

Report to Hearings Officer: April 20, 2001  
Decision Mailed: May 31, 2001  
Last Date to Appeal: June 14, 2001  
Effective Date (if no appeal): June 15, 2001

## DECISION OF THE HEARINGS OFFICER

### I. GENERAL INFORMATION

**File No.:** 01-00036 CU MS

**Applicant/ Deedholder:** Metro (deedholder) Mark Hunter (applicant) 600 NE Grand Avenue, Metropolitan Exposition Recreation Commission, Portland, Oregon, 97232, 777 NE Martin Luther King Jr Boulevard, Portland, Oregon 97232

**Applicant's Representative:** Clark Worth, Barney and Worth Inc, 1211 SW Fifth Avenue, Suite 1140, Portland, Oregon, 97204

**Hearings Officer:** Gregory J. Frank

**OPDR Staff Representative:** Duncan Brown

**Site Address:** 2044-2060 N Marine Drive

**Quarter Section:** 1828, 1928

**Legal Description:** Section 33, 2N1E, TL 200, 1400, 2200, 2100; Section 4, 1N1E, TL 100

**Tax Account No:** R951330050

**State ID No:** 2N1E33 200

**Neighborhood:** Kenton Neighborhood Association

**Business District:** Columbia Corridor Association

**District Coalition:** North Portland Neighborhood Services

**Zoning:** IG2 d,h,c General Industrial (IG2) base zone with Design (d), Aircraft Landing (h), and Environmental Conservation (c) overlay zones.

**Land Use Review: Type III CU MS** Conditional Use and Conditional Use Master Plan reviews

**OPDR Staff Recommendation to Hearing Officer:** Approval with conditions.

**Public Hearing:** The hearing was opened at 9:30 am on April 30, 2001, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, OR, and was closed at 11:10 am. The record was left open for additional written testimony until 4:00 pm on May 7, 2001 and for a rebuttal until 4:00 pm on May 14, 2001.

**Testified at the Hearing:** Duncan Brown (OPDR Staff Representative); Mark Williams, 777 NE Martin Luther King Blvd, Portland, OR, 97232; Clark Worth, Barney and Worth, 1211 SW 5th Avenue, Portland, OR, 97204; Bruce Robinson, Kittleson and Associates, 610 SW Alder Street, Portland, OR, 97204; Peter Teneau, 2715 N Terry Street, Portland, OR, 97217; Joseph Annett, 1849 N Kilpatrick, 97217; Christine Palmer, 4001 NE Halsey, Portland, OR, 97232

**Number of Letters Received:** 5

## II. ANALYSIS

### PROPOSAL

The applicant requests Conditional Use Master Plan approval for a Major Event Entertainment use, the Expo Center, an exposition-recreation facility that has operated in various configurations since the early 1920s. The Master Plan includes upgrade and expansion that will have the following components:

- Expansion and replacement of existing Exhibit Halls A, B, C, and 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;
- Revisions to the Expo site plan to accommodate planned construction of an IMAX light rail station and park-and-ride lot;
- Replacement of a portion of the on-site parking lost to upgrading and expansion of the Expo facilities, compliance with site development standards (including stormwater disposal and landscaping), and planned construction of the IMAX station;
- Covered pedestrian connections between Expo facilities, and between Expo and the IMAX station;
- Realignment of South Access Drive to improve Expo operations and visitor safety; and
- Creation of an environmental reserve along the southern edge of the Expo site.

Proposed expansions and upgrades will result in:

- Total building area of approximately 522,510 square feet;
- Maximum height of 61.5 feet;
- Additional events per year;

- Additional event days per year;
- Additional Employment FTE (full time equivalent);
- Increase in annual attendance;
- Peak daily attendance of 15,000; and
- 2805 parking spaces.

No development within any Environmental Zone or north of N Marine Drive is proposed in the master plan. Traffic improvements include on-site realignment of South Access Drive, a private street connecting N Expo Road to N Force Avenue, light rail access on the east site boundary, and a future traffic signal on the north-bound on/off ramp for the I-5 freeway. The plan also allows for transfer of ownership or permanent use of eastern portions of the site to Tri-Met for the IMAX line and park-and-ride facilities (neither of these activities are part of this review).

Design of future buildings has not been done, so it is not known if any adjustments to development standards will be required. Design review and any required adjustments are not part of this land use review, and will occur at a future time when building design is done.

#### **APPROVAL CRITERIA**

Because the proposed use is for a Major Event Entertainment facility, it is a Conditional Use in the IG2 zone and must meet the approval criteria of 33.815.215 (Major Event Entertainment, Conditional Uses) and the Transportation Element of the Comprehensive Plan (applicable policies and objectives of Goal 6, Transportation). Because Conditional Use Master Plan approval is requested, the proposal must also meet the approval criteria of 33.820.050 (Approval Criteria, Conditional Use Master Plans). Any adjustments or design review requirements will be processed at a future time.

## **II. ANALYSIS**

**Site and Vicinity:** The site is large (about 60 acres) and relatively flat, located generally between the I-5 freeway, North Marine Drive, North Force Avenue, and South Access Road. South Access Road is a private street, also known as South Access Road, that separates the site from the Radio Tower Wetlands (large wetland area formerly having two large radio towers but now owned by the Port of Portland) to the south. There are wetlands and Force Lake south of the site, part of the Peninsula Drainage District #1 Natural Resource Management Plan area. Buildings on the Expo site are clustered toward the west side, extending from N Marine Drive south for about 950 feet. Large parking areas surround the simple metal warehouse-style structures that make up the 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 buildings and their public entrances. North of N Marine Drive is a narrow band of land that has frontage on the Oregon Slough, the south channel of the Columbia River. It is undeveloped except for a portion of the 40-Mile Loop trail.

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. Land to the south consists of large parcels of open space and undeveloped wetlands, including the Radio Tower Wetlands, Portland International Raceway, and Heron Lakes Golf Course. These properties are intertwined with lakes and sloughs that form an area now under study for resource enhancement and environmental protection.

Main access to the visitor parking area is from N Expo Road, a Local Service Street, Regional Transitway, City Bikeway, City Walkway, and Truck District that connects the site to the Delta Park/PIR I-5 interchange. The other access to parking is from N Force Avenue along the west site boundary, another Local Service Street that is a City Bikeway, Local Pedestrianway, and part of the Truck District. It connects to the Delta Park/PIR I-5 interchange through Broadacre Road, a private street that runs through Heron Lakes Golf Course. It also intersects with N Marine Drive on the north, a Major City Traffic Street, Major City Transit Street, Off-Street Bike Path, Off Street Pedestrian Path, and Truck District that in turn connects to an interchange with I-5 at the northeast corner of the site. The I-5 freeway, adjacent to the east site boundary, is a Regional Trafficway, Regional Transitway, and Regional Truck Route.

**Zoning: IG2 d,h,c** General Industrial (IG2) base zone, allowing most industrial uses while restricting other uses to prevent potential conflicts and preserve land for industry. Certain uses, including Major Event Entertainment, are allowed as conditional uses. Design (d) overlay zone promotes conservation, enhancement, and continued vitality of areas with special scenic, architectural, or cultural value. Aircraft Landing (h) overlay zone provides safer operating conditions for aircraft in the vicinity of the Portland International Airport by limiting height of structures and vegetation. Environmental Conservation (c) 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. Two relate directly to the proposal:

- LUR 96-00202 CU AD DZ Construction of Hall E, the southernmost building in the Expo complex.
- LUR 99-00815 CU DZ AD Construction of Hall D, the center hall in the complex.

**Agency Review:** A “Request for Response” was mailed **March 2, 2001**. Following is a list of bureaus and agencies that have responded and a brief summary of any issues or concerns. Discussion of applicable issues is discussed under each relevant approval criterion in this report.

- Bureau of Environmental Services states that existing sanitary sewers in N Marine Drive and N Force Avenue are available to serve the site, although there are potential capacity issues that are not addressed in the application. The issue of capacity will have to be addressed and resolved prior to any building plan approval.

The proposal for stormwater management is appropriate at this time. However, the applicant will have to abide by all requirements of the Stormwater Management Manual that are current at the time building plans and/or public improvements are submitted.

- Bureau of Transportation Engineering has reviewed the proposal and has made lengthy comments. Required improvements include improved pedestrian and bicycle access throughout the site, an east-west roadway through the site, and resolution of land use status for off-site parking lots proposed for overflow parking.
- Water Bureau states that water is available from mains in N Force Avenue and N Marine Drive.
- Fire Bureau has no objections to the proposed use.
- Site Development Section of OPDR states that stockpiled material on the southwest portion of the site are not an approved use and permits will have to be obtained within 30 days of the land use decision. The Metropolitan Exposition Recreation Commission (MERC) has responded to these comments (Exhibit F2) and submitted information to the Site Development Section that permits for stockpiling have already been issued.
- Bureau of Parks-Forestry Division states that street trees may be required on all public street frontages at the time a building permit is applied for.
- Oregon Department of Transportation (ODOT) states that N Marine Drive is a State Highway, so there are restrictions that will apply to future development that gains access from this street. ODOT Indentures of Access must be obtained for continued use of the two permitted approaches that comprise the circular driveway used as a bus pull-out/ passenger drop off. The access point from the parking lot further east shall be closed unless permitted by ODOT for emergency vehicle access. If approved, ODOT shall specify design features to ensure emergency access only. Curb and sidewalk shall be installed to close the approach if required by ODOT. The two western approaches at the loading bays shall be removed with the demolition of these exhibit halls. Curb and sidewalks must be constructed to current ODOT/ADA standards and shall be installed to close the approaches. ODOT permits are required for all work in the N. Marine Drive right of way, including utility installation.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **March 26, 2001**. No written responses have been received from the Neighborhood Association. A response has been received from Energy & Material Recovery Inc, a business on the west side of N Force Avenue adjacent to the Expo site. The letter states that the proposed use "...continues the erosion of the use of our 4.2 acres of Heavy Zoned Industrial property..." and there should be no on-street parking allowed on N Force Avenue, and asks for "... written assurances that traffic can, at all times, be able to move North on Force Avenue from both our driveways." In addition, in a letter from a neighbor it was stated that the sanitary and storm sewers on N Force Avenue give off major odors, and the groundwater and surface stormwater are sources of Ecoli. These items will be discussed under the appropriate approval criteria of this decision excepting the "sources of Ecoli" comment which will not be discussed as there no substantive evidence to substantiate this statement were offered into evidence.

#### **A. 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 Arterial Streets Classification Policy or the Downtown Parking and Circulation Policy, depending upon location;

**Findings:** The site is adjacent to the I-5 freeway, N Marine Drive, N Force Avenue, N Expo Road, and the Interstate MAX alignment. The Arterial Streets Classification Study classifies those streets as follows:

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

The Expo site is bounded by the Interstate 5 freeway (I-5) to the east, N Marine Drive to the north, and N Force Avenue to the west. The south edge of the site is undeveloped land and N Expo Road dead ends at the southeast corner of the site. The site does not have direct access to I-5. Both the Oregon Department of Transportation and Bureau of Transportation Engineering and Development have reviewed the proposal and determined that improvements to roads providing access to the site are required in order to meet this criterion. Required improvements are discussed in subsection 2 below. To the extent that criterion can be met, this criterion can also be met.

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

**Findings:** The Expo site is bounded by the Interstate 5 freeway (I-5) to the east, N Marine Drive to the north, and N Force Avenue to the west. The south edge of the site is undeveloped land and N Expo Road dead ends at the southeast corner of the site. The site does not have direct access to I-5.

North Marine Drive is fully improved including bicycle and pedestrian facilities. Weekday bus service is provided on N Marine Drive and a transit stop is located on the site. The bus stop has two driveways, and several other driveways are located along the N Marine Drive frontage. The sidewalk along the eastern half of the site frontage is useable but does not meet current sidewalk standards. As a part of building permit review for new buildings along N Marine Drive, the sidewalk will need to be reconstructed to meet current standards (four-foot planting strip behind the curb and six-foot sidewalk behind the planting strip). Driveways along N Marine Drive are subject to ODOT approval (see next paragraph). Driveways not approved or proposed to be removed must be replaced with standard curb and sidewalk as a condition of building permit approval.

North Marine Drive is a State Highway, so there are restrictions that will apply to future development that gains access from this street. Oregon Department of Transportation (ODOT) Indentures of Access must be obtained for continued use of the two permitted approaches that comprise the circular driveway used as a bus pull-out/ passenger drop off. The access point from the parking lot further east shall be closed unless permitted by ODOT for emergency vehicle access. If approved, ODOT shall specify design features to ensure emergency access only. Curb and sidewalk shall be installed to close the approach if required by ODOT. The two western approaches at the loading bays shall be removed with the demolition of these exhibit halls. Curb and sidewalks must be constructed to current ODOT/ADA standards and shall be installed to close the approaches. ODOT permits are required for all work in the N. Marine Drive right of way, including utility installation.

North Force Avenue is center-strip paved along the southern portion of the site frontage. As required by Title 17, all unimproved or partially-improved portions of this frontage (including the frontage along the proposed environmental reserve) must be improved with curbing, storm drainage, sidewalks and street lighting to match the street section along the north portion of the site. Improvements along the southern portion of the N Force Avenue frontage will be required as a condition of building permit approval for the proposed southwest parking lot, Phase VI, including rerouting of the east-west access road. The portion of sidewalk along the parking lot just to the south of the Marine Drive/Force Avenue intersection must be rebuilt to meet current standards as a condition of building permit approval for the proposed new support building, Phase III.

A letter from Energy and Material Recovery Inc, a business on the west side of N Force Avenue adjacent to the Expo site, noted that site access and egress is often blocked by

Expo patrons. It was requested that parking along N Force Avenue be prohibited to allow for truck movement. There is a City process outside of a land use review for placing parking restrictions along public streets, so further regulation through this conditional use review is not appropriate.

North Expo Road connects to the southeast corner of the site. It is center-strip paved and will be improved as part of the Interstate MAX (IMAX) light rail project. Improvements will include bicycle and pedestrian facilities, and on-street parking will be removed.

Existing routes for east-west connections are circuitous and out of direction, either requiring use of the freeway system or N Victory Boulevard, N Hayden Meadows Drive, N Martin Luther King Boulevard and N Marine Drive. Access to the new light rail station for residents along N Marine Drive will be difficult without a through-site connection. Also, during events, attendees arriving at one edge of the site but preferring to gain access to the other may also be required to travel on the routes described above. This places site-related traffic on the regional transportation system - potentially at times when that system is experiencing significant congestion. In addition, focus on N Expo Road as the only point of access that is always open continues to encourage concentration of vehicles at the N Victory Boulevard/I-5 interchange. This is the intersection that most commonly experiences the highest level of congestion or delay during Expo events.

Generally, an interconnected grid system provides more options for travel, helping to disperse traffic which lessens impacts on specific locations. In August 1996 a memorandum from Charlie Hales stated that parcels larger than two acres in size warrant special consideration for a gridded street system (based on block spacing of 330 – 660 feet). This is based on METRO connectivity requirements. In addition, special focus is placed on station communities, and special allowance is provided for industrial sanctuary lands. Because the site already contains development, there are very limited options for east-west streets. Also, traffic safety and operational issues for Marine Drive just to the west of the I-5 interchange preclude establishing new street intersections along the Expo frontage. This limits options for north-south connections.

Pedestrians and bicyclists choosing to travel in an east-west direction are similarly constrained by the lack of east-west connections and also cannot use the freeway for circulation options.

Based on the existing site layout, an east/west public street connecting N Force Avenue and North Expo Road is needed. The applicant proposes the south access drive as shown on the site plan (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. As a public agency, Metro has limitations that may cause difficulty with dedication or easements creating a public right-of-way. However, public agency status provides a higher level of responsibility/insurance and permanence, allowing more flexibility with which to establish public use and access.

A traffic impact analysis was completed for the site. The study concludes that one intersection in the vicinity operates at less than level-of-service "D" (I-5 ramp at Victory Boulevard) when large events are occurring at Expo. Previous land use and traffic impact reviews have recognized this existing continuing problem and its intermittent nature. Expo provides a police officer to assist with traffic control at this intersection during large events. There is significant improvement in the intersection operation, although it cannot be directly compared with a level-of-service standard. Though the level of service standard is not met, the Bureau of Transportation Engineering and Development has supported previous developments where the traffic impacts would be no worse than existing.

The Transportation Management Plan requires the use of satellite parking facilities and shuttle bus service for large events. Depending on the Expo event and activity schedule of possible parking providers, location of these shuttle parking locations will vary from event to event. This is not a problem as long as the shuttle parking location is approved for that use (commercial parking or major event entertainment parking). With a condition requiring Expo to use only shuttle parking facilities that are approved for that use, this element of the Transportation Management Plan can be met.

A traffic management plan (including traffic control personnel to control traffic in certain cases) is proposed. The plan (pages 38-44 of Appendix D and Appendix F of the application, Exhibit A1) proposes management levels based on event attendance. Given no increase in available parking, and the traffic management plan as proposed, traffic impacts should be no worse than existing.

The site has direct and appropriate access to arterials, and transit is available and will improve significantly with the opening of IMAX in 2004. The site will have a net decrease in parking, but the on-street impacts should not significantly increase because there are limited on-street parking opportunities. Assuming the east/west pedestrian connection is designed appropriately, there are no pedestrian safety issues. With the traffic management program as set out in the master plan with a condition related to shuttle parking, and road, pedestrian and bicycle improvements noted above, the transportation system can safely handle the expected trip generation from this site without reducing the existing service level. With conditions requiring street improvements and related improvements noted above prior final inspection, unless otherwise noted, and a condition requiring shuttle parking lots to be approved for that activity, this 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. Additional water is available to the site from existing 12" diameter water mains in N Force Avenue and N Marine Drive. The Police Bureau has not objected to the proposal. The Fire Bureau has no objections.

Bureau of Environmental Services states that existing sanitary sewers in N Marine Drive and N Force Avenue are available to serve the site, although there are potential capacity

issues that are not addressed in the application. The issue of capacity will have to be addressed and resolved prior to any building plan approval.

Comments from Energy & Material Recovery Inc about sewer odors have been received. As future development occurs on the Expo site, issues of sewer capacity can be resolved, which should also address any odor problems.

Generally the proposal for stormwater management is appropriate at this time. However, design details proposed in the plan, including specific means of stormwater treatment, may not include accepted structures for water quality treatment, and may need to be changed or clarified at the time of development.

Testimony was received at the hearing and later in written correspondence (see for example Exhibit H.14) expressing concern over the release of wastewater from the site. The applicant will have to meet all requirements of the Stormwater Management Manual that are current at the time building plans and/or public improvements are submitted. This may include additional landscaped area for the parking lots or changes in design for landscaping in order to function as stormwater management areas. Additional pretreatment may be needed prior to any stormwater discharge into the wetlands to the south as proposed. There is an existing public storm sewer in N Force Avenue that may be able to be used for stormwater discharges that meet the Stormwater Management Manual requirements.

Again, concerns were expressed from Energy & Material Recovery Inc about stormwater. These issues should also be able to be resolved with street improvements to N Force Avenue for the remaining Expo frontage that will include stormwater collection and disposal.

With conditions that, prior to issuance of any building or development permit, the applicant shall meet the requirements of the Bureau of Environmental Services regarding sanitary sewer capacity and stormwater management, including the requirements of the Stormwater Management Manual in place at the time of permit application, this criterion can be 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. Surrounding buildings include large single-story concrete and metal buildings with surface parking, as well as a gravel and concrete facility, boat yards, and moorages on the north side of N Marine Drive. A golf course and wetland mitigation area are located to the south.

A 36 to 46 foot natural buffer is proposed along the south site boundary, along with a larger environmental reserve in the southwest corner. This will buffer and protect the sensitive natural resources to the south. No new development is proposed in environmentally-zoned areas. Stormwater runoff will be treated on-site and disposed through existing outfalls.

The exterior design of Expo facilities will be of scale, material, texture, and color that is compatible with nearby industrial buildings. Maximum building height will be 61.5 feet

above the first floor, which is similar to surrounding similar industrial buildings and Halls D and E. Designs for the Expo site and facilities 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, Expo clients and events-related businesses, and other interested groups. The advisory Committee will continue to monitor Expo development through construction and operations. Finally, the Expo site is located in a Design Overlay Zone, so development is subject to design review, further ensuring compatibility with surrounding uses.

This criterion is met.

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

**Findings:** Public benefit from the proposed expansion of the Expo Center is providing a location for important regional public events and entertainment that is shared by residents across the Portland metropolitan region. As noted in the application, 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 master plan will allow up to additional event, event days and visitors. The applicant, in a May 7, 2001 letter to the Hearings Officer, suggested establishing maximum limits for events, event days, use days, and annual attendance (See Exhibit H.15). No support or evidence was offered in support of applicant's proposed limits excepting that these numbers "could be accommodated at Expo..." Staff, or other interested parties, did not have an opportunity to thoughtfully comment on applicant's proposed limits. It is the finding of the Hearings Officer that this master plan shall impose no absolute limits on events, event days, use days, and annual attendance. There are already implied limitations on events, event days, use days and annual attendance arising out of the transportation management plan which is a part of the approval of this master plan.

This increase comes at a cost in terms of impacts, however - primarily in traffic, but also in stormwater runoff and water quality. As noted in previous findings, stormwater issues can be addressed through a condition of approval and possible improvements that would be made at the time of development. It is not as easy with transportation, where 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 Portland International Raceway, Heron Lakes Golf Course, Portland Meadows Race Track, Portland Speedway, and Delta Park. The applicant has addressed most impacts through a transportation management plan that the Bureau of Transportation Engineering and Development has determined is acceptable with conditions. Traffic impacts, however, will be felt, if only through the increase in number of proposed event days (92 days more than the previous high). By limiting peak daily attendance, providing pedestrian and bicycle facilities, supporting mass transit services, and using a shuttle parking program for larger events, however, 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.

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.

**Summary:** The proposed conditional use master plan proposes full development of a 60-acre parcel for major event entertainment facilities. It proposes a significant increase in intensity, while also proposing a number of mitigation measures to offset adverse impacts. As can be predicted with most major event uses, traffic impacts are the most notable and require the greatest amount of time and effort to overcome. The Bureau of Transportation Engineering and Development has worked with the applicant to develop a traffic mitigation plan tailored specifically to the site and anticipated activities, taking advantage of planned mass transit improvements as well as adding facilities for pedestrian and bicycle users. Shuttle parking will also be used for larger events. Overall the proposal successfully addresses the approval criteria and can be approved with conditions.

**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 Conditional Use Master 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.

Comments: Master Plan Boundaries are those lands now owned by Metro generally bounded by the Columbia River on the north, N Force Avenue on the west, I-5 on the east, and the area commonly referred to as the Radio Tower Wetlands (owned by the Port of Portland) on the south. Site boundaries are shown on the Expo Planned Development, Figure GI-1 of Exhibit H.6.

- 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.

Comments: Chapter 1 of Exhibit A (application) contains a general description of the proposal for the duration of the master 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. As described in the application, outdoor events will be limited to uses that will have minimal noise impact on these and other nearby residences.

**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.

Comments: A description of past and possible future events, including estimated attendance figures and number of employees, is included in the application, Exhibit A. The master plan boundaries are limited to only Expo 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.

Comments: The application contains a series of site plans throughout the master plan document (Exhibit A1) 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). Development is proposed in three phases, two of which are completed and the third proposed. Modifications were made by applicant to various site maps and the updated versions (See Exhibit H. 6. and Exhibit H. 8.) are incorporated into this decision. 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.

Comments: No standards beyond those of the Zoning Code are proposed.

**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.

Comments: There are three development phases described in the application on page 46. The first phase (Hall E construction) is completed and the second (Hall D construction) is underway. The third (all other elements of the master plan) has no time schedule or order of implementation proposed by the applicant.

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

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

Comments: Appendices D, E, and F of the proposed master plan (Exhibit A1) contain a detailed transportation impact analysis, transportation demand management program, and Expo event management program. The Bureau of Transportation Engineering and Development has reviewed the plan and concluded that, with conditions, mitigation measures for anticipated impacts are adequate. This criterion is met.

**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.)

Comments: No street vacations are requested. This does not apply.

- 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.

Comments: No adjustments are requested. This does not apply.

- 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.

Comments: Only the Conditional Use and Conditional Use Master Plan reviews are requested. Because there have been no plans developed for proposed buildings, design review is not part of this master plan review, and will occur at a future date. Development is proposed in three phases, two of which are completed and the third proposed. Conditional Use approval applies to all phases and described in the plan, Exhibit A1. This requirement is met.

- 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.

Comments: Chapter 10 of the application, Exhibit A, describes review procedures for future development. These procedures are consistent with Zoning Code provisions.

Summary: The applicant has submitted a complete and detailed master plan document (Exhibit A.1) that contains all elements required by City Code Chapter 33.820. Various maps and plans have been updated/modified by Exhibits H.6 and H.8 and these exhibits replace and supercede similar maps and plans in Exhibit A.1. The application, as updated, has been reviewed for completeness by all City service bureaus. The requirements for a conditional use master plan are met.

- 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 report and recommendation. 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 proposed facility is classified as a Major Event Entertainment use and is 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 report and recommendation. To the extent that those criteria have been met, this criterion is also met.

## **B. 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 review prior to the approval of a building or zoning permit.

The site is in a Design (d) overlay zone that promotes conservation, enhancement, and continued vitality of areas with special scenic, architectural, or cultural value. Future development approved under this application will be subject to design review requirements.

## **C. PLANS AND POLICIES**

### **TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN**

Ordinance No. 165851, passed by the City Council on September 23, 1992, resulted in an updating of the City Arterial Streets Classification Policy (ASCP) and an amendment to Title 33, the Portland Zoning Code. In reviewing land use requests done as Goal Exceptions, Comprehensive Plan Map Amendments, Zone Changes in compliance with the Comprehensive Plan, Conditional Uses and Master Plans, the Transportation Goal (Goal 6) and Policies 6.1 through 6.25, the District Policies, the Classification Descriptions, and the Maps are used as mandatory approval criteria.

Following are applicable Comprehensive Plan policies and objectives as determined by the Bureau of Transportation Engineering and Development, each followed by findings of how they are met, are not met, or could be met with conditions.

**Policy 6.6 Urban Form** Support a regional form composed of mixed use centers served by a multimodal transportation system. New Development should be served by interconnected public streets which provide safe and convenient pedestrian, vehicle and bicycle access. Street and pedestrian connections should be provided to transit routes and within and between new and existing residential, commercial and employment areas.

**Findings:** The Expo site is a designated station community. At the eastern edge of the site, a light rail station for the IMAX will be constructed (completion is expected in 2004). Park and ride facilities will be provided. Public vehicular access would be from N Expo Road.

The site is approximately 60 acres in size. It currently holds exposition facilities and attendant parking. Vehicular access to the site is focused on an internal private road that connects N Expo Road and N Force Avenue (South Access Drive). This road is private and gated, but as a condition of approval for the previous conditional use, this road is open for public use at all times other than one day per year.

North Expo Road and N Force Avenue are both public roads that dead-end into private facilities. In the area bounded by N Marine Drive and N Columbia Boulevard, there are no public street connections (N Broadacre is owned by the Bureau of Parks and Recreation, which restricts access via gates).

Existing routes for east-west connections are circuitous and out of direction, either requiring use of the I-5 freeway system or N Victory Boulevard, N Hayden Meadows Drive, N Martin Luther King Boulevard and N Marine Drive. Access to the new IMAX station for residents and workers along N Marine Drive will be difficult without a through-site connection. Also, during events, attendees arriving at one edge of the site but preferring to access the other also may be required to travel on the routes described above. This places site-related traffic on the regional transportation system, often at times when that system is experiencing significant congestion. In addition, focus on N Expo Road as the only access that is always open continues to encourage concentration of vehicles at the Victory/I-5 interchange. This is the intersection that most commonly experiences the highest level of congestion and delay during Expo events.

Generally, an interconnected grid system provides more options for travel, helping to disperse traffic which lessens impacts on specific locations. In an August 1996 memorandum from City Commissioner Charlie Hales, parcels larger than two acres in size warrant special consideration for a gridded street system (based on block spacing of 330 – 660 feet). This is based on METRO connectivity requirements. In addition, special focus is placed on station communities, and special allowance is provided for industrial sanctuary lands. Because the site already contains development, there are very limited options for east-west streets. Also, traffic safety and operational issues for N Marine Drive (just to the west of the I-5 interchange) preclude establishing new street intersections along the Expo frontage. This limits options for north-south connections.

Pedestrians and bicyclists choosing to travel in an east-west direction are similarly constrained by the lack of east-west connections and also cannot use the freeway for circulation options.

Based on the existing site layout, the Office of Transportation is recommending an east-west public street connecting N Force Avenue and N Expo Road. The applicant is proposing that South Access drive as shown on the site plan 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 be accommodated along South Access Drive, and in a separated facility west of and parallel to the northern alignment of the south access drive. As a public agency, Metro has limitations that may cause difficulty with dedication or easements creating a public right-of-way. However, public agency status, provides a higher level of responsibility/insurance and permanence, allowing more flexibility with which to establish public use and access. The Bureau of Transportation Engineering and Development supports this approach subject to conditions ensuring implementation. With those conditions, this policy can be met.

**Policy 6.9 Transit Oriented Development** Reinforce the link between transit and land use by increasing residential densities and residentially-zoned lands and encouraging transit oriented development along major City Transit Streets and regional Transit ways as well as in activity centers, at existing and planned light rail transit stations, and at transit centers in conformance with the Comprehensive Plan and Zoning Code.

**Objective C.** Provide infrastructure need to support public and private transit oriented development. Design transit routes and transit facilities to support transit use by providing bus stops, pullouts and shelters, pedestrian facilities, and other improvements.

**Findings:** The site is a designated station community, N Marine Drive is a Transit Street and the IMAX light rail alignment is a Regional Transit Way. The Expo site poses building orientation and layout problems with respect to standard transit orientation. This is largely due to the fact that significant buildings were recently approved and built in locations that are not strongly transit-oriented. Because the buildings must be close and interconnected, options for placing buildings closer to light rail are largely precluded. The applicant has or will be providing significant pedestrian connections between the main building entrances and the light rail station as well as to the bus stop on Marine Drive. Assuming sidewalk conditions of approval for the previous conditional use review are completed, this policy can be met.

**Policy 6.11 Pedestrian Transportation** Plan and complete a pedestrian network that increases the opportunities for walking to shopping and services, institutional and recreation destinations, employment and transit.

**Objective C.** Support walking to transit by giving priority to the completion of the pedestrian network that serves transit centers, stations, and stops; and by designing planning and designing pedestrian improvements that allow adequate space for transit stops.

**Findings:** Under the previous conditional use approval walkways through the parking lots on the east and west sides of the buildings were established. The applicant has indicated that they already have or will be constructing these walkways. In addition a public walkway connection through the site will be provided as discussed under Policy 6.6 above. The applicant has modified some details of the proposed alignment to avoid potential safety issue for pedestrians (Figure 4-8 in Exhibit H.6). With modifications to the proposed alignment and construction of all previously and currently proposed walkways, this policy can be met.

**Policy 6.12 Bicycle Transportation** Make the bicycle an integral part of daily life in Portland, particularly for trips of less than five miles, by implementing a bikeway network, providing end-of-trip facilities, improving bicycle/transit integration, encouraging bicycle use, and making bicycling safer.

**Objective A.** Complete a network of driveways that serves bicyclist's needs, especially for travel to employment centers, commercial districts, transit stations, institutions, and recreational destinations.

**Objective D.** Provide short- and/or long term bicycle parking in commercial districts, along main streets, in employment centers and multifamily developments, at schools and colleges, in industrial developments, at special events, in recreational areas, and transit facilities such as light rail stations and park-and-ride lots

**Objective F.** Increase the number of bicycle/transit trips.

**Findings:** The proposed development accommodates bicyclists by allowing cyclists to use both vehicular and pedestrian on-site circulation facilities. Existing bicycle parking facilities are located at the south end of the southernmost exhibition hall. As discussed under Policy 6.6 above, a through bicycle connection will be provided. In addition, under the previous conditional use, bicycle parking and site access requirements were established. Provided this conditional use proposal conforms with those requirements, this policy can be met.

**Policy 6.13 Transportation Demand Management** Require the use of transportation demand management techniques such as carpooling, ride sharing, flexible work hours, telecommuting, parking management, and employer subsidized transit passes to mitigate the impact of development-generated traffic in land use reviews. Require a percentage of employee parking spaces to be set aside for preferential carpool, van pool parking.

**Findings:** The Expo site provides facilities for outside vendors to run large events. Expo staff is minimal (15 full time employees) as the vendors provide their own employees. This makes it difficult to have a significant impact by targeting demand management techniques on employees. Especially in the case of Expo, establishing transportation demand management (TDM) techniques only for employees misses the primary trip generation associated with the site.

The site attracts attendees from the Portland metropolitan area. Location of the site and lack of alternative facilities mean that most attendees arrive by car. In some cases, the nature of the event (vehicle swap meets for example) are likely to have most attendees arriving by car even with other transportation alternatives available. However, some events would not be vehicle dependent (the Smithsonian exhibition, for example), and not all attendees of other events expect to make purchases which require a car in order to return home. The applicant has noted that nearby transportation facilities experience significant congestion and delay due to the combination of event traffic and existing system traffic. Under the previous conditional use approval the applicant agreed to provide advertising regarding transit availability. As part of this master plan application they are proposing additional measures including carpool discounts for event attendees, discounted transit tickets for advance ticketed events, and informational brochures regarding travel alternatives. In addition, Expo will provide demand management measures for employees as listed in their application. This policy is met.

**Policy 6.14 Parking Management** To achieve environmental and transportation policy objectives, the parking supply shall be managed to take into account both transportation capacity and parking demand. Implement measures to achieve Portland's share of the mandated 10

percent reduction (per the Transportation Rule) in the parking spaces per capita within the metropolitan area over the next 20 years. Through the land use process, these measures should include restrictions on the development of new spaces and the redevelopment of existing parking spaces for other uses.

**Policy 6.15 On-Street Parking Management** Manage the supply, operations and demand for parking and loading in the public right-of-way to encourage economic vitality, traffic safety, and livability of residential neighborhoods. Parking in the right-of-way, in general, should serve land uses in the immediate area. Maintain existing on-street parking in older neighborhoods where off-street parking is inadequate. Parking for individuals, or at specific locations, is not guaranteed by this policy. However, the City should act to protect parking, first for residents and second for customers and visitors.

**Policy 6.16 Off-Street Parking** Off-street parking will be the primary source of parking supply. The Zoning Code shall require private development of adequate, but not excessive, off-street parking for all land uses. The CM, CS, CN1, EX RX, or CX zones are placed near existing or future transit service. The City will not require the private development of off-street parking spaces in these zones because growth in access is expected to be met primarily by transit, bicycles and pedestrians.

**Findings:** The application indicates a loss of 10 parking spaces due to reconfiguration of the site and upgrading of the parking lots. The applicant's traffic engineer has noted that this number of spaces is far below the number that could be utilized if more land for parking were available. In some respects the location of the site is self-limiting on parking demand, as repeat attendees are aware of limited parking options in the area. It is unlikely that there will be additional off-site parking impacts beyond what occurs today because peak daily attendance is expected to remain the same (15,000 attendees). The applicant lists a number of off-site lots to be used as remote parking locations (shuttle parking). The Bureau of Transportation Engineering and Development is not opposed to off-site parking but notes that these off-site locations may not have been or be approved for off-site Expo parking use. With a condition requiring shuttle parking sites to meet all City land use requirements for that activity prior to their use, this policy can be met.

**Policy 6.26 Adequacy of Transportation Facilities** Ensure that amendments of the Comprehensive Plan or land use regulations which change allowed land uses, including goal exceptions, map amendments, zone changes, conditional uses, and master plans, and which significantly affect a transportation facility, are consistent with the identified function, capacity and level of service of the facility.

**Findings:** A traffic impact analysis was completed for the site. The study concludes one intersection in the vicinity operates at less than level-of-service "D" (I-5 freeway ramp at N Victory Boulevard) when large events occur at Expo. Previous reviews of this have recognized the existing continuing problem and its intermittent nature. Expo provides a police officer to assist with traffic control at this intersection during large events. There is significant improvement in the intersection operation but it cannot be directly compared with a level-of-service standard. Though the level of service standard is not met, the

Bureau of Transportation Engineering and Development has supported previous developments where the traffic impacts would be no worse than existing.

The applicant has proposed a traffic management plan (including a police officer to control traffic in certain cases). The plan (Appendix F of the master plan, Exhibit A1) proposes management levels based on event attendance. Further information and components for the management plan have been submitted and include more explicit venue coordination requirements. Given no increase in available parking, and the traffic management plan as proposed, traffic impacts should be no worse than existing. This policy is met.

**Summary:** As discussed, the transportation system can safely handle the expected trip generation from this site without reducing the existing service level. The site has direct and appropriate access to arterials, transit is available and will improve significantly with the opening of the light rail in 2004. The site will have a net decrease in parking, but the on-street impacts should not significantly increase as there are limited on-street parking opportunities. Assuming the east/west pedestrian connection is designed appropriately, there should be no pedestrian safety issues. This criterion is met.

#### **NATURAL RESOURCE MANAGEMENT PLANS**

The site is within the boundaries of the Peninsula Drainage District No 1 Natural Resources Management Plan. No development is proposed within environmental zone boundaries.

### **III. CONCLUSIONS**

The applicant requests Conditional Use Master Plan approval for a Major Event Entertainment use, the Expo Center, an exposition-recreation facility that has operated in various configurations since the early 1920s. The Master Plan includes upgrade and expansion that will replace the older halls, accommodate light rail construction along the eastern site boundary, reconfigure parking and street access, add pedestrian and bicycle facilities, and create an environmental reserve. New buildings will add over 109,000 square feet of floor area for a total of 522,510 square feet. With full expansion, 2805 parking spaces will be provided. The plan also allows for transfer of ownership or permanent use of eastern portions of the site to Tri-Met for the IMAX line and park-and-ride facilities.

The proposed expansion provides a location for important regional public events and entertainment that is shared by residents across the Portland metropolitan region. 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 master plan will allow an increase in events, event days, use days, and annual attendance.

The proposed conditional use master plan proposes full development of a 60-acre parcel for major event entertainment facilities. It proposes a significant increase in intensity, while also proposing a number of mitigation measures to offset adverse impacts. As can be predicted with most major event uses, traffic impacts are the most notable and require the greatest amount of time and effort to overcome. The Bureau of Transportation Engineering and Development has worked with the applicant to develop a traffic mitigation plan tailored specifically to the site and

anticipated activities, taking advantage of planned mass transit improvements as well as adding facilities for pedestrian and bicycle users. Shuttle parking will also be used for larger events. Overall the proposal successfully addresses the approval criteria and can be approved with conditions.

#### IV. DECISION

**Approval of a Conditional Use and Conditional Use Master Plan** for phased development of the Expo Center site for **major event entertainment** uses and activities, for a period of ten years from the effective date of this approval, in substantial conformance with the Expo Center Conditional Use Master Plan, Exhibit A1, and site plan, Figure GI –1 of Exhibit H.6, subject to the following conditions:

- A. Prior to issuance of any building or development permit for any construction beyond that approved with LUR 96-00202 CU DZ AD (Hall E construction) and LUR 99-00815 CU DZ AD (Hall D construction), Expo shall construct and then maintain, on a continuous basis, the following bicycle and pedestrian improvements:
  - Signed bicycle passage from South Access Drive to Halls D and E. Signs shall be readable to persons with bicycles travelling on South Access Drive.
  - Two walkways with a minimum width of ten feet extending diagonally from the western mid-point of the central plaza to the northeast and southeast corners of the plaza.
  - A continuous separated walkway at least eight feet wide extending from the bus stop on North Marine Drive to the Hall E entrance. The walkway shall include striping and speed bumps at driveway and aisle crossings, and shall be separated from auto maneuvering and parking by bollards and landscaping.
  - An east-west walkway in the east area of the Expo exhibit halls, from the halls to the location of the proposed light rail station. The walkway shall have at least ten feet of unobstructed pedestrian travel width through widening to 12 feet or through installation of permanent wheel stops in all adjacent parking spaces.
- B. Prior to issuance of any building or development permit, the applicant shall address proposed sanitary loading into the existing public sewer system from the proposed development. If system upgrades are necessary, the applicant shall meet the requirements of the Bureau of Environmental Services prior to issuance of the building or development permit.
- C. Prior to issuance of any building or development permit, the applicant shall meet the requirements of the *Stormwater Management Manual* that are current at the time building plans and/or public improvement plans are submitted.
- D. Prior to use of any shuttle parking lots for Expo events, the applicant shall verify that the shuttle lot meets all City land use requirements for that use. Use of a shuttle parking lot that does not meet the proper land use requirements is prohibited.

- E.** Prior to issuance of any building or development permit for any new development proposed in the master plan, the applicant shall obtain Oregon Department of Transportation Indentures of Access for continued use of the two existing approaches that comprise the circular driveway used as a bus pullout/passenger drop-off.
- F.** Prior to issuance of any building or development permit for any new development proposed in the master plan, the applicant shall close the eastern approach to N Marine Drive serving the main public parking lot shown as Area I on Figure 4-7 of the master plan unless it is permitted for use by the Oregon Department of Transportation for emergency vehicle access. If approved, the Oregon Department of Transportation shall specify design features to ensure emergency access only. Curb and sidewalk shall be installed to close the approach if required by the Oregon Department of Transportation.
- G.** The two western approaches serving the loading bays for Halls A-C shall be removed with any demolition, modification, or renovation of these exhibit halls. Curbs and sidewalks that meet the current Oregon Department of Transportation/ADA standards shall be installed to close the approaches.
- H.** Within 180 days following the effective date of this Conditional Use Master Plan, the applicant shall receive final inspection for landscaping required under LUR 96-00202 CU DZ AD (Hall E construction)
- I.** Prior to final inspection or any occupancy of any new buildings replacing Halls A-C (New Support Building, New Exhibit Hall, or New Meeting Rooms adjacent to N Marine Drive as shown on the approved site plan, Figure GI-1 in Exhibit H.6), the sidewalk on N Marine Drive between N Force Avenue and the bus stop at the east end of the building complex shall be rebuilt to meet the requirements of the City and Oregon Department of Transportation that are current at the time building plans and/or public improvement plans are submitted.
- J.** Prior to completion of the IMAX light rail station or use of the park and ride lot, the sidewalk on N Marine Drive east of the bus stop on N Marine Drive to the east site boundary shall be rebuilt to meet the requirements of the City and Oregon Department of Transportation that are current at the time building plans and/or public improvement plans are submitted.
- K.** Prior to final inspection or any use of either the new parking lot or realignment of South Access Drive shown as Area IV on Figure 4-7 of the master plan, Exhibit A1, street improvements to N Force Avenue for the Expo site frontage shall be completed. Improvements shall include sidewalk, planter strip, curb, street paving, stormwater collection and disposal, lighting, and street trees that meet City requirements.
- L.** In lieu of a public right-of-way and to meet Goal 6 connectivity requirements for the public, the Expo Center shall construct an east/west pedestrian way as generally shown in Figure 4-8 in Exhibit H.6. This walkway shall be completed prior to final inspection for the following projects (whichever comes first): replacement of Halls A, B or C; or construction of new parking facilities in the southwest portion of the Expo site. The pedestrian way shall

include a minimum 6-foot wide sidewalk built to meet public sidewalk standards and shall be separated from all vehicle parking, maneuvering and driving areas by a minimum 4-foot wide planting strip unless otherwise approved by the City Engineer. Where the walkway crosses vehicle maneuvering or parking areas, the crosswalk shall be raised to curb height. As a substitute for a public right-of-way, the applicant must receive approval from the City Engineer prior to proposing any modifications to the pedestrian way. The pedestrian walkway and shall be open to the public at no cost and at all times, excepting one day per year agreed to by the City Engineer and for construction, maintenance, repair and restoration work as needed. Closures of the pedestrian way at other times must be approved by the City Engineer.

- M.** In lieu of a public right-of-way and to meet Goal 6 connectivity requirements for the public, the Expo Center shall provide an east/west roadway, as generally shown on the site plan, for public vehicle and bicycle transportation. The roadway shall be open at all time excepting one day per year agreed to by the City Engineer and for construction, maintenance, repair and restoration work as needed. Closures of the roadway at other times must be approved by the City Engineer. The facility shall safely accommodate two-way traffic. As a substitute for a public right-of-way, the applicant must receive approval from the City Engineer prior to proposing any modifications to this facility. The existing roadway alignment shall remain open to the public as agreed to under the previous conditional use (LUR 99-00815 CU DZ AD) until the new roadway alignment is constructed.

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Gregory J. Frank  
Hearings Officer

**The application for this land use review was determined to be complete on February 14, 2001.**

Decisions of the Hearings Officer may be appealed to City Council. Unless appealed, this Decision of the Hearings Officer is effective on June 15, 2001, the day after the last day to appeal.

ANY APPEAL OF THIS ACTION BY THE HEARINGS OFFICER MUST BE FILED, 1900 S.W. 4<sup>TH</sup> AVENUE, PORTLAND, OR, 97201 (823-7526) NO LATER THAN **5:00 P.M. on June 14, 2001.** Until 3:00 p.m., Monday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 5:00 p.m., file the appeal at the Reception Desk on the 4th Floor. **An appeal fee of \$5,530.50 will be charged (one-half of the application fee for this case).** Information and assistance in filing an appeal can be obtained from the Office of Planning and Development Review at the Development Services Center.

**Appeal of the decision.** The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

**Who can appeal.** You may appeal the decision only if you wrote a letter which was 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.

Neighborhood associations and low-income individuals may qualify for a waiver of the appeal fee. Assistance in filing the appeal and information on fee waivers are available from the Office of Planning and Development Review in the Development Services Center, 1900 S.W. 4<sup>th</sup> Avenue, first floor. Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

**Recording the final decision.** A building or development permit will be issued only after this decision is recorded. The applicant, builder or a representative must submit this decision to the City Auditor's Office, 1221 S.W. 4th Avenue, Room 140, Portland, Oregon. The Auditor will charge a fee, and will record this decision with the County Recorder.

**Expiration of this approval.** This decision expires three years from the date it is recorded unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

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

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

## EXHIBITS

Not attached unless indicated

- A. Applicant's Statement
  - 1. Conditional Use Master Plan
  - 2. Related materials and correspondence by the applicant
- B. Zoning Map (**attached**)
- C. Plans & Drawings
  - 1. Site Plan

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. Mailed notice
6. Mailing list

E. Agency Responses:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of OPDR
6. Bureau of Parks, Forestry Division
7. Oregon Department of Transportation

F. Letters

1. Energy & Material Recovery Inc
2. MERC

G. Other

1. Original LUR Application
2. Site History Research

Received Before the Hearing

H. 1. OPDR Staff Report

- 1a. Memo from Clark Worth
2. Memo from Elizabeth Papadopoulos
3. Memo from Clark Worth
4. Memo from Kelly Hyde
5. Memo from Duncan Brown
6. Memo from Clark Worth (Figure GI-1, Expo Master Plan attached)
7. Letter from Michael Chiu
8. Memo from Clark Worth (**Figure GI-1 attached**)
9. Letter from Neil McFarlane

Received During the Hearing

10. Expo Master Plan
11. Photos of Area
12. Letter from O'Loughlin Trade Shows
13. Memo from Duncan Brown
14. Letter from Tom Bouillion
15. Letter from Clark Worth
16. Letter from Clark Worth
17. Letter from Peter Teneau
18. Letter from Clark Worth