



UNIVERSITY OF OREGON

Dear Associate Planner Nick Gioello:

We are writing to you as the current and immediate past presidents of the University of Oregon Senate, regarding the pending Conditional Use Permit application from the UO administration for the North Campus property. The UO Senate is an elected body with representation from faculty, staff and students at UO. At our March 14th 2018 meeting (when Chris Sinclair was President) the Senate approved the resolution appended below. Resolutions are non-binding expressions of the Senate's opinion.

Summarizing, the "whereas" clauses of this resolution recap the history of Senate participation in North Campus decision making, note the inadequacy of public notice and opportunities for participation before the university's decision to go forward with this CUP application, and note the importance of the area north of the railroad tracks for UO classes in ecology, as wildlife habitat, and as a natural amenity of benefit to the university and the broader community.

The "be it resolved" clauses of the resolution call for the university administration to divide the CUP into two parts, north and south of the tracks, and file this application only for the part south of the tracks (of which it is generally agreed that there are pressing needs requiring a CUP) until there has been more opportunity for public input on whether or not to allow buildings and lighted artificial turf athletic fields north of the tracks. The resolution goes on to say that

"... if the City of Eugene determines that the Riverfront property portion cannot be withdrawn from consideration under the present North Campus CUP application, the Senate requests that the entire CUP application be withdrawn and the North Campus Plan re-envisioned."

As you know there has been conflicting advice on whether or not such a division would create greater legal and procedural challenges than proceeding with a unified CUP, however we have not heard any claims that it could not be done.

That said the Senate's resolution is directed to the university administration, not to the City. Normally in such a situation we would go back to the Senate for advice on how to proceed. However, the public input session is scheduled for Sept 12th. Most UO faculty are not paid over the summer, and many are out of town until Sept 15th. Classes do not begin until Sept 24th, and so students are scarce. The Senate does not meet until October 3rd.

In short, Sept 12th is a bad time to schedule a meeting seeking public input on a matter of concern to the university community. Given this situation we submit this letter, the resolution, and the minutes of the Senate meeting approving this resolution, appended below.

(signed)

UO Senate President Bill Harbaugh
Immediate Past UO Senate President Chris Sinclair

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UO Senate Resolution: Withdrawal of the North Campus Conditional Use Permit

<http://senate.uoregon.edu/entry/?Motions=US17/18-14>

Section I

1.1 WHEREAS the University of Oregon has submitted an application for a Conditional Use Permit (CUP) from the City of Eugene that would allow future development of North Campus, including the construction of multiple buildings, roads, and playing fields on the University's riverfront property located between the railroad tracks and the Willamette River ("the Riverfront") (Ref. 1); and

1.2 WHEREAS the Senate recognizes that the University has pressing need for improvements and developments south of the railroad tracks, but that the proposed facilities north of the tracks are not urgent, being contingent only on possible future increased student enrollment levels; and

1.3 WHEREAS the Senate recognizes the special nature of the Riverfront in that, for more than thirty years, the university community has repeatedly opposed various development scenarios for the Riverfront, as demonstrated by three University Senate resolutions, an ASUO Student Senate resolution, and five lawsuits (three involving UO faculty and two involving UO students) (Ref. 2); and

1.4 WHEREAS the University of Oregon Mission Statement proclaims that "We value the unique geography, history and culture of Oregon that shapes our identity and spirit. We value our shared charge to steward resources sustainably and responsibly" and also emphasizes the value of scholarship, experiential learning, and public service; and

1.5 WHEREAS the University of Oregon Senate, as a partner in shared governance along with the Trustees, the President, the Administration, and the University Committees, is charged with furthering and defending the Mission of the UO, including as it relates to the use of campus real estate; and

1.6 WHEREAS despite previous Senate resolutions, the UO administration developed and submitted the current plans for the Riverfront unilaterally, without formal notification, invitation to participate, or consent of the University Senate body—its partner in shared governance; and

1.7 WHEREAS the more than 3,500 students and faculty that use the Riverfront annually for research and academic coursework (ranging from the natural sciences to art and sustainable design) will be adversely impacted by the proposed plan and were not consulted during the planning process (Ref. 3); and

1.8 WHEREAS despite concerns repeatedly raised by the "Ecology" faculty focus group, including faculty currently using the Riverfront for educational purposes, the

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administration did not generate any non-playing fields options for consideration by the Campus Planning Committee; and

1.9 WHEREAS the University failed to prepare (or make public) a standard cost-benefit analysis on a wide range of Riverfront use scenarios to assist rational decision-making (including assessment of the impacts on habitat, the amenity value to the UO community and the public, and opportunities for research and teaching) (Appendix 1); and

1.10 WHEREAS, in the Riverfront, the University possesses a large, unique and valuable educational, ecological, and public asset along the third largest river in the Western US— which is listed as a National Water Trail, designated as one of our nation’s 14 American Heritage Rivers and parts of which are a National Natural Landmark (Ref. 4); and

1.11 WHEREAS the University’s Riverfront is a unique and important ecological resource locally, statewide, and nationally, providing habitat (or potential habitat) for rare, recovering, declining, or endangered species of fish, birds, turtles and plants, and is the University’s only natural area (Ref. 5); and

1.12 WHEREAS the Senate recognizes that future growth of the student body will increase demand for athletic fields for PE and Rec, club sports, and general student use, and these should be accommodated where they will not compromise or do harm to irreplaceable natural resources and related educational opportunities; and

1.13 WHEREAS other notable AAU institutions have made strategic decisions to promote their university brand by restoring and enhancing their natural areas for research, education, and public enjoyment, thereby attracting and retaining faculty, students and staff (Ref. 6); and

1.14 WHEREAS it is exceptional for a university to have such an extensive, undeveloped riverfront in close proximity to the center of an urban campus; and

1.15 WHEREAS the Senate affirms that the Riverfront presents a unique and irreproducible opportunity to create both an iconic living laboratory for research and academic education, and a public space that demonstrates the University’s dedication to its educational mission, stewardship of natural resources, and a sustainable future (Ref. 7).

Section II

2.1 BE IT RESOLVED that the University Senate calls upon the UO administration to withdraw the Riverfront property, north of the tracks, from consideration under the present North Campus CUP application, in order to allow further deliberations among and between the Senate, the Administration and the university community regarding the



best use of this property; and

2.2 BE IT FURTHER RESOLVED that if the City of Eugene determines that the Riverfront property portion cannot be withdrawn from consideration under the present North Campus CUP application, the Senate requests that the entire CUP application be withdrawn and the North Campus Plan re-envisioned; and

2.3 BE IT FURTHER RESOLVED that the University Senate requests that the University of Oregon administration identify areas away from the Riverfront for future playing fields, and study the potential for increased sharing of current athletic fields between the Athletic Program, PE and Rec, and Club Sports; and

2.4 BE IT FURTHER RESOLVED that the University Senate moves that any future uses for the Riverfront make use of the unique features of the Willamette river and associated habitats, and should emphasize ecological restoration, nature experience, and academics that are closely aligned with the University's mission of cultivating transformational leaders through experiential learning and public service, and stewarding its natural resources.

Minutes from the March 14 2018 Senate meeting, at which the above motion carried 29 to 5:

4.5 Discussion and Vote: US 17/18-14: "Withdrawal of North Campus Conditional Use Permit" – Bitty Roy (Biology) and Bart Johnson (Landscape Architecture)

Supporters of the resolution offered a variety of introductory remarks. Bart Johnson noted that since this issue was placed before the Senate, he and other supporters had discussed their concerns with various administrators and the Senate Executive Committee and had made some revisions to the motion. He said the university's Conditional Use Permit (CUP) application represents a new commitment to ecology, but, unfortunately, a fragmented one. Johnson credited the university with doubling the size of the riverbank setback and reducing the number of potential playing fields from five to three. He said his group is prepared to have the UO's proposals for the area south of the railroad tracks move forward, but they see no need now to seek permission to construct playing fields north of the railroad tracks – a condition that could be in effect up to 30 years. The North Campus area is a great ecological resource, Johnson said, and the university should capitalize on it. He quoted UO President Mike Schill on the need for fresh approaches to student success and the importance of taking risks that will have real impact and open up new possibilities. That, Johnson concluded, is what the UO should do with the North Campus area.

Bitty Roy pointed out that at least 10 departments use the river area for classes involving up to 3,500 students per year. Ed Whitelaw faulted the university for failing to conduct an effective cost-benefit analysis as part of its development strategy for this



area of campus. In particular, he criticized the UO for giving higher priority to its private good than to the public good of the Eugene community. Maisie Bailey, an undergraduate Biology major, described some of the ways that access to the river had been important for her studies and urged the administration to improve that access for other students. Matt Goslin, a graduate student in Geology, said he had spent a good deal of time at the river during some of his Botany classes and was amazed by the diversity he found so close to the main campus. He was doing research on a plant that is native to Eastern Oregon, but discovered that it also grew by the river in the North Campus area.

Motion to have the university withdraw its conditional use permit for the North Campus area. Presented by: Bart Johnson. Second: Luci Charlton.

Johnson read the "Resolves" which include asking the UO to withdraw the area north of the railroad tracks from its CUP; withdraw the entire CUP if the city determines it is impossible to separate the sections north and south of the railroad tracks; study potential locations for playing fields away from the river; and commit itself to using the riverbank area for "ecological restoration, nature experience, and academics" related to experiential learning and stewarding natural resources.

John Bonine pointed out that Kevin Reed's comments about the viability of separating the CUP into two parts were based on conversations with the city attorney and not grounded in legal citations. Chris Minson said he is conflicted, because he is both a strong environmentalist and someone who understands the importance of exercise and greater physical activity. He asked if there wasn't a way to better balance riverbank uses with playing fields. Bitty Roy agreed on the importance of physical activity, but said playing fields don't belong in this area. She suggested several potential solutions, such as locating the playing fields in Glenwood with access by the EmX, working with South Eugene High School to share their fields, or getting more cooperation from the Athletics Department for use of their facilities.

Keith Frazee acknowledged being conflicted, as well, and asked about Provost Banavar's contention that no decisions have been made about constructing playing fields north of the railroad tracks. Roy said Banavar is correct, but there is a lot of pressure on the Campus Planning Committee, which she sits on, to place lighted playing fields next to the river. Johnson also acknowledged that further discussions would take place before a final decision is made about locating playing fields by the river, but he pointed out that once playing fields are accepted as part of the CUP, the assumption will be that they will be built and opponents will need to fight to remove them.

Susan Gary said she supports dividing the CUP, because there should be more discussion about playing fields and because she wants the university to be able to move forward with the Knight Campus parking garage which is planned for the area south of the railroad tracks. She did, however, express concern about the possibility that the city



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attorney is correct in believing it will be legally impossible to divide the CUP. Mike Harwood, Associate Vice President for Planning and Facilities Management, said that withdrawing the entire CUP would cause problems for construction of the Knight Campus parking garage and undercut the established campus planning process that has already taken place over the past year. He noted his background at North Carolina State and said he is committed to environmentally sound development of the North Campus.

Greg Bryant noted that many of the administrators involved in the planning for North Campus have only been at the UO for a short time and may not be here over the 20-30 year lifespan of the CUP. Once the CUP is in place, the UO will be bound to follow it, Bryant said, even if those who promoted it are long gone. Alejandro Vallega, Eileen Otis, and Ed Davis expressed support for the motion. Davis asked what will happen if the Senate passes this motion and President Schill refuses to be bound by it. President Sinclair said that unless the Senate took some other action, the CUP would continue as is. Bryant noted that there is likely to be public opposition to the UO's proposed CUP and that the CUP will be subject to public hearings as part of the city's review process. George Evans criticized the process by which the CUP proposal was developed. The first indication he had that a development plan for the North Campus area was in the works, he said, was in November when he saw a small sign about an open house posted on the footbridge. At that point, the development plan was in its final stages. Evans also objected to the fact that no alternatives are being proposed to lighted, fenced, and artificial turf playing fields. He said he attended two open houses about the North Campus plan and both times that was the only option offered. Evans said the river offers the UO a great competitive advantage and urged the administration not to give it Away.

Sinclair asked if the Senate was ready to call the question and there were no objections. Vote on motion to have the university withdraw its conditional use permit for the North Campus area.

29 – Yes. 5 – No. Moved/Seconded/Carried.