

TO: Portland City Council  
FROM: Hillsdale Neighborhood Association  
RE: Ida B. Wells Modernization LU 26-026160 CU AD  
Appeal of Hearings Officer Decision  
DATE: September 10, 2026

## INTRODUCTION

The Hillsdale Neighborhood Association (HNA) would like to emphasize its overall support for the replacement of Ida B. Wells High School, which has been an integral part of the community for decades. However, HNA is appealing the Hearings Officer decision to approve the Ida B. Wells High School replacement for not complying with the following Conditional Use approval criteria in Zoning Code sections 33.815.100 and 33.815.105 by not:

1. Requiring a sufficient access easement for Rieke Road
2. Requiring necessary frontage safety improvements along Burlingame Avenue
3. Providing community access to school facilities

### 1. RIEKE ROAD ACCESS

#### REQUESTED MODIFICATION TO THE HEARINGS OFFICER DECISION

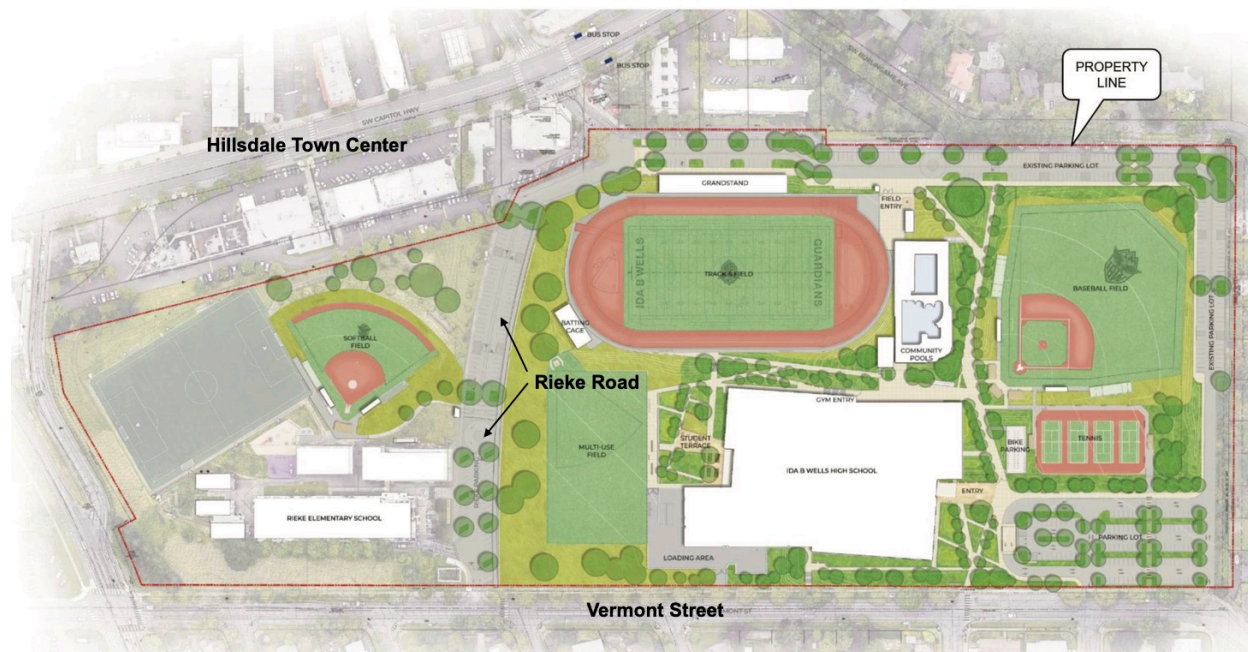
To ensure adequate long-term pedestrian and bicycle access through the site between Vermont Street and Hillsdale via Rieke Road and to provide safer on-site access for students, staff, and visitors, amend Condition D. of the Hearings Officer decision as follows:

*The applicant shall submit the four public access easement agreements consistent with those shown and described in Exhibit A-30 to the City of Portland with the school building permit application for review and approval by the City Attorney. The public access easements must be executed and recorded prior to issuance of the building permit for the school building. The easement agreements will identify the post-construction effective date of public access as well as other essential terms, such as hours of operation and emergency closure restrictions, consistent with Exhibit A-30. The public access easements granted through this project must allow bicycle access for mounted cyclists for routes outside of the fence line, including a modification of Easement 1 to include the Rieke driveway for bicyclists and the east pathway for pedestrians. In addition, the sharrows treatment proposed for the north and east driveways shall also be provided for the Rieke driveway.*

#### RATIONALE FOR THE REQUESTED AMENDMENT

For decades, Rieke Road has not only provided access for Rieke Elementary and Wells HS students, it has also served as a critical pedestrian and bicycle access between Vermont Street and Hillsdale Town Center. With a Vermont Street frontage of well over 2,000 feet, the 35-acre Wells/Rieke property represents a significant neighborhood circulation barrier with Rieke Road providing an invaluable north-south connection (site plan below), which has been recognized in adopted city plans for years. The existing facility includes pathways on both sides of the

driveway for pedestrians and the driveway that allows for bicycle, e-bike, and e-scooter access. It functions like the neighborhood greenways found throughout the city by providing safe on-site circulation for students, district staff, visitors, and local residents.



Site Plan



Rieke Road East Side Path Looking North

HNA is unsure why this debate over Rieke Road access for pedestrians and cyclists began and why it continues. Portland Public Schools (PPS) is willing to grant public access easements and provide safety improvements (e.g., safer crosswalks) for the driveways and pathways on the site's east and north perimeter but has never offered any reasons for its resistance to granting a comparable easement for Rieke Road. This would not create any additional cost to the district or require any modification to its proposed development plan and use of the property. It would simply maintain the safe pedestrian and bicycle access that exists today. The easement condition of approval recommended by PP&D staff, and approved by the Hearings Officer, does

not comply with long standing and clearly articulated city plan designations and policies, relevant pedestrian and bicycle facility design standards, or staff statements in the record.

**Because PPS is unwilling to voluntarily grant an access easement that would allow continued cyclist use of the driveway, we must assume PPS intends to ultimately close this access as shown in its first application submittal (Ex. A-2, Plan Sheet LU L1.03, A-G Exhibits package), forcing all walkers and cyclists to share the existing 6' to 7'-wide east side pedestrian path as a multi-use path, which is subject to periodic encroachment and does not remotely satisfy city standards for this type of facility. It would be equivalent to closing a neighborhood greenway street to cyclists and forcing them to ride the sidewalk on one side of the street.**

## **APPLICABLE APPROVAL CRITERIA**

The relevant approval criteria to the Rieke Road access are listed and addressed in the staff report and Hearings Officer decision:

- Zoning Code Section 33.815.100. A-D, Uses in the Open Space Zone
- Zoning Code Section 33.815.105. A-E, Institutional and Other Uses in Residential and Campus Institutional Zones

Although a Major Public Trail designation follows the Rieke Road alignment through the site, the staff report states that because the new high school will not increase enrollment capacity, it “does not trigger Chapter 33.272 regulations” regarding Major Public Trails (Ex. 6, p. 4).

## **ERRORS AND OMISSIONS IN THE STAFF REPORT**

The Conditional Use review criteria are addressed in the staff report. Rieke Road lies within the OS - Open Space, R7 – Single Dwelling Residential, and IRd – Institutional Residential with Design Overlay zoning districts. Conditional Use approval criteria in 33.815.100 Uses in the Open Space Zone and 33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones also apply. The staff and the Hearings Officer gloss over or fail to properly acknowledge the importance and applicability of several important factors in their analysis of these two Conditional Use code sections as they relate to Rieke Road.

## **Conflicting Depictions of Rieke Road Access Proposed by PPS**

During Design Review and the Conditional Use review, the PPS provided conflicting descriptions of Rieke Road pedestrian and bicycle access in the application narratives and plan exhibits. This was ultimately clarified by PPS in a July 8th memo (Ex. A-30) after the staff report for the Conditional Use was released. In this letter, the district’s description is silent regarding fate of future bicycle access on the Rieke driveway. However, the Hearings Officer continued to rely on the staff report based on outdated information and stating that driveway access for cyclists will continue to be allowed on the driveway without an easement (p. 8 of the Hearings Officer decision).

## **Failure to Recognize and Address Relevant TSP Street Classifications**

Rieke Road is classified in the Transportation System Plan (TSP) as a Neighborhood Walkway and City Bikeway located within a Pedestrian District, but this is not mentioned or evaluated in the staff report (Ex. 6, pp. 8-9) or Hearings Officer decision. In addition, PBOT staff dismissed the TSP and *PBOT Pedestrian Design Guide 2022* as documents that merely “provide valuable context and support long-term aspirations for improved active transportation connectivity (Ex. 54, p. 2).” While staff addresses the other street designations in the same TSP chapter, they concluded the Rieke Road street classifications and other related provisions can be dismissed as dreamy visionary fluff.

## **Failure to Address the Relevant Conditional Use Approval Criteria**

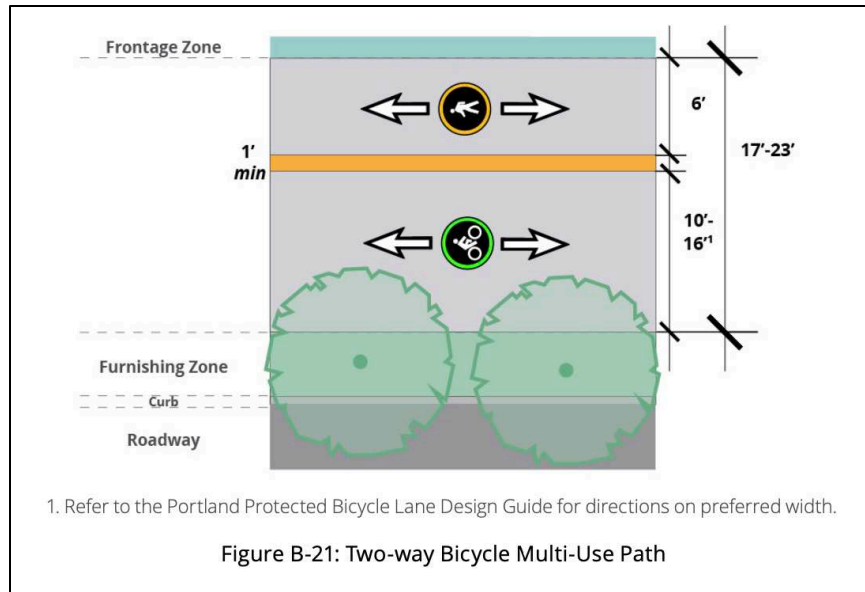
The staff and Hearings Officer failed to acknowledge and address the relevant approval criteria in 33.815.100 and 33.815.105 as they pertain to Rieke Road as explained beginning on page 5.

## **Failure to Adhere to Design Standards in the PBOT Pedestrian Design Guide 2022**

The PBOT *Pedestrian Design Guide 2022* was referred by the staff to the applicant as an “additional city code requirement” in PP&D’s pre-application conference response (Ex. A-6). The staff’s portrayal of this document is consistent with *PedPDX Portland’s Citywide Pedestrian Plan*, which is a planning and strategy document completed in 2019. Although PedPDX doesn’t contain any design standards, it describes the *Portland Pedestrian Design Guide 2022* similarly to the staff pre-application notes – as design standards required of the city and private development:

*The Pedestrian Design Guide integrates a range of pedestrian design criteria and practices into a coherent set of standards that, over time, promote a walkable city. It establishes sidewalk design criteria, including requirements for minimum sidewalk widths, street tree placement, and street corner design at crossings. Every sidewalk or crossing designed and built in the City of Portland is required to conform to these guidelines. These are the standards the City of Portland uses in our own capital projects, and they are the same standards required of private development. City staff ensure these standards are met by private development through the development review process.*

Converting the existing 6’-7’-wide pedestrian walkway to a multi-use path does not satisfy the standards shown in Figure B-21 for a multi-use path (below) in the *Pedestrian Design Guide 2022*. After referring to these standards, it is not apparent why staff and Hearings Officer are so willing to accept the existing east path as an acceptable multi-use path design, when the city’s adopted standards, developed and vetted by multiple transportation professionals, show the existing path to be clearly substandard.



Obviously, there is some design standard flexibility, but the proposal to convert the existing path to a multi-use facility falls well short of what is illustrated in the figure above.

## COMMENTS REGARDING CONDITIONAL USE ANALYSIS ERRORS

The following analysis and commentary can be found in the case file exhibits, and it is consolidated here to facilitate efficient City Council review. Relevant plan designations and policies must be addressed as part of a Conditional Use review, and those germane to this application are highlighted below followed by comments pertaining to the applicable approval criteria in the code. The staff evaluated 33.815.105 first and 33.815.100 second, and this order is maintained below.

### Plan Policies Relevant to Rieke Road

Importance of Rieke Road ped/bike access is clearly articulated in the TSP, Southwest Community Plan, and Hillsdale Town Center Plan, which are all adopted elements of the Comprehensive Plan.

#### **Portland 2035 Transportation System Plan, Chapter 3: Street Classifications**

The analysis by the applicant and staff acknowledge the public street classifications in the TSP, but they neglect to recognize the Pedestrian District designation that includes Hillsdale and the Wells-Rieke campus along with the Neighborhood Walkway (TSP Map D2, p. 120) and a City Bikeway (TSP Map D2, p. 138) designations for Rieke Road. The policy intent of these designations and relevant portions of their improvement descriptions in this TSP Chapter are provided below (emphasis added):

### ***Pedestrian Districts***

*Pedestrian Districts are intended to give priority to pedestrian access in areas where high levels of pedestrian activity exist or are planned, including the Central City, Gateway Regional Center, town centers, neighborhood centers, and transit station areas.*

*Improvements: Pedestrian Districts should be designed to provide a safe and comfortable walking environment for high volumes of pedestrians, with a highly- connected and built-out pedestrian network with relatively low levels of delay at signals and other crossings.*

### ***Neighborhood Walkways***

*Neighborhood Walkways are intended to provide safe and convenient connections from residential neighborhoods to Major City Walkways, City Walkways, and nearby destinations such as schools, parks, transit stops, and commercial areas, primarily using routes that have low levels of motor vehicle traffic or do not allow motor vehicle traffic.*

*Improvements: Neighborhood Walkways should be designed to provide a safe and comfortable walking environment, but may take many forms depending on the context.*

*Design types may include sidewalks, shoulders, shared streets, pedestrian- only paths, multi-use paths, soft-surface trails, and ramps/stairs.*

### ***City Bikeways***

*City Bikeways are intended to establish direct and convenient bicycle access to significant destinations, to provide convenient access to Major City Bikeways and to provide coverage within three city blocks of any given point.*

*Improvements: City Bikeways emphasize the movement of bicycles. Build the highest quality bikeway facilities. Motor vehicle lanes and on-street parking may be removed on City Bikeways to provide needed width for separated-in-roadway facilities where compatible with adjacent land uses and only after taking into consideration the essential movement of all modes. Where improvements to the bicycling environment are needed but the ability to reallocate road space is limited, consider alternative approaches that include property acquisition, or dedication, parallel routes and/or less desirable facilities. On City Bikeways developed as shared roadways, use all appropriate tools to achieve recommended performance guidelines.*

## **Portland 2035 Transportation System Plan, Chapter 2: Goals and Policies**

In addition to the above TSP designations, the following modal policies in Chapter 2 are relevant:

- ***Pedestrian transportation:*** *Encourage walking as the most attractive mode of transportation for most short trips, within neighborhoods and to centers, corridors, and major destinations, and as a means for accessing transit.*
- ***Pedestrian networks:*** *Create more complete networks of pedestrian facilities, and improve the quality of the pedestrian environment.*
- ***Pedestrian safety and accessibility:*** *Improve pedestrian safety, accessibility, and convenience for people of all ages and abilities.*
- ***Bicycle transportation:*** *Create conditions that make bicycling more attractive than driving for most trips of approximately three miles or less.*

- **Accessible bicycle system:** *Create a bicycle transportation system that is safe, comfortable, and accessible to people of all ages and abilities.*

The TSP's Centers Policy regarding accessibility also applies:

**Accessibility:** *Design centers to be compact, safe, attractive, and accessible places, where the street environment makes access by transit, walking, biking, and mobility devices such as wheelchairs, safe and attractive for people of all ages and abilities.*

### **Southwest Community Plan**

There are multiple policy statements in support of walking and bicycling in this plan. They are noted in the staff's Conditional Use analysis but not properly addressed as described under 33.815.105 below.

### **Hillsdale Town Center Plan**

Map II-T Adopted Transportation Elements map shows Rieke Road as a "Pedestrian Route" within the "Hillsdale Pedestrian District" that includes the Wells-Rieke campus, but it is not recognized or addressed in the staff analysis. The remaining applicable policy directives are noted in the Conditional Use analysis but not properly addressed as noted in the following sections.

## **Conditional Use Review for IR-Zoned and R7-Zoned Portion of the Site**

### **33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones**

#### **D. Public services**

1. *The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan.*

#### **Comment:**

The staff findings, which were incorporated into the Hearings Officer decision, and in the PP&D Transportation review (Exhibit E-2) identify the surrounding street classifications, but they neglect to acknowledge the street classifications for Rieke Road in the same TSP chapter, which are described above.

The analysis is deficient because it disregards the policy direction for the Pedestrian District, Neighborhood Walkway, and City Bikeway designations and gives no consideration to the negative impact of forcing bicycles, e-bikes, and scooters from the driveway to a pedestrian path with a usable width of 5'-6'. As noted above, these plan designations call for providing a high-quality, safe, and comfortable facility – not one that is clearly substandard. This represents a significant degradation of the existing pedestrian and bicycle access that Rieke Road currently provides for students, staff, visitors, and public.

2. *Transportation system*

- a. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated.*

**Comment:**

The staff report talks about “substantial” pedestrian and bicycle improvements, which is generally true across the site, but it doesn’t acknowledge that the changes proposed for Rieke Road would direct all walkers and bicyclists onto a totally substandard facility, which will not be nearly as safe or comfortable as the existing condition.

Under connectivity and impact on pedestrian and bicycle circulation, the report states “... bollards that will block north/south through vehicle access adjacent to Rieke Elementary will allow through access for cyclists.” This statement isn’t consistent with the final PPS access description dated July 8, 2026 (Exhibit A-30), which shows all cyclists routed onto the east path. When talking about Rieke Road, staff also acknowledges “...a strong desire for through connection that allow public access even if they are not built to the Major Public Trail standard.” It is not clear what staff reference means, and more important, it had already been settled that Section 33.272 Major Public Trails doesn’t apply, and what needs to be addressed are the applicable Conditional Use criteria and not the Major Public Trails designation.

In the “2<sup>nd</sup> Land Use Review Response, Response to Public Comments Transportation,” dated July 1, 2026 (Exhibit E-3), PP&D transportation staff describes why the Rieke Road access is so important for bicyclists, and they should not be required to dismount as originally proposed by PPS. But then the staff concludes that provided cyclists can ride on the east path, the connectivity standards would be satisfied even though it does not remotely comply with the city’s standards for multi-use paths.

The staff doesn’t explain its willingness to ignore the *Portland Pedestrian Design Guide 2022*, which they referenced in the pre-application notes as relevant city standards. Now, the staff and Hearings Officer overlook applicable city standards and accept a significant downgrade of the existing Rieke Road access that will force walkers, cyclists, e-bikes, and e-scooters onto a totally deficient multi-use path. The staff, Hearings Officer, and PPS also don’t consider the adverse impact to on-site circulation and safety for students, school staff, and visitors this presents. **The impact of forcing everyone from the current access arrangement, which complies with city standards, to a substandard path represents a significant negative impact that is not addressed or justified in the record.** Given PPS’ refusal to grant an easement for the path and driveway, it’s reasonable to assume driveway will be closed in the future.

- b. *Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management*

*improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;*

**Comment:**

The Hearings Officer (and PPS testimony) refer to Section 33.815.105 B.2.b., which doesn't exist. Staff and HNA agree the intent was to reference either 33.815.100 B.2.b or 33.815.105 D.2.b. that are both the same. As mentioned herein, HNA only seeks to retain the existing accessibility offered by Rieke Road into the future. Because no improvements or limitation to the existing and proposed use of the property are necessary, an easement would be proportional and would maintain today's safe and functional access.

***E. Area plans and consistency with the Hillsdale Town Center Plan and Southwest Community Plan***

The staff identifies the applicable policies in the Hillsdale Town Center Plan including three that are particularly relevant to Rieke Road:

- ***Policy 1 (Land Use), Objective 1:*** *Encourage development that results in Hillsdale being a convenient and attractive place for individuals to walk, bike, socialize, commute from, and do business.*
- ***Policy 2 (Transportation), Objective 2:*** *Create a pedestrian-, bicycle-, and transit-friendly network to improve connections throughout Hillsdale.*
- ***Policy 6 (Environment and Recreation), Objective 2:*** *Expand and complete the pedestrian trail system.*

Staff also identified applicable policy statements from the Southwest Community Plan including:

- ***Land Use and Urban Form Policy, Objective 8:*** *Support efficient utilization of public lands for achieving compatible multiple objectives, where appropriate.*
- ***Public Facilities Policy, Objective 3.*** *Ensure that the provision of new public facilities maintains or enhances the functions of existing public facilities.*
- ***Transportation Policy, Objective 1:*** *Support the development of pedestrian facilities, including safe crosswalks, identified in the Pedestrian Master Plan and the SW Trails maps on arterials and local streets, at major intersections and bus stops, on unimproved rights-of-way, and across public and private lands where appropriate to provide connections between residential areas and activity centers.*
- ***Transportation Policy, Objective 2:*** *Enhance access for bicyclists by developing and completing bicycle facilities on designated bikeways within and to activity centers and by adding public bicycle parking where needed.*

**Comment:**

The PPS application and staff analysis never mention that the east side path is only about 7' wide (5'-6' clear due to vehicle/vegetation encroachment) or that converting this pedestrian route into a multi-use path without the necessary widening for such a facility is totally inconsistent with any applicable PBOT standards. The staff findings simply state that pedestrian and bicycle access will be available through the site and erroneously conclude that directing pedestrians and cyclists on the narrow east path offers the same level of quality and safety as a

neighborhood greenway level of access with the driveway for bikes and path for pedestrians. This is as preposterous as claiming that an annual household income of 50K is just as good as 100K! PPS apparently recognized the safety issue of mixing pedestrians and bicyclists on east side path by initially proposing in an April 16, 2026 letter (Ex. A-26, Bike and Vehicle Diagram) that bicyclists would be required to dismount and walk the approximate 800' distance! At staff's insistence, mounted cyclists are proposed to be allowed per Condition D, but on a path of woefully deficient width.

The proposed downgrade of pedestrian and bicycle access does not satisfy the applicable city plan policies in the TSP and Hillsdale Town Center Plan because the constrained pathway will be less "attractive" for pedestrians and cyclists, and it will degrade an existing connection rather than "improve" it. Also not mentioned in the staff report is Map II-T Adopted Transportation Elements on p. 47 of the Hillsdale Town Center Plan, which shows Rieke Road as a Pedestrian Route. While it will not be eliminated, it will be of significantly reduced functionality and safety for students, staff, visitors, and public.

The Southwest Community Plan also is not satisfied because:

- Diminishing the quality of the existing pedestrian and bicycle route doesn't support "efficient utilization of public land for achieving compatible multiple objectives," which in this case are to provide safe access for campus on-site and neighborhood circulation.
- The Rieke Road proposal reduces the functionality and safety of a pedestrian connection "between residential areas and activity centers."
- And most important, it is contrary to Public Facilities Objective 3 by downgrading and not enhancing the functions of existing public facilities.

## **Conditional Use Review for OS-Zoned Portion of the Site**

### **33.815.100 Uses in the Open Space Zone**

#### **A. Character and impacts**

1. *The proposed use is consistent with the intended character of the specific OS zoned area and with the purpose of the OS zone;*

The staff findings state that "public access easement would ensure several pedestrian and bicycle connections into and through the site would be maintained, both for users of the site and the public."

#### **Comment:**

This is not true for Rieke Road where the existing access would be degraded by forcing cyclists from the driveway to share the east path with pedestrians.

#### **B. Public services**

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

#### **Comment:**

The staff analysis does not address the following relevant modal policies in the TSP 2035:

- ***Pedestrian transportation:*** Encourage walking as the most attractive mode of transportation for most short trips, within neighborhoods and to centers, corridors, and major destinations, and as a means for accessing transit.
- ***Pedestrian networks:*** Create more complete networks of pedestrian facilities, and improve the quality of the pedestrian environment.
- ***Pedestrian safety and accessibility:*** Improve pedestrian safety, accessibility, and convenience for people of all ages and abilities
- ***Bicycle transportation:*** Create conditions that make bicycling more attractive than driving for most trips of approximately three miles or less.
- ***Accessible bicycle system:*** Create a bicycle transportation system that is safe, comfortable, and accessible to people of all ages and abilities.

It also does not address Centers Policy regarding accessibility:

***Accessibility:*** Design centers to be compact, safe, attractive, and accessible places, where the street environment makes access by transit, walking, biking, and mobility devices such as wheelchairs, safe and attractive for people of all ages and abilities.

The proposed new access arrangement for Rieke Road is contrary to these policies because it will convert a safe and functional neighborhood greenway style facility into a substandard multi-use path that will be less “attractive” and not as safe “for people of all ages and abilities.” **The proposed pedestrian and bicycle access for Rieke Road is contrary to the TSP’s policy direction to make pedestrian and bicycle facilities better, not worse.**

2. *Transportation system:*

- a. *Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;*

***Comment:***

While the proposed replacement of the high school does not create additional transportation demands that require mitigation, the proposal to reduce the quality and adequacy of the existing Rieke Road driveway and path, by forcing cyclists from the driveway to the pedestrian pathway, constitutes a negative impact to the area’s existing active transportation network. This must be addressed by either: 1) rescinding this proposal and maintaining the status quo that allows cyclists on the driveway and pedestrians on the east path; or 2) converting the east side path into a properly designed multi-use pathway. What is most important here regarding proportionality is the first option to simply expand the Rieke Road easement to include the driveway in addition to the path would have no adverse impact on PPS because the existing facilities comply with city standards and would require no improvement or modification to the district’s development plan. The easement would simply retain the safe and comfortable access and on-site circulation that is currently available for pedestrians and cyclists.

- b. *Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;*

**Comment:**

As mentioned herein, HNA only seeks to retain the existing accessibility offered by Rieke Road into the future. Because no improvements or limitation to the existing and proposed use of the property would result, an easement would be proportional and would maintain today's safe and functional access.

**D. 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.*

**Comment:**

As noted above, the proposal is inconsistent with several elements of the Hillsdale Town Center Plan and the Southwest Community Plan.

### **Hearing Officer Decision Regarding Rieke Road Proportionality**

In addition to incorporating the above deficiencies and inadequate findings in the staff report, the Hearings Officer decision accepts the PPS argument that a proportionality rule adopted exclusively to administer 33.272 Major Public Trails continues to apply despite the fact this code section is not applicable because the high school's enrollment capacity will not change. This is evident in the staff report where 33.272 is mentioned but not listed as a relevant code section for evaluating the application. This administrative rule was adopted to only apply to proportionality issues pertaining to 33.272 Major Public Trails. If it was to apply to all of Title 33, as alleged by PPS, it would have been so described (Ex. 81, p. 1, excerpt below). Certainly, proportionality must be followed to comply with current land use law, but the city isn't bound by the specific provisions of this rule for determining proportionality related to other sections of Title 33, such as the Conditional Use approval criteria.



City of Portland  
Bureau of Development Services

1900 SW Fourth Avenue, Suite 5000  
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**PERMANENT ADMINISTRATIVE RULE**

July 10, 2018

**RELATING TO**  
**Title 33.272 Major Public Trails**

**FOR INFORMATION CONTACT**  
BDS Land Use Services (503) 823-7526

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**TITLE: Determination of Rough Proportionality for Major Public Trail Requirements**

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Exhibit 81 Front Page Excerpt

The Major Public Trail designation on Rieke Road is not relevant, and the applicable regulatory rationale to provide a safe and functional pedestrian and bicycle access on Rieke Road is found in the Conditional Use approval criteria in 33.815.100 and 33.815.105; the Neighborhood Walkway, City Bikeway, and Pedestrian District designations in the TSP; other plan designations and policies; and the *PBOT Pedestrian Design Guide 2022*. For the reasons stated above, the proposed amendment to Condition D. of the Hearings Officer decision is clearly necessary to comply with these provisions.

PPS, the staff, and Hearings Officer have taken inconsistent positions regarding the provision of pedestrian and bicycle improvements and easements. PPS is willing to dedicate easements for the east and north driveways along with other crossing and walkway improvements to enhance safety for students and the public without a complaint regarding proportionality. But without explanation, it is objecting to providing a comparable easement for Rieke Road to ensure continuation of safe student and public access on this route, which is fundamental for maintaining neighborhood accessibility called for in the Hillsdale Town Center Plan and the TSP.

## **2. BURLINGAME FRONTAGE IMPROVEMENTS TO MAINTAIN PEDESTRIAN SAFETY**

### **REQUESTED MODIFICATION TO THE HEARINGS OFFICER DECISION**

The approval should be conditioned as follows:

*Prior to issuance of final occupancy for the Ida B. Wells High School replacement project, Portland Public Schools shall provide and maintain a safe, accessible, off-street pedestrian connection at the east campus entrance along the SW Burlingame Avenue frontage. The connection shall preserve the existing pedestrian route between SW Burlingame Avenue and the existing campus path system and shall not require pedestrians to walk in the street along PPS property*

HNA is appealing the Hearings Officer's decision to approve the Ida B. Wells High School replacement for not complying with the Conditional Use approval criteria in Zoning Code sections and 33.815.105 (C—Livability-Safety) and (E-Area Plans) by not requiring necessary frontage safety improvements along SW Burlingame Avenue. The Hearings Officer erroneously treated the Burlingame sidewalk issue as a request for a new improvement. HNA is instead asking that PPS maintain the existing level of pedestrian safety and not make SW Burlingame Avenue less safe for pedestrians than it is today.

### **RATIONALE FOR THE REQUESTED AMENDMENT**

PPS is proposing to replace an existing safe pedestrian path at the east entrance to the campus on SW Burlingame Ave. with landscaping. The Hearing Officer's findings are in error for not requiring PPS to provide or maintain a safe route at this location to comply with safety needs and with approved Area Plans—Hillsdale Town Center Plan and SW Community Plan.

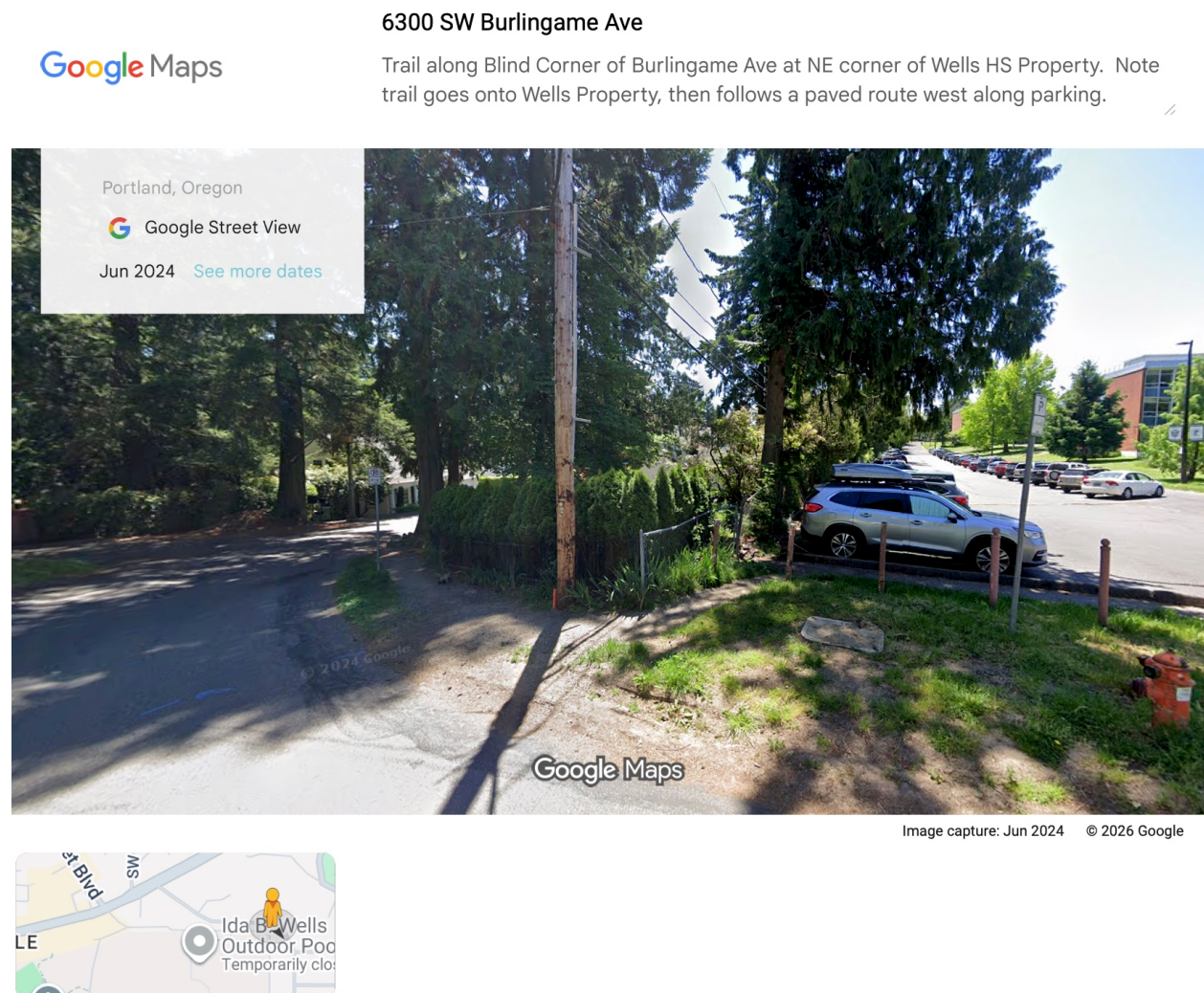
An off-road pedestrian route from the east onto PPS property currently exists and is very heavily used. It provides a Safe Route to School route to Rieke and Robert Gray schools, as well as being the shortest and safest connection to the Hillsdale commercial area, Wells Pool, the soccer field, and the Hillsdale Farmers Market.

The current PPS plan would remove this safe route and instead require pedestrians—including children—to walk in the street along PPS property. Safety for pedestrians could be maintained by building a short segment of sidewalk on the public right of way along the PPS frontage, or by modifying the existing conditions at a lower cost.

Children should not be forced to walk in the street when a low-cost solution could preserve a safe off-road route. Adopting such a solution may even save PPS construction dollars.

PPS plans landscaping in the northeast corner of the property, which would require removing the existing asphalt paving. Instead of removing the asphalt paving, a practical, lower-cost solution is to remove the curb and widen the path on existing asphalt to 6 feet and we have a safe, off-street pedestrian route connection to the existing path everyone uses. This approach could save PPS construction costs by not having to remove and process the existing asphalt and by reducing the area of landscape to be maintained in the future.

The current walking route and street conditions are shown in the images below:



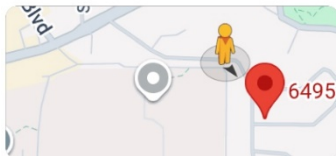


## 6298 SW Burlingame Ave

Current entrance to PPS is at corner at left. Walkers walk on PPS property west along the parking barrier. Never on street in this area.



Image capture: Jun 2024 © 2026 Google



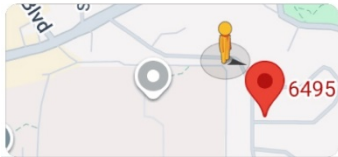


### 6298 SW Burlingame Ave

3 PPS plans to require children to walk in the street. We seek a short sidewalk to connect the trail to the new entrance prox at right.



Image capture: Jun 2024 © 2026 Google



Narrow street—20 feet wide.

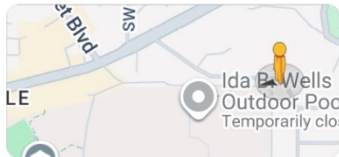


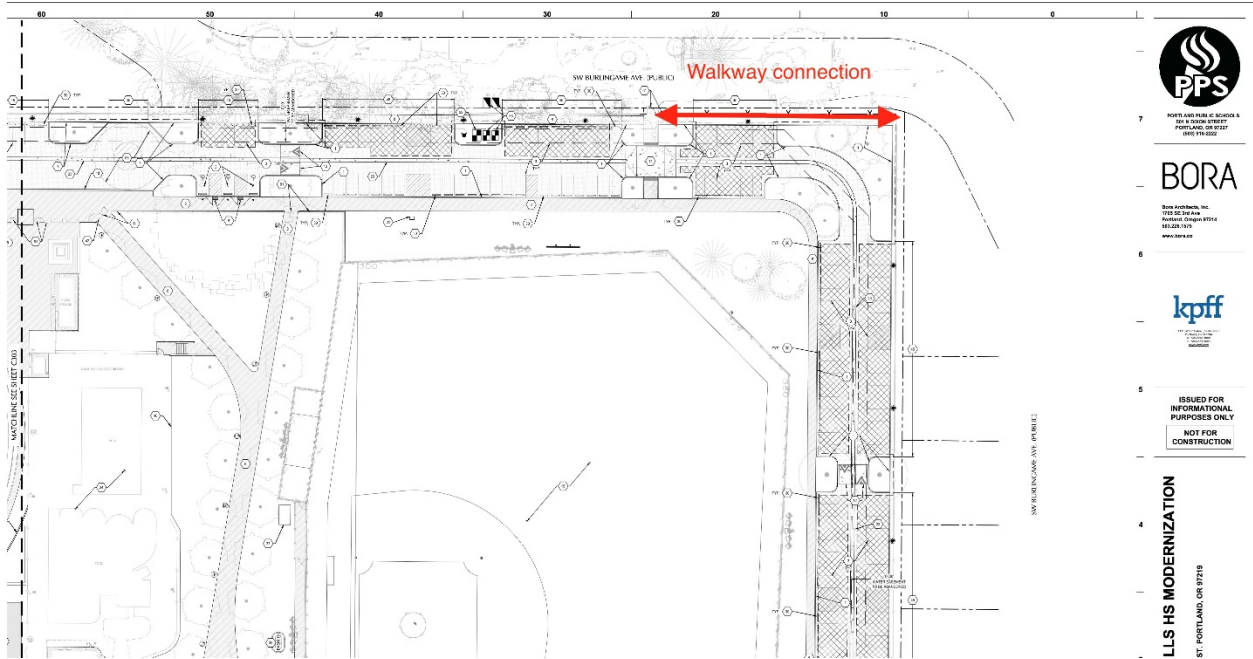
### 6310 SW Burlingame Ave

NE Corner of PPS is at left beyond pole. This is where PPS asks children to walk in the street. They need a short sidewalk to new entrance.



Image capture: Jun 2024 © 2026 Google





The red line shows the needed sidewalk.



The tape measure in foreground shows the width of the needed asphalt path.

### **3. COMMUNITY ACCESS TO SCHOOL FACILITIES**

The plans for Ida B. Wells modernization will transform the campus, a long-standing community resource, into a barrier that residents must navigate around rather than a space we can share and use.

All athletic facilities (baseball, tennis, track, softball) will be fenced and gated, including the practice field. No guarantees have been made for public access when not in use by the school, so we must assume that in the future PPS intends to deny public access. The plans also include a new courtyard, open to the west and adjacent to the fenced practice field, that will not be available for public use at any hour of the day or during the summer. Public access to the Wells campus will be largely limited to the periphery, with a walkway through campus that will be open only outside of school hours.

The volume of testimony from those who want campus spaces to remain open to the public on a casual basis and not through a reservation system indicates that the Staff report finding no conflict with adopted area plans does not achieve the balance required.

The need to provide security for students and staff during the school day is understandable, but excluding neighbors from these spaces after school hours exceeds those needs.

The issue of access, fencing and gates stands to become more important to residents all over Portland as elementary and middle schools are modernized or improved. Hillsdale holds three schools in the PPS system, the grounds of all of which contribute significantly to the outdoor resources in this community.

#### **REQUESTED MODIFICATION TO THE HEARINGS OFFICER DECISION**

Condition: Community Access to Campus Open Space and Recreational Facilities

*To ensure consistency with the Hillsdale Town Center Plan and the Southwest Community Plan, the applicant shall provide continued public access to outdoor campus open-space areas and recreational facilities, including the athletic fields, track, practice field, courtyard, and tennis courts, during non-school hours when those areas are not reserved for school activities, athletics, maintenance, or other authorized uses. Such access shall include casual, non-organized community use and organized activities through the existing reservation process.*

This condition would not require unrestricted access or interfere with PPS's ability to secure the campus during school hours, perform maintenance, schedule school activities, or manage authorized athletic use. It would preserve the longstanding community function of the campus and provide the balance required by the applicable Area Plans.

#### **RATIONALE FOR THE REQUESTED AMENDMENT**

The Hearings Officer treated the requested condition to preserve community access as an improper requirement that PPS relinquish control of its property. That framing does not address the distinct question presented by PCC 33.815.105(E): whether the proposed conditional use, with appropriate conditions, is consistent with the applicable Area Plans.

The Hillsdale Town Center and SW Community Plan Area Plans, adopted by City Council, were developed following significant public engagement and outreach by grassroots groups of local residents and City staff. Approval of the PPS Conditional Use application sweeps away long-term objectives for our community developed through a legitimate legislative process.

City Council should modify the approval to include a condition that preserves reasonable community access while allowing PPS to retain control of the campus and address school security, maintenance, scheduling, and authorized uses.

## **APPLICABLE APPROVAL CRITERIA**

### **Area Plan Consistency and Community Access to Campus Open Space**

The Hearings Officer's decision should be modified because it does not adequately address whether the proposed conditional use is consistent with the applicable Area Plans, as required by Portland City Code 33.815.105(E).

The applicable Area Plans for the Ida B. Wells High School site are the Hillsdale Town Center Plan and the Southwest Community Plan. These Plans include policies and objectives addressing community facilities, open space, use of school campuses, the needs of people of all ages, and safe pedestrian and bicycle access. The Staff Report identifies these plans as applicable, but its findings focus principally on pedestrian and bicycle easements and on the benefit of the replacement school building. They do not adequately address the Plan policies that concern continued community use and enjoyment of the campus's outdoor spaces.

### **Hillsdale Town Center Plan**

The Staff Report concludes that proposed easements around and through the property satisfy relevant pedestrian and bicycle access objectives. Those easements are welcome, but they do not provide access to the campus's primary outdoor open-space and recreational facilities, including the athletic fields, track, practice field, courtyard, and tennis courts.

The applicable Hillsdale Town Center Plan policies and objectives also address promoting a sense of community, developing community facilities that meet the needs of people of all ages, retaining the area's green and open character, and broadening the use and enjoyment of local parks and school campuses. The decision does not explain how these policies are met if the public loses the ability to use campus outdoor spaces on a casual basis outside school hours. The continuation of a reservation system for organized activities does not resolve this issue. Reservations may require advance planning, available scheduling, and payment of fees. They serve organized groups, but do not preserve the informal neighborhood use that has historically

occurred on the campus. The Area Plan policies support broad community benefit from school campuses and public facilities, not only access by groups able to reserve and pay for facilities.

### **Southwest Community Plan**

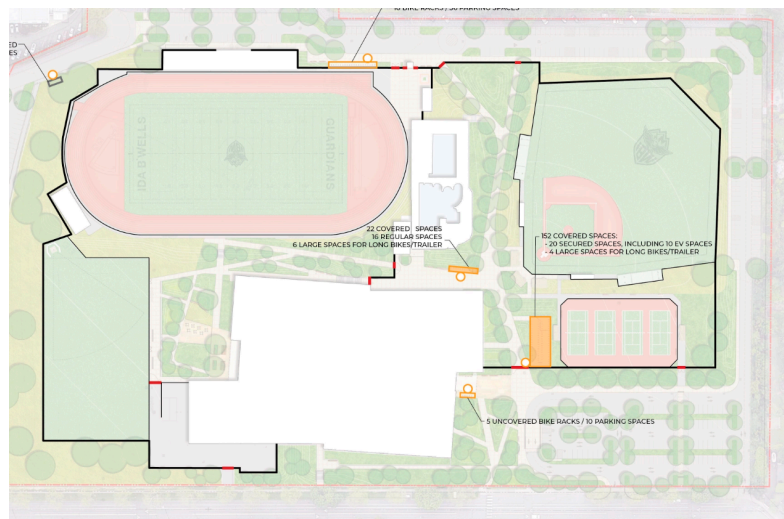
The Southwest Community Plan similarly calls for maintaining or enhancing the functions of existing public facilities, achieving multiple community objectives, and supporting safe pedestrian and bicycle access.

Modernization of the school building is an important public benefit, but loss of community access to substantial campus open space is neither maintenance nor enhancement of the campus's existing function as a community resource. The project can meet multiple objectives: it can provide a modern and secure school during school hours while also preserving reasonable public access to outdoor facilities during non-school hours.



### Existing Conditions

This screenshot shows the extent of the outdoor spaces currently accessible to the public: Baseball field, practice field, tennis courts, east courtyard, garden, west side of school.

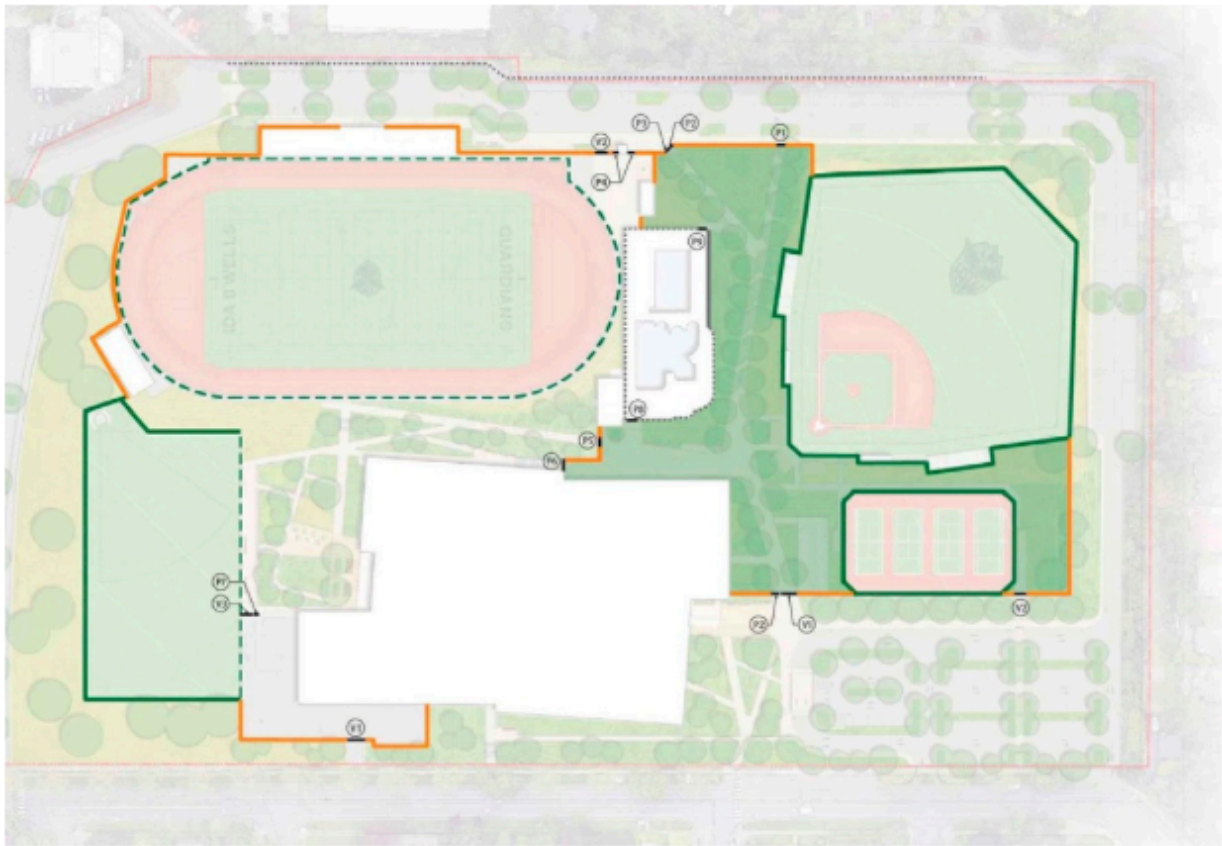


### After Construction

Everything inside the black line will be fenced with access controlled by time lock gates. The Gates and Fences

Legend indicates that the gate to the track will be open outside of school hours, however, we have no assurances that in the future the track will remain accessible. The

Legend also indicates that the gate to the through-campus pathway will be open after school hours. All other outdoor spaces (ball fields, practice field, courtyard, tennis courts) will be off-limits to the public.



## Fencing and Gates Plan

| LEGEND    |                                                                                                                                                     |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| .....     | EXISTING CHAIN LINK FENCE                                                                                                                           |
| —————     | ATHLETIC FENCING                                                                                                                                    |
| —————     | 6' NO CLIMB FENCE                                                                                                                                   |
| —————     | CHAIN LINK FENCE (MATCH EXISTING)                                                                                                                   |
| -----     | 4' CROWD CONTROL FENCE                                                                                                                              |
| GATE TYPE |                                                                                                                                                     |
| (P1)      | 8'-6" ORNAMENTAL PEDESTRIAN 180° DOUBLE HINGED SWING GATE, WITH PANIC HARDWARE. GATE LOCKED DURING SCHOOL HOURS, UNLOCKED AND OPEN ALL OTHER HOURS. |
| (P2)      | 4'-3" ORNAMENTAL PEDESTRIAN SINGLE HINGED SWING GATE, WITH PANIC HARDWARE. GATE LOCKED DURING SCHOOL HOURS.                                         |
| (P3)      | 6'-0" ORNAMENTAL PEDESTRIAN 180° SINGLE HINGED SWING GATE, WITH PANIC HARDWARE. GATE LOCKED AT ALL HOURS, UNLOCKED AND OPEN FOR EVENTS.             |
| (P4)      | 4'-3" ORNAMENTAL PEDESTRIAN 180° SINGLE HINGED SWING GATE, WITH PANIC HARDWARE. GATE LOCKED DURING SCHOOL HOURS, UNLOCKED AND OPEN ALL OTHER HOURS. |
| (P5)      | 10'-0" ORNAMENTAL PEDESTRIAN 180° DOUBLE HINGED SWING GATE, WITH PANIC HARDWARE. LOCKED AT ALL HOURS, UNLOCKED AND OPEN FOR EVENTS.                 |
| (P6)      | 8'-0" ORNAMENTAL PEDESTRIAN DOUBLE HINGED SWING GATE, WITH PANIC HARDWARE. GATE LOCKED AT ALL HOURS, UNLOCKED AND OPEN FOR EVENTS.                  |
| (P7)      | 4'-3" ORNAMENTAL PEDESTRIAN SINGLE HINGED SWING GATE, WITH PANIC HARDWARE. GATE LOCKED AT ALL HOURS, EMERGENCY EXIT.                                |
| (P8)      | 4'-3" CHAINLINK PEDESTRIAN SINGLE HINGED SWING GATE. OPEN ON POOL OPERATIONAL HOURS                                                                 |
| (P9)      | 4'-3" CHAINLINK PEDESTRIAN SINGLE HINGED SWING GATE. LOCKED AT ALL HOURS, EMERGENCY EXIT                                                            |
| (V1)      | 22' ORNAMENTAL VEHICULAR MANUAL ROLL GATE. GATE OPEN FOR PICK / DROP OFF SERVICES AND EMERGENCY VEHICLES.                                           |
| (V2)      | 12' ORNAMENTAL VEHICULAR DOUBLE HINGED SWING GATE, LOCKED AT ALL HOURS. EMERGENCY AND SERVICE VEHICLES ONLY.                                        |
| (V3)      | 15' ORNAMENTAL VEHICULAR SINGLE HINGED SWING GATE. LOCKED AT ALL HOURS, EMERGENCY, FIRE ACCESS AND SERVICE VEHICLES.                                |

## Fencing and Gates Plan Legend