



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 11-102970 CUMS (HO 4110007)

Applicant's Representative: Kim Knox, Planning Consultant
Shiels Obletz Johnsen, Inc.
1140 SW 11th Avenue, Suite 500
Portland, OR 97205

Applicant/Owner: Metro
Cheryl Twete, Senior Development Advisor
777 NE Martin Luther King, Jr. Boulevard
Portland, OR 97232-2799

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Sheila Frugoli

Site Address: 2044-2060 N MARINE DR (EXPO CENTER)

Legal Description: TL 100 10.91 ACRES SPLIT MAP & SPLIT LEVY R323452 (R951330050), SECTION 04 1N 1E; TL 200 37.90 ACRES SPLIT MAP & SPLIT LEVY R314517 (R941040110), SECTION 33 2N 1E; TL 1400 4.09 ACRES, SECTION 33 2N 1E; TL 2100 0.39 ACRES, SECTION 33 2N 1E; TL 2200 0.12 ACRES, SECTION 33 2N 1E

Tax Account No.: R941040110, R951330050, R951330780, R951330760, R951330770

State ID No.: 1N1E04 00100, 2N1E33 00200, 2N1E33D 01400, 2N1E33D 02100, 2N1E33D 02200

Quarter Section: 1828

Neighborhood: Kenton

Business District: Columbia Corridor Association

District Neighborhood Coalition: North Portland Neighborhood Services

Zoning: IG2 d,h,c General Industrial 2 (IG2) zone with Design (d), Aircraft Landing (h), and Environmental Conservation (c) overlay zones. The environmental zone is implemented through the Natural Resource Management Plan for Peninsula Drainage District #1.

Land Use Review: Type III, CUMS, Conditional Use Master Plan

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 8:58 a.m. on May 11, 2011, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 10:51 a.m. The record was held open until 4:30 p.m. on May 18, 2011 for new written evidence and until 4:30 p.m. on May 25, 2011 for Applicant's final rebuttal. The record was closed at that time.

Testified at the Hearing:

Sheila Frugoli, BDS Staff Representative, 1900 SW 4th, Portland, OR
Cheryl Twete, Metro, Senior Development Advisor, 600 NE Grand Avenue, Portland, OR 97232
Kim Knox, Shiels Oblatz Johnsen, 1140 SW 11th, Suite 500, Portland, OR 97205
Dave Elkin, GreenWorks PC, 24 NW 2nd Avenue, Suite 100, Portland, OR 97209
Dan Seeman, Kittelson & Associates, 610 SW Alder, Suite 700, Portland, OR 97205
Tom Bouillion, Port of Portland, Box 3529, Portland, OR 97208
Jocelyn Tunnard, BES, 1900 SW 4th Avenue, Portland, OR
Fabio de Freitas, Portland Bureau of Transportation (PBOT)

Proposal: Metro ("Applicant") is requesting an update ("Proposed Plan") to the current Conditional Use Master Plan ("Current Plan") so that the Expo Center has another 10-year period to implement projects/improvements that were approved in 2001 (case file: LU 01-00036 CU MS). The Current Plan, which expires in June 2011, identified the following projects that would be constructed when funds became available:

- Expansion and replacement of existing Exhibit Halls A, B, and C, with a new Exhibit Hall and the construction of adjoining support facilities;
- Addition of new meeting rooms adjacent to existing Hall E and the new exhibit hall;
- Replacement of the west exhibit hall with a support services building;

The Expo Center property is outlined on Exhibit C.1 (the "Site"). Current and proposed projects would result in approximately 522,510 square feet of total building area; an increase from approximately 410,000 square feet, approximately a 21 percent increase in floor area. The Current Plan also approved the following:

- 120 events per year
- 354 event days
- 756,000 annual attendance
- Peak daily attendance of 15,000
- Expo Center employees- 26.3 FTE (full time equivalent).

The Current Plan included a Mitigation Plan and Transportation Demand Management Plan ("Current TMP") to address traffic, parking and off-site impacts. Conditions were imposed to guide the approved development and activities at the facility.

The Proposed Plan would result in the realignment/redesign of South Access Drive at the southwest corner of the Site (See Exhibit C.1). The 2001 Current Plan approved 2,805 on-site parking spaces. Currently there are 2,354 on-site parking spaces which, under the Proposed Plan, will increase to 2,775. The total number of parking spaces includes new spaces in the southwest corner of the Site. In both the Current Plan and Proposed Plan, the Expo Center relies on available parking at the TriMet Expo Transit Center and the Delta Park TriMet Park and Ride Station. Furthermore, at least 10 percent of event visitors are expected to use the Yellow Line Light Rail service.

The Proposed Plan updated development scheme modifies the parking configuration, showing approximately 421 new spaces. When not used for parking, this area will be used as multi-function, flexible space for outdoor exhibits and storage. The new parking area is proposed to meet current landscape standards and include stormwater swales in the interior landscape islands. Applicant proposes a pedestrian connection, across North Marine Drive, to link the Expo Center to a Metro-owned 4.8 acre riverfront property along the North Portland Harbor. The application also includes a south connection to the abutting Vanport Wetlands. The Current Plan includes a request to increase the approved building height limit from 61.5 feet to 71 feet. Lastly, because of the lack of specific design information and an uncertain project schedule, the Columbia River Crossing ("CRC") design elements are not incorporated into the Proposed Plan.

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:

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| ▪ 33.820.050, Conditional Use Master Plan Review | ▪ 33.815.215, Conditional Use Review-Major Event Entertainment Uses |
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II. ANALYSIS

Site and Vicinity: The Site is approximately 60 acres in size and relatively flat. The Site is located between the Interstate-5 (I-5) freeway, North Marine Drive, North Force Avenue, and South Access Road. South Access Road is a private driveway that connects North Expo Road through the Site to North Force Avenue. Buildings on the Site are clustered toward the west side, extending from North Marine Drive south for about 950 feet. Large parking areas surround the simple metal

warehouse-style structures that make up the Expo Center complex. Landscaping is scattered throughout the parking area in general conformance with a previous land use approval (LUR 99-00815 CU DZ AD). A strand of trees and grass bisects the Site from north to south in the area just east of the Expo Center buildings and their public entrances. North of North Marine Drive, Metro also owns a lot, approximately 4 acres in size, with frontage on the south channel of the Columbia River. It is undeveloped except for a portion of the 40-Mile Loop trail that runs through it.

Abutting the Site to the south is the Vanport Wetlands (a large wetland area formerly developed with two large radio towers, but now owned by the Port of Portland). The wetlands and Force Lake, also south of the Site, are part of the Peninsula Drainage District #1 Natural Resource Management Plan area. Land to the south consists of large parcels of open space, including the wetlands, Portland International Raceway ("PIR"), and Heron Lakes Golf Course. Other nearby lands to the north and west are developed with a mixture of industrial uses including warehousing and flex-space buildings, a concrete batch plant, and boat repair and other river-related uses. To the east is a TriMet light rail station. The Site is developed with rail tracks, shelters for riders, restroom facilities and associated equipment. East of the TriMet light rail station are ramps associated with the I-5 freeway.

Main access to the Expo Center visitor parking area is from North Expo Road that connects the Site to the Delta Park/PIR I-5 interchange. The other access to Expo Center parking is from North Force Avenue along the west Site boundary. The other access intersects with North Marine Drive, which in turn connects to an interchange with I-5 at the northeast corner of the Site.

Zoning: The Site is zoned IG2d,h,c. The General Industrial (IG2) base zone allows most industrial uses while restricting non-industrial uses to prevent potential conflicts and preserve land for industry. Certain uses, including Major Event Entertainment, are allowed as Conditional Uses. The d, Design overlay zone promotes conservation, enhancement, and continued vitality of areas with special scenic, architectural, or cultural value. New development must be reviewed through Design Review to ensure the development will be compatible and enhance the area. The h, Aircraft Landing overlay zone provides safer operating conditions for aircraft in the vicinity of the Portland International Airport by limiting height of structures and vegetation. The c, Environmental Conservation overlay zone conserves important resources and functional values in areas where resources and functional values can be protected while allowing environmentally-sensitive urban development.

Land Use History: City records indicate several prior land use reviews for the Site. Recent decisions are:

- LUR 96-00202 CU AD DZ The construction of Hall E, the southernmost building in the Expo complex was approved, with conditions.
- LUR 99-00815 CU DZ AD The construction of Hall D, the center hall in the complex was approved with conditions.

- LUR 01-00036 CU MS Approved 10-year master plan. Conditions were applied, generally linked to development projects.

Applicant submitted a memo identifying status and/or compliance with the conditions of approval that were imposed in the 2001 CUMS review (Exhibit A.21). BDS Staff, in the Staff Report (Exhibit H.2), noted specific conditions. BDS indicated (Exhibit H.2) that pertinent prior conditions were carried forward in its recommendation to the Hearings Officer and also noted that those conditions that no longer applied were deleted.

Agency Review: A "Request for Response" was mailed March 17, 2011.

The **Bureau of Parks-Forestry Division** has responded with no issues or concerns (Exhibit E.7).

The **Bureau of Environmental Services (BES)** responded with the following key comments (summarized by the Hearings Officer):

Existing Sanitary Infrastructure: A 10-inch concrete public sanitary gravity sewer is located along the northern property boundary in North Marine Drive (BES project # 3070). A 15-inch concrete public sanitary gravity sewer is located in North Force Avenue that runs to a BES pump station and then transitions to a 14-inch ductile iron public sanitary pressure main (BES project # 3070). Applicant provided an Existing On-site Utilities Plan (Figure 6-1A) (per request by BES). The Proposed Plan shows that Halls A, B and C connected to the public sanitary sewer in North Marine Drive and Halls D and E have separate connections to the public sanitary sewer located in North Force Avenue. The existing conditions plan submitted is acceptable, to BES, for the purposes of the Proposed Plan review.

Existing Stormwater Infrastructure: A public storm-only sewer that varies in size is located along the northern property boundary in North Marine Drive. The public storm-only sewer outfalls to the Columbia River (BES project #4158). There is a storm-only sewer, that varies in size, located in North Force Avenue, which also outfalls to the Columbia River. There are several existing private outfalls that discharge to the Columbia River located along the northern property boundary.

Applicant provided an Existing On-site Utilities Plan (Figure 6-1A), as requested by BES.

Applicant met with BES, BDS and Multnomah County Drainage District (MCDD) on March 10, 2011, to discuss potential requirements from the Army Corps of Engineers ("Army Corps") to decommission culverts/outfalls that discharge to the Columbia River, located along the north side of the Site. It appears Army Corps' requirements apply to new and existing culverts/outfalls. The Army Corps provided guidance on the requirements in the form of a letter sent to MCDD. Improvements can be made to the culverts/outfalls and decommissioning does not appear to be necessary. MCDD indicated it intends to coordinate with BES, as needed, regarding any necessary improvements to public culverts/outfalls in this area. Development of the Site shall be coordinated with MCDD.

On-site Stormwater Management: BES reviewed the stormwater report from Applicant's consultant, GreenWorks, dated March 2011. The GreenWorks document includes stormwater calculations and information for conceptual development of the Site. Improvements to the Site will be reviewed in detail at the time of building permit review. The plan for managing roof runoff, as proposed by GreenWorks, is acceptable to BES. The plan for managing runoff from the southwest parking lot, as proposed by GreenWorks, is also conceptually acceptable to BES.

At the time of building permit review, site plans must include contours showing the specific stormwater flow path to ensure that stormwater will be managed appropriately in proposed stormwater management facilities. Also at the time of building permit review, infiltration testing may be required to confirm that the proposed facilities in the parking lot area will infiltrate appropriately. Since the parking lot area is not located near buildings (so any overflows of stormwater runoff would not impact structures), and the facilities will overflow to an existing private storm outfall, more detailed analysis can occur at the time of building permit review rather than at the time of this land use review. BES has no objections to the proposed stormwater management approach for the purposes of land use review.

MCDD manages the Columbia Slough drainage area. Any off-site disposal to the Columbia Slough area must be approved by MCDD before BES can approve permits for development of the Site. MCDD indicated that the available off-site disposal systems located to the south of the Site may have capacity issues. Therefore, a detailed analysis of those systems may be required at the time of permit review in order to determine the appropriate disposal location.

Nonconforming Parking Lot and Landscape Requirements: If parking areas are brought into compliance with current landscaping requirements, per Chapter 33.258.070, then Section 1.5 of the Stormwater Management Manual ("SWMM") requires that new landscaped areas must also be utilized as vegetated stormwater facilities where feasible. Section 1.5 includes examples of criteria that will be considered to determine feasibility. If a stormwater facility is determined feasible, the facility must be sized using the appropriate methodology from Chapter 2 of the SWMM, and should therefore be included in the required stormwater report. BES noted that all plans submitted for permit review must be revised to show all required parking lot landscaping upgrades (Exhibit E.1).

PBOT responded with the following key comments (summarized by the Hearings Officer) related to public right-of-way stormwater management:

PBOT noted, initially, that it would require a 70-foot dedication for future improvements to South Access Drive (Exhibit H.2, proposed condition E). Subsequently, PBOT requested that the Hearings Officer eliminate proposed condition E (Exhibit H.9). PBOT, in Exhibit H.9, recommended a condition (condition D). BES will review the proposed improvements to South Access Drive, in detail, to determine specific stormwater management requirements. The existing conditions plan shows two private storm outfalls that cross under South Access Drive and outfall to the wetland area to the south (Vanport Wetlands). These outfalls will need to be assessed and upgrades may be necessary in order to provide an approvable disposal location.

If South Access Drive is required to be re-aligned prior to the CRC project in order to construct the proposed parking area on the southwest corner of the Site, then BES will need to assess the re-alignment project for BES stormwater management requirements. Since new and redeveloped impervious area must meet pollution reduction, detention and disposal requirements, it is likely that stormwater management facilities will need to be constructed for managing stormwater runoff from South Access Drive, even if the improvements are interim until South Access Drive is improved to public standards through the CRC project. This will need to be reviewed in detail at the time of building permit submittal.

The **Fire Bureau** submitted comments stating that the Applicant is required to obtain a separate building permit for any proposed work on the Site. All the requirements of the Fire Code must be met at the time of permit review and development. Any modifications to the fire access roads must meet Fire Code requirements. Depending on the proposed expansion and improvements on the Site, additional fire hydrants with adequate flow and pressure may be required to meet the spacing and number of hydrants requirement of Appendix B and C of the fire code (Exhibit E.5).

PBOT responded with extensive comments related to traffic and transportation issues (Exhibits E.2 and H.9). The findings for approval criterion 33.815.215.A.1-3 refer to PBOT's comments. PBOT also identified the following frontage improvements that may be required at building permit. PBOT's comments related to frontage improvements, (summarized by the Hearings Officer) follow:

North Marine Drive, at this location, is a variable right-of-way with varying improvements, including 66-feet of paved roadway section. The Site frontage is also improved with a varying sidewalk corridor including 4-8-0 and other configurations. As a Major City Traffic street, the City's Pedestrian Design Guide recommends a 12-foot wide sidewalk corridor comprised of a 0.5-foot curb, 4-foot planter area, 6-foot sidewalk and a 1.5-foot setback to the property line. The existing conditions of the street frontage along North Marine Drive do not satisfy current City standards.

North Force Avenue is improved with 38-feet of paving within a 58-foot right-of-way. The Site frontage is improved with variable sidewalk corridor widths/elements for a portion of the Site frontage (other segments are not improved at all). PBOT noted that as a Local Service street, North Force should be improved with a 11-foot wide sidewalk corridor comprised of a 0.5-foot curb, 4-foot planter area, 6-foot sidewalk and a 0.5-foot sidewalk to the property line.

South Access Drive, along the Site's southern boundary with Port of Portland property, is currently a private driveway with a public access easement and extends from the eastern property line to North Force Avenue. PBOT initially indicated that Applicant would be required to "dedicate" right-of-way for South Access Drive (Exhibit E.2), but later modified its requirements to eliminate the "dedication" requirement. PBOT proposed language and findings related to its modified recommendation (Exhibit H.9).

The **Oregon Department of Transportation (ODOT)** submitted the following comments on August 30, 2010, at the Pre-Application Conference (summarized by the Hearings Officer):

Proposed Access to State Highway: ODOT owns access control on approximately two-thirds of the Expo Center's Marine Drive frontage closest to I-5. Any access through this portion of Marine Drive requires an ODOT access permit. Site access to the state highway is regulated by OAR 734.51. Until ODOT has completed the approach permit review, ODOT indicated that it could not make a determination on the number, location, or design of the proposed approach(es) to the ODOT-regulated segment of Marine Drive.

Traffic Impacts on the State Highway: ODOT indicated that it was ODOT's understanding that the proposed master plan update would maintain the buildable square-footage at the Site at the level approved in the Current Plan. That being the case, ODOT concluded that there would be no significant transportation impact through approval of the Proposed Plan upon the Transportation Planning Rule (TPR) Section -060 from the master plan update; ODOT concluded that a traffic impact analysis would not be required to address the TPR.

Columbia River Crossing (CRC) – North Marine Drive: ODOT noted that Applicant should participate in the CRC's Marine Drive interchange plan.

The **Site Development Section of BDS** responded with the following comments (as summarized by the Hearings Officer):

Stormwater discharge and treatment: There are no known geotechnical hazards associated with on-site infiltration of stormwater, but a high groundwater table is expected in this area. BES addressed this issue in the context of stormwater treatment and disposal requirements.

Floodplain: The portion of the Site south of North Marine Drive is not within the 100-year floodplain, however the portion north of Marine Drive in the area of a potential pedestrian crossing is in the floodplain. Any fill placed at or below elevation 32 feet North American Vertical Datum must be balanced by an equal amount of excavation within the same flood plain.

Geotechnical: An assembly hall with a capacity greater than 300 persons is defined as a Special Occupancy structure and at the time of plan review the Applicant must submit a geotechnical report and site-specific seismic hazard study.

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

The **Water Bureau** responded with the following comments (summarized by the Hearings Officer):

The Water Bureau has no objections to the proposed update of the current Conditional Use Master Plan for the Expo Center. There are a number of existing services to the Site. The estimated static water pressure range for this location is 84 psi to 105 psi at the existing service elevation of 27 feet (Exhibit E.4).

Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed on April 19, 2011. One written response to the proposal was received by BDS Staff prior to the publication of the Staff Report from a notified property owner, the Port of Portland.

The letter from a Port representative raised the following concerns (summarized by the Hearings Officer):

Pedestrian crossing of North Marine Drive: The Port indicated opposition to a mid-block, at-grade pedestrian crossing due to the likely delay of truck traffic and likely unsafe crossing conditions for pedestrians. The Port noted that if the crossing was elevated, it must be designed to equal or exceed the vertical clearance of the Burlington Northern Santa Fe Railroad rail bridge that is located further west on North Marine Drive.

South Access Drive encroachment onto the Vanport Wetlands site: Figure 1 of the Proposed Plan proposal showed South Access Drive encroaching onto the Vanport Wetlands Mitigation site (Tax Lot ID 1N1E04A-00400). The Port requested that Metro modify its proposal to show the South Access Drive entirely on its property, or that staff recommend a condition requiring no encroachment onto the Vanport Wetlands site.

New access to the Vanport Wetlands site: Applicant's narrative for the Proposed Plan describes a new access to Vanport Wetlands as a possible future improvement. The Port requested that Metro modify its proposal to eliminate any reference to new access to Vanport Wetlands, or modify its proposal to include a viewing platform entirely on the Site, or that BDS staff recommend a condition requiring no encroachment onto the Vanport Wetlands site.

Stormwater Impacts to Vanport Wetlands site: Currently, stormwater from the Site enters the Vanport Wetlands via a stormwater outfall pipe, as well as by sheet flow, with little or no treatment. The Port requested that all stormwater from the Site be treated to meet or exceed current standards.

South Access Drive as a Private Street: South Access Drive exists today as a private street within the Site. As part of the CRC design process, "Alternative D" (Exhibit F.1.b) has been selected as the current preferred alternative. This alternative requires a public street on the eastern and southern perimeters of the Site to provide a connection to Force Avenue. As a result, the Port requested that South Access Drive be dedicated as a public street in order to preserve the CRC "Alternative D" option (Exhibit F.1).

ZONING CODE APPROVAL CRITERIA

33.815 Conditional Uses

33.815.215 Major Event Entertainment

These approval criteria ensure that the potentially large size and impacts of these uses are not harmful to surrounding areas and that transportation services are or will be sufficient to serve the use. The approval criteria are:

A. Public services.

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

Findings: The Transportation System Plan (TSP) classifies the adjacent/nearby streets as follows:

Street	Classification				
	Traffic	Transit	Bikeway	Pedestrian	Trucks
North Marine Drive	Major City Traffic Street	Major City Transit Street	Off Street Path	Off Street Path	Truck District
North Force Avenue	Local Service Street	None	City Bikeway	Local Service	Truck District
I-5 Freeway	Regional Trafficway	Regional Transitway			Regional Truck route
North Expo Road	Local Service Street	Regional Transitway	City Bikeway	City Walkway	Truck District
Interstate MAX Alignment		Regional Transitway			

North Marine Drive and I-5 provide primary access to the Expo Center (although the Site does not have frontage along the Interstate freeway). North Marine Drive is classified as a Major City Traffic street and I-5 is classified as a Regional Trafficway in the City's TSP. As stated in the TSP,

"Major City Traffic Streets should provide motor vehicle connections among the Central City, regional centers, town centers, industrial areas, and intermodal facilities. Auto-oriented development should locate adjacent to Major City Traffic Streets, but should orient to pedestrians along streets also classified as Transit Streets or within Pedestrian Districts. Major City Traffic Streets should serve as primary connections to Regional Trafficways and serve major activity centers in each district. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement."

Both Marine Drive and I-5 are part of the Oregon State Highway system under the authority of ODOT.

The Site also abuts North Force Avenue to the west and North Expo Road terminates at the southeast corner of the Site. Both are local service streets. The TSP states,

“auto-oriented land uses should be discouraged from using Local Service Traffic Streets as their primary access. Local Service Traffic Streets should connect neighborhoods, provide local circulation, and provide access to nearby centers, corridors, station areas and main streets.”

The south edge of the Site abuts a protected wetland and the east property line abuts a TriMet light rail line and station.

PBOT reviewed the proposal. PBOT staff found that the proposed use, a continuation of the current use on the Site, will not conflict with the objectives for the surrounding street classifications.

ODOT staff reviewed the proposal and raised no objections. The Hearings Officer finds this approval criterion is met.

2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;

Findings: The Expo Center is located on land zoned IG2 (General Industrial 2). The Proposed Plan contains numerous transportation-related documents and analyses. Information supplied by the Applicant, including information prepared by the Applicant's traffic consultant, describes conditions of the surrounding roadways and explains the Current TMP.

According to the April 19, 2011 memo from the Applicant's Traffic Engineer, Kittelson and Associates, the Current TMP measures appear to be successful and should continue to apply for current and planned conditions. As successful as the programming and the Current TMP has been in minimizing impacts to truck and freight movement, these measures have primarily been enhanced since the completion and implementation of TriMet's Yellow Light Rail Line, which currently terminates at the Site. The Yellow Line has been responsible for reducing the number of vehicle trips to/from the Expo Center beyond the other measures implemented in the Current TMP. The Hearings Officer finds that with the success of the Current TMP, beyond that expected at the time of approval of the Current Plan, the continued use/expansion of the Expo Center consistent with the Proposed Plan will not have a significant adverse effect on truck and freight movement.

The Current Plan includes a request for the realignment of South Access Drive as well as providing a pedestrian link across Marine Drive. PBOT commented (Exhibit H.9) that both of these projects must be considered in relation to the CRC project, the large regional transportation project to build a new bridge and support facilities across the Columbia River. In relation to the CRC project, which has identified a need for a public right-of-way connection from the nearby I-5 interchange to North Force Avenue, the Applicant will be required to identify the future location of a new South Access Road alignment and to establish an access agreement if the Applicant moves the east-west connection as part of its parking lot improvement project. The new connection will follow the

Site's southern boundary. In discussions with PBOT staff, it has been determined that the Applicant will eventually dedicate property for a new public local street. The street will include a sidewalk on the north side of the street and stormwater management facilities. In order to reduce slowing or conflicts in travel lanes, the new street will not provide on-street parking. One of Applicant's conceptual designs for this roadway shows an alignment mostly following the Site's southern property line, with some minor segments encroaching onto abutting Port of Portland property to the south. In its letter to staff, the Port indicated its opposition to the alignment. The Port expressed its desire for the entire right-of-way for the future public street to be situated on Applicant-owned property to avoid any impacts to the Vanport Wetlands. The Hearings Officer finds that the Applicant will need to amend its conceptual plan to reflect the proposed future South Access right-of-way located entirely on the Site. PBOT staff recommended conditions that require Applicant to establish an access easement for the new alignment.

The Hearings Officer finds, with conditions, this approval criterion can be met.

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

Findings: This proposal addresses this approval criterion as follows:

Street capacity/level of service

Applicant is proposing the expansion and replacement of existing exhibition facilities (Exhibit Halls A, B and C) with a new exhibition hall. These projects were analyzed and approved through the Current Plan review. The Current TMP was also part of the Current Plan review. The Hearings Officer finds that the key intersections, in the immediate area, will continue to operate at acceptable levels (based on City performance standards). Further, it was concluded/acknowledged that Expo Center operations/programming would not contribute significantly to congestion on the adjacent State facilities.

Applicant represents, in the Proposed Plan, to continue implementing the Current TMP. Since the Applicant's exclusive purpose is to accommodate events, the only time that significant traffic levels occur is during these events. Thus, Current TDM and the Event Management Plan were consolidated into a single document. This document includes a traffic and parking analysis and a transportation management plan to accommodate events with varying attendance levels. Accordingly, the Current TMP includes management measures that should be applied at varying daily attendance levels: 1) less than 3,500 attendees; 2) 3,500 to 5,000 attendees; 3) 5,000 to 7,500 attendees, and 4) greater than 7,500 attendees. These measures address parking, traffic control, signing, and transit. These measures have been successfully employed since 2001.

Based on a review of Current TMP, it appears that these measures still apply for current and planned conditions at the Expo Center, with two relatively minor exceptions. Since 2001, a traffic signal

was installed at the I-5 northbound ramp/Victory Boulevard intersection. The signal reportedly operates well within acceptable standards and provides sufficient capacity even during special events at the Expo Center. Hence, the Hearings Officer finds that the traffic control/flagger measures prescribed in the Current TMP should be revised to eliminate the need for traffic control personnel at this intersection during events of greater than 5,000 daily attendees. The second revision necessary to be made to the Current TMP relates to events that diminish the capacity of Applicant parking (e.g., The Swap Meet allows use of Applicant parking for exhibitions, and thus, space is unavailable for attendee parking). It is recommended that Applicant identify the number of parking spaces to be eliminated for such events and adjust the Current TMP threshold accordingly, based on auto occupancy of 2.0 persons per car. Other than these relatively minor revisions, the Hearings Officer finds that the Current TMP should continue to be implemented during events at the Expo Center. As stated previously, Applicant intends to promote MAX use for event attendees, employees and vendors, through marketing and education, thereby reducing the number of vehicles traveling to the facility.

The CRC project remains in the planning/design phase and final decisions regarding project elements. CRC funding has not been fully determined. The City is planning on creating new local street plans for the Kenton, Bridgeton and Hayden Island neighborhoods around the I-5/Marine Drive interchange area. This project will have a significant impact on the circulation in and around the Site. The nature and magnitude of transportation improvements are currently being planned, and hence, are speculative at this point. However, based on the planning conducted to date, it is reasonable to conclude that South Access Drive (along the southern edge of the Site) will become a public street and will be realigned. Planning for the CRC has identified a street system that will meet ODOT and City operational and safety standards. It is likely that Applicant will, as a result of the CRC, realign and dedicate a portion of the Site for right-of-way purposes. Based upon the premise that Applicant will not increase traffic beyond that anticipated in the Current Plan, it is expected that transportation improvements associated with the CRC project will provide acceptable operations.

Further, as mentioned previously, and as a result of the construction of TriMet's Yellow Light Rail Line, with its current terminus along the Site's eastern property line, there has been a noticeable and measurable reduction in the number of vehicle trips made by Expo Center attendees. Based on statistical information and analysis, greater than ten percent of the trips to the Site are now made on the Yellow Line. This increase in mass transit ridership, since approval of the Current Plan, has enhanced/improved the area's transportation system.

The Current TMP requires the use of satellite parking facilities and shuttle bus service for large events. Depending on the event and activity schedule of possible parking providers, location of these shuttle parking locations varies from event to event. BDS Staff recommended that the Current TMP be amended to identify the Portland Meadows and PIR sites as available for shuttle parking. Both sites have Conditional Use status for Major Event Entertainment uses. With a condition requiring Expo to use only shuttle parking facilities that are approved for that use, this element of the Current TMP can be met.

The Site has direct and appropriate access to arterials and enhanced transit service. The Hearings Officer finds that the Site will have a net decrease in parking, but the on-street impacts should not significantly increase. The Hearings Officer finds that with the traffic management program as set out in the Proposed Plan, with the conditions related to the South Access Road and parking, the transportation system can safely handle the expected trip generation from the Site without reducing the existing service level.

Access to arterials

Applicant is not proposing to change access from the previously approved Current Plan, for which traffic analysis was conducted in the Current TMP. The Site currently has a wide driveway on Marine Drive, immediately east of (current) Exhibit Hall A. This driveway is used for drop-off/pick-up activities and for right-out, exit-only vehicle movements onto Marine Drive. Inbound vehicle movements to the parking lots are barricaded and unavailable for general access to Marine Drive. The barricade is a rolling fence that can be removed, as needed, to allow Site access from Marine Drive. A driveway approach, located further east, is barricaded with jersey (concrete) barriers. This barricade satisfies Condition F of the Current Plan. The Current Plan also required North Marine Drive frontage improvements be completed and the closed access points be permanently closed at the time new development or expansion of the exhibit halls, meeting rooms and/or support buildings were done. BDS Staff recommended these conditions be carried forward. The Hearings Officer concurs with this BDS Staff recommendation.

Another element of the Proposed Plan is a new pedestrian crossing to be located on Marine Drive to facilitate pedestrians crossing the street. This pedestrian crossing, as proposed, could be either a grade separated pedestrian bridge or a pedestrian-actuated traffic signal. The Port of Portland expressed concern regarding Applicant's proposed mid-block North Marine Drive pedestrian crossing. The Port stated that it was, "opposed to a mid-block, at grade pedestrian crossing...due to likely delay of truck traffic and potential unsafe crossing conditions for pedestrians" (Exhibit H.8). The Port argued that Applicant provided no data to support that an at-grade pedestrian crossing across Marine Drive would operate safely. BDS Staff, in the Staff Report (Exhibit H.2), opined that, "further planning and engineering will need to be conducted" and "with appropriate planning and design, the proposed pedestrian crossing will benefit pedestrians and have minimal impacts to vehicles along Marine Dr." (Exhibit H.2).

Applicant, in response to the Port's objections to the mid-block pedestrian crossing of Marine Drive, argues that the Port relied upon outdated traffic data. Applicant also noted that its proposal is for an "above-grade crossing" of Marine Drive (Exhibit H.10 and H.11). The Hearings Officer finds Applicant's arguments not to be persuasive. The Hearings Officer finds that it is Applicant's burden to provide information, in the record, to satisfy each and every relevant approval criterion. The Hearings Officer finds Applicant's argument that the Port's traffic data is "old" and therefore unreliable is misdirected. The Hearings Officer finds that it is Applicant's, and not the Port's, obligation to provide substantial evidence in the record that the proposed Marine Drive pedestrian crossing is capable of operating safely and quantify transit impacts. The Hearings Officer finds a dearth of quantifiable evidence in the record related to the safety and transit circulation impacts of a Marine Drive pedestrian crossing.

Despite the findings in the preceding paragraph, as a practical matter, the Hearings Officer finds it difficult to argue with Applicant's request for an above-grade Marine Drive pedestrian crossing. An above-grade crossing, if constructed at a height which would not conflict with the passage of vehicles (including truck/trailer vehicles), should create no safety risk to pedestrians or vehicles. The Port, in its final written submission (Exhibit H.11), suggests a condition of approval as follows:

"The new pedestrian crossing of N. Marine Drive shall be limited to a pedestrian bridge of sufficient height to not impact truck traffic."

The Hearings Officer finds, conceptually, the Port-suggested condition to be reasonable and appropriate. The Hearings Officer finds that Applicant did not provide sufficient evidence, in the record, to support the inclusion of an at-grade pedestrian crossing across Marine Drive but, with the Port's suggested condition with a Hearings Officer minor modification, an above-grade pedestrian crossing across Marine Drive could be made part of the Proposed Plan. Applicant is free to request, in the future, an at-grade pedestrian crossing across Marine Drive but would, if approval were to be granted, need to provide adequate evidence to satisfy this approval criterion.

Access restrictions

ODOT has access control on North Marine Drive frontage, a State highway. BDS Staff recommended carrying forward Conditions E and F of the Current Plan. These conditions require the Applicant to obtain ODOT access permits and to permanently remove most of the existing curb cuts on the North Marine Drive frontage. Those driveway approaches not approved, or proposed to be removed, must be replaced with standard curb and sidewalks as a condition of building permit approval.

As part of the Proposed Plan, access to the Site will be enhanced with the eventual public right-of-way that will be constructed along the southern edge of the Site, connecting North Expo Road with North Force Avenue. Any future improvements that may result in impacts to the area's broader transportation system will be reviewed in relation to the CRC project.

Connectivity

The existing street pattern in the area is recognized as not meeting the City's connectivity spacing guidelines for public streets and pedestrian connections (a maximum of 530-feet and 330-feet, respectively) due to topographic and environmental constraints as well as a result of the location of existing development, natural areas and the large scale of the industrially zoned properties throughout this area. However, the Expo Center Site does include a series of intentionally placed pedestrian connections throughout its boundaries to provide the general public opportunities to access the Site and the abutting TriMet Light Rail station by walking.

In the Current Plan, it was determined that based on the existing site layout, an east/west public street connecting North Force Avenue and North Expo Road was needed. The Applicant proposes the private "South Access Drive" be used for public vehicle and bicycle circulation. It would be open to the public at all times except one day per year. Public pedestrian traffic would also be accommodated along South Access Drive and in a separated facility west of, and parallel to, the

northern alignment portion of South Access Drive. A condition was imposed to require this. To respond to the myriad of transportation changes that will occur as part of the CRC project, PBOT staff recommends a condition that requires public dedication of a 70-foot wide South Access Road that will generally follow the south property line, a new alignment. In the interim, public access through the Site will be provided through an easement. The new public street will enhance connectivity through the Site and better serve the immediate area.

PBOT and BDS staff, prior to the public hearing, recommended a condition of approval (Condition E in the BDS Staff Memo – Exhibit H.4) requiring Applicant to, “dedicate right-of-way to accommodate the future South Access Road.” Following the public hearing, in a written memorandum (Exhibit H.9), PBOT staff stated:

“PBOT staff recommends that proposed Condition E be removed completely. Imposing a condition of approval related to future negotiations between Metro (Expo Center) and the Columbia River Crossing Project could result in a requirement that would be inconsistent with the interested parties. Currently, it was assumed that the CRC Project would be involved, but the appropriate party/agency may very well change in the ever evolving CRC Project, which the City has no control over. The City’s primary concern, carried forward from the previously approved Conditional Use Master Plan, is for public access to be maintained through the Site. As opposed to the aforementioned language in Condition E, which involves future negotiations for the eventual public right-of-way necessary for the CRC Project, PBOT staff suggests simplifying the issue with a more conventional practice.” (Exhibit H.9)

PBOT, in Exhibit H.9, then suggested modifying BDS Staff recommended (Exhibit H.4) Condition D. PBOT’s suggested language for proposed Condition D (words in italics indicate additions to proposed Condition D as set forth in Exhibit H.4):

“Retain the east-west public access through the site along South Access Road via *a new public easement. Said new public access agreement must be recorded with Multnomah County within ninety (90) days of the recording of this land use decision.* If the access easement must be modified to accommodate new parking spaces in the southwest corner of the site, the South Access Drive must be realigned along the site’s southern property line. A new public access, construction, and utility *easement must be established and recorded to reflect the new alignment. The new public access, construction and utility easement must be 50-ft wide to accommodate the future public right-of-way improvements associated with the CRC Project.* The applicant must extend the existing driveway and provide a new connection to N. Force Avenue in relation to the realignment and the existing curb cut/connection to N Force Avenue must be closed.”

The Hearings Officer finds PBOT’s recommendation, as discussed above, to be reasonable and appropriate.

In their written comments, the Port of Portland objected to the Applicant’s proposal to provide an access connection onto the Vanport Wetlands site. The new access would violate a recorded conservation easement on the property and is contrary to the management objectives of the Port.

BDS Staff recommended a condition that requires the Proposed Plan remove this improvement from the list of future projects. The Hearings Officer finds this BDS Staff recommendation to be reasonable and appropriate.

Transit availability

Since approval of the Current Plan, light rail has been extended to the Expo Center and there is a Yellow Line Light Rail Train station on the east end of the Site. The Yellow Line serves a portion of Expo attendees, employees, and vendors. There are 65 parking spaces at the TriMet MAX station; an additional 235 spaces exist on the Site that can accommodate MAX park-and-ride passengers. Altogether, a total of 300 parking spaces are available to transit riders using the MAX station. Expo will require event promoters to continue to encourage visitors to use MAX when possible. The Delta Park MAX Park-and-Ride facility is located south on Expo Road at the I-5/Victory Boulevard interchange. 302 parking spaces exist at the Delta Park station and these spaces are available to Expo visitors during peak event times.

TriMet provides weekday, rush hour bus service-No. 16 (Front Avenue-St. Johns) on North Marine Drive and a transit stop is located at the Site. Currently, shuttle service is being provided between North Vancouver Way/North Middleton to North Leadbetter Road while a bridge replacement project at North Lombard and North Marine Drive is underway. Given there is no bus service on weekends or evenings, there most likely are few visitors who use the bus as an alternative transportation mode. However, the Site has direct and appropriate access to arterials, and high capacity, frequent transit service available. There are two on-site, east-west pedestrian connections, linking the MAX station with the exhibit halls.

On-street parking impacts

The parking supply, in 2000, was estimated to be 3,015 spaces. A recent inventory revealed that there are 2,354 spaces currently available on the Site. This amounts to a reduction of 661 spaces. These spaces do not include the 66 parking spaces available in the TriMet Expo Transit Center Lot immediately east and adjacent to the MAX station. The fewer number of spaces is due, in large part, to the development of the MAX station on the eastern portion of the property which eliminated spaces, and parking spaces were also eliminated because of landscape requirements and the need for covered walkways.

As part of the CRC project, the planned conversion of South Access Drive to a public street will require widening to accommodate City of Portland public right-of-way standards. It has been determined that, while the dedication of sufficient property to accommodate (a public) South Access Drive will result in significant loss of the Site area, the parking configuration in this vicinity could potentially be modified to result in no permanent net loss of parking. Applicant plans to add new parking in a surface lot in the southwest corner of the property (421 spaces) and TriMet has constructed the Delta Park parking lot (302 spaces) near the Victory Boulevard/I-5 Interchange that increases parking supply by 723 spaces. Future parking supply is expected to total 3,143 spaces upon completion of the southwest corner parking area (including all of the spaces associated with TriMet's parking areas). BDS Staff recommended Condition B.8 which would require the

construction of the additional on-site parking (southwest corner of the Site) when new buildings are developed on the Site.

Applicant's traffic consultant collected data from Saturday event attendance (for twelve Saturday events held between September and December 2010) as well as TriMet ridership data to the Expo Center during this same period. The results showed that 10.8 percent of the attendees travel to the Site via the Yellow light rail line. Assuming a ten percent transit mode share due to the presence of a MAX station on the east side of the property, and average vehicle occupancy of 2.0 persons per car, parking supply is estimated to provide for attendance of up to 6,915.

The parking supply in year 2000 was compared to the 85th percentile daily attendance for events in 1999. In the 2000 study, parking supply exceeded the 85th percentile demand associated with daily attendance of 6,700; therefore, the existing supply was said to be adequate for more than 85 percent (or a vast majority) of events. As outlined in the 2000 study, a management plan was prescribed for those events that exceed the 85th percentile. Event attendance data for the Expo Center was collected for a four-year period between November 1, 2005 and October 30, 2009. The 85th percentile attendance for a three-day event was 6,600 attendees (per day). Considering that the events were daylong activities, not all of the 6,600 attendees were at the Expo Center utilizing parking spaces at the same time, which further suggests that there are more than sufficient parking spaces.

Thus, the 85th percentile event has stayed relatively constant (6,700 in 2000 vs. 6,600 in 2010) over the past decade. Parking supply has diminished in the last decade (3,015 in 2000 vs. 2,354 in 2010), but with the addition of the southwest lot and inclusion of overflow facilities at the nearby TriMet facilities (adjacent MAX station (66 spaces) and Delta Park parking lot (302 spaces)), one can expect that the forecast supply of 3,143 spaces will more than provide adequate parking to accommodate the vast majority of events at the Expo Center (the 85th percentile). The management plan prescribed in the Current TMP facilitates events with daily attendance over 3,500. This management plan has been employed successfully by Applicant during the past decade. It is reasonable to conclude that the prescribed management plan will continue to accommodate those events with attendance in excess of the 3,143 spaces available at the Expo Center.

Applicant intends to promote MAX use for event attendees, employees and vendors, through marketing and education. The Current TMP requires the use of satellite parking facilities and shuttle bus service for large events. BDS Staff recommended the Current TMP be amended to identify the Portland Meadows and PIR sites as available for shuttle parking. Both sites have Conditional Use status for Major Event Entertainment uses. This change will require Applicant to use only shuttle parking facilities that are approved for that use. This change will replace Condition D of the 2001 CUMS decision. The Hearings Officer finds this BDS Staff recommendation to be reasonable and appropriate.

The Hearings Officer finds that the above-referenced measures will address the on-street parking impacts. Currently, there are no real opportunities for parking along the area's streets. As was discussed previously, Applicant will be providing an access easement along its southern property

line to provide for a future public right-of-way within what is now referred to as South Access Drive. The right-of-way will be wide enough to accommodate on-street parking along both sides of the street, which will create new opportunities for on-street parking and enhance the Expo Center's parking supply.

Neighborhood impacts

The Site is surrounded by industrial and open space zoned land/uses, with no residentially zoned areas nearby. Thus, given that this evaluation factor typically refers to residential neighborhoods, it is not relevant to this Proposed Plan review. However, there are a few areas nearby, along the water, with non-traditional floating home uses. The Current TMP and event planning have been successful in minimizing impacts to the surrounding transportation system and their continued implementation with the Current Plan will continue to do so.

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

None of the proposed elements of the Proposed Plan are expected to result in negative impacts to pedestrian, bicycle or transit circulation. The potential future above-grade pedestrian crossing across North Marine Drive would enhance the pedestrian experience around the Expo Center. Bicyclists will continue to utilize the off-street path along North Marine Drive and TriMet's Light Rail service could potentially extend ridership across the Columbia River, assuming the CRC project is constructed. Sidewalk frontage improvements and on-site pedestrian connections will be completed when building permit applications are submitted, per staff recommended conditions.

Summary: As analyzed above, the area's transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Conditions, many that are carried forward from the 2001 CUMS decision, will require additional improvements to the transportation system. Through compliance with conditions, this approval criterion can be met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The Water Bureau notes the Site has existing domestic and fire protection water services and water service is available to the Site from water mains in North Force Avenue and North Marine Drive. The Fire Bureau has no objections. The Police Bureau has not objected to the proposal.

BES states that existing sanitary sewers in North Marine Drive and North Force Avenue are available to serve the Site. Applicant provided an "Existing On-site Utilities Plan" ("Utilities Plan" - Figure 6-1A). The Utilities Plan shows Halls A, B and C connected to the public sanitary sewer in North Marine Drive, and Halls D and E have separate connections to the public sanitary sewer located in North Force Avenue. BES found the Utilities Plan is acceptable for the purposes of the Current Plan review.

BES reviewed a stormwater report from GreenWorks dated March 2011 ("Stormwater Report"),

which includes stormwater calculations and information for conceptual development of the Site. Improvements to the Site will be reviewed in detail at the time of building permit review. Applicant's proposal for managing roof runoff is acceptable to BES. Applicant's proposal for managing runoff from the southwest parking lot is conceptually acceptable to BES. BES expressed no objections to the proposed stormwater management approach for the purposes of land use review.

BES noted that improvements to South Access Drive will occur at the time of the CRC project. At that time, BES will review the proposed improvements in detail to determine specific stormwater management requirements. The disposal location(s) for stormwater runoff from the improvements will also need to be assessed in order for BES to determine specific stormwater disposal requirements. The existing conditions plan shows two private storm outfalls that cross under South Access Drive and outfall to the wetland area to the south (Vanport Wetlands). These outfalls will need to be assessed and upgrades may be necessary in order to provide an approvable disposal location. The MCDD indicated that the available off-site disposal systems located to the south of the Site may have capacity issues. Therefore, a detailed analysis of those systems may be required at the time of permit review in order to determine the appropriate disposal location.

The Port of Portland raised concerns that currently, stormwater from the Expo Site enters the Vanport Wetlands site via a stormwater outfall pipe, as well as by sheet flow, with little or no treatment. Parking lot stormwater runoff, such as from the Site, can negatively impact the health of the Vanport Wetlands due to contaminants such as motor oil and brake dust. While the new proposed parking will meet the requirements of the Portland SWMM, the Port requests that all stormwater from the Site be treated to meet or exceed current standards. Neither the CUMS approval criteria, the Zoning Code development standards, nor the BES' SWMM gives the Hearings Officer authority to require retrofitting of existing development to meet current Stormwater Management standards. However, the existing development is subject to nonconforming upgrade requirements (Zoning Code Section 33.258.070.D.2). Up to 10 percent of the value of proposed projects that require a building permit must be directed to existing development. Additional parking lot landscaping can serve to reduce stormwater runoff volume and pollution.

This criterion is met.

B. Appearance. The appearance of the facility is consistent with the intent of the zone in which it is to be located and with the character of the surrounding uses and development;

Findings: The Site is in a General Industrial Zone. To the west, nearby development is comprised of large, multiple, single-story concrete buildings and paved and landscaped parking areas at the adjacent Stockyards Common Center, a large industrial park. Also, there are nearby properties with large metal buildings, large tanks and exterior work areas. To the north there is a gravel concrete batching facility, boat yards, and moorages. To the south, there is a large public golf course and wetland mitigation area.

The Proposed Plan explains that the designs for the Site and facilities on the Site have been developed in collaboration with a 15-member Expo Advisory Committee, which includes neighbors and representatives of neighborhood associations, Columbia Corridor Association, Columbia Slough Watershed Council, event customers and events-related businesses, and other interested groups. The Advisory Committee will continue to monitor development on the Site through construction and operations. The Site is located in a Design Overlay Zone, so development is subject to design review, further ensuring compatibility with surrounding uses. The exterior design of facilities on the Site will be of scale, material, texture, and color that are compatible with nearby industrial buildings. The Proposed Plan will allow the maximum building height to be 70 feet, at the top of the parapet which is similar to the scale of industrial warehouse buildings in the Rivergate District.

This criterion is met.

C. Benefit. Public benefits of the proposed use outweigh any impacts that cannot be mitigated

Findings: Applicant's mission is to provide multi-purpose public assembly facilities that serve the regional Portland community. The public benefit from the proposed expansion of the facilities on the Site is providing a location for important regional public events and entertainment that is shared by residents across the Portland metropolitan region. In the Current Plan, the Applicant reported that between 1996 and 1999, the Site has annually hosted between 64 and 91 events that spanned between 174 and 262 event days, attracting 469,125 to 949,170 visitors. The Proposed Plan indicates that between 2005 and 2010, the number of events ranged from 93 to 110, between 198 to 249 event days, and attracting 420,616 to 510,141 visitors. These numbers reflect that since 2001, the facility has hosted more events but the total number of attendees has dropped. In 2010, the largest event drew 45,200 visitors over a 5-day period with a peak day event of 14,361 attendees. Applicant anticipates, over the next 10 years, similar size events with a peak day attendance of 15,000 and an annual draw of approximately 500,000 visitors/attendees. The Proposed Plan indicates that in 2008 and 2009, the facility generated approximately 400 full-time jobs and total spending of over 35 million dollars.

The Current Plan decision noted that the growth of the facility comes at a cost in terms of impacts; primarily through an increase in traffic. Impacts from major events may conflict directly with truck traffic in the industrial area, daily commuter and rush hour flows, and other major events at adjacent entertainment and recreation facilities such as PIR, Heron Lakes Golf Course, Portland Meadows Racetrack, Portland Speedway, and Delta Park. Applicant has documented that the Current TMP has been effective. With minor amendments to the Current TMP, the facility will continue to operate without major problems. BDS Staff recommended a number of transportation-related conditions to reduce impacts. The additional traffic impacts should be minimal and easily offset by the public benefits to the economy, culture, and overall livability of the City and region. The Hearings Officer concurred with BDS Staff and PBOT-recommended traffic-related conditions. This criterion is met.

D. In the IR zone.

Findings: The Site is not in an IR zone. It is in an IG2 zone. This criterion does not apply.

33.820 Conditional Use Master Plans

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

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

Findings: Following are the components required by 33.820.070, each followed by a discussion of how they are provided in the Proposed Plan.

33.820.070 Components of a Master Plan

A. Boundaries of the use. The master plan must show the current boundaries and possible future boundaries of the use for the duration of the master plan.

Findings: The Master Plan boundaries encompass lots currently owned by Metro. The boundary is defined generally by the Columbia River on the north, North Force Avenue on the west, the TriMet Light Rail Station and parking area on the east, and the Vanport Wetlands (owned by the Port of Portland) on the south. Site boundaries are shown on Figure 2-1 (Exhibit A.4).

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

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

Findings: Exhibit A (application) of the Proposed Plan contains a general description of the proposal for the duration of the Proposed Plan (ten years). Other portions of the application provide details of how the proposed uses and possible future uses comply with the Conditional Use approval criteria. The nearest residential area is a houseboat moorage located on Hayden Island, about 700 feet north of the north Site boundary and across the Oregon Slough (south channel of the Columbia River). The nearest residentially zoned land is also a houseboat moorage on Hayden Island, about 1000 feet to the northwest.

C. Uses and functions. The master plan must include a description of present uses, affiliated uses, proposed uses, and possible future uses. The description must include information as to the general amount and type of functions of the use such as office, classroom, recreation

area, housing, etc. The likely hours of operation, and such things as the approximate number of members, employees, visitors, special events must be included. Other uses within the master plan boundary but not part of the conditional use must be shown.

Findings: A description of past and possible future events, including estimated attendance figures and number of employees, is included in the Proposed Plan application (Exhibit A). The Proposed Plan boundaries are limited to only Applicant-owned property and contain no additional uses or activities.

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

1. All existing improvements that will remain after development of the proposed use;
2. All improvements planned in conjunction with the proposed use; and
3. Conceptual plans for possible future uses.
4. Pedestrian, bicycle, and transit facilities including pedestrian and bicycle circulation between:
 - a. Major buildings, activity areas, and transit stops within the master plan boundaries and adjacent streets and adjacent transit stops; and
 - b. Adjacent developments and the proposed development.

Findings: The Proposed Plan application (Exhibit A) contains a series of site plans showing building locations, pedestrian and bicycle facilities and circulation system, open areas, and other proposed uses. Also contained in the application is a description of the buildings that will be removed (Halls A-C). This criterion is met.

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

Findings: The Applicant has requested to increase, from the current approved Master Plan, the allowed height limit from 61.5 feet to 70 feet. The 70-foot height limit will supersede the base zone where there is no height limit imposed.

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

Findings: The Proposed Plan application does not include a phasing plan or specific time schedule. The sequence of development and probable schedule has not been set. It will be determined by factors including: priorities to meet emerging needs of Applicant's customers and businesses, coordination with the schedule of future events, and availability of funds and coordination with the CRC project. As the specific projects are implemented, construction activities may create the need for temporary structures such as trailers or modular offices, staging areas for construction and parking and storage to accommodate the construction process itself. Applicant may need to erect on-site, temporary, weather-protected exhibit space.

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

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

Findings: The Proposed Plan application includes two letters from the Applicant's Traffic Engineer, Kittelson and Associates (Exhibits A.19 and H.11a), identifying current parking counts, a copy of the previously approved transportation impact analysis, a transportation demand management program, and an event management program. PBOT reviewed the information and finds it adequate.

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

Findings: No street vacations are requested by the Proposed Plan application.

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

Findings: No adjustments are requested by the Proposed Plan application.

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

Findings: No additional discretionary reviews are requested in the Proposed Plan application. Because there have been no plans developed for proposed buildings, Design Review will occur at a future date.

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

Findings: The Proposed Plan application describes review procedures for future development. These procedures are consistent with Zoning Code provisions.

Summary: Applicant submitted a complete and detailed Proposed Plan that contains all elements required by City Code Chapter 33.820. The application, as updated, has been reviewed for completeness by all City service bureaus. The requirements for a Conditional Use Master Plan are met.

33.820.050 Approval Criteria

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

Findings: Conditional Use criteria of 33.815.215 (Major Event Entertainment) have been discussed earlier in this decision. To the extent that those criteria have been met, this criterion is also met.

- C.** The proposed uses and possible future uses will be able to comply with the applicable requirements of this Title, except where adjustments are being approved as part of the master plan.

Findings: The physical facilities and uses outlined in the Proposed Plan are classified as a Major Event Entertainment use and are allowed as a Conditional Use in the IG2 base zone. Conditional Use criteria of 33.815.215 (Major Event Entertainment) have been discussed earlier in this decision. To the extent that those criteria have been met, this criterion is also 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.

III. CONCLUSIONS

This case is a request, by the Applicant (owner and operator of the Metro Expo Center), to update an existing Conditional Use Master Plan. The Current Plan, adopted in 2001, proposed improvements and activities at the Site that would result in an increase in the intensity of use. Mitigation measures were identified and made part of the Current Plan.

The Proposed Plan, if approved, would be effective for an additional ten (10) year period. The Proposed Plan includes, generally, the same list of projects identified in the Current Plan; it is Applicant's goal/desire to complete the identified projects during the requested update time period.

The review of the Proposed Plan also included an evaluation of the Current TMP. Applicant, BDS staff and PBOT staff identified minor modifications/updates to the Current TMP.

BDS staff recommended that conditions that remain relevant and/or remain unfulfilled should be carried over into the updated Proposed Plan.

At the public hearing, the Port of Portland expressed concerns regarding the location of, and possibility of, parking on South Access Road, access from the Site into the Vanport Wetlands, stormwater impacts upon the Vanport Wetlands created by improvements to the Site, and Applicant's proposal to create a North Marine Drive pedestrian crossing. After the public hearing and during the open record period, the BDS staff, PBOT staff, Applicant and the Port resolved all of the Port's concerns except for the North Marine Drive pedestrian crossing. The Hearings Officer concluded that an above-grade North Marine Drive pedestrian crossing could be approved, as part of the Proposed Plan, if a condition were imposed that the above-grade crossing was of sufficient height (based upon approval of the City Engineer and ODOT) to permit safe and efficient passage by vehicular traffic (including trucks). The Hearings Officer concluded, based upon the evidence in the record, that an at-grade North Marine Drive pedestrian crossing could not be approved at this time. However, the Hearings Officer provided, in a condition of approval, that Applicant could utilize a Type II land use process to a request an at-grade North Marine Drive pedestrian crossing.

IV. DECISION


Approval of a Conditional Use Master Plan amendment and update for additional development on the Site approved for Major Event Entertainment uses and activities, for a period of 10 years from the effective date of this approval, subject to the following conditions:

- A. Within three months of the final decision on this update (LU 11-102970 CUMS), Applicant must submit to BDS three copies of the approved Proposed Plan, updating and amending the

Current Plan (LU 01-00036 CU MS). The Proposed Plan must incorporate all changes and conditions of approval and must include:

1. Updated site plans that identify the planned east-west street (realigned South Access Road) to be located entirely on the Site;
 2. Updated project list that describes all project components, such as signage, pedestrian ways, interpretive viewing areas, etc. Any access from the Site to Port of Portland Property or improvements on Port of Portland property will require Port of Portland approval. Applicant will collaborate with the Port of Portland on any Vanport Wetlands viewing point that is proposed, by Applicant, to be located on the Site.
 3. The Proposed TMP must:
 - a. Identify the signal improvements at the Victory Boulevard intersection which ameliorates the need for traffic control/flagger measures and personnel;
 - b. Identify the number of parking spaces to be eliminated on-site for events that use the parking area for functions other than parking and adjust the Transportation Management Plan threshold accordingly, based on an auto occupancy of 2.0 persons per vehicle, to determine the appropriate traffic and parking management measures to be employed; and
 - c. Identify the Portland International Raceway and Portland Meadows as other nearby Event Entertainment Use sites where satellite/shuttle parking is allowed. Applicant and/or event organizers/vendors must schedule the use of the sites and verify that there is no conflict or overlap in events at the sites.
- B. Prior to issuance of building permits for any new buildings such as the Support Building, New Exhibit Halls, or New Meeting Rooms, as shown on the approved site plan, the following must also be completed:
1. A continuous, separated walkway, at least 10 feet wide, must be constructed to connect the new building(s) to North Marine Drive and the existing Exhibit Halls.
 2. Signs must be installed, readable to persons travelling on bicycles, directing bicyclists onto the Site from South Access Drive to the Exhibit Halls.
 3. Within three years of final occupancy of a new building on the Site, or as determined by the City Engineer as a component of the CRC project, sidewalk improvements along the North Marine Drive frontage must be constructed to meet the requirements of the City and ODOT.

4. No loading activities are allowed along the Site's North Marine Drive frontage, either on the Site or within the public right-of-way.
 5. Retain the barriers at the eastern-most approach to North Marine Drive until the time that frontage improvements are completed per Condition B.3, at which time the driveway must be closed. A permit from PBOT is required to close the approach.
 6. Provide an additional 421 parking spaces on the Site. The parking spaces may be located entirely within the southwest corner, as illustrated in Figures 6-4a and 6-4b, or disbursed elsewhere on the Site. A separate building permit is required for the new parking area(s).
 7. Reconstruct the existing sidewalk along North Force Avenue from North Marine Drive to the current terminus of the sidewalk, to the satisfaction of the City Engineer. Extension of the sidewalk corridor, constructed to the satisfaction of the City Engineer, is required at the time new parking spaces are developed in the southwest corner of the Site.
- C. Applicant must obtain access permits from ODOT for the continued use of the existing approaches onto North Marine Drive.
- D. Retain the east-west public access through the Site along South Access Road via a new public easement. Said new public access agreement must be recorded with Multnomah County within ninety (90) days of the recording of this land use decision. If the access easement must be modified to accommodate new parking spaces in the southwest corner of the Site, the South Access Drive must be realigned along the Site's southern property line. A new public access, construction, and utility easement must be established and recorded to reflect the new alignment. The new public access, construction and utility easement must be 50-feet wide to accommodate the future public right-of-way improvements associated with the CRC Project. The Applicant must extend the existing driveway and provide a new connection to North Force Avenue in relation to the realignment, and the existing curb cut/connection to North Force Avenue must be closed.
- E. Any new above-grade pedestrian crossing of North Marine Drive shall be limited to a pedestrian bridge of sufficient height meeting the requirements of the City Engineer and ODOT; no at-grade pedestrian crossing of North Marine Drive shall be permitted unless Applicant submits a Type II application to modify the Proposed Plan and such application receives final approval from the City.


Gregory J. Frank, Hearings Officer

6/9/11
Date

Application Determined Complete: March 11, 2011
Report to Hearings Officer: April 29, 2011
Decision Mailed: June 10, 2011
Last Date to Appeal: 4:30 p.m., June 24, 2011
Effective Date (if no appeal): June 27, 2011 Decision may be recorded on this date.

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

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

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Until 3:00 p.m., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. **An appeal fee of \$ 10,069.50 will be charged (one-half of the application fee for this case).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

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

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

Recording the final decision.

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

- A building or zoning permit will be issued only after the final decision is recorded.

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

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

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

Expiration of this approval. Conditional Use Master Plans and any concurrent reviews other than a Zone Change or Comprehensive Plan Map Amendment remain in effect until:

- All development allowed by the plan is completed; or
- The plan is amended or superseded; or
- As specified in the plan; or
- As otherwise specified in the final decision.

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

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement – Conditional Use Master Plan Update, Submitted January 2011 and Updated March 11, 2011
 - 1. General Information
 - 2. Summary: Project History and Development Plans
 - 3. Response to Approval Criteria
 - 4. Site
 - 5. Site Conditions
 - 6. Expo Uses and Present
 - 7. Expo Uses – Proposed Uses and Temporary Uses
 - 8. Site Development Plans
 - 9. Transportation and Parking
 - 10. Impact Mitigation
 - 11. Public Services/Utility Information
 - 12. Resource Description
 - 13. Environmental Compatibility
 - 14. Zoning Code Assessment/Land Use Review Requirements
 - 15. Neighborhood Communications and Coordination
 - 16. Project Review Procedures
 - 17. Public Involvement
 - 18. Exhibits
 - a. Application
 - b. Pre-Application Conference Summary Report
 - c. Traffic Management Plan Evaluation
 - d. Transportation and Parking, 2001 Master Plan
 - e. Transportation Impact Analysis and Management Plan, 2001 Master Plan
 - f. Technical (Transportation) Appendix, 2001 Master Plan
 - g. Expo Transportation Demand Management Program, 2001 Master Plan
 - h. Expo Center Transportation Management Plan for Events, 2001 Master Plan
 - i. Community Stakeholder Meeting
 - j. Expo Center CU Master Plan, approved June 2001
 - k. Urban Design Concept (Long-Range Vision)
 - l. Stormwater Report
 - 19. Updated Traffic Management Plan, submitted April 19, 2011
 - 20. Revised South Access Road Alignment, submitted March 11, 2011
 - 21. Status of LU 01-00036 CU MS Conditions of Approval, submitted April 19, 2011
 - 22. Signed 120-day Waiver, Submitted February 1, 2011
- B. Zoning Map (**attached**)
- C. Plans and Drawings
 - 1. Proposed Site Plan – Option 1 (**attached**)
 - 2. Proposed Site Plan – Option 2 (**attached**)

D. Notification information

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

E. Agency Responses

1. Bureau of Environmental Services
2. Portland Bureau of Transportation
3. Oregon Department of Transportation, comments submitted Aug. 30, 2010
4. Water Bureau
5. Fire Bureau
6. Site Development Review Section of Bureau of Development Services
7. TRACS - Bureau of Parks, Forestry Division – No Concerns

F. Letters

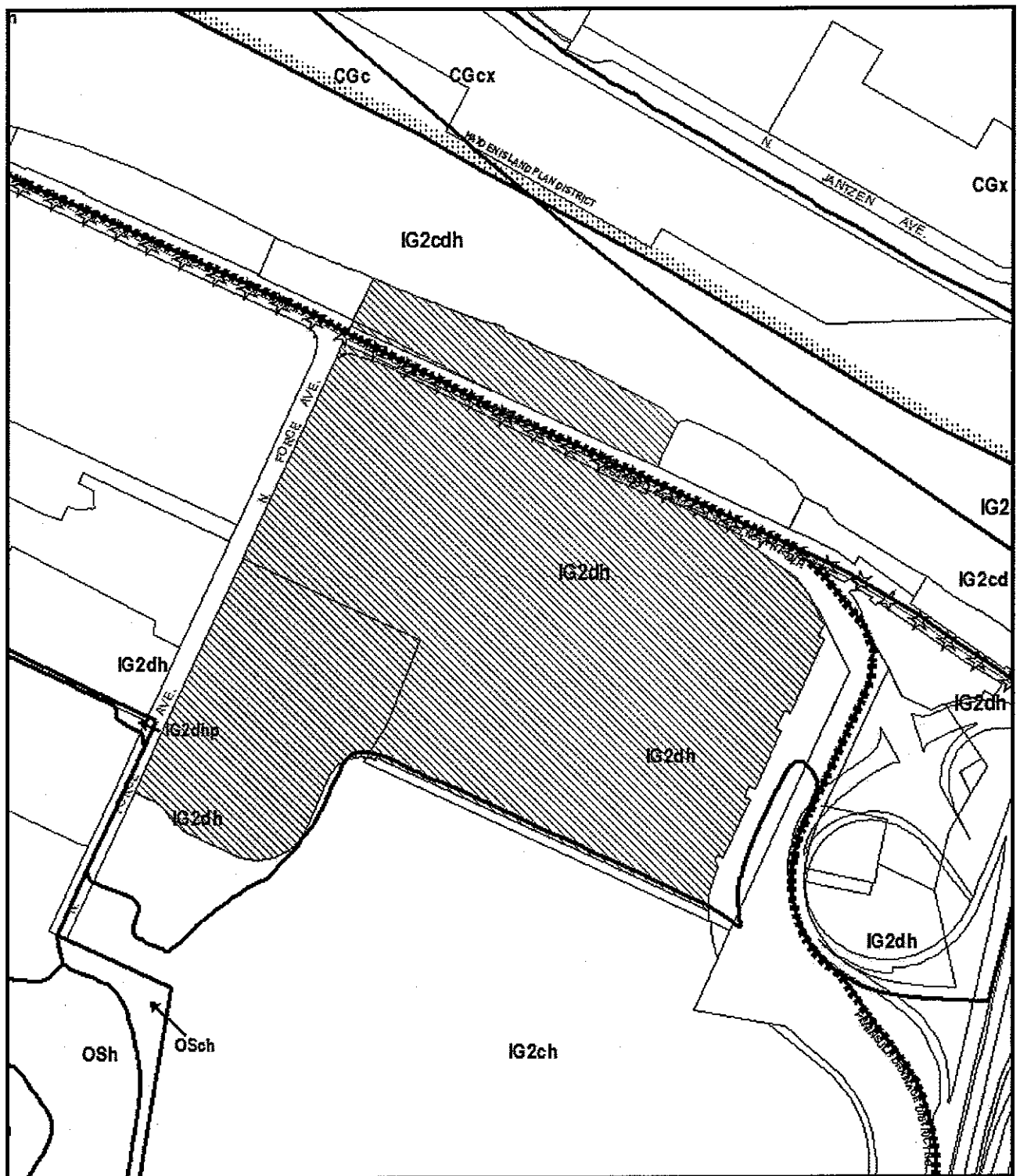
1. Tom Bouillion, Port of Portland, April 15, 2011, Concerns Raised
 - a. Letter
 - b. Alternative D – Columbia River Crossing Preferred Improvements
 - c. Recorded Conservation Easement for Vanport Wetlands

G. Other

1. Original LUR Application
2. Site LU History Research
3. Application Completeness Review Letter to Applicant

H. Received in the Hearings Office

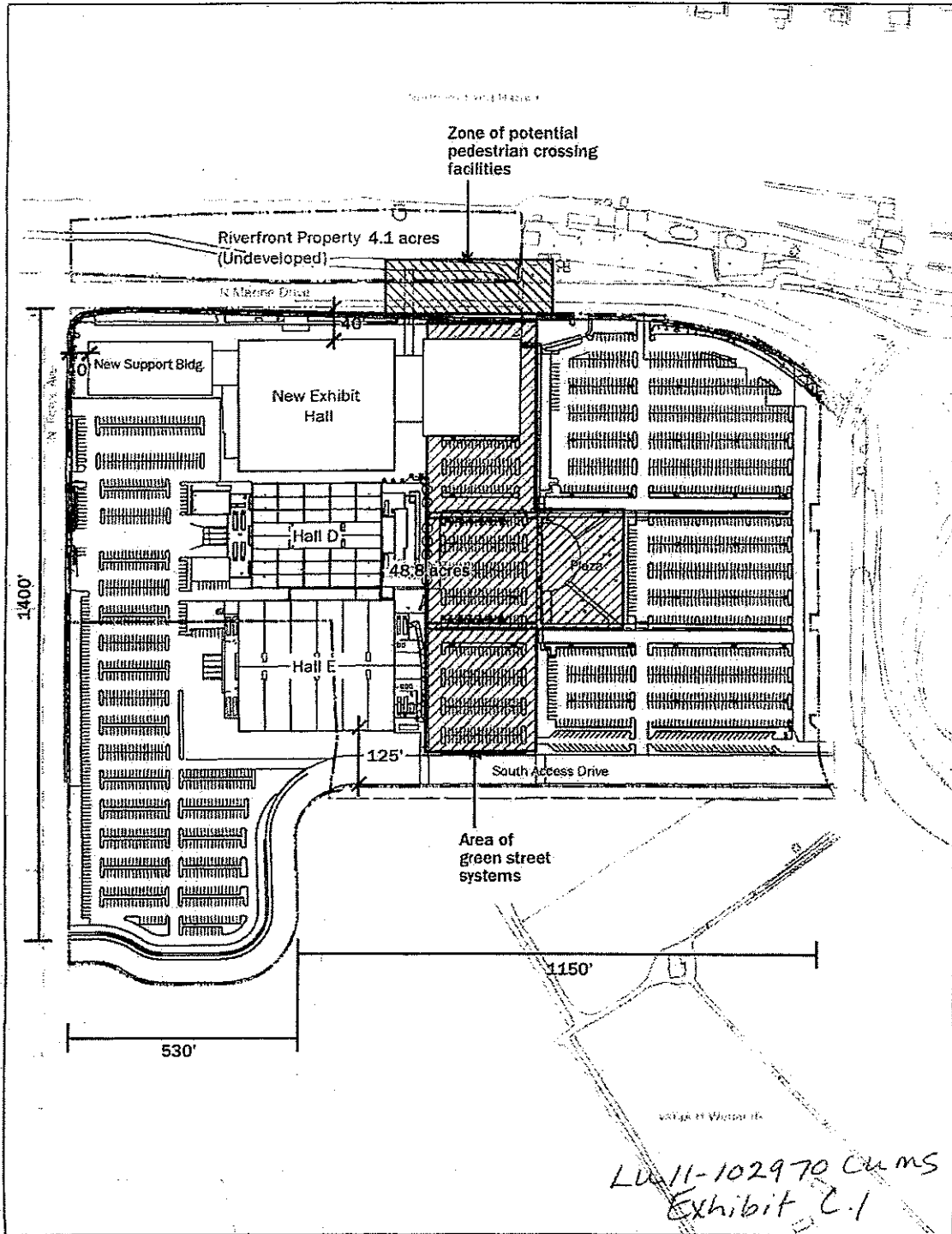
1. Hearing Notice - Frugoli, Sheila
2. Staff Report - Frugoli, Sheila
3. 4/28/11 letter from Multnomah Drainage District No. 1 - Frugoli, Sheila
 - a. 4/28/11 letter, Byron Woltersdorf to Kim Knox - Frugoli, Sheila
4. Memo dated May 10, 2011 - Frugoli, Sheila
5. 5/10/11 letter - Bouillion, Tom
6. 5/11/11 Memo from Cheryl Twete - Knox, Kim
7. PowerPoint presentation printout - Frugoli, Sheila
8. 5/18/11 letter - Bouillion, Tom
 - a. Tube Count report - Bouillion, Tom
 - b. Tube Count report - Bouillion, Tom
9. 5/18/11 Memo - de Freitas, Fabio
10. 5/18/11 Memo - Twete, Cheryl
11. 5/25/11 Memo with attachment - Twete, Cheryl
 - a. 5/24/11 letter from Kittelson & Associates, Inc. - Twete, Cheryl



ZONING



File No.	<u>LU 11-102970 CUMS</u>
1/4 Section	<u>1828, 1927, 1928</u>
Scale	<u>1 inch = 400 feet</u>
State_Id	<u>2N 1E 33 200</u>
Exhibit	<u>B (Jan 13, 2011)</u>

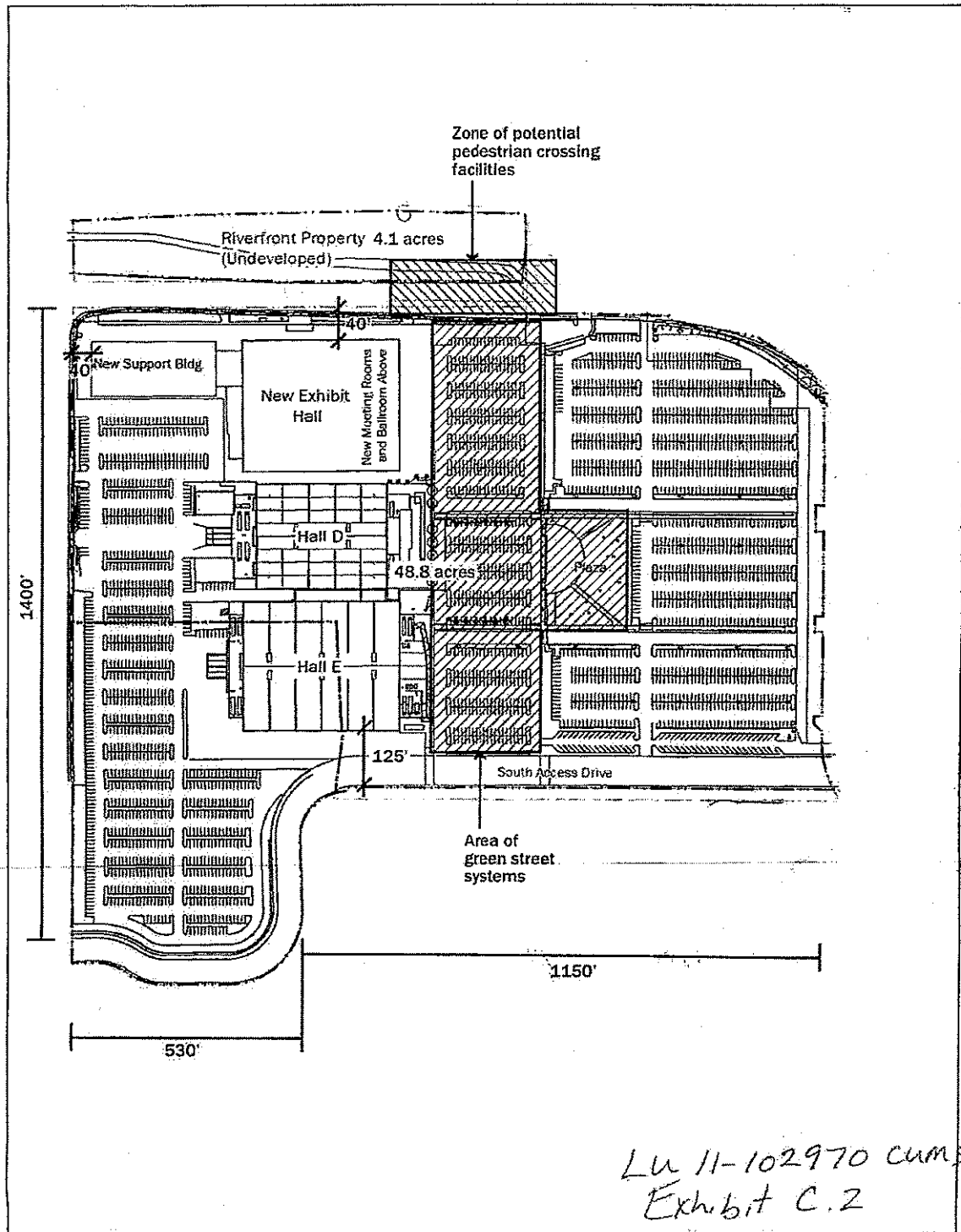


EXPO MASTER PLAN

Figure 4-2 a
Expo Site Plan - Planned Development and Development Areas
Option 1 - Ground Level Ballroom

Expo Site Textlot

0 200 400 Feet



EXPO MASTER PLAN

Figure 4-2 b
Expo Site Plan - Planned Development and Development Areas
Option 2 - Second Level Ballroom

Expo Site Taxlot

0 200 400 Feet