addition, the plan should address any proposed temporary uses or locations of uses during construction periods.

**Findings:** With the exception of parking, the Master Plan does not include a specific phasing plan for proposed development. Instead, uses in the College use category will be allowed to occur over the life of the 10-year Master Plan in accordance with the development and design standards that are unique to this Master Plan, and in accordance with the development standards of the individual base zones that are mapped on the campus. Conditions of approval included as part of this land use review will also regulate the development and operation of the campus.

Both Chapter 5 and Chapter 6 of the Master Plan identify a phasing plan for required parking on the campus. This phasing will be driven by the level of student enrollment at the campus so that as enrollment levels increase, the amount of parking will increase.

The Hearings Officer finds that a BDS staff recommended condition of approval will clarify that the proposed Master Plan expires 10 years from the date of final decision. The Hearings Officer finds that this condition is necessary as the analysis included in the findings herein is predicated on a 10-year master plan. Without this condition, the Master Plan would be allowed to continue indefinitely, well beyond the 10-year period assessed in this decision. Additionally, without the 10-year term, development would continue to be vested indefinitely in the Zoning Code regulations dating from 2012, when the application was submitted. The condition ensures that development on the campus occurring after the 10-year term will be subject to the Zoning Code in effect at that time.

The Hearings Officer finds this requirement is satisfied.

**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 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 to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single occupancy vehicles.

2. Projected parking impacts. These include projected peak parking demand, an analysis of this demand compared to proposed on-site and off-site supply, potential impacts to the on-street parking system and adjacent land uses, and mitigation measures.

Findings: Exhibit 4 of the Master Plan includes a Transportation Master Plan prepared by Kittelson & Associates, with additional transportation information included in the September 12, 2012 addendum. The Transportation Master Plan includes an assessment of existing conditions on an average weekday, special event conditions, transportation demand management measures, and future campus needs. Several mitigation measures are identified, and PBOT recommended that these, as well as additional measures, be included as conditions of approval. The transportation and parking issues are discussed in detail later in this decision in response to the Conditional Use Public Services approval criterion (33.815.105.D.2).

The Hearings Officer finds this requirement is satisfied.

H. Street vacations. The master plan must show any street vacations being requested in conjunction with the proposed use and any possible street vacations which might be requested in conjunction with future development. (Street vacations are under the jurisdiction of the City Engineer. Approval of the master plan does not prejudice City action on the actual street vacation request.)

Findings: Chapter 8 of the Master Plan identifies streets within the Master Plan boundaries that could be proposed for vacation in the future. These streets are identified in Figure 24 of the Master Plan document, and generally are limited to the West Campus. Streets to be vacated include:
- N Warren Street (between N Monteith Avenue and N Portsmouth Avenue);
- N Strong Street (between N Monteith Avenue and N Portsmouth Avenue);
- N Monteith Avenue (south of N Willamette Boulevard);
- N Van Houten Avenue (between N Willamette Boulevard and N Strong Street);
- Public alleys located on Blocks 28 and 29; and
- N Portsmouth Avenue (south of N McCosh Street).

One street, N Van Houten Court, is proposed to be vacated within the River Campus.

The University notes that all the public rights-of-way proposed to be vacated are completely surrounded by The University ownership.
Street vacations are subject to a separate process outside of Title 33 (Planning and Zoning), and are under the jurisdiction of the City Engineer. Approval of the Conditional Use Master Plan does not prejudice City action on the actual street vacation request. In the event future street vacations are not approved through the separate procedure, the streets will remain publicly owned rights-of-way.

The Hearings Officer finds this requirement is satisfied.

I. **Adjustments.** The master plan must specifically list any adjustments being requested in conjunction with the proposed use or overall development standards and explain how each adjustment complies with the adjustment approval criteria.

**Findings:** The University is requesting two Adjustments: 1) to reduce the minimum required building setback; and 2) to increase the maximum allowed building height. The Adjustment to the minimum required building setback would apply only to the blocks fronting N Willamette Boulevard on the West Campus (Blocks 28-30), and would reduce the standard from one foot for each two feet in building height, but in no case less than 15 feet, to zero feet. No buildings along this frontage would be allowed to exceed 50 feet in height, meaning the Adjustment could allow a setback reduction of up to 25 feet. The Adjustment to the maximum allowed building height would be limited to the interior of the West Campus zoned R5 (Blocks 31, 32, 33, 34, 35 and 37), and would increase the allowed height on these blocks from 50 feet to 75 feet. A discussion of these Adjustments and how they meet the applicable Adjustment approval criteria is detailed in Section 9 of the Master Plan. The ability of these requests to meet the Adjustment approval criteria are detailed later in this decision.

The Hearings Officer finds this requirement is satisfied.

J. **Other discretionary reviews.** When design review or other required reviews are also being requested, the master plan must specifically state which phases or proposals the reviews apply to. The required reviews for all phases may be done as part of the initial master plan review, or may be done separately at the time of each new phase of development. The plan must explain and provide enough detail on how the proposals comply with the approval criteria for the review.

**Findings:** No other discretionary reviews or approvals are requested in conjunction with approval of the proposed Conditional Use Master Plan.

The Hearings Officer finds this requirement is satisfied.

K. **Review procedures.** The master plan must state the procedures for review of possible future uses if the plan does not contain adequate details for those uses to be allowed without a conditional use review.

**Findings:** No unique procedures have been identified in the Master Plan for the review of possible future uses or development that are not included in the Plan. Instead, proposed future uses and
development that are not approved in this Master Plan will be subject to the procedures of Zoning Code Section 33.820.090 (Amendments to Master Plans).

The Hearings Officer finds this requirement is satisfied.

33.815.105 Institutional and Other Uses in R Zones
These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone which maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

A. Proportion of Household Living uses. The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and

Findings: The University’s campus is situated on the east bank of the Willamette River. The campus is generally bounded by industrially zoned lands to the east (south of N Willamette Boulevard), with the neighborhood north of N Willamette Boulevard solidly single dwelling residential and mapped with the R5 zone.

The University is proposing as part of its new Conditional Use Master Plan to significantly expand its boundaries. Some of this expansion will incorporate existing residentially zoned properties, approximately 20 lots, all but three of which are currently owned by The University. These three lots are located south of N Willamette Boulevard, which historically has served as the northern boundary for much of The University's campus, and are contiguous to the existing West Campus. The vast majority of the expansion (90 acres) incorporates two properties that, again, are south of N Willamette Boulevard, and are not residentially zoned. These properties, located in an EG2 and IH zone respectively, have historically been used for employment and industrial uses.

The EG2 zone and IH zones allow a wide variety of employment/industrial uses. The IH zone is characterized, in PCC 33.140.030.D, as providing:

“areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.”
The Hearings Officer finds that developing the River Campus area, as currently zoned, would create significantly greater negative impacts upon the adjacent residential areas (along N Willamette Boulevard and N Willamette Lane) than the proposed College uses. In particular, the Hearings Officer finds that development of the River Campus properties, as allowed to by right under the EG and IH zoning, would also more seriously impact wildlife on the River Campus and neighboring properties than would College uses.

As the expansion plans for The University are limited to the area south of N Willamette Boulevard, in an area contiguous to the existing boundaries, and as there are only a few non-residential uses in the single-dwelling neighborhood that extends for eight blocks to the north and northwest of the campus, the Hearings Officer finds that the overall residential appearance and function of the area will not be significantly lessened based on the number, size, and location of other uses not in the Household Living category.

The Hearings Officer finds this approval criterion is met.

2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: Based on the findings below, it is found that the intensity and scale of the proposed use will not significantly lessen the residential appearance and function of the surrounding residential area.

The existing campus boundaries accommodate slightly less than 110 acres in land area. The current Master Plan allows an FAR of 0.36:1 within these boundaries, for a potential floor area of up to 1.69 million square feet. Approximately 1.3 million square feet of floor area exists today within the existing campus boundaries. The University proposes to limit the scale and intensity of the College use by maintaining the same 0.36:1 FAR within the expanded campus boundaries, with the exception of the M&B site, which would be limited to an FAR of 0.18:1. (See Exhibit C.2.) The lower FAR proposed for the M&B site is in recognition of the lower intensity recreational uses that are likely to be developed here once the site comes under the ownership of The University, and if the site is rezoned to a zone that allows College use. Given the expanded boundaries and increased land area, the 0.36:1 FAR would allow a total floor area of approximately 2.24 million square feet, or approximately 549,000 square feet more floor area than allowed under the current Master Plan. The proposed 0.18:1 FAR allowance for the 45-acre M&B site would allow an additional 352,836 square feet of floor area.

Both the 0.36: FAR and 0.18:1 FAR are substantially lower than what would be allowed on the campus given the underlying zoning. On the R2 zoned portion of the campus (primarily the Main Campus), an FAR of 2:1 is allowed, with the R5 zoned portion of the campus (primarily the West Campus) allowing a 0.5:1 FAR. The maximum allowed FAR on the portion of the River Campus located in the EG2 is 3.0:1, with no existing FAR limit on the portion of the River Campus located in the IH zone. Maintaining a FAR that is substantially less than the maximum allowed, with most of the campus area being located away from nearby residential properties, helps mitigate for
potential impacts associated with the increased amount of floor area proposed for the campus. A condition of approval will require that development not exceed a FAR of 0.18:1 on the M&B site, and not exceed 0.36:1 elsewhere on the campus.

The University noted that there are two areas that may be most sensitive to the potential increase in floor area and development. The first is along the campus’ N Willamette Boulevard frontage, which is directly across the street from single-dwelling residential development. The second area includes Blocks 30 and 31 on the West Campus. Blocks 30 and 31 are proximate to two single-dwelling homes that are not yet under the control of The University.

Regarding the N Willamette Boulevard Frontage, the Hearings Officer finds that the intensity and scale of development proposed for this portion of the campus is mitigated largely by the expanse of the 100 foot width of the adjacent public right-of-way. This right-of-way offers a substantial physical separation between The University’s uses on the south and the single-dwelling residences on the north. Furthermore, The University proposed a set of design standards along much of this frontage (and along the campus’ N Willamette Lane frontage) in an area called the Willamette Frontage Zone. (See Exhibit C.3.) This frontage zone, which generally extends into the campus at a depth equivalent to one block, would be mapped along the entire West Campus frontage, and along portions of the Main Campus frontage. The design standards would apply to land within 100 feet of the N Willamette Boulevard and N Willamette Lane and are directed at regulating the residential-style development The University plans in this area. The design standards are intended to ensure the major architectural elements of development along these frontages are consistent with the residential character of the adjacent neighborhood. A description of the design standards is included in Exhibit 4 of the September 12, 2012 addendum. The proposed design standards are identified in greater detail, below, in response to the Conditional Use Physical Compatibility criterion. BDS staff recommended that a condition of approval require the implementation of these design standards within the Willamette Frontage Zone. The Hearings Officer concurs with this BDS staff recommendation.

The Hearings Officer finds that the intensity and scale of uses within the Willamette Frontage Zone will also be minimized by limiting the height of development within this area to 50 feet so as to ensure a scale of development that provides a transition to the single-dwelling neighborhood on the north side of N Willamette Boulevard. The 50 foot height limit is consistent with the maximum allowed height for institutional development in the R5 zone, and 25 feet less than the allowed height for development on the remaining portion of the campus located in the R2 zone. Development on the interior of the campus, which is farthest from the surrounding residential area, is proposed to be limited to 75 feet. (See Exhibit C.3.) This includes placing a 75 foot height limit on development within the River Campus, which under the current EG2 and IH zoning, has no maximum height limit. As discussed later in this decision, an Adjustment is requested to allow an increase in the building height within the interior of the R5 zoned portion of the campus from 50 feet to 75 feet. BDS indicated, in Exhibit H.2, that the proposed building heights appropriately limit the scale and intensity of development closest to the adjacent residential neighborhood while allowing higher building heights within the interior of the campus. The Hearings Officer concurs
with this BDS conclusion. The Hearings Officer that a condition of approval is necessary to clarify the allowed building heights on the campus.

There is one section of the campus’ N Willamette Boulevard frontage that is not mapped with the Willamette Frontage Zone. This area extends from N Portsmouth Avenue east to the campus’ main drive entry. The majority of this frontage will be in what is termed the Streetscape Zone. The Streetscape Zone is presently developed with recreational open spaces, including the Merlo soccer field, as well as the Pru-Pitch and Varsity Grass Field which are primarily used for practice and intramural sports. Under the proposed Master Plan, no additional development will be allowed in this zone with the exception of new lighting proposed for the Varsity Grass Field. The Hearings Officer finds that this proposal limits the scale and intensity of College uses (and development) nearest residential uses by ensuring a large, grassy open space will be maintained along the campus frontage.

The only portion of the campus’ N Willamette Boulevard frontage not located in either the Willamette Frontage Zone or the Streetscape Zone is where the Chiles Center is located. This is a 5,000-seat multi-purpose facility situated at the southeast corner of N Willamette Boulevard and N Portsmouth Avenue. In this location, development up to 75 feet would be allowed. It is not likely that the facility will be replaced over the 10-year life of the Master Plan. However, because the proposed format for the new Master Plan is not building specific, with no identification of where particular buildings or uses may locate on the campus, and because there are no design standards proposed that would regulate possible future development on this portion of the site, the Hearings Officer finds that a condition of approval is necessary requiring that any floor area additions or exterior improvement areas (excepting pedestrian circulation, fences or handicap access ramps) in excess of 1,500 square feet will be processed through a Type II Conditional Use Review. The Hearings Officer finds that the approval criteria for this Type II review should be limited to those in Section 33.815.105.A.2. and 33.815.105.B.2 or B.3. This requirement will apply for development occurring at this location within 200 feet of the N Willamette Boulevard frontage, a depth equal to that of the adjoining Willamette Frontage and Streetscape Zones. This area is identified in Exhibit C.3 as the Chiles Center Zone.

As for development on Blocks 30 and 31, there are two single-dwelling residential properties not owned by The University. These residences are within the expanded West Campus. These are located at 5801 and 5815 N Warren Street, on the south side of Block 30 between N McKenna Avenue and N Monteith Avenue. (One additional property not owned by The University is located at 5516 N Willamette Boulevard. The University indicated that the owner of this property has consented to being located within the campus boundaries.) Following communication with these two property-owners, The University proposed several measures intended to mitigate for potential impacts related to scale and intensity of the proposed institutional use. These measures are described in the Master Plan as follows:

- The University agreed to a no-build condition on the south one-half of Block 30 until such time that The University owns all of the lots on Block 30.
• The University agreed to delay construction on the adjacent Block 31 (south of Block 30) for seven years from the date the Master Plan is approved. After the seven-year period, development on Block 31 would be limited to townhouse-style residential uses for The University’s use, with development limited to a maximum height of 50 feet. If and when The University acquires all lots on Block 30, development up to the requested 75 feet in height would be allowed on Block 31, and The University will be permitted to build dormitory development on Block 31.

With one exception, BDS staff found that the above-described measures address the intensity and scale impact of proposed development on these two lots, and recommends that they be included as conditions of approval. The one exception, as noted by BDS staff, related to minimum building setbacks from these two lots. The expanded Master Plan boundary will also encompass the north side of Block 30, and as proposed, development on this half of the block would not be required to be set back from these two lots. BDS staff recommended a condition of approval requiring The University, until The University acquires all of the lots on Block 30, limit any development occurring on the north one-half of Block 30 by maintain a minimum building setback from the two lots as required by Table 110-5 of Zoning Code Chapter 33.110. Also, the condition would require planting of shrubs meeting the L3 standard (evergreen shrubs forming a continuous six foot high screen) be planted with the setback area. The Hearings Officer finds the proposed BDS staff condition to be reasonable and necessary for this approval criterion to be met.

The parking demand generated by the increased intensity of an institutional use also has the potential to significantly change the residential functioning of a neighborhood. A detailed analysis of issues related to parking is addressed later in this decision in response to the Public Service criterion. The Hearings Officer adopts the findings for approval criterion PCC 33.820.105.D.2 as additional findings herein.

The University included a phased parking plan (included in Chapter 6 of the Master Plan) that is directly tied to the student population on the campus. The parking plan requires that The University maintain a parking supply sufficient to accommodate the average weekday parking demand based on 0.47 spaces per student (assuming an 85 percent utilization rate). The parking ratio also takes into account parking needs for special events occurring at the campus. The adequacy of the parking supply will be tracked over the life of the Master Plan via The University submitting annual reports to the City and UPNA that identifies student enrollment forecasts and parking supply. At the point student enrollment demands additional parking supply, more spaces will be required. An option is included that allows The University to provide additional Transportation Demand Management ("TDM") measures that decrease parking demand if approved by PBOT. PBOT reviewed The University's Transportation Master Plan and, with recommended conditions of approval, found that it adequately addressed the parking demands for use.

Additionally, as part of its TDM and Parking Management Plan, The University is required to continue to enforce its “No Parking” sanctuary in the nearby residential neighborhood. This management plan, described in Section 5 of the Transportation Master Plan and illustrated in Figure 8 of Exhibit A.2, prohibits The University employees and staff from parking within this area from
8:00 a.m. to 4:00 p.m., unless they reside within that area. Violators are issued a citation by The University’s Office of Public Safety staff.

Finally, The University proposed to continue to manage special events on the campus through a variety of measures. These measures are included in the SEMP identified in The University’s Transportation Master Plan, and are identified in detail later in this decision in response to the Conditional Use Public Services criterion (PCC 33.820.105 D.2).

Based on these findings and with the recommended conditions of approval, the Hearings Officer finds that the scale and intensity of the use will not significantly lessen the residential function of the neighborhood. The Hearings Officer finds that this approval criterion is met.

B. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and

Findings: City-designated scenic resources are identified on the Official Zoning Map with a Scenic ("s") overlay zone. As there are no City-designated scenic resources within the existing or proposed campus boundaries, this criterion is not applicable.

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or

3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

Findings: BDS staff, in Exhibit H.2, made the following comments related to the proposed Master Plan and this approval criterion:

- "The majority of the adjacent residential neighborhood is located north of the campus, across N. Willamette Boulevard. North Willamette Boulevard is a 100-foot wide right-of-way, the majority of which is lined with street trees. The width of this right-of-way, even with the reduced building setback proposed for development on the West Campus block frontages (Blocks 28-30), provides substantial horizontal distance between institutional development on the campus and the single-dwelling homes along the opposite side of the street.

- Screening is provided in the form of street trees along much of N. Willamette Boulevard, in addition to the extensive mature deciduous and coniferous trees on the campus periphery. The Streetscape Zone mapped along a portion of the N. Willamette Boulevard frontage ensures
this grassy open space will be retained at the main entrance to the campus.

- Within the designated Willamette Frontage zone, the height of applicant's development will be limited to 50 feet so as to provide a suitable transition between the lower 30 foot height allowance for the residential properties on the north side of N. Willamette Boulevard, and the 75 foot height allowance within the interior of the campus. On the Main Campus, the proposed 50 foot height limit within the Willamette Frontage Zone is 25 feet less than what is allowed by the base zone on this portion of the campus.

- Design standards have been established that apply to development within the Willamette Frontage Zone that is within 100 feet of N. Willamette Boulevard and N. Willamette Lane. These standards, which will be in addition to the base zone standards, are intended to ensure that the architectural elements of buildings along this frontage complement the residential character of nearby residential development. These design standards will regulate such elements as exterior building materials and finishes, street-facing fenestration, building entries, and the screening and location of mechanical equipment.

- As mentioned in Approval Criterion A, institutional development on the south one-half of Block 30 will not occur until the University owns all the properties on this block in order to provide separation between applicant's development and residential homes. Additional restrictions are proposed on the adjacent block (Block 31) closest to these homes that delay the timing, height and type of development. These conditions are intended to mitigate for any perceived differences in scale between the two types of development.

- To further protect these homes, the University proposes a condition that until all properties on Block 30 are owned by the University, vehicular access to University development on Block 31 shall be via N. Monteith Avenue, with no vehicular ingress or egress to N. Warren Street.

- In order to provide additional open space near residential uses on the West Campus and preserve views to the river, St. Johns Bridge and the West Hills, the University proposes a condition that will place a No-Build Zone on the parcel north of N. Van Houten Place and west of N. McKenna Avenue (Exhibit C.3).

- As required by the base zone standards, the maximum allowed building coverage on the portion of the campus in the R5 zone (largely the West Campus) will be limited to 50% of
the site area within this zone. The maximum allowed
building coverage on the portion of the campus in the R2
zone (largely the Main Campus) will be limited to a maximum
of 70% of the site area within this zone. For the portions
of the site within the River Campus (currently zoned EG2
and IH), the Zoning Code allows a maximum building coverage
of 85% and 100%, respectively. The University is proposing
a condition of approval that will limit the maximum
building coverage on this portion of the campus to 70%.”

The Miller Letter included comments related to this approval criteria. The author of the Miller
Letter, in relevant part, stated:

“We live above the area that the University of Portland wants
to build on. With a height of 50 Ft that could vastly affect
our view of the river. We will probably lose value in our
property and do not want a height of 50 Ft. If they do need
build we fee that 25ft is acceptable since we can’t stop the
building anyway. Is seems like they don’t care what they take
away from the people around them.”

The University provided, during the open-record period, a response to the Miller Letter in Exhibit
H.30. In relevant part, The University’s response in Exhibit H.30 stated:

“The second letter is from Sam and Sharon Miller. They live
at 6126 Willamette Lane. The attached aerial shows the
location of their home. The home is located on the bluff
overlooking the river campus. Because of the topographic
change between the elevation of their home and the much lower
elevation of the river campus, their view of the river will
not be blocked by development as proposed under this master
plan. It is also important to note that there is no current
height limit under the existing IH and EG zoning on the river
campus. Thus, this proposal, by imposing a 75 foot height
limit on the river campus, reduces the overall height and
massing on the site, below the existing zoning. This
reduction is more, not less, protective of the Miller’s view.
While one’s private views are not protected under the zoning
code, fortunately, the Millers are getting a reduction in
permitted height so their private view will not be negatively
impacted by the proposal.”

The Hearings Officer, in prior comments and findings, has noted that the River Campus is currently
zoned EG and IH. The Hearings Officer pointed out that the EG and IH zones establish what the
owner(s) of the River Campus properties may legally do on his/her/their property. For example, the
IH zone allows as a matter of right, manufacturing, warehouse, industrial service and rail yard uses.
(See PCC 33.140, table 140-1.) Within the IH zone there is no maximum FAR, no maximum
height limit; buildings in IH can be very tall and cover 100 percent of a site. There is, within the IH
zone, no requirement for any landscaping (excepting for a 10-foot L3 standard buffer adjacent to residentially zone lots).

The Hearings Officer finds that The University’s comments (Exhibit H.30) regarding its proposal creating fewer negative impacts upon the Miller’s property, as compared to the existing zoning, are credible. The Hearings Officer finds that The University’s imposition of limitations on FAR (0.18:1 for the IH zone property and 0.36:1 on the EG zoned property) and limits on height (75 feet proposed compared to no height limit on EG and IH zoned properties) significantly reduce the negative impacts upon the Miller’s residence.

As proposed and with the recommended conditions of approval, the Hearings Officer finds that the proposal will mitigate for differences in appearance or scale and this criterion is met.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

Findings: As demonstrated below, with conditions of approval, the proposal will not have significant adverse impacts on the livability of nearby residential zoned lands.

Noise
The University notes that there is nothing proposed in the new Master Plan that would increase noise levels beyond what currently exist on the Main Campus or West Campus. The largest potential noise generator on the campus would be associated with the games played on the outdoor recreational fields. The current Master Plan addresses this potential noise source by requiring any noise amplification devices to conform with the City’s off-site impact noise standards (Zoning Code Chapter 33.262.050), which is regulated through Title 18 (Noise Control). Additionally, due to the proximity of Merlo Field to residents on the north side of N Willamette Boulevard, a condition of approval from the existing Master Plan requires that if a noise complaint regarding the amplification system is submitted by a resident to The University, The University will record the noise level at the resident’s house and take corrective action if necessary to reduce the noise level. The University further notes that in the six years this condition has been in effect, they have received no such complaints, and there is nothing in the record to indicate otherwise. BDS recommended that this condition be carried over into the new Master Plan to ensure an ongoing commitment of The University to be sensitive to potential noise issues. The Hearings Officer concurs that the condition be carried forward to the new Master Plan.

As part of the proposed Master Plan, Etzel Field will be relocated from the Main Campus to the River Campus. Because this relocation will place the field at a greater distance from the nearest residential neighbors to the north and west, it is expected that the noise level from amplification systems used at the field will be reduced over the current situation. Similar to a requirement that was imposed as part of a past master plan on the new amplification system installed at Merlo Field, a condition of approval will require that prior to final inspection for the Etzel Field on the River
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Campus, The University must demonstrate to the satisfaction of the City Noise Control Officer that the amplification system is in conformance with Title 18 (Noise Control). Additionally, BDS recommended that the same resident complaint system that applies to Merlo Field also be applied to the relocated Etzel Field. The Hearings Officer concurs that the resident complaint system currently applying to Merlo Field be applied to the relocated Etzel Field.

The Lancaster Letter expressed opposition comments related to this approval criterion (Exhibit H.5). The Lancaster Letter pointed out that a Union Pacific Railroad ("UPRR") runs, generally, northwest/southeast in the River Campus. The Lancaster Letter noted that access to the proposed Etzel Field, in the River Campus, requires traffic/pedestrians to cross the UPRR track. The Lancaster Letter alleges that The University's Transportation Master Plan "failed to address safety and noise issues at the railroad crossing." Specifically, the Lancaster Letter states:

"Because the crossing is presently unimproved, trains normally do not sound their horns at the crossing. With the opening of the crossing to public use, every train using the crossing will be required to sound its horn. This will create an unacceptable level of noise to the residences at or near the top of the bluff overlooking the field site and the crossing, particularly when the horn is sounded late at night or early in the morning. The appropriate mitigation for this adverse noise impact is to design and construct the crossing such that it qualifies for designation as a quiet zone, and when construction is completed, to apply for a quiet zone designation. I ask that the Hearings Officer include this requirement as a condition of approval."

The Lancaster Letter also noted that train horn blowing would negatively impact students residing in nearby The University housing and "prevent pitchers in a baseball game from being startled by a train horn sounded next to the stadium during the wind-up for a pitch."

The University provided a response in open-record submissions (Exhibits H.7 and H.29). UPRR submitted a response generally discussing railroad issues (Exhibit H.28). The University, in Exhibit H.7, asserts:

"railroad crossing issues and associated improvements listed in the November 4, 2012 [Lancaster Letter] are not associated with the master plan proposal, are not part of the approval criteria and thus were not included in the Transportation Master Plan."

The Hearings Officer believes that the immediately preceding quoted comments by The University relate to transportation related issues required to be addressed in PCC 33.820.105.D.2. The Hearings Officer finds that the Lancaster Letter comments relating to noise are relevant to this approval criterion (PCC 33.820.105.C.1).
The University, in Exhibit H.7, did explain briefly, the process involved when The University requests approval for a railroad crossing on the River Campus. In summary, the process requires The University to obtain input/approval from the Oregon Department of Transportation Rail Division ("ODOT Rail"), PBOT and UPRR. The University stated:

"crossing requirements are governed by state law. There are a myriad of options for meeting the safety requirements and these are all governed by the railroad and ODOT Rail. In terms of noise, the crossing exists today and the train travels these tracks today. It sounds its horn when required at multiple locations in the vicinity, particularly crossings in the northwest. We intend to work with the Railroad to reduce its need to use its horn through any number of means including a quiet zone, wayside horns and the like. We cannot be conditioned on the approval of a quiet zone as a quiet zone may not be appropriate in this area of multiple crossings. For instance, if we have a quiet zone for our one crossing and there is no quiet zone for the next crossing to the northwest, the quiet zone for UP will have no impact on noise mitigation. UP also has no control over any of the crossings to the northwest which are not located on UP property or within the proposed UP master plan boundary. We do have an interest in pursuing alternative noise mitigation strategies and will do so with the railroad and ODOT rail as we develop the river campus. To our knowledge, no other project in the Metro area is conditioned on the approval of a quiet zone. Of course such a condition here could preclude any development of the river campus if we were unsuccessful and such a condition is not justified in these circumstances." (Exhibit H.29a)

The Hearings Officer approached the “noise” issue raised in the Lancaster Letter in two ways. First, the Hearings Officer considered railroad-crossing noise expected to be created by The University’s proposal in comparison to railroad crossing noise that could be expected from development of the River Campus properties under the current zoning. Second, the Hearings Officer considered whether or not the railroad crossing noise, as caused by The University’s use of the River Campus, would have a “significant adverse” impact “on the livability of the nearby residential zoned lands.”

The Hearings Officer takes note that railroad tracks currently cross the River Campus. The Hearings Officer finds, based upon The University comments made in Exhibit H.7, that the railroad tracks currently crossed at N Van Houten Place, at mile point 1.36 and at three other places on the River Campus. The Hearings Officer finds that these three rail crossings will be “permanently closed” (Exhibit H.7). The Hearings Officer finds that the existing private rail crossing at mile point 1.36 “will be made available for public use only when the Van Houten Street crossing is blocked by trains” (Exhibit H.7). The Hearings Officer finds that the N Van Houten Place and mile point 1.36 crossings will be upgraded to current standards including train activated warning devices. The Hearings Officer finds that ODOT Rail is responsible for the final approval of any rail crossings on the River Campus.
The Hearings Officer finds that the current zoning of the River Campus (EG2 and IH) allows for a variety of employment/industrial uses, including, but not limited to, commercial vehicle servicing/repair, self-service storage, commercial outdoor recreation, manufacturing and production, warehouse and freight movement, wholesale sales, industrial service and parks and open spaces. The Hearings Officer takes notice that, many, if not all, of the permissible uses could trigger the need to improve the rail crossing(s) on the River Campus. The Hearings Officer finds that uses allowed as a matter of right on the River Campus will create equal, and perhaps greater, demands upon a rail crossing(s) as compared to The University’s proposed use.

The Hearings Officer finds that rail-crossing noise created by The University’s proposed uses of the River Campus may impact nearby residentially zoned properties. However, the Hearings Officer finds the intensity of uses proposed by The University, in this case, is less than or equal to that which would be created by other uses of the River Campus that are allowed by right (not subject to Conditional Use review). The Hearings Officer finds that the rail crossing noise impacts arising from The University’s proposed use of the River Campus do not create “significant” adverse impacts upon the livability of the nearby residential zoned lands.

Glare from Lights
Several existing outdoor athletic fields on the campus are currently illuminated for evening games and practices, including the Merlo Field, the existing Etzel Field (approved but not yet installed), and the Pru-Pitch facility, all located on the Main Campus. Past Conditional Use Master Plan reviews have determined the lighting on these fields casts no significant light glare on residential properties. No changes to the lights on Merlo or existing Etzel fields are proposed as part of the new Master Plan.

The University is proposing the installation of two additional light standards between the Pru-Pitch facility and the Varsity Grass Field, located east of the Pru-Pitch. These two lights standards, identified as S7 and S8 in the Musco light report (Exhibit A.2) will provide additional lighting for the Pru-Pitch facility and new lighting for the Varsity Grass Field. The submitted Musco report identifies the illumination at the north edge of the fields (closest to N Willamette Boulevard) will be far less than the maximum 0.5 foot candle reading allowed by the off-site impact standards of Zoning Code Chapter 33.262.080.

Lighting is also proposed for the new Etzel Field, which will be relocated to the River Campus. The submitted Musco report (Exhibit A.2) indicates that the illumination of this field will meet the off-site impact glare standards of Zoning Code Chapter 33.262.080.

An issue was raised during the public comment period, and also in the Paule and Gregg hearing testimony, regarding potential impacts the lighting of the relocated Etzel Field may have on the river wildlife. The current Master Plan review is evaluating the field lighting only for conformance with the Conditional Use Master Plan approval criteria. Before either the lighting or the field itself can be constructed, they must be approved through a separate Greenway Review. As required by the Greenway Review approval criteria, The University will be required to provide a light spill diagram to determine whether glare reaches the river and if so, what impacts it may have on
biological productivity. BDS staff, in Exhibit H.2, proposed a condition of approval to clarify that a future Greenway Review is required for the relocated baseball field and lighting.

The Hearings Officer finds that The University's proposal, with a condition of approval related to the new Etzel Field, will not create through its use of lighting significant adverse impacts upon the nearby residential uses.

Litter and Odors
There are no known odors associated with the operation of a College use at this location, and The University indicated that it would continue its current litter control program. There is nothing in the record to indicate past operation of the College use, or activities included in the proposed Master Plan, have resulted, or will result, in issues with either litter or odors. The Hearings Officer finds that The University's proposal will not create significant adverse impacts on the livability of nearby residential zoned lands because of litter and odors.

Late Night Operations
The substantive issue associated with late night operations on the campus is the evening games that occur at the lighted athletic fields. As part of past Master Plan approvals, evening games (defined as those games that begin after 6:00 p.m.) at Merlo Field were required to end by 9:30 p.m., with the stadium lighting switched to low setting at 9:30 p.m. and turned off by 10:30 p.m. Evening games at the existing Etzel Field were required to end by 10:30 p.m.

Under the proposed Master Plan, The University is requesting the same condition for evening games at Merlo Field. As there is nothing in the record to indicate that the past operation of Merlo Field under these conditions has been an issue, BDS staff indicated that this request is was appropriate. The Hearings Officer concurs.

The University requests that games at the relocated Etzel Field be allowed to end by 10:30 p.m., with the stadium lights switched to low setting at 10:30 p.m., and turned off by 11:00 p.m. The Hearings Officer finds the relocated Etzel Field is located deep within the boundaries of the campus and below the river bluff. This places the Etzel Field at a substantial horizontal and vertical distance from the nearest residences, thereby mitigating for potential adverse impacts related to late night activities.

For the lighting on the Pru-Pitch and Varsity Grass Field, The University is requesting that the lighting be allowed to be used during the hours of 4:30 p.m. to 12:00 a.m. (12 Midnight). The University agreed to use no amplification system on these fields and the fields would be limited to use by The University for The University uses. BDS found (Exhibit H.2), with one exception, these conditions suitable. BDS staff noted that while the fields are intended for varsity practices and other intramural recreation activities and with no amplification system used, allowing the fields to be used up to 12 Midnight in an area of the campus that is proximate to residential uses has the potential to create adverse noise impacts generated by users of the fields during late night hours. To address this, BDS recommended a condition of approval outlining the operational requirements proposed by The University, with the exception that the lighting be limited to the hours of 4:30 p.m.
to 10:30 p.m. BDS opined that the 10:30 p.m. limit would be consistent with the hour that lighting at the adjacent Merlo Field is required to be turned off. The Hearings Officer concurs with the BDS comments and approach.

The current Master Plan also limits the combined number of evening games at Merlo Field and Etzel Field on the Main Campus to a maximum of 32 games per year. These limits were intended to limit the impact of evening activities given the proximity of these two fields to the residential neighborhoods to the north and west. The University proposes, under the new Master Plan, to apply the 32-game limit to evening games at Merlo Field, and to establish a limit of 50 evening games annually for the Etzel Field that is to be relocated to the River Campus. Given there have been no issues with the 32 game limit on the lighted fields since this condition was established in 1996, the Hearings Officer finds it appropriate to allow the same number of games to occur at Merlo Field. As for the game limit proposed for the relocated Etzel Field, given the substantial horizontal and vertical distance between this field and the closest residences (combined with the Off-Site Standards of the Zoning Code that regulate noise and light levels), the Hearings Officer finds that allowing up to 50 evening games will not have significant adverse impacts on the residential neighborhood during evening hours. The Hearings Officer finds that a condition of approval establishing the University’s proposed evening game limit on these two recreational facilities is reasonable and appropriate.

Summary
Based on the above findings, and with the recommended conditions of approval, the Hearings Officer finds that the University’s proposal will not have significant adverse impacts on the livability of nearby residential areas. The Hearings Officer finds that this approval criterion is met.

2. Privacy and safety issues.

Findings: The Hearings Officer finds that there are no expected privacy issues related to the requested Conditional Use Master Plan. Most of the campus is separated from the nearby residential area by the 100-foot wide N Willamette Boulevard right-of-way. This right-of-way places a substantial buffer between the campus and nearby single-dwelling residences, and preserves privacy. Residential uses are also proximate to the expanded campus boundary in the vicinity of N Willamette Lane at the west edge of the West Campus. Privacy for these residents will be maintained by the 15 feet of L1 landscaping that is required for institutional development in the R5 zone between the campus and residential properties on the north side of N Willamette Lane. (The L1 standard requires trees placed 15 to 30 feet on-center, depending on the size of the tree species.) The institutional standards of the R5 zone also require 15 feet of L3 landscaping between the campus boundary and residential lots that directly abut the campus in this area. (The L3 landscape standard requires trees placed 15 to 30 feet on-center, and evergreen shrubs that will form a six-foot high screen.)

As previously noted, conditions will be applied to the University development occurring on Blocks 30 and 31 in the West Campus in order to mitigate for potential impacts on the two single-dwelling
residences that are within the campus boundary but not owned by The University. These conditions will also help maintain a degree of privacy for these residents.

Regarding safety, The University maintains a public safety staff of 10 full-time patrol officers for the current 3,200-student population enrollment. The University noted that the FBI recommends a 2.4 to 3.5 ratio of police officers per 1,000 residents. At its current staffing level and student population, The University maintains a ratio of 3.1 safety officers per 1,000 students, thereby meeting the FBI recommendation.

A minority of students attending The University live in off-campus housing. In response to a request from some neighbors, The University proposed that its Office of Public Safety hold, each year, a landlord forum which will be open to the members of the public, students and landlords to discuss expectations for student behavior and issues that may have arisen in the preceding year. Initially, The University proposed that the landlord forum be held during the fall term; but, at the hearing suggested that spring may be a better timing goal. The University proposed that the annual landlord forum be included as a recommended condition of approval.

The University maintains house rules for students living off-campus. These are included in Exhibit 3 of the Master Plan. The house rules are intended to ensure that students respect their neighbors through the appropriate operation of off-campus housing. The rules are enforced by The University’s Office of Residential Life, which can impose sanctions for violation of the rules ranging from warnings to expulsion.

The Hearings Officer, based upon the above comments/evidence, finds that The University’s proposal will not have significant adverse impacts on the livability of nearby residential zoned lands on account of privacy and safety issues. The Hearings Officer finds that with the conditions of approval, this approval criterion is met.

D. Public services.

1. The proposed use is in conformance with either the Arterial Streets Classification Policy or the Downtown Parking and Circulation Policy, depending upon location;

Findings: The University submitted a Transportation Master Plan, prepared by Kittelson & Associates and included in Exhibit 4 of the Master Plan document (Exhibit A.1). A summary of these findings as they relate to this criterion are provided by The University in Chapter 9 of the Master Plan document, and read as follows:

“The street classifications are listed in the Transportation System Plan are listed in Table 2 [of the Transportation Master Plan]. N Willamette Blvd., N Portland and N Lombard Avenues are the major streets near the University. Willamette and Portsmouth are neighborhood collectors while Lombard is a major city traffic street. Table 2 also shows that each of these streets is either a transit access street, major transit
priority street, or local service transit street. All listed streets are also either a city walkway or city bikeway or local service walkway/bikeway.

The Transportation System Plan [demonstrates] that all frontage improvements along and within the UP campus are consistent with these classifications. The classifications and the multi-model street, transit, pedestrian and bicycle networks surrounding the campus provide for a robust multi-model environment for students, staff, visitors and faculty."

PBOT reviewed The University’s Transportation Master Plan document and found that The University demonstrated the proposed use is in conformance with the Arterial Streets Classification Policy (Exhibit E.2).

The Hearings Officer, based upon a review of The University’s Transportation Master Plan and PBOT’s response (Exhibit H.2), finds that The University’s proposed uses are in conformance with the Arterial Streets Classification Plan. The Hearings Officer finds this approval criterion is met.

2. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety;

Findings: The University’s response to this approval criterion is included in the submitted Transportation Master Plan, with a summary of the findings included in Chapter 9 of the Master Plan document. The summary reads as follows:

"The Transportation System Plan [TSP] demonstrates that the transportation system is capable of supporting the proposed use in addition to existing uses in the area. At a student enrollment of 5,000 students, all of the study intersections will continue to operate at acceptable levels of service, with one exception. At an enrollment of 4,700 students, the main campus entrance will not meet acceptable service levels. The University has therefore proposed a condition of approval that requires a re-evaluation of that intersection at an enrollment of 4,400 students. If the re-evaluation demonstrates that the intersection will not operate acceptably at the anticipated enrollment of 4,700 students, the University is required to install a traffic signal at this location to return the intersection to acceptable levels of service.

The TSP also shows that based on an 85% utilization of on-campus parking, the University has a parking ratio of .47 spaces per student. This ratio includes staff demand. Today there is sufficient parking on campus to accommodate the average weekday parking demand. There are currently 1,690 spaces on campus for a student population of 3,190 students
resulting in a 180-space surplus today. However, assuming only the current transportation demand management measures are in place, when the University reaches an enrollment of 3,600 students its parking demand will exceed the supply. New parking will therefore be required before the University reaches a population of 3,600. To ensure an adequate parking supply that keeps pace with projected growth, the University has proposed conditions of approval that require the University to add specific parking supply tied to calibrated student population increases. Table 6 contains this detailed parking inventory requirement and proposed conditions of approval.

If no changes to existing transportation management measures occur, the University will need to add 670 new parking spaces over the planning period if the University reaches an enrollment of 5,000 students. To ensure that the University tracks this parking requirement, the University will submit a Parking Supply Report to the UPNA and the City of Portland each fall with the fall student enrollment count and the parking supply count, ensuring this adequate supply of parking. As part of this report, if the University has proposed and implemented additional transportation demand management measures that have the impact of reducing the parking need on campus, the University shall submit that data and conclusions to the UPNA and the City of Portland quantifying the reduced parking need based on the new but implemented transportation demand management measures.

Special events required an additional parking analysis, contained in the transportation master plan. Special event parking needs vary from the standard average weekday demand because parking patterns can vary from one event to another.

During the past several years 160-170 special events have occurred annually on the UP campus. The average registered event is less than 1,500 people and two-thirds of the events are intentionally scheduled on the weekends when the parking supply is most plentiful on the campus to avoid impacts in the neighborhood. The transportation master plan shows that these average events do not cause parking impacts in the neighborhood. Instead it is the larger, more infrequent special event that causes some parking impacts in the neighborhood. While these larger events occur only about 10 times a year for a limited number of hours, they cause parking impacts that the University would like to mitigate. Parking impacts seem to become measurable during the 95th percentile special event. These are events with an attendance over 3,500 people. Examples of events with this level of attendance are high school graduations and select athletic events such as women’s soccer versus Stanford or men’s basketball versus Washington State University. In the fall of 2011, Kittelson
and Associates measured the parking impacts from the women’s game versus Stanford and the men’s game versus WSU. The study found that approximately 81% of on-campus lots were utilized during the games and that the on-street off-campus blocks that experienced high utilization were adjacent to the venue entrance. During the soccer game the on-street blocks most highly utilized were along Willamette Blvd. and one block north of Willamette Blvd. During the basketball game the blocks most highly utilized were within 2 blocks of Portsmouth, which provides the most direct access to the Chiles Center.

This study facilitated a better and more current understanding of the off-campus parking impacts created when there is a 95th percentile event and helped identify additional mitigation measures that will curb or mitigate those impacts. The study also demonstrated significant progress from 1997 when a similar study was conducted. In the 1997 study almost 1/3 more block faces were impacted by special event parking than occurs today. The study attributes this lessening of impact to the University’s implementation of its Special Event Management Plan.”

PBOT reviewed The University’s Transportation Master Plan and concurred with the findings that with conditions of approval, the transportation system can support the proposed use in addition to existing uses in the area (Exhibit E.2). With the following conditions of approval, PBOT had no objection to the proposal and finds this criterion is met:

1. The University of Portland shall maintain a parking inventory of 0.47 spaces per (full time undergraduate, on-campus) student based on an 85% parking utilization. Using the parking matrix below, University shall ensure the following on-campus parking supply in each fall term prior to when the enrollment trigger is anticipated. The Parking Supply Report shall be submitted to the City of Portland and UPNA with the fall student enrollment and parking supply count on an annual basis.

<table>
<thead>
<tr>
<th>Student Enrollment</th>
<th>Parking Supply Needed</th>
<th>Expected Surplus/Deficit</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,200</td>
<td>1,510</td>
<td>+180</td>
</tr>
<tr>
<td>3,500</td>
<td>1,652</td>
<td>+38</td>
</tr>
<tr>
<td>3,800</td>
<td>1,794</td>
<td>-104</td>
</tr>
<tr>
<td>4,100</td>
<td>1,935</td>
<td>-245</td>
</tr>
<tr>
<td>4,400</td>
<td>2,077</td>
<td>-387</td>
</tr>
<tr>
<td>4,700</td>
<td>2,218</td>
<td>-528</td>
</tr>
<tr>
<td>5,000</td>
<td>2,360</td>
<td>-670</td>
</tr>
</tbody>
</table>

2. The City recognizes that the parking supply shown in Condition 1 is based in part on the Transportation Demand Management (TDM) measures that were in place at the time this
Conditional Use Master Plan was approved in 2012. If the University opts to implement additional TDM measures, those measures may help to lessen and/or delay the need for new parking supply to be provided on-campus. If the University opts to or does want to provide less on-campus parking spaces than is otherwise required under Condition 1, the University shall submit a Parking Supply Report to the City of Portland and the UPNA to justify any modifications from Condition 1, and must be approved by FBOT. The Parking Supply Report shall evaluate changes in mode-split, average weekday parking demand, and potential modifications to policies and programs that may further reduce/delay need for new parking. This analysis shall be conducted in the fall term prior to when the parking supply modification is needed or anticipated.

3. The University will conduct analyses of the following measures when enrollment levels begin to reach those levels associated with potential parking deficits:
   - Single occupancy vehicle rates per the ECO study conducted for TriMet and the Department of Environmental Quality requirements;
   - Average weekday parking demand; and
   - Potential modifications to policies and programs that may further delay/reduce the need for new parking. The University will conduct this review in the fall term in the year prior to when anticipated enrollment could occur that triggers the need for additional parking (assuming a three percent annual growth in enrollment).

4. The University shall host a transportation workshop every four years, following the submittal of the first Parking Supply Report. The UPNA shall be notified by mail at least 30 days prior to their next scheduled meeting. The purpose of the workshops will be to provide evaluation and discussion of the University’s parking inventory, transportation demand management plan and special events management plan.

5. Parking within public rights-of-way within the campus boundaries may not be assigned to specified individuals or departments.

6. The University shall implement the TDM Plan as proposed in the Transportation Master Plan (Exhibit 4 of the Master Plan document).

7. The University shall implement the SEMP as proposed in the Transportation Master Plan. A biennial inventory of significant special events and an analysis of the effectiveness of the SEMP shall be compiled by the University and submitted to the Bureau of Transportation starting two
years from the date of this master plan approval. A significant special event is an event with an attendance of 1,500 persons or more. A copy of the most recent special events inventory and analysis shall be submitted to UPNA.

8. If the University schedules an event with a projected attendance of more than 1,500 persons, the University shall not schedule another concurring event where the projected attendance is to exceed 1,500 persons.

9. For all events that are expected to attract 3,500 or more attendees, the University shall: (a) reinstitute compression parking (i.e., use staff to direct parkers to compressed parking spaces thereby increasing the effective parking supply on-campus) during events to increase the supply provided in the on-campus parking lots; (b) station trained flaggers on N Willamette Boulevard and N Portsmouth Avenue at identified cross streets to direct attendees to and from the on-campus parking facilities; (c) station parking monitors at on-campus locations with radio contact to the neighborhood flaggers to maximize utility of on-campus lots; (d) provide outreach and awareness as part of ticket sales related to appropriate parking locations as well as the availability of transit to access the campus; and (e) station a parking crossing guard at the N Willamette Boulevard and N Portsmouth Avenue intersection to facilitate safe pedestrian crossings pre- and post-game.

10. The University shall meet at least annually with UPNA to review the effectiveness of the TDM Plan and the SEMP, and to provide a general opportunity for communication on any other issues involving the University and neighborhood.

11. The University shall maintain appropriate sight triangles and landscaping to provide appropriate sight lines for approaching vehicles, bicyclists, and pedestrians. BOS recommends including additional language in this condition that clarifies that Title 33 landscape requirements still have to be met, unless otherwise approved through an Adjustment Review.

12. When the fall enrollment is projected to reach 4,700 students, the University shall submit a traffic analysis of the Main Entrance operations. If that analysis demonstrates a traffic signal is warranted at the entrance, the University shall install the traffic signal.

13. Modify the Kenna Hall/Willamette Boulevard access to a right-in, right-out configuration.

14. Under a separate public works permit, the University shall be required to improve N Van Houten Place in order to serve the proposed Joe Etzel baseball field in the River Campus. The
University may propose alternative street designs that can function safely and provide emergency access that meets Fire Bureau requirements. Additional dedication of right-of-way may be needed depending on the final street design.

The Lancaster Letter challenged three aspects of The University's Transportation Management Plan and the PBOT response. First, the Lancaster Letter suggests that The University's characterization of "special events" is improper. Second, the Lancaster Letter argues that the Willamette Boulevard and Portsmouth Avenue intersection "should be analyzed for capacity and level of service during what the University considers to be special events but which will be, in fact, routine events." Third, the Lancaster Letter requests that the Hearings Officer impose a condition of approval related to bike traffic in the vicinity of the Main Campus main entrance.

The Lancaster Letter states:

"The University's application states that there are presently 160-170 special events per year. With the existing Etzel field retaining its allowable maximum of 36 games per year and the new Etzel with an allowable 50 games per year as proposed by the university, there is a potential for well over 200 special events per year. Events occurring 12 or so times per year are truly special events, and it would not be practical to design and build transportation facilities to accommodate them. But events that occur over 150 times per year are no longer special events, but rather are routine events. The transportation system should be designed to accommodate them."

The University provided a written response (Exhibit H.7). The portions of Exhibit H.7 relevant to the Lancaster Letter "special events" argument are quoted below:

"Section 4 of the Transportation Master Plan provides a detailed analysis of special events conditions at the University. As discussed in Section 4 and analyzed as part of prior Master Plan efforts:

- Of the registered events, the majority (64%) occurred between Friday and Sunday, with relatively low event occurrence on the weekdays when school is in-session. This 'off-peak' scheduling is a result of UP's commitment to try to mitigate parking or transportation impacts associated with special event attendance.
- The highest number of events occurs during June and July while only summer school is in-session and the campus has very low attendance levels, which again reflects UP's commitment to 'off peak' scheduling.
- The average event size is less than 1,500 persons. In many cases, these events are attended by University faculty,
students and staff so the impact of an 'outside attendees' is minimal.

- The average event size for baseball games (which are played at Etzel Field) is very small with the average attendance of less than 500 attendees, many of whom are already on campus.

- The University of Portland was previously conditioned to avoid scheduling two concurrent 1,500 person events to avoid the potential for transportation impacts. The University will continue to comply with this requirement. Baseball games at Etzel Field, with a typical attendance under 500 persons, will not even approach the patronage level triggering the simultaneous event limitation.

As pointed out in Mr. Lancaster's letter, it is not appropriate to design the transportation system to accommodate the 90th or 95th event sizes that are associated with highly attended women's soccer, men's basketball and commencement exercises. As part of the Master Plan approvals, the University of Portland made and has maintained a strong commitment to a Special Events Management Program that minimizes the potential for parking and transportation impacts associated with the more typically attended special events. As has been previously documented, this results in transportation system conditions associated with typical special event conditions that are reflective of a typical weekday."

The Hearings Officer finds that the "special events" argument set forth in the Lancaster Letter, while facially interesting, failed to provide sufficient detailed evidence and argument to allow the Hearings to adequately respond. The Hearings Officer, finds, based upon The University's "special events" evidence, including the summary above, that The University's proposal meets the PCC 33.820.105.D.2 approval criterion.

The Lancaster Letter included the following comments related to the Willamette Boulevard and Portsmouth Avenue intersection:

"The intersection at Willamette Boulevard and Portsmouth Avenue should be analyzed for capacity and level of service during what the University considers to be special events but which will be, in fact, routine events.

Subjective observations of the intersection of Willamette and Portsmouth during University events have found that when there are several vehicles waiting to turn left from westbound on Willamette to southbound on Portsmouth, westbound traffic on Willamette can quickly back up for a substantial distance. Portsmouth, Van Houten, and Montieth all provide direct access to the University campus from Willamette Boulevard. The intersections of Willamette with Portsmouth, Van Houten, and
Montieth should be analyzed for the need for left-turn lanes for both daily traffic conditions and routine events from both a safety and a capacity standpoint. The use of left-turn lane warrants approved by ODOT would be appropriate to determine the need for left-turn lanes.

Without an evaluation of the Willamette/Portsmouth intersection during routine events and an evaluation of the need for left-turn lanes at this and the other intersections on a daily basis and during routine events, the Hearings Official does not have sufficient evidence to determine whether the transportation system will be adequate. If an evaluation shows that left-turn lanes or other improvements are warranted, I as that a condition be added to the Master Plan approval requiring the construction of the left-turn lanes and other improvements."

The “Willamette Boulevard/Portsmouth” issue was not addressed by The University in an open-record submission. The Hearings Officer reviewed The University’s Transportation Master Plan (attached to Exhibit A.1). The Hearings Officer notes that the N Willamette Boulevard/N Portsmouth intersection was a “study intersection.” (See Figure 1, Site Vicinity Map/Campus Boundary.) The Transportation Master Plan set forth data related to average weekday traffic and peak hour operations for the N Willamette Boulevard/N Portsmouth intersection. (See pages 17-19.) The Transportation Master Plan considered special events impacts on the N Willamette Boulevard/N Portsmouth intersection. (See pages 31-67.) The University supplied peak hour traffic data for the N Willamette/N Portsmouth intersection in Appendix A.

PBOT reviewed the data referenced in the preceding paragraph and found that The University had provided sufficient evidence to determine that the N Willamette Boulevard/N Portsmouth intersection adequately from a capacity and safety standpoint.

The Hearings Officer finds that the Lancaster Letter merely provided an issue and nothing more than “subjective observations” to support the claim that the N Willamette Boulevard/N Portsmouth intersection does not operate adequately. The Hearings Officer finds the evidence/information provided by The University and PBOT to be more credible than that offered in the Lancaster Letter.

The Lancaster Letter raised an issue related to bicycle safety in close proximity to the main campus entrance. The Lancaster Letter states, in relevant part, the following:

"Most of Willamette Boulevard has a striped bike lane on each side of the street in accordance with the City of Portland Bicycle Plan for 2030. These lanes are heavily used by both commuter and recreational bike riders as well as University students. But there is a pinch point at the main entrance to the UP campus where the bike lanes are dropped and bike riders are forced to merge with the general traffic flow for a short distance. This is because there is not sufficient street width in the vicinity of the campus entrance to accommodate
bike lanes. This creates conflicts between bicycles and motor vehicles and is a potential safety hazard, and is not in conformance with the Portland Bicycle Plan. Unaccountably, this condition is not addressed by the applicant's Transportation Master Plan. The increase in students anticipated by the proposed Master Plan will increase both bicycle and motor vehicle traffic through this pinch point. Because the pinch point is caused by the presence of the campus main entrance, and the proposed Master Plan will increase bike and vehicular traffic through the pinch point, the appropriate mitigation would be to add sufficient street width to permit the addition of a bike lane on each side of the street. I as that the Hearings Official include this requirement as a condition of approval."

The University provided two open-record responses to the Lancaster Letter bicycle issue noted above (Exhibits H.7 and H.29a). The Hearings Officer believes that Exhibit H.29a best summarizes The University's position related to the Lancaster Letter bicycle issue. The University, in Exhibit H.29a, states:

"there is no documented or identified safety deficiency in the bike lane at the curve along N. Willamette Blvd. There is no history of any bike crashes at this location. Moreover, these are bike lanes installed by the City of Portland. The City is currently looking at the broader system bikeway needs. If the City decides that wider or additional bike lane is needed in this location, there is ample existing right-of-way to accommodate that improvement. Mr. Lancaster's letter cites only a perceived safety deficiency; not a real deficiency in light of the safety history."

The Hearings Officer finds that conformance with the City of Portland Bicycle Plan for 2030 is not an element of this approval criterion. The Hearings Officer does not agree with the assertion, in the Lancaster Letter, that the "pinch point" on N Willamette Boulevard at the main campus entrance somehow results in the transportation system being not capable of safely supporting the proposed use, in addition to the existing uses in the area. The Hearings Officer notes that from January 1, 2006 to December 31, 2010, there were no vehicle crashes at the main entrance (Exhibit E.2, page 7). The Hearings Officer finds no evidence in the record to indicate any bicycle crashes (whether with a motor vehicle, pedestrian or another bicycle) at the main entrance.

The Hearings Officer finds that there is no credible evidence in the record to support the Lancaster Letter assertion that mitigation is required at the main campus entrance related to bicycle safety.

The Hearings Officer finds that with conditions recommended by PBOT, the transportation system is capable of safely supporting The University's proposed uses in addition to the existing uses in the area. The Hearings Officer finds, with conditions, this approval criterion is met.
3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The Water Bureau reviewed the proposal and provided the following comments (Exhibit E.3):

"The Water Bureau has no objections to the proposed Conditional Use Master Plan Review and Adjustment Review as described in this land use review.

There are numerous water services which provide service to this location. The estimated static water pressure range for this location is 70 psi to 88 psi at the N Willamette Boulevard property line elevation of 158 ft.

All streets that are proposed to be vacated in the Conditional Use Master Plan mentioned in this land use review that have Water Bureau facilities within them, or are required for access for maintenance purposes for the existing water system, will require the Water Bureau to formally agree to any such proposed street vacations prior to these streets being vacated."

As previously mentioned, the street vacations identified in the proposed Master Plan are for informational purposes only, and are subject to a separate Street Vacation process. The Water Bureau will have the opportunity once a Street Vacation application is submitted to review the impact of such an action on Water Bureau facilities.

The Police Bureau responded that they are capable of serving the proposed use, but requested that two issues be addressed (Exhibit E.6). The Police Bureau requested that the City Office of Neighborhood Involvement ("ONT") conduct a Crime Prevention Through Environmental Design ("CPTED") on the site. The Police Bureau indicated that the results of the CPTED would assist the University in integrating public safety into future development. The Police Bureau also requested that the University maintain the same level of security personnel staffing in the future.

The Fire Bureau reviewed the proposed land use review and expressed that it had no issues with serving the proposed use. The Fire Bureau does note that all new development will need to meet current Fire Code requirements at the time of development.

BES, in Exhibit E.1, noted that the conceptual sanitary plan submitted by The University showed a feasible plan for providing sanitary service for future development of the site. Sanitary discharges from development of the Main Campus would be directed to the existing public sanitary sewer system via the existing private sanitary network. For the River Campus, The University proposes a private pump station that would be pumped to a nearby existing public sanitary main (as identified in Figure 6 of the Report for the Conceptual Sanitary Sewer Plan for Future Development). BES
reviewed the information provided in the Stormwater and Sanitary Sewer Master Plan Report and expressed no objections to the conceptual sanitary plan for the purposes of the Conditional Use Master Plan.

BES reviewed, in Exhibit E.1, the stormwater report from KPFF Consulting Engineers (Exhibit A.3), and two reports from AMEC Environment & Infrastructure titled Revised Engineering Evaluation/Cost Analysis (Exhibit A.4) and Biological Assessment (Exhibit A.5). The reports include a conceptual stormwater management plan and calculations, and an analysis of the site that includes onsite infiltration and contamination information from a professional engineer. BES determined that sufficient information had been provided to demonstrate that BES stormwater management requirements could be met for purposes of the requested land use review. BES had no objections to the proposed stormwater management approach for the purposes of the Conditional Use Master Plan. BES did note that at the time of building permit review, The University will be required to provide a more definitive analysis of onsite infiltration in order to meet BES stormwater management requirements.

Based on the comments from the service bureaus, as summarized above, the Hearings Officer finds that with conditions of approval this approval criterion is met.

E. Area plans. The proposal is consistent with any area plans adopted by the City Council such as neighborhood or urban renewal plans.

Findings: The Hearings Officer finds that there are no area plans adopted by the City Council that include the property subject to this land use review. The Hearings Officer finds that this approval criterion is not applicable.

33.805.040 Adjustment Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The University is requesting two separate Adjustments: 1) reduce the minimum required building setback from N Willamette Boulevard for development on the West Campus (Blocks 28-30) from one foot for every two feet of building height to zero feet; and 2) increase the maximum allowed building height for development on Blocks 31-35 and Block 37 (all in the West Campus) from 50 feet to 75 feet.

Minimum Building Setback

The request to reduce the minimum required building setback from N Willamette Boulevard is limited to development on three blocks. These blocks are located in the West Campus, and in the RS zone. The relevant purposes for requiring minimum building setbacks in this zone, as stated in Zoning Code Section 33.110.220.A, are as follows:
• They maintain light, air, and separation for fire protection, and access for firefighting;
• They promote a reasonable physical relationship between residences;
• They promote options for privacy for neighboring properties;
• They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
• They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
• Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users.

For institutional development, the intent of the minimum setback regulation, as stated in 33.110.245.A, is to maintain compatibility with, and limit the impacts, on surrounding residential areas.

The request to reduce the setback for these blocks equally or better meets the stated intent of the regulation based on the following findings:

• The street on which these blocks front, N Willamette Boulevard, has a right-of-way width of 100 feet. Even at the proposed zero foot setback, buildings on this portion of the campus would be 110 feet (the 100-foot right-of-way width plus the required 10-foot front setback for the homes on the north side of the street) from the closest residence. This substantial horizontal distance allows for the maintenance of light, air, privacy and separation between properties, as well as ready access for firefighting.
• The intent of the setback regulation to promote a reasonable physical relationship between residences will also be maintained. This will be accomplished not only by the horizontal separation provided by the 100-foot right-of-way, but by limiting the height of development along this portion of the campus to 50 feet. The 50 foot height provides a transition from the higher (75-foot) building heights proposed within the interior of the campus and the 30-foot height allowed for development in the adjacent residential neighborhood. Furthermore, as noted in the Master Plan, The University proposes residential uses along this portion of the campus. The horizontal separation, the limited building height, and limiting the uses to residential together ensure that even with the reduced setback there will be a reasonable physical relationship between proposed on-campus development on these blocks and the adjacent single-dwelling neighborhood.
• While the reduced setback will not result in an “open, visually pleasing front yard” between proposed development and the property line on these three blocks, as noted above, the intent of ensuring that development is set back from and not looming over the roadway will still be met. As illustrated in Figure 17 of the Master Plan, even with the setback reduction the existing public right-of-way between The University’s property line and the roadway could still accommodate a six-foot wide frontage zone (either paved or landscaped), a 12-foot wide pedestrian corridor, and a four-foot wide furnishing zone (for street trees or stormwater management facilities). Additionally, the block fronts on which the reduced setbacks are
proposed represent only about 30 percent of The University’s N Willamette Boulevard frontage. This reduction in setback is balanced by having the remainder of this frontage meeting or exceeding the minimum required setback, and mapping a Streetscape Open Space Zone along approximately 30 percent of this frontage in which no development is allowed.

- The University is proposing a set of design guidelines that will apply to development along the majority of the campus’ N Willamette Boulevard frontage, including these three blocks. These design standards are intended to integrate development along this frontage with the surrounding residential neighborhood. Specific architectural elements that will be regulated through the design standards include exterior building materials and finishes, façade articulation, street-facing windows, building entries, and the screening of mechanical equipment.

Based on the above, the Hearings Officer finds that the request to reduce the minimum required setback along the three block frontages equally or better meets the intent of the standard. The Hearings Officer finds this approval criterion is met.

**Maximum Building Height**
The purpose for establishing a maximum building height in the R5 zone, as stated in Zoning Code Section 33.110.215.A, is to:

- Promote a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale and placement of houses in the city's neighborhoods.

As noted in findings above, the development standards for institutional development in the R5 zone, as stated in Zoning Code Section 33.110.245.A, are to maintain compatibility with and limit the impacts on surrounding residential areas.

The request to increase the maximum allowed building height on the identified blocks in the West Campus equally meets the intent of the regulation. The increased building height is limited to the six blocks that are internal to the West Campus, and to one block south of N Willamette Boulevard. This increased height, at 75 feet, will be buffered from the single-dwelling residential neighborhood to the north by the 50-foot height limit proposed for the three blocks. Furthermore, the requested 75-foot height limit is consistent with that allowed by the R2 base zone for the Main Campus, and The University-imposed 75-foot height limit for the River Campus.

The one exception to the findings above relates to the two houses located on Block 30 along N Warren Street that are not owned by The University. As proposed, 75-foot high buildings would be separated from these two homes by only the 60-foot width of the N Warren Street right-of-way. The contrast between the 30-foot height limit on these two houses and the 75-foot height limit allowed across the street on Block 31 is likely too great. Additionally, there are not substantive mature street trees along this frontage that would help provide a buffer between the two blocks. To address this, BDS recommended a condition limiting the height of buildings on Block 31 to 50 feet until such time that The University owns all of Block 30. The 50-foot height limit will provide a
more appropriate transition between The University's development on Block 30 and the 30-foot high homes on Block 30.

The Hearings Officer finds that with the proposed condition, this approval criterion is met.

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: Because the two Adjustment requests are located in an R5 zone, this criterion requires demonstrating that the Adjustments will not significantly detract from the livability or appearance of the residential area. As indicated in the findings for Approval Criterion 33.805.040.A above, the requests to reduce the building setbacks for the three N Willamette Boulevard frontages in the West Campus and to increase the building height for internal blocks on the West Campus will not detract from the livability or appearance of the adjacent residential neighborhood. Regarding the setback Adjustment, development on the three blocks fronting N Willamette Boulevard will still be set back a substantial distance from the residences on the north side of the street given the 100-foot right-of-way, with nearly 30 feet remaining between the buildings and the existing curb along this street. The 30-foot distance will provide a setback in itself, within which public pedestrian circulation and plantings can occur. Furthermore, the buildings on these frontages will be limited to 50 feet in height (approximately four stories), and will be within The University's Willamette Frontage Zone and therefore subject to the design standards that are included in the Master Plan. These design guidelines are specifically intended to require architectural elements that complement residential development on the north side of N Willamette Boulevard.

Similarly, the requested height increase is limited to those blocks that are interior to the campus and separated by at least a block from the residential neighborhood to the north. Development at the 75 foot height limit will be buffered from the adjacent neighborhood to the north by the 50-foot high buildings located along the N Willamette Boulevard frontage. The 75 foot height limit on these blocks will create a consistency in development with the 75 foot height limit already allowed on the Main Campus. Impacts on the two privately owned residences on N Warren Street (Block 30) will be mitigated by the condition identified in Approval Criterion A above, which limits the height of development on the nearest block (Block 31) to 50 feet until such time as The University owns all of Block 30.

As proposed and with the condition of approval, the Hearings Officer finds this approval criterion is met.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: The Hearings Officer found that the two requested Adjustments would result in development consistent with the overall purpose of the R5 zone. The purpose for the R5 zone, as
stated in Zoning Code Section 33.110.010, is to promote single-dwelling neighborhoods while allowing for some non-household living uses that will not sacrifice the overall image and character of the residential area. The development standards of the Single-Dwelling zones are intended to promote desirable residential areas.

As stated above in response to Adjustment Approval Criteria A and B, the requests to decrease the building setback along N Willamette Boulevard in the West Campus, and to increase the allowed building height on blocks internal to the West Campus will still result in development that complements the surrounding single-dwelling neighborhood. The scale of development along this campus frontage will still be limited in scale, up to approximately four stories in height, and will be subject to design standards that are intended to integrate the development with the surrounding residential character. Additionally, the Master Plan calls for residential development (with ancillary The University office uses) along this portion of the N Willamette Boulevard frontage. Development along this frontage will still be located a substantial distance from the roadway, and will buffer the taller, 75 foot development that is proposed for the interior of the campus.

As proposed, the Hearings Officer finds the requested Adjustments will result in a project which is still consistent with the overall purpose of the Single-Dwelling zone. The Hearings Officer finds this approval criterion is met.

D. City-designated scenic resources and historic resources are preserved; and

Findings: City-designated scenic resources are identified on the Official Zoning Maps with a lower case “s,” and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. As there are no City-designated scenic or historic resources on the campus, the Hearings Officer finds this approval criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: The Hearings Officer find that any impacts related to the Adjustment request are mitigated by a variety of means. The width of the adjacent N Willamette Boulevard will place development along this frontage at least 100 feet back from the residential development on the north side of this street, with all development along this frontage subject to design standards at time of building permit review. The portion of the site where the increased building height would be allowed will be at least 275 feet back from the N Willamette Boulevard frontage, and an additional 100 feet from the residences on the north side of this frontage. Any potential impact the height increase may have on the two privately-owned homes on N Warren Street (within the expanded campus boundaries) will be mitigated by conditions that preclude development on the south one-half of Block 30, and that limit the timing, height and type of development occurring on the adjacent block (Block 31).
As proposed, and with the recommended conditions of approval, the Hearings Officer finds any impacts from the requested Adjustments will be mitigated to the extent practical. The Hearings Officer finds this approval criterion is met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: The area of the campus in which the Adjustments are proposed is not located within an environmental zone. The Hearings Officer finds this approval criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

III. CONCLUSIONS

The Hearings Officer found that The University demonstrated, with conditions of approval, that the requested Conditional Use Master Plan meets the applicable approval criteria. The Master Plan contains the components required by Zoning Code Section 33.820.070, and includes findings that demonstrate proposed and future uses, with conditions of approval, comply with the Conditional Use approval criteria of Zoning Code Section 33.815.105 that apply to institutional uses in residential zones. The University has demonstrated that proposed and future uses will be able to comply with the applicable Title 33 requirements, except where modified or adjusted. For the Greenway setback, the Hearings Officer found that a 25-foot average setback is maintained from the post-restoration top of bank. With a condition of approval related to Greenway plantings and trail improvements, an alternate setback is appropriate in the context of the Master Plan and is not more liberal than the current regulation.

For the requests to adjust the minimum building setback and maximum building height for development on portions of the West Campus, the University has demonstrated that with conditions these Adjustments meet the applicable approval criteria. The Adjustments equally meet the intent of the regulations, and will not significantly detract from the livability or appearance of the residential area. The Adjustments will result in a proposal that is consistent with the purpose of the Single-Dwelling zones, with potential impacts that are mitigated to the extent practical.

IV. DECISION

Approval of a Conditional Use Master Plan (Zoning Code Section 33.820.050) for The University as detailed in the Master Plan document (Exhibit A.1), and as modified by the addendum dated
September 12, 2012 (Exhibit A.2), and further modified by the memo dated November 7, 2012 (Exhibit H.11, with Exhibit H.17a replacing Figure 1 in Exhibit H.11); and

Approval of an Adjustment Review to reduce the minimum required building setback (Zoning Code Section 33.110.245.C.1) from N Willamette Boulevard for development on Blocks 28-30 in the West Campus from one foot for every two feet of building height but in no case less than 15 feet to zero feet; and

Approval of an Adjustment Review to increase the maximum allowed building height (Zoning Code Section 33.110.245.C.1) from 50 feet to 75 feet for development on Blocks 31, 32, 33, 34, 35 and 37 in the West Campus;

Subject to conformance with the following conditions;

A. As part of the building permit application submittal, the following development-related conditions (B through NN) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 12-166257 CU MS AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. This Conditional Use Master Plan will not take effect on the M&B site until the zoning on the site is changed to one which allows (either by right or through a Conditional Use Review) College uses.

C. Several properties (5516 N Willamette Boulevard; 5801 N Warren Street; 5815 N Warren Street; and the M&B site) are included with the boundaries of the Conditional Use Master Plan that are not currently under the control of The University. The Master Plan will not take effect on these properties until they are under the control of The University.

D. Allowed uses within the campus boundaries are limited to College uses as described in Zoning Code Section 33.920.410.

E. The landward side of the Greenway setback shall be the Top of Bank, as identified in attached Exhibit H-17a (revision date of 11/12/12). At no point can development that is not river-dependent or river-related encroach beyond the Top of Bank unless approved through a Greenway Goal Exception.

F. Development occurring on the portion of the campus mapped with a Greenway overlay zone, excluding the Etzel Field and field lighting, is subject to the Greenway Review requirements of Zoning Code Section 33.440.310 (When Greenway Review Applies). The precise location of the field and lighting will be determined as part of the Greenway Review.
G. The maximum allowed FAR campus wide shall be limited to 0.36:1, with the exception of the M&B site where the maximum allowed FAR is limited to 0.18:1 (Exhibit C.2).

H. The maximum allowed building heights shall conform to those identified on Exhibit C.3; the maximum allowed building height for development on Block 31 is further regulated by Condition L, below.

I. Development within the Willamette Frontage Zone, that is within 100 feet of N Willamette Boulevard and N Willamette Lane, will be subject to the Willamette Frontage Zone Design Standards, included in Exhibit 2 of the Master Plan, and as modified by Exhibit 4 of the addendum dated September 12, 2012.

J. Any floor area increases or exterior improvement areas (excepting pedestrian circulation, fences or handicap access ramps) in excess of 1,500 square feet on the portion of the campus identified in Exhibit C.3 as the Chiles Center Zone will require a Type II Conditional Use Review. The approval criteria for this review will be limited to those in Section 33.815.105.A.2, and 33.815.105.B.2 or B.3.

K. No University development will be allowed on the south one-half of Block 30 until such time that The University owns all of the lots on Block 30. Until such time that The University acquires all of the lots on Block 30, any development occurring on the north one-half of Block 30 will maintain a minimum building setback from lots not under University-ownership as required by Table 110-5 of Zoning Code Chapter 33.110. Shrubs meeting the L3 landscape standard shall be installed within the required setback at the time of development.

L. No University development will occur on Block 31 for seven years from the date the Master Plan is approved. After the seven-year period, development on Block 31 will be limited to townhouse-style residential uses for The University, with development limited to a maximum height of 50 feet. If and when The University acquires all lots on Block 30, development on Block 31 up to 75 feet in height will be allowed, and The University will be permitted to build dormitory development on Block 31.

M. Until all properties on Block 30 are owned by The University, vehicular access to University development on Block 31 shall be via N Monteith Avenue and shall not ingress or egress via N Warren Street.

N. No development is allowed on the parcel in the West Campus identified on Exhibit C.3 as a No-Build Zone.

O. The maximum allowed building coverage on the River Campus is limited to 70 percent.

P. Prior to final inspection for the Etzel Field on the River Campus, The University must demonstrate to the satisfaction of the City Noise Control Officer that the amplification system is in conformance with Title 18 (Noise Control).
Q. If a noise complaint regarding the amplification system at Merlo Field or Etzel Field is submitted by a resident to The University, The University will record with a noise meter the noise level at the resident’s house and take corrective action if necessary to reduce the noise level.

R. Evening games (defined as those games that begin after 6:00 p.m.) at Merlo Field are required to end by 9:30 p.m., with the stadium lighting switched to low setting at 9:30 p.m. and turned off by 10:30 p.m.

S. Evening games at the relocated Etzel Field are required to end by 10:30 p.m., with the stadium lights switched to low setting at 10:30 p.m. and turned off by 11:00 p.m.

T. Lighting at the Pru-Pitch and Varsity Grass Field is allowed to be used during the hours of 4:30 p.m. to 10:30 p.m. No amplification systems will be used on these fields, and the fields are limited to use by the University of Portland for University of Portland uses.

U. The maximum number of evening games is limited 32 per year at Merlo Field, and 50 per year at the relocated Etzel Field.

V. The University’s Office of Public Safety will hold, at least one time each calendar year, a landlord forum that will be open to the members of the public, students and landlords to discuss expectations for student behavior and issues that may have arisen in the preceding year.

W. Within six months of the final decision on this land use review, The University will coordinate with ONI on completing an on-campus CPTED survey.

X. The University shall maintain a ratio of 2.4 to 3.5 on-campus public safety officers per 1,000 students over the life of the Master Plan.

Y. The University shall maintain a parking inventory of 0.47 spaces per (full time undergraduate, on-campus) student based on an 85 percent parking utilization. Using the parking matrix below, The University shall ensure the following on-campus parking supply in each fall term prior to when the enrollment trigger is anticipated. The Parking Supply Report shall be submitted to the City of Portland and UPNA with the fall student enrollment and parking supply count on an annual basis.

<table>
<thead>
<tr>
<th>Student Enrollment</th>
<th>Parking Supply Needed</th>
<th>Expected Surplus/Deficit</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,200</td>
<td>1,510</td>
<td>+180</td>
</tr>
<tr>
<td>3,500</td>
<td>1,652</td>
<td>+38</td>
</tr>
<tr>
<td>3,800</td>
<td>1,794</td>
<td>-104</td>
</tr>
<tr>
<td>4,100</td>
<td>1,935</td>
<td>-245</td>
</tr>
</tbody>
</table>
Z. The City recognizes that the parking supply shown in Condition Y is based in part on the TDM measures that were in place at the time this Conditional Use Master Plan was approved in 2012. If the University opts to implement additional TDM measures, those measures may help to lessen and/or delay the need for new parking supply to be provided on-campus. If the University opts to, or wants to, provide fewer on-campus parking spaces than is otherwise required under Condition Y, the University shall submit a Parking Supply Report to the City of Portland and the UPNA to justify any modifications from Condition Y, and must be approved by PBOT. The Parking Supply Report shall evaluate changes in mode-split, average weekday parking demand, and potential modifications to policies and programs that may further reduce/delay need for new parking. This analysis shall be conducted in the fall term prior to when the parking supply modification is needed or anticipated.

AA. The University will conduct analyses of the following measures when enrollment levels begin to reach those levels associated with potential parking deficits:

a. Single occupancy vehicle rates per the ECO study conducted for TriMet and the Department of Environmental Quality requirements;
b. Average weekday parking demand; and
c. Potential modifications to policies and programs that may further delay/reduce the need for new parking.

The University will conduct this review in the fall term in the year prior to when anticipated enrollment could occur that triggers the need for additional parking (assuming a three percent annual growth in enrollment).

BB. The University shall host a transportation workshop every four years, following the submittal of the first Parking Supply Report. The UPNA shall be notified by mail at least 30 days prior to their next scheduled meeting. The purpose of the workshops will be to provide evaluation and discussion of the University’s parking inventory, transportation demand management plan and special events management plan.

CC. Parking within public rights-of-way within the campus boundaries may not be assigned to specified individuals or departments.

DD. The University shall implement the TDM Plan as proposed in the Transportation Master Plan (Exhibit 4 of the Master Plan document).

EE. The University shall implement the SEMP as proposed in the Transportation Master Plan (Exhibit 4 of the Master Plan document). A biennial inventory of significant special events and an analysis of the effectiveness of the SEMP shall be compiled by the University and submitted to PBOT starting two years from the date of this master plan approval. A
significant special event is an event with an attendance of 1,500 persons or more. A copy of the most recent special events inventory and analysis shall be submitted to UPNA.

FF. If the University schedules an event with a projected attendance of more than 1,500 persons, The University shall not schedule another concurring event where the projected attendance is to exceed 1,500 persons.

GG. For all events that are expected to attract 3,500 or more attendees, The University shall:
   (1) Reinstitute compression parking (i.e., use staff to direct parkers to compressed parking spaces thereby increasing the effective parking supply on-campus) during events to increase the supply provided in the on-campus parking lots;
   (2) Station trained flaggers on N Willamette Boulevard and N Portsmouth Avenue at identified cross streets to direct attendees to and from the on-campus parking facilities;
   (3) Station parking monitors at on-campus locations with radio contact to the neighborhood flaggers to maximize utility of on-campus lots;
   (4) Provide outreach and awareness as part of ticket sales related to appropriate parking locations as well as the availability of transit to access the campus; and
   (5) Station a parking crossing guard at the N Willamette Boulevard and N Portsmouth Avenue intersection to facilitate safe pedestrian crossings pre- and post-game.

HH. The University shall meet at least annually with UPNA to review the effectiveness of the TDM Plan and the SEMP, and to provide a general opportunity for communication on any other issues involving The University and neighborhood.

II. The University shall maintain appropriate sight triangles and landscaping to provide appropriate sight lines for approaching vehicles, bicyclists, and pedestrians. Title 33 landscape requirements still have to be met, unless otherwise approved through an Adjustment Review.

JJ. When the fall enrollment is projected to reach 4,700 students, The University shall submit a traffic analysis of the Main Entrance operations. If that analysis demonstrates a traffic signal is warranted at the entrance, The University shall install the traffic signal.

KK. Modify the Kenna Hall/Willamette Boulevard access to a right-in, right-out configuration.

LL. Under a separate Pubic Works Permit, The University shall be required to improve N Van Houten Place in order to serve the proposed Etzel Field in the River Campus. The University may propose alternative street designs that can function safely and provide emergency access that meets Fire Bureau requirements. Additional dedication of right-of-way may be needed depending on the final street design.

MM. Within three months of the date of final decision, The University shall submit to BDS Land Use Services three bound copies of the Master Plan that includes any changes and all conditions of approval included in the final decision.
NN. This Master Plan expires 10 years from the date of final decision.

OO. The area between the upper edge of site restoration and Top of Bank, shown in salmon on Figure 2 of Exhibit H.11 (Exhibit H.11b), shall be planted to the standards of PCC 33.440.230. Plantings must be installed at the time the first development occurs riverward of the railroad tracks on the River Campus.

PP. Trail improvements must be constructed at the time of the first development on the River Campus following determination of the final trail alignment by the North Portland Greenway Trail Committee.

Gregory J. Frank, Hearings Officer

[Signature]

Date

Application Determined Complete: September 20, 2012
Report to Hearings Officer: November 2, 2012
Decision Mailed: December 17, 2012
Last Date to Appeal: 4:30 p.m., December 31, 2012
Effective Date (if no appeal): January 2, 2013 Decision may be recorded on this date.

Conditions of Approval. This project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER’S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Until 3:00 p.m., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. An appeal fee of $5,000 will be charged (one-half of the application fee
for this case, up to a maximum of $5,000). Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chairperson or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization’s bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.
If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision. A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder’s office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. Conditional Use Master Plans and any concurrent reviews other than a Zone Change or Comprehensive Plan Map Amendment remain in effect until:
• All development allowed by the plan is completed; or
• The plan is amended or superseded; or
• As specified in the plan; or
• As otherwise specified in the final decision.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

• All conditions imposed herein;
• All applicable development standards, unless specifically exempted as part of this land use review;
• All requirements of the building code; and
• All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.
EXHIBITS
NOT ATTACHED UNLESS INDICATED

A. Applicant’s Statement
   1. Proposed Master Plan
   2. Addendum to Master Plan, from Christe White, dated September 12, 2012
   3. Stormwater and Sanitary Sewer Master Plan Report, prepared by KPFF, revised September 2102
   6. E-mail from Christe White, dated October 29, 2012, including information on final surveys and vegetation for riverbank
   7. Site Restoration Plan

B. Zoning Map (attached)

C. Plans and Drawings
   1. Proposed Master Plan Boundary (attached)
   2. Proposed FAR Zones (attached)
   3. Proposed Height Zones (attached)
   4. Campus Quadrants (attached)

D. Notification information
   1. Request for response
   2. Posting letter sent to applicant
   3. Notice to be posted
   4. Applicant’s statement certifying posting
   5. Mailing list
   6. Mailed notice

E. Agency Responses
   1. Bureau of Environmental Services
   2. Portland Bureau of Transportation
   3. Water Bureau
   4. Office of Healthy Working Rivers
   5. Fire Bureau
   6. Police Bureau
   7. Bureau of Development Services Site Development Review
   8. Bureau of Parks, Forestry Division

F. Letters
   1. University Park Neighborhood Association, letter dated October 8, 2012, in support

G. Other
   1. Original LUR Application
   2. Incomplete Letter from BDS to Christe White, dated August 22, 2012
3. Pre-Application Conference Summary Notes

H. Received in the Hearings Office
1. Notice of Public Hearing - Hardy, Douglas
2. Staff Report - Hardy, Douglas
3. 11/5/12 Letter - Stanford, Darian A.
4. 11/5/12 Letter from Darian A. Stanford - Hardy, Douglas
5. 11/4/12 Letter from Tom Lancaster - Hardy, Douglas
6. 11/7/12 Letter - Kolmes, Steven A.
7. 11/6/12 Letter from Kittelson - Hardy, Douglas
8. 11/7/12 Letter - Hardy, Douglas
9. 11/7/12 Letter - Haines, Jim and Pam
10. Letter from Tim Butz, Musco Sports Lighting - Hardy, Douglas
11. 11/7/12 Memo from Christie White - Hardy, Douglas
   a. Final Grading Plan – Figure 1 – 11/07/12 – Hardy, Douglas
   b. Grading Cross Sections B and F – Figure 2 – 11/08/12 – Hardy, Douglas
12. Letter from Kevin Cantrell - Hardy, Douglas
13. 11/11/12 Letter from Dr. Craig A. Swinyard - Hardy, Douglas
14. 11/11/12 Email from Mark Kennedy to Hardy - Hardy, Douglas
15. Letter from Patrick Kessi - Whiteside, Rachel
16. 11/8/12 Letter from Bob Kessi - Whiteside, Rachel
17. 11/13/12 Memo from Hardy and Whiteside - Whiteside, Rachel
   a. Plan - Whiteside, Rachel (reduced size attached)
   b. 11/13/12 Memo from Douglas Hardy - Whiteside, Rachel
18. 11/8/12 Letter - Kabele, Daniel
19. 11/13/12 Addendum to Land Use Response - Tunnard, Jocelyn
20. 11/11/12 Letter - Daughty, Timothy A.
21. 11/13/12 Letter - Miller, Sam and Sharon
22. 11/11/12 Letter from Timothy A. Doughty - Hardy, Douglas
23. 11/4/12 Letter from Kevin Kilduff - Hardy, Douglas
24. 11/4/12 Letter from Rev. E. William Beauchamp, President, U of P - Hermanny, Danielle
25. Record Closing Information Sheet - Hearings Office
26. PowerPoint Presentation printout - Hardy, Douglas
27. 11/15/12 letter - Paule, Karen
28. 11/27/12 letter - Wyman, Ty
29. 11/27/12 Memo - Krueger, Kurt
   a. 11/27/12 E-mail, Christe White to Krueger - Krueger, Kurt
30. 11/28/12 Letter - White, Christie
   a. Portland Maps - White, Christie