



City of Portland, Oregon
Bureau of Development Services
Land Use Services
 FROM CONCEPT TO CONSTRUCTION

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STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 13-196001 CU
 PC # 12-217891
 REVIEW BY: Hearings Officer
 WHEN: Wednesday, January 29, 2014 at 1:30 pm
 WHERE: 1900 SW Fourth Ave., Suite 3000
 Portland, OR 97201

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

**BUREAU OF DEVELOPMENT SERVICES STAFF: AMANDA RHOADS /
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GENERAL INFORMATION

Applicant: Eric Blumenthal
 University Of Western States
 2900 NE 132nd Ave
 Portland, OR 97230-3014

Representative: Eric Lanciault
 Eric Lanciault Architecture
 3250 SE 164th Ave, Suite 208
 Vancouver, WA 98683

Site Address: 2900 NE 132nd Avenue
Legal Description: LOT 2 TL 300, RICHLAND; TL 200 2.87 ACRES, SECTION 26 1N 2E; TL 100 11.98 ACRES, SECTION 26 1N 2E
Tax Account No.: R703301220, R942260060, R942260170
State ID No.: 1N2E26AC 00300, 1N2E26AC 00200, 1N2E26AC 00100
Quarter Section: 2744
Neighborhood: Russell, contact Bonny McKnight at 503-253-6848.
Business District: Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.
Plan District: Glendoveer
Zoning: R7h Residential 7,000 with an "h" Aircraft Landing Overlay Zone
Case Type: CU – Conditional Use Review
Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the review body can be appealed to City Council.

Proposal:

The University of Western States (UWS) seeks approval of a Type III Conditional Use (CU) Review to accomplish two goals:

Proposal 1

Remove Condition E from the 1997 Conditional Use Master Plan Review (LUR 97-00421 CU MS). Condition E imposed a cap in the number of vehicle trips allowed to and from the university each day, among other things. Condition E requires a Type III review if the number of vehicle trips generated by the University exceeds the trip numbers identified in Exhibit A.4.a of that decision, 1,529 per day. The total number of daily trips currently generated by the University is 1,930, which exceeds that maximum allowed by the 1997 Master Plan.

The applicant proposes to remove Condition E through a Type III Conditional Use Review to remove the daily trip cap stipulated in Exhibit A.4.a as well as remove the requirement to submit the associated yearly report to the Office of Transportation – Transportation Planning section. The relevant criterion for approval of such review as specified in Condition E is Criterion D.2 of Zoning Code Section 33.815.105, Institutional Conditional Use in R Zones, relating to the adequacy of the transportation system.

Proposal 2

Reactivate the existing on-campus clinic (Campus Health Center, or CHC) to provide public outpatient services. The clinic currently operates as a teaching facility that serves only University staff, administration and students. The proposal is to serve up to 30 community patients a day from throughout the Portland metropolitan area. No interior or exterior construction or improvements are proposed on-site.

The Conditional Use Review is necessary in order to remove a condition from a 2008 Conditional Use Review for the campus that required the outpatient portion of the clinic to be phased out by February 2010 (LU 08-176542 CU AD, Condition B). The relevant approval criteria are found in Zoning Code Section 33.815.105, Institutional Conditional Use in R Zones. Though the condition was placed on the site through a Type II review, the request is being reviewed as a Type III as it is requested in conjunction with a Type III review. As stated in Zoning Code Section 33.730.042, Concurrent Reviews, when more than one review is requested and the reviews have different procedures, the overall application is processed using the highest procedure type.

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:

33.815.105, Institutional and Other Uses in Residential zones

Note: For the proposal identified in Proposal 1 above, only Criterion D.2 applies.

ANALYSIS

Site and Vicinity: The University of Western States campus encompasses approximately 20.45 acres in a primarily residential section of the Russell neighborhood. The site is within the Glendoveer Plan District, but the regulations in this plan district apply to residential development. The site is also within the Cully/Parkrose Community Plan area. This plan area has a set of adopted general design guidelines, which will be discussed in the findings below.

UWS has been located at this site since approximately 1973, but the use of the site for educational purposes goes back to 1956, when the site was approved for a girl's high school. Prior to that time, a substantial portion of the site had been used by the State during construction of

the Banfield Freeway. Before that it was used as part of the airport that existed on the site of the Clifgate Subdivision.

The campus is bounded on the west, south and east sides by single-dwelling residences constructed in curvilinear and cul-de-sac subdivision developments dating from the 1950's. Vehicular entrances to the campus are along NE 132nd Avenue. The northernmost driveway accesses the Campus Health Center, a parking lot and the north extension of a loop road, which surrounds the campus. The southern driveway leads to the large parking area developed in 2000-01 on the eastern edge of the campus and eventually connects to the campus loop road. N.E. 133rd Place dead-ends at the south boundary of the campus and does not provide vehicular access but does provide bicycle and pedestrian access. The southern and eastern property lines adjoin the rear property lines of residential properties abutting the site. Residences directly south of the campus are generally single-story; houses on the west side of NE 132nd Avenue and along NE Morris Court are a mixture of 1-, 1 ½- and 2-story structures. The northern boundary of the campus, Interstate 84, Banfield Freeway, forms a barrier to the residential neighborhoods to the north of the college campus across the freeway. The campus and many of the residences to the south enjoy views of Mt. St. Helens to the north and Mt. Hood to the east.

Currently there are 11 buildings on the site, including a storage shed, totaling 98,218 square feet. There is generous open space between the buildings. Most of the buildings are located on the west half of the site. The east half of the site is developed with a large parking area, constructed in 2000-01 at the same time as the Lecture Hall. Total parking spaces available at all lots on the campus are 484 automobile spaces and 20 motorcycle spaces. Given the size of the building square footage, the required minimum number of parking spaces for the campus is 164. Parking for the Campus Health Clinic is located north of the building between the Clinic and the Anatomical Sciences building. These 12 spaces include two accessible spaces.

Mature beech trees and conifers border the south parking lot and provide a pleasant and identifiable entry for the campus. The mature conifers along the south property line create an obvious transition and screen between abutting residential properties and the campus. In the northwest corner of the site, between the proposed development and the west property line (along NE 132nd Avenue), another grouping of mature conifer trees screen the campus from the abutting residential properties.

On-site Clinic: In 1981, the Multnomah County Planning Commission approved the establishment of an Outpatient clinic on campus for use as an educational/training component of the WSCC program. The 1981 approval was granted for 100 to 125 patients per day, with operating hours to be concurrent with school hours (i.e., Monday-Friday, 8 a.m. to 5 p.m.; and Saturday, 8 a.m. to 11 a.m.). The approval was subject to several conditions including the reduction of student enrollment, faculty and lecture hours. The 1997 Conditional Use Master Plan (CU MS) included a provision to phase out the outpatient clinic over a five-year period, by February 2003. The gradual phase-out of the clinic was not a condition of approval of that review but was an important factor so that all transportation-related conditions, including the amount of average daily trips to the campus, were met. A 2008 Conditional Use Review included a condition of approval that required the clinic to be closed to community patients by February 2010, which was done. Since that time, the clinic has only served students and staff.

Zoning: The zoning on the site is Residential 7,000 (R7), a single-dwelling residential zone. This zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the Comprehensive Plan policies and designations for single-dwelling housing. Minimum lot size is 4,200 square feet, with a minimum width and depth dimensions of 40 feet and 55 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 7,000 square feet of site area. The site is located

within the Glendoveer Plan District which restricts residential lot size to no less than 7,500 square feet.

The Aircraft Landing Zone “h” overlay provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. The current proposal does not change the height of any building, and the “h” overlay is not applicable in residential zones.

Colleges are Institutional Uses and are allowed only through Conditional Use reviews in residential zones. Colleges are regulated by the Institutional Development Standards in Zoning Code Section 33.110.245. The intent of the institutional development standards is to maintain compatibility with and limit the negative impacts of surrounding residential area.

A Conditional Use Master Plan (CU MS) is required for sites that contain over 500,000 square feet of building area. The University of Western States campus currently has 98,218 square feet of floor area. This proposal will not change the university’s floor area and the build-out remains significantly less than the 125,000 square foot maximum approved in the 1997 CU MS.

An applicant may choose to apply for a voluntary Master Plan so that multiple development projects anticipated 10 years into the future can be reviewed; however, the college has opted to apply for a stand-alone Conditional Use review only.

Land Use History: Between 1956 and 1973, the site was used as a parochial school. The site was annexed to the City of Portland in 1985. While in the County jurisdiction, there were several quasi-judicial land use reviews at the site. They are as follows.

MC 3-73 – The Planning Commission approved use of the site for the University of Western States (then named Western States Chiropractic College, or WSCC) with no more than 200 students.

MC 10-75 – The Planning Commission acted to approve an expansion in the use of this property in 1975 by increasing the student load from 200 to 550 students, subject to several conditions, including Condition #6, “No clinic use shall be made of the site.”

MC 10-75a – In 1981, the Planning Commission approved a modification to MC 10-75 with Conditions. The modification involved moving an outpatient clinic from off-campus onto the campus itself. The applicant proposed to serve 100-125 patients at the clinic. No new structures were proposed, and enrollment and lecture hours were limited as part of the conditions.

DR 83-01-06 – This review was a Design Review for a junior clinic. The proposal was approved, but there is no other information in the files, including whether or not the structure was built.

DR 83-05-11 – This Design Review was for a patient and intern teaching facility. No further information is in the file, including whether or not the structure was built.

DR 84-07-08 – This Design Review was for a lab. It was approved; no other information is in the file.

DR 85-07-01 – This was a proposal and Design Review for a senior clinic, which is the current Campus Clinic. There is no record of an MC (miscellaneous case) file which allowed the construction of a new structure for the clinic and the addition of approximately 22 new parking spaces.

CU 148-86 – This Conditional Use review approved the construction of an 1,800 square-foot storage building on the east side of campus.

LUR 96-00020 CU MS – Denial of the proposed Master Plan which included proposals to expand and improve buildings within the campus. A revised plan was approved the following year.

LUR 97-00421 CU MS – Approval of a 10-year CU MS for an increase in building area to 125,000 square feet and related campus improvements. Included in that review were several conditions of approval related to design, traffic management, parking, bike parking, etc. These conditions have either been met or will be carried forward as part of this review. Condition E from this 1997 decision is proposed to be removed as part of the current review.

LU 08-176542 CU AD – This Conditional Use Review with Adjustment approved construction of a new Gross Anatomy Laboratory in the northwest corner of the campus in a slightly different location than what had been approved in the 1997 CU MS. Condition B stipulated the closing the campus clinic to outpatient appointments by February 2010. Condition B from this 2008 decision is proposed to be removed as part of the current review.

Agency Review: A “Request for Response” was mailed **December 17, 2013**. The following Bureaus have responded with no issues or concerns regarding the land use review:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Life Safety (Building Code) Plans Examiner

The Bureau of Transportation Engineering responded with comments that have been included as the response to approval criteria D.1 and D.2 below.

The Police Bureau responded with comments. The comments are listed in the response to approval criterion C.2 below.

Neighborhood Review: A “Notice of a Public Hearing on a Proposal in Your Neighborhood” was mailed on **January 9, 2014**. No written responses have been received as a result of that notice. However, the applicant did include four letters of support as part of the Applicant Memorandum submitted December 3, 2013. Three of those letters were from late 2012, gathered as part of the Conditional Use Pre-Application Conference process, from the Russell Neighborhood Association (RNA), the Parkrose School District, and Shepherd’s Door, a branch of the Portland Rescue Mission. The last two letters (Exhibits F.1 and F.2) spoke in support of opening the clinic to the public, stating that the services provided were not readily available in the neighborhood and that UWS had been a good partner to their organizations.

The 2012 letter of support from RNA (Exhibit F.3) acknowledged traffic concerns but stated that there would be benefits to opening the clinic to the general public. Further, the letter stated that UWS had worked closely with RNA to “maintain a cordial and mutually supportive relationship for many years” and that RNA can support a carefully designed provision of clinic services to the public which includes a daily service limit.

The 2013 letter of support from RNA (Exhibit F.4) states that UWS is meeting the intent of Condition M from LUR 97-00421 CU MS. Further, at the October 17, 2013 RNA meeting, there was a formal motion and unanimous agreement to provide support to UWS as a Good Neighbor. A plan was developed to address any issues that might arise between UWS and RNA (see the conditions of approval below under Tentative Staff Recommendation for more information). The

letter concludes by stating, “The association fully supports the efforts of UWS to allow the campus health center to see community patients.”

ZONING CODE APPROVAL CRITERIA

Conditional Uses

Note: Both sections of the proposal, identified above as Proposal #1 (removing Condition E from the 1997 decision) and Proposal #2 (reopening the clinic to outpatient service) are addressed separately for each approval criterion. Per Condition E from the 1997 CU MS decision, only Criterion 33.815.105.D.2 applies to Proposal #1; Proposal #2 must address all the approval criteria in 33.815.105.

33.815.010 Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

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 that 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 for Proposal #1: The relevant criterion for approval of such review was determined by the 1997 CU MS decision to be Criterion D.2 of the Institutional Conditional Use. ***This criterion is not applicable.***

Findings for Proposal #2: In Exhibit A.2, the applicant identified 20 non-residential uses in the area bounded by I-84 to the north, NE 122nd Ave. to the west, NE 148th Ave. to the east and NE San Rafael Street to the south. BDS staff has determined that 13 of these are located in residential zones. Of these 13, three are schools, three are churches and the rest are home-based businesses, mostly providing contracting services. This last category of businesses would in general be classified as Home Occupations by the Zoning Code which are accessory uses to the Household Living category and do not by definition increase the proportion of uses not in the Household Living category.

Regardless, the applicant is proposing only to reopen an existing, operating clinic to up to 30 non-university patients a day. There will be no increase in floor area, no changes to the interior or exterior of any building on the campus, and no change of use of the property. This proposal does

not increase the proportion of uses not in the Household Living category in the area. ***This criterion is met.***

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

Findings for Proposal #1: The relevant criterion for approval of such review was determined by the 1997 CU MS decision to be Criterion D.2 of the Institutional Conditional Use. ***This criterion is not applicable.***

Findings for Proposal #2: For the purpose of responding to this criterion, intensity will relate to use of the site and scale will relate to development of the site. The intensity of the site will increase somewhat to accommodate the additional 30 community patients at the clinic daily. This increase will likely be most felt in the number of additional auto trips to campus. However, Criterion D.2 below demonstrates that, on all intersections surrounding the campus, the impact of this additional traffic is negligible. See D.2 below for a complete discussion from PBOT.

The scale of the proposed use will not be changing; no new development is proposed and no changes to existing development will be made inside or out. ***This criterion is met.***

B. Physical compatibility.

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

Findings for Proposal #1: The relevant criterion for approval of such review was determined by the 1997 CU MS decision to be Criterion D.2 of the Institutional Conditional Use. ***This criterion is not applicable.***

Findings for Proposal #2: City designated resources are shown on the zoning map by the 's' overlay. There is no "s" overlay mapped on the site. ***Therefore, 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

Findings for Proposal #1: No exterior alterations to the site are proposed. The facility will remain compatible with the adjacent residential development. ***This criterion is not applicable.***

Findings for Proposal #2: The relevant criterion for approval of such review was determined by the 1997 CU MS decision to be Criterion D.2 of the Institutional Conditional Use. ***This criterion is not applicable.***

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

Findings for Proposal #1: The relevant criterion for approval of such review was determined by the 1997 CU MS decision to be Criterion D.2 of the Institutional Conditional Use. ***This criterion is not applicable.***

Findings for Proposal #2: No exterior alterations to the site are proposed. The facility will remain compatible with the adjacent residential development. ***This criterion is not applicable.***

- #### **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 for Proposal #1: The relevant criterion for approval of such review was determined by the 1997 CU MS decision to be Criterion D.2 of the Institutional Conditional Use. ***This criterion is not applicable.***

Findings for Proposal #2: Reopening the Campus Health Clinic to community patients will not result in increased hours of operation or late-night operations. The applicant states the existing hours of the health clinic are 9 am to 6 pm. No change in hours, no additional noise, odors or litter are expected as a result of allowing up to 30 community patients at the clinic per day. ***This criterion is met.***

2. Privacy and safety issues.

Findings for Proposal #1: The relevant criterion for approval of such review was determined by the 1997 CU MS decision to be Criterion D.2 of the Institutional Conditional Use. ***This criterion is not applicable.***

Findings for Proposal #2: There are no proposed changes in the operations of the Institutional facility from the current operations that would relate to privacy or safety issues. The Portland Police Bureau reviewed the proposal and had the following recommendations.

CONCERNS

- 1) Incorporate Crime Prevention Through Environmental Design (CPTED) strategies into the site.
- 2) Properties of high use areas can become susceptible to unauthorized activity if the location is not secured or maintained.

RECOMMENDATION

- 1) A few of the strategies that relate to CPTED that should be considered:
 - a. Improve visibility into and out of all of the sites. Trees with a canopy lower than the recommended 6 feet would make it difficult to see some of the site's buildings from the street. With the increased use of this site by visitors, improving and maintaining a greater visibility for the site's use will improve safety and security.
 - i. As a standard, keep trees trimmed for clearance up 6 feet and bushes maintained at no taller than 3 feet.

[BDS comment: Any modifications to on-site landscaping would need to be in compliance with Title 33 landscape standards.]

- b. Ensure that the site's addressing is visible from the street during the day and evening.
- c. Consider requesting that the City of Portland Office of Neighborhood Involvement (ONI) conduct a CPTED review of the site. This review can be used as a tool to raise awareness on how specific site conditions can influence safety. The ONI staff member that is responsible for this area is Teri Poppino; her contact number: 503-823-5532.

RESOLVED SITE CONCERNS

The applicant representative and the Bureau of Development Services have assisted in addressing the following initial Police Bureau question/concern.

- 1) The site currently has two vehicle gates and a pedestrian access gate off NE 133rd Place. The applicant has noted that each gate is secured by on-site security after hours.

- 2) This site has emergency phones placed around the exterior of the campus.
- 3) The University of Western States is aware of the Portland Police Bureau's "Trespass Authorization Program" of which they utilize with other Portland clinics. Currently, they do not have a need for it at this location due to on-site security.

To address the Police Bureau's recommendations on CPTED, a condition is recommended that within six months of the final decision on this land use review, UWS will coordinate with ONI on completing an on-campus CPTED survey. ***With the condition of approval, this criterion is met.***

D. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;

Findings for Proposal #2: The relevant criterion for approval of such review was determined by the 1997 CU MS decision to be Criterion D.2 of the Institutional Conditional Use. ***This criterion is not applicable.***

Findings for Proposal #2: PBOT had the following to say in response to this criterion:

At this location, NE 132nd Ave is classified as a Local Service street for all transportation modes in the City's Transportation System Plan (TSP) except for one; it is also a City Walkway.

The TSP states as follows: "Local Service streets provide local circulation for traffic, pedestrians and bicyclists". The TSP also states that, "Local Service Traffic Streets are intended to distribute local traffic and provide access to local residences or commercial uses." The proposed Conditional Use will not impact these functions of NE 132nd Ave, the classified Local Service street along which the subject property has frontage.

Based on PBOT's response, ***this criterion is met.***

2. 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; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Findings: PBOT submitted the following findings for this criterion, which apply to both Proposal 1 and 2.

In relation to the subject request, the applicant submitted a professionally prepared Traffic Impact Study (TIS) to specifically address this criterion.

Street capacity/level of service

PBOT staff wants to emphasize that this evaluation factor is fundamental in determining whether or not the City should support the applicant's request to eliminate "Condition E" from the UWS 1997 CU MS. The conditions of approval (LUR 97-00421 CU MS) included Exhibit A.4.a, in part, "set a maximum 1,529 daily site trip generation threshold (trip cap). Further, in the event that site vehicle trip generation exceeds the trip cap by more than 10% in any one year or by more than 5% in any three years, the University's Transportation Demand Management Plan (TDMP) was required to be adjusted to reduce traffic volumes below the trips cap. Finally, student enrollment was to be frozen at current levels until the revised TDMP is approved".

Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.
2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland’s performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

The scope of study for analysis was developed based on the *Campus Facility Master Plan* (April 1997, Reference 2), the City’s Transportation System Plan, collaboration with PBOT staff, and in accordance with City of Portland municipal code. The following studied intersections were included in the applicant’s submitted TIS:

- NE 122nd Ave/NE Siskiyou St
- NE 132nd Ave/NE Morris Ct
- NE 132nd Ave/UWS Dr S
- NE 132nd Ave/NE Sacramento St
- NE 132nd Ave/NE San Rafael St
- NE 132nd Ave/NE Halsey St
- NE 148th Ave/NE San Rafael St

Utilizing acceptable industry standards and references, the TIS shows that the intersections are currently operating with the following (more than adequate) LOS:

Intersection	Existing Morning Peak Period (LOS)	Existing Evening Peak Period (LOS)
NE 122 nd Ave/NE Siskiyou St	B	B
NE 132 nd Ave/NE Morris Ct	B	A
NE 132 nd Ave/UWS Dr S	B	A
NE 132 nd Ave/NE Sacramento St	B	A
NE 132 nd Ave/NE San Rafael St	A	A
NE 132 nd Ave/NE Halsey St	A	A
NE 148 th Ave/NE San Rafael St	B	C

The transportation impact analysis identifies how the study area’s transportation system will operate with the proposed expansion of services of the Campus Health Center. The impact of traffic generated by the proposed expansion during the typical weekday a.m. and p.m. peak hours was examined as follows:

- Planned developments and transportation improvements planned in the site vicinity were identified;
- Site-generated trips were estimated for full expansion of services of the site;
- Site trip-distribution patterns were determined based on a review of the existing transportation network and the nature of the proposed expansion;
- A qualitative added traffic impact assessment was prepared; and,
- Sight distance was reviewed.

No approved in-process developments are known to City staff that will affect the traffic volumes at the study intersections prior to the proposed expanded use of the Campus Health Center (by 2014). No planned transportation improvements on the adjacent street system are in place that need to be considered in the traffic impact analysis.

UWS is proposing to expand patient services at the Campus Health Center to allow up to 30 community patient visits per day. Based on information provided by UWS, the existing clinic has sufficient capacity, with respect to clinic space and staff, to accommodate the additional neighborhood resident-visitor trips without making any staffing changes. Therefore, there will be no additional student or staff trips generated by the expanded Campus Health Center use.

Conversely, and this is important to note, some reduction in existing vehicle trips may be realized because staff and students who currently have to travel off-campus to see patients will be staying on campus at the Campus Health Center with the proposed service expansion. This effectively translates to when either a student or staff member previously left the UWS campus to provide off-site patient services, two vehicle trips would be attributed to said off-site visit (an existing trip and a return trip). The analysis prepared by the applicant's traffic consultant did not attempt to quantify (or assume credit for) the potential existing trip reduction. The results of the analysis therefore, are likely to be more conservative.

There is no available trip data in the standard reference manual (*TRIP GENERATION*, 9th Edition, published by the Institute of Transportation Engineers (ITE)) for the proposed public use of the Campus Health Center. Accordingly and appropriately the case, the traffic consultant's trip generation estimates were prepared recognizing that 1) there is a finite number of patients that can be accommodated per day and 2) the faculty, staff, and students who will operate the clinic are already on-site (meaning the only new trips will be made by the new patients).

Site trip generation was developed assuming each patient visit results in one vehicle trip in and one trip out of the facility. The estimated trip generation does not assume any multi-modal reductions, thereby reflecting a conservatively high vehicle trip estimate. Based on conversations with UWS staff, the Campus Health Center has operating hours between 7:30 a.m. and 6:30 p.m. Monday through Friday with no weekend hours. With a 1-hour lunch, the typical weekday operations encompass 10 hours for patient visits. The weekday a.m. and p.m. peak hour trip generation estimates assume an even distribution of patient visits throughout the 10 operating hours, equating to three patients per hour. With a maximum patient count of 30 per day and assuming a vehicle round-trip associated with each patient (1 patient results in 1 vehicle trip in and 1 vehicle trip out), there would be no more than 6 vehicle trips during the a.m. and p.m. peak hours (60 total patient trips per day/10 hours = 6 patient trips/hour).

The net impact to the *entire* adjacent transportation system is approximately six vehicle trips during a typical weekday a.m. and p.m. peak hour, respectively. The impact to any given street or intersection is minimal and can reasonably be expected to have a negligible impact on the surrounding street system when distributed consistently with existing traffic and development patterns and transportation facilities. Even for intersections closest to the UWS campus, based on data provided in the submitted TIS, the number of site trips added will be relatively small (less than one trip every ten minutes). At the off-site arterial intersections (such as NE 122nd Ave/NE Siskiyou St and NE 132nd Ave/NE Halsey St), the percentage increase in peak hour intersection trips is approximately 0.2% and the intersection operations result of the additional trips is negligible. The TIS summarizes the 2013 existing traffic volumes and the estimated added trips. The impact of these additional trips is provided as a percentage impact to the total entering volume. The additional trips generated by the proposed expanded patient services is relatively minimal as compared to current traffic volumes at each intersection (as low as a 0.1% increase in site-related contribution to 4.2% increase at the closest intersection to the UWS campus (NE 132nd Ave/NE Morris Ct). Given

the previously mentioned current LOS levels of the studied intersections, with significant available capacity, the above noted minor increases will not notably degrade the performance of said intersections.

In summary, relative to this evaluation factor, the applicant has adequately demonstrated that the numerous intersections that were studied in terms of their respective operations/performance, are currently performing at acceptable levels of service and will continue to do so in relation to the UWS' desire to expand the use of the Campus Health Center. *In that this is the most applicable evaluation factor that must be considered in relation to this current Conditional Use request, and the applicant has demonstrated that this evaluation factor is (and will be) satisfied, it is also PBOT's recommendation that the previously established "trip cap" limitation condition (Condition E) of approval from the 1997 Conditional Use Master Plan Review (LUR 97-00421 CU MS) should be eliminated. PBOT also supports the elimination of Condition B from LU 08-176542 CU AD and to re-activate the existing Campus Health Center to provide public outpatient services to up to 30 patients/day.*

Access to arterials

The subject site is located in proximity to numerous arterial streets including NE 132nd Ave (south of NE Sacramento), NE Sacramento, NE San Rafael NE 122nd Ave and NE 148th Ave. These streets, which are all identified as being within the project scope area, also lead to the broader transportation system including Interstate-84, just north of the subject site. The requested Conditional Use will not impact access to arterials.

Connectivity

The subject site is located within an area of NE Portland that generally does not satisfy City connectivity spacing goals. There are no established block patterns or gridded streets in the project scoping area considering the existing street layout. In this case, there are also impediments to improving connectivity in the area due to other nearby large-scale non-residential uses including the subject site and another nearby school/park south-east of the subject site. Additionally, it is not conducive or feasible to provide vehicle or pedestrian connectivity through this existing UWS site; since there is no increase in occupancy or redevelopment proposed on the subject site, PBOT has no nexus to impose a condition of approval for public right-of-way dedication to accommodate any connectivity opportunities on the subject site. PBOT has no concerns relative to connectivity and the proposed Conditional Use request.

Transit availability

The Tri-Met bus routes outlined below provide service within the general site vicinity:
Route 23 San Rafael provides service between the Gateway Transit Center and NE 148th Ave/NE Sandy Blvd and travels along NE 132nd Ave and NE Sacramento St in the site vicinity.

Route 71 60th/122nd Ave provides service between the Clackamas Transit Center and the Lents Town Center and travels along NE 122nd Ave in the site vicinity.

Route 77 Broadway/Halsey provides service between Montgomery Park and Troutdale and travels along NE Halsey St in the site vicinity.

On-street parking impacts

On-street parking impacts are not expected in relation to the subject Conditional Use because, as has been required for years in relation to the existing TDMP, all faculty, students, administrators and staff are required to register their vehicles and to park on the campus site. The most recent annual monitoring report that was submitted to the City in 2012 included observations made and an indication that 80% of the available on-site parking supply (484 total spaces) was occupied during the peak period of the day. This equates to a

remaining 97 on-site parking spaces that will adequately serve the (new) visitors to the Campus Health Center, without spill-over parking along surrounding streets.

Access restrictions

Primary access to the site for external Campus Health Center patients is proposed at both the entrance at NE Morris Ct going east and the south entrance on NE 132nd Ave. UWS staff expect that most of the patients will use the NE Morris Ct driveway. Intersection sight distance was evaluated at both entrances by the applicant's traffic consultant and was found to meet requirements as defined by the American Association of State Highway and Transportation Officials (AASHTO). There is no compelling reason for PBOT to recommend the restriction or closure of either of these access points.

Neighborhood impacts

A review of the 1997 Hearing's Officer decision imposing the trip cap condition was established to address perceived traffic impacts of the UWS Campus on the surrounding public street system. In particular, it appears that UWS-generated traffic volumes relative to then-current total traffic volumes along local roadways were at issue. The trip cap number itself was developed based on projected trips associated with reductions to be achieved through the TDMP. Based on the public record, the estimated number of trips attributable to UWS was 1,660 average daily trips in 1981 (UWS enrollment of 585 students). Traffic counts conducted in 1995 indicated that approximately 1,800 average daily trips were generated by UWS (even though UWS enrollment was reduced to 450 students and the clinic was open to the general public). The submitted TIS contains additional information (more traffic counts) through the submittal of required annual reports.

The included traffic volumes indicate that the UWS Campus vehicle trip generation has exceeded the trip cap despite implementation of the TDM measures identified in the 1997 Campus Facility Master Plan. In part, the campus has been impacted by Tri-Met service reductions and other factors beyond UWS control (for example, Tri-Met service on Route 23 closest to the campus has been reduced to 70-minute headways). While UWS TDM activities are achieving results and should continue, the on-going monitoring of trips to and from the campus offers little benefit to UWS or the City.

From a practical perspective, the UWS trips in excess of the trip cap have been impacting the transportation system on an on-going basis. The local transportation system continues to operate acceptably as evidenced in part by the satisfactory intersection performance measures including levels of service, delay, and capacity. Further, anecdotal evidence from the community (see letters of support from the area's Neighborhood Association) indicates that the transportation issues highlighted in the 1997 Hearings Office discussion associated with the Master Plan approval are no longer being raised by the surrounding neighborhood residents.

It appears that the 1997 issues reflect a perception that traffic volumes could have grown out of proportion to the neighborhood, cut-through trips and commercialization of the area might have occurred, and the net result would be adverse impacts to the area's livability. Those perceived traffic issues are not apparent under 2013 conditions despite traffic volumes generated by UWS exceeding the trip cap. Further, as was shown above, the proposed Campus Health Center changes will result in no more than a 4% increase in trips at any of the local study intersections.

Considering the evolution of transportation options, the UWS' implementation of key TDM elements, the continued satisfactory operations of the transportation system from a livability perspective, and current Russell Neighborhood Association support, **PBOT recommends** the removal of the requirement of an annual monitoring report stipulated in Condition E of LUR 97-00421 CU MS. To further support this recommendation, PBOT and ODOT have routinely been using trip caps as a tool to address 20-year Transportation Planning Rule

(TPR) requirements when the theoretical trip levels clearly won't be realized and it is prudent to memorialize the intended actual trip generation of the site or where a specific capacity issue is being addressed (Oregon Administrative Rule 660-12-0060 allows for trip caps to address TPR). It should also be noted that, even with this recommended action (elimination of annual reporting), an enrollment cap on UWS will remain in place.

Impacts on pedestrian, bicycle, and transit circulation/safety for all modes

There are well-developed pedestrian facilities along the site frontage and throughout the broader neighborhood, though, not complete along all streets in the vicinity. The NE Pedestrian Trail runs along I-84 and north of the UWS Campus, providing an east-west pedestrian connection. There are identified bike facilities (Portland Bike/Walk Map) in the area including Shared Roadways along NE 132nd Ave, NE Sacramento and NE Stanton. Transit opportunities were identified previously in this response.

The submitted TIS included crash histories for the studied intersections in the vicinity of the site to assess whether intersection safety issues exist. Crash records were obtained from the Oregon Department of Transportation (ODOT) for the most recent five-year period from January 1, 2007 through December 31, 2011.

No crashes were reported at the NE 132nd Ave/NE Sacramento St, NE 132nd Ave/Site Driveway (South), or NE 132nd Ave/NE Morris Ct intersections. The majority of crashes identified – 23 of the 30 (77%) – occurred at the relatively high volume arterial intersections on the periphery of the study area (NE 122nd Ave/NE Siskiyou St and NE 132nd Ave/NE Halsey St). Based on this analysis, no identifiable trends were observed that warrant mitigation based on crashes alone.

PBOT has no reason to believe that the applicant's request will adversely impact any mode of transportation safety or circulation.

Adequate transportation demand management strategies

The following information documents the policies and programs outlined in the 1997 UWS Transportation Demand Management Plan (TDMP) and an evaluation of UWS compliance with them. The TDMP includes four overarching categories, summarized below:

Parking Management

The parking management plan stipulates that all faculty, students, administrators, and staff shall register any and all vehicles or shall register as a transit or pedestrian/bicycle commuter. In addition, the registered vehicles must park in designated UWS parking spaces. UWS has implemented the programs as stipulated in the parking management plan.

Facility Improvements

The TDMP mandates that on-campus facilities accommodate existing and future parking demand, while promoting alternative modes of transportation by providing supporting facilities on-campus. UWS has carpool spaces to promote shared travel and reduce single occupant vehicle trips. Further, UWS has sufficient vehicle parking to accommodate existing parking demand (and as noted previously, more than adequate on-site parking to accommodate the new patients associated with the Campus Health Center) and provides bicycle racks throughout campus.

Incentive Programs

The TDMP specifies various incentive programs to encourage ridesharing and alternative modes of transportation, including preferential parking for registered carpool vehicles, transit passes and bus tickets for students, staff, and faculty, and enforcement of parking regulations. UWS requires employees and students to complete a Commute Declaration Form. While employees typically complete the form when hired and update their form if there are changes, students currently complete the form every quarter. UWS provides bus passes

to employees and students if their Commute Declaration Form doesn't include driving and they select "bus" as a commute mode. UWS currently provides the following incentives:

- Free bus passes to faculty, staff and students;
- Free occasional bus tickets to faculty, staff and students; and,
- Carpool incentives such as designated parking.

Education Program

The 1997 TDMP directs UWS to implement an ongoing education program to inform students, faculty, and staff regarding ridesharing principles and on-campus TDM programs. UWS provides the following education programs:

- Coordination with Tri-Met to promote bus ridership on campus;
- Comprehensive overview of parking and transportation options at new student orientations;
- Campus-wide emails to promote transportation options; and,
- UWS participation in the Bicycle Transportation Alliance Bike Challenge

PBOT recommends that the existing TDMP should be continued to be implemented by UWS.

Upon extensive review and consideration of the substantial evidence that has been submitted into the record, PBOT staff finds that the applicable transportation-related approval criteria of Zoning Code Chapter 33.815 are satisfied. The applicant has clearly demonstrated, utilizing a professionally prepared TIS, and referring to industry accepted practices, analysis and methodology (which PBOT concurs with), that "the transportation system is capable of supporting the proposal in addition to the existing uses in the area". Accordingly, PBOT is also supportive of the applicant's requests associated with this Conditional Use request:

- to re-activate the existing Campus Health Center to provide public outpatient services for up to 30 patients/day; and,
- to delete Condition E of Conditional Use Master Plan Review (LUR 97-00421 CU MS) to remove the daily trip cap stipulated in Exhibit A.4.a, as well as remove the requirement to submit the associated yearly monitoring report to PBOT.

While PBOT recommends deleting Condition E in its entirety, BDS recommends maintaining the element of the condition that requires UWS to maintain a log detailing any complaints from neighbors and how they are resolved. Including this piece of Condition E going forward facilitates continued communication and cooperation between UWS and the neighborhood.

At an October 2013 meeting of the Russell Neighborhood Association (RNA), RNA agreed that UWS and RNA would convene an ad-hoc committee to address any issues that might arise between UWS and RNA. In the event that communication in the ad-hoc committee fails, mediation through the Neighborhood Mediation Center, offered to Portland neighborhood groups by Resolutions Northwest, would be initiated. Toward further promoting communication and cooperation between UWS and RNA, BDS recommends that this process be included as a condition.

With these two conditions of approval, this criterion is met for both proposals.

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 for Proposal #1: The relevant criterion for approval of such review was determined by the 1997 CU MS decision to be Criterion D.2 of the Institutional Conditional Use. ***This criterion is not applicable.***

Findings for Proposal #2: The following service bureaus have submitted comments:

- The Water Bureau has no concerns with the requested Conditional Use Review. They report the following regarding water service to the subject site:

There are two metered services which provide water to this location and they are as follows:

1. 3" service consisting of:
 - a. 2" meter - Serial #20002048, Account #2987373100
 - b. 2" meter - Serial #20002049, Account #2987373100
2. 8" Fire service consisting of:
 - a. 8" FS meter - Serial #NJ081, Account #2981931900
 - b. 8" FS meter - Serial #10166, Account #2981931900

The above listed services are provided water from the existing 8" DI water main in NE 133rd Pl.

The estimated static water pressure range for this location is 63 psi to 79 psi at the existing service elevation of 228 ft.

- The Police Bureau stated they are capable of serving the proposed change at this time. For analysis and recommendations, see Criterion C.2 above.
- The Fire Bureau raised no concerns regarding the proposal. They stated that a building permit may be required for any development associated with this proposal. All applicable requirements of the Fire Code must be met at the time of permit review and development.
- The Bureau of Environmental Services responded that "The conditional use will not result in offsite flows beyond what the existing public infrastructure was designed to accommodate." Additional comments are below:

A. RESPONSE SUMMARY

BES has no objection to the requested conditional use. Note that any new development will be subject to BES standards and requirements during the permit review process.

B. SANITARY SERVICE

1. *Existing Sanitary Infrastructure:*

- a. There is an existing City-owned 8" PVC sanitary sewer along the western boundary of the site in NE 132nd Ave that was constructed in 1991 under BES job # 4386.
- b. As-built drawings for job 4386 indicate that Western States Chiropractic College is connected to this sewer just south of the I-84 freeway via an 8" PVC lateral.
 - 1) The applicant has provided a utility plan confirming the location of the sewer connection.

2. *Service Availability:*

- a. The applicant has provided narrative comparing sanitary flows from the proposed use relative to past uses. The conditional use will not result in offsite flows beyond what the existing public infrastructure was designed to accommodate.

C. STORMWATER MANAGEMENT

1. *Existing Stormwater Infrastructure:*

- a. There are no City-owned storm-only sewers in the vicinity of the subject site.
- b. Several infiltration sumps exist in public rights-of-way around the campus, including three in the intersection of NE Morris Ct and 132nd Ave.

2. *General Stormwater Management Requirements: All development and redevelopment proposals are subject to the requirements of the City of Portland Stormwater Management Manual (SWMM). The SWMM is periodically updated; projects must comply with the version that is adopted when permit applications are submitted. Note that a new version was adopted on January 2nd, 2014. Through April 1, 2014 project designers have the option to use either the 2008 or 2014 versions of the SWMM; beginning on April 2, 2014 project designers must use the 2014 SWMM. The SWMM is available on the BES website here: www.portlandoregon.gov/bes/SWMM.*

3. *It appears that there is no development or redevelopment proposed within this Conditional Use.*

- a. The applicant has provided a documentation of the stormwater system that was designed as part of LU 08-176542 CU and constructed under 09-134959 CO. Onsite infiltration was demonstrated as part of LU 08-176542 CU.
- b. The stormwater system shown on the current Existing Utility Plan is consistent with the system approved and constructed as part of the recent development.

The stormwater disposal system that infiltrates all of the stormwater on property is adequate for the structures and adjacent parking areas that appear to be impacted by the proposed Conditional Use.

D. CONDITIONS OF APPROVAL

BES has no recommended conditions of approval.

The relevant service bureaus anticipate no challenges to meeting the demand created by this proposal with their current service levels. ***This criterion is met.***

E. Area plans. The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings for Proposal #1: The relevant criterion for approval of such review was determined by the 1997 CU MS decision to be Criterion D.2 of the Institutional Conditional Use. ***This criterion is not applicable.***

Findings for Proposal #2: The Cully/Parkrose Community Plan establishes the framework for guiding public and private actions which will shape the future of the community. It was adopted into the City's Comprehensive Plan on August 27, 1986. This community plan defines general design guidelines for the entire community and site guidelines for 12 specific areas. The UWS campus is not included in any of the 12 areas. The nine general design guidelines, which include topics like landscaping, placing utility lines underground, buffering industrial and commercial uses, and creating outdoor meeting spaces, are not relevant to the proposal since no changes are proposed to the exterior or interior of the site or any buildings on the site. ***This criterion is met.***

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.

CONCLUSIONS

All of the relevant approval criteria have been met for the requested Conditional Use. The proposal to reactivate the Campus Health Clinic for up to 30 community patients a day by removing Condition B from the 2008 Conditional Use Review decision will create no interior or exterior changes to existing buildings. The additional trips generated by the new patients will not impact the surrounding transportation network.

The 2008 decision states that phasing out the outpatient use of the existing clinic was “an important consideration in this review to ensure that traffic counts do not exceed the ‘caps’ approved by the 1998 (sic) CU MS. So that transportation-related conditions of approval can continue to be met, a condition of approval to phase out the clinic by February 2010 is warranted for this review.” The current review both removes the trip cap and the condition to close the outpatient portion of the clinic.

The applicant admits that potential traffic impacts were a key concern in the 1997 CU MS process. While trips currently generated by the campus (estimated to be 1,930 vehicle trips per day in January 2012) are over the trip cap by about 26%, the applicant asserts and PBOT agrees that the current number of trips generated by the campus has not had negative impacts on the intersections surrounding the neighborhood. Further, the addition of up to 30 community patients at the clinic, and the associated 60 additional vehicle trips per day, will not negatively impact the performance of the adjacent traffic system. PBOT concludes that “[t]he impact to any given street or intersection is minimal and can reasonably be expected to have a negligible impact on the surrounding street system when distributed consistently with existing traffic and development patterns and transportation facilities.”

While there were concerns regarding traffic and transportation impacts from the university’s operations when the 1997 CU MS was developed, the current data indicates that the anticipated problems have not arisen. Further, reopening the clinic to a limited number of patients from the community will not create traffic impacts. Due to these findings, both proposals should be approved: the clinic should be allowed to accept a limited number of community patients; and the trip cap itself should be removed (along with the associated reporting on parking and traffic to the City of Portland. With conditions, the relevant approval criteria have been met and the proposal should be accepted.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of a Conditional Use Review to remove two conditions from earlier Conditional Use Review approvals:

- Condition E from the City Council decision on LUR 97-00421 CU MS, which stated the following:

The applicant shall submit an annual report to the Office of Transportation –

Transportation Planning section by January 1 of each year with the following information: 1) number of students and parking spaces; 2) occupancy rate of the parking; 3) total vehicle trips (measured on two consecutive weekdays during the fall term when all scheduled classes are in session); 4) a log of any neighborhood complaints and how the complaints were resolved. The annual report shall be prepared by an Oregon Registered Traffic Engineer. If the number of vehicle trips exceeds the trip numbers specified in Exhibit A4a by more than 10% in any year or by more than 5% in any three years, WSCC will be required to apply for a Type III land use review for approval of appropriate modifications to the TDMP portion of the Master Plan necessary to reduce actual daily traffic volumes to the volume levels specified in Exhibit A4a. In addition, student on-campus enrollment shall be "frozen" at its then current level until such time as the modifications to the TDMP shall have received final approval. The criteria for approval of such review shall be Criteria D.2 of the Institutional Conditional Use, the Transportation Element of the Comprehensive Plan but shall require that the actual average daily traffic volumes attributable to the WSCC campus be reduced to or below the trip numbers specified in Exhibit A4a.

Removing Condition E removes the requirement for UWS to submit an annual report to PBOT. It also removes the trip cap of 1,529 trips to and from the campus per day as specified in Exhibit A4a to the 1997 decision.

- Condition B from LU 08-176542 CU AD, which stated, "The Outpatient clinic must be phased out and removed from the campus by February 2010." Removing this condition enables UWS to again open the clinic to community patients.

This decision is subject to the following conditions:

- As part of the building permit application submittal, the following development-related conditions (B through E) must be noted on each of the 4 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 13-196001 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- Within six months of the final decision on this land use review, UWS will coordinate with ONI to complete an on-campus CPTED survey
- UWS will limit the daily number of community patients at the Campus Health Clinic to 30 or fewer.
- UWS will continue its communication with the Russell Neighborhood Association (RNA). If any issues arise between RNA and UWS, the two organizations will form an ad-hoc committee to resolve the issues. In the event that communication in the ad-hoc committee fails, mediation through the Neighborhood Mediation Center, offered to Portland neighborhood groups by Resolutions Northwest, would be initiated.
- UWS will continue to maintain a log of complaints from neighbors and how they are resolved. This log will be available upon request by the City of Portland.

Procedural Information. The application for this land use review was submitted on August 21, 2013, and was determined to be complete on December 16, 2013.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is

complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on August 21, 2013.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: April 15, 2014.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, 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.

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision. The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. 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.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. Appeals must be filed within 14 days of the decision. **Appeals must be filed**

within 14 days of the decision. An appeal fee of \$2,100.00 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000).

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 Chair person 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. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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.

Planner's Name: Amanda Rhoads

Date: January 17, 2014

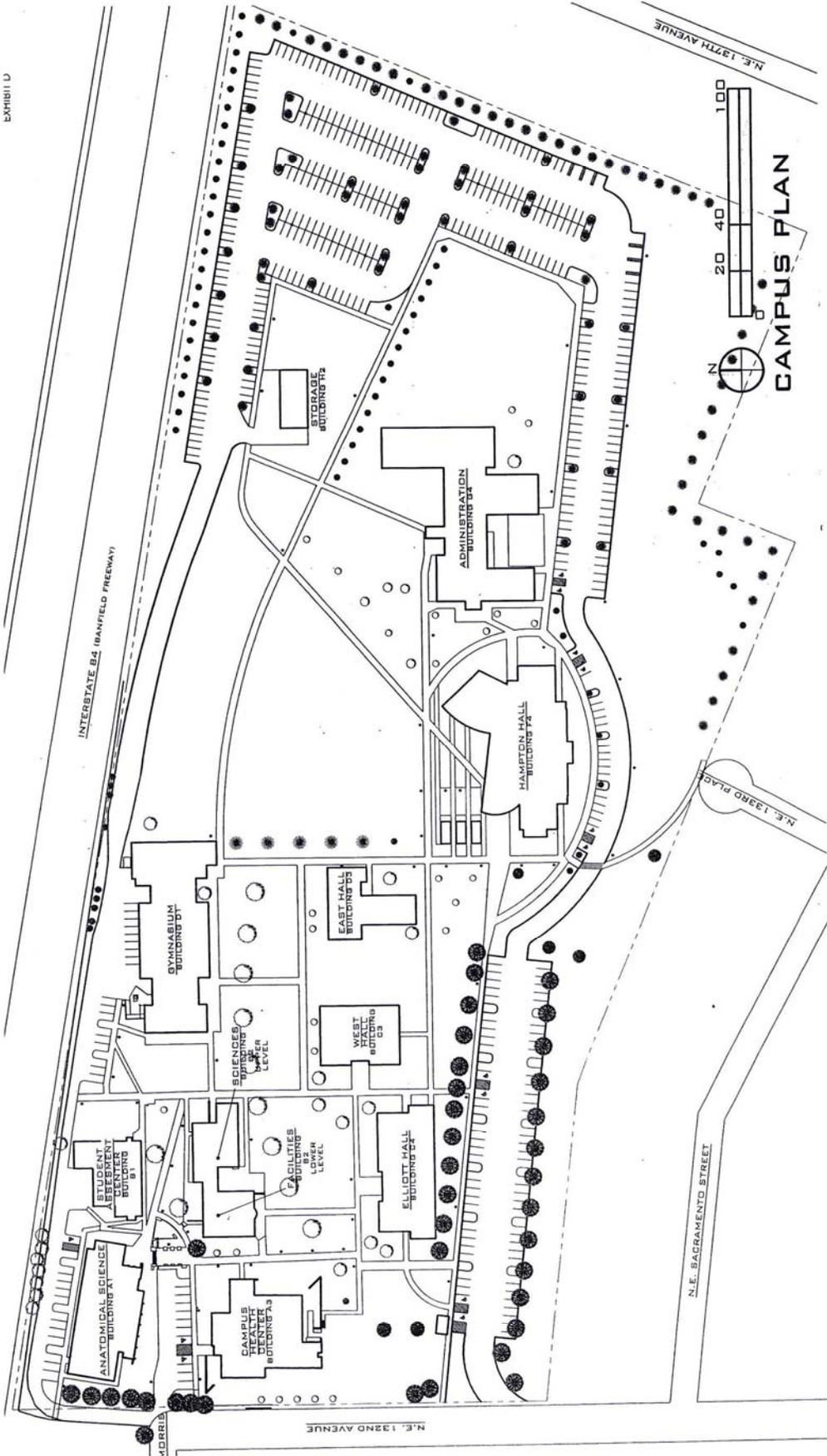
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. UWS Clinic Reactivation Conditional Use Review Application, August 19, 2013
 - 2. Transportation Impact Analysis for External Patient Use of the University of Western States Campus Health Center, November 27, 2013 – FIRST REVISION
 - 3. Applicant Memorandum in response to BDS Incomplete Letter, December 3, 2013
 - 4. Transportation Impact Analysis for External Patient Use of the University of Western States Campus Health Center, January 15, 2014 – SECOND REVISION
 - 5. DKS Associates Memorandum: UWS Traffic Assessment Report, March 22, 2012
- B. Zoning Map (attached)
- C. Plans & Drawings:
 - 1. Campus Site Plan (attached)
 - 2. Campus Health Center Floor Plan
 - 3. Clinic Parking
- D. Notification information:
 - 1. Request for response, December 17, 2013
 - 2. Posting letter sent to applicant, December 20, 2013
 - 3. Notice to be posted, December 20, 2013
 - 4. Applicant's statement certifying posting, December 27, 2013
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Police Bureau
 - 6. Life Safety (Building Code) Plans Examiner
- F. Letters:
 - 1. Christine Ourada, Manager of Shepherd's Door, Portland Rescue Mission, November 12, 2012, submitted as part of Applicant Memorandum December 3, 2013, in support.
 - 2. Karen Fischer Gray, Superintendent, Parkrose School District, November 13, 2012, submitted as part of Applicant Memorandum December 3, 2013, in support.
 - 3. Bonny McKnight representing the Russell Neighborhood Association, November 29, 2012, submitted as part of Applicant Memorandum December 3, 2013, in support.
 - 4. Ron Glanville representing the Russell Neighborhood Association, written November 21, 2013, submitted as part of Applicant Memorandum December 3, 2013, in support.
- G. Other:
 - 1. Original LUR Application
 - 2. Pre-Application Conference Facilitator Summary Memo, February 6, 2013
 - 3. Incomplete Letter, September 17, 2013

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to

the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ORIGINAL ISSUE DATE: 08.08.2011
 REVISION DATE:

UNIVERSITY OF WESTERN STATES
 CLINIC REACTIVATION

CASE NO. LU 13-196001 CU
 EXHIBIT C.1