



# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

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## DECISION OF THE HEARINGS OFFICER

### I. GENERAL INFORMATION

**File No.:** LU 12-156405 CUMS AD  
HO 4120029

**Applicant:** Metro  
c/o Cheryl Twete, Sr. Development Advisor  
600 NE Grand Avenue  
Portland, OR 97232-2736

**Adjacent Property Owner:** City Of Portland, Parks Bureau  
(owns accessory parking lots at Washington Park)  
1120 SW 5th Avenue, Suite 1302  
Portland, OR 97204

**Representatives:** Beverly Bookin, Planning Consultant  
The Bookin Group  
1020 SW Taylor Street, Suite 760  
Portland, OR 97205

Timothy V. Ramis, Attorney  
Jordon Ramis PC  
Two Centerpointe Drive, 6<sup>th</sup> Floor  
Lake Oswego, Oregon 97035

**Hearings Officer:** Gregory J. Frank

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

**Site Address:** 4001 and 4039 SW Canyon Road

**Adjacent Property (parking) Address:** 4033 SW Canyon Road (City of Portland accessory parking)

**Legal Description:** TL 1200 3.65 ACRES, SECTION 05 1S 1E; TL 1400 60.69 ACRES,

**(incl. parking area)** SECTION 05 1S 1E and TL 800 107.18 ACRES, SECTION 05 1S 1E (City of Portland)

**Tax Account No.:** R991050750, R991050720 and R991050350 (City of Portland)

**State ID No.:** 1S1E05 01200, 1S1E05 01400 and 1S1E05 00800  
**(incl. parking area)**

**Quarter Section:** 3225

**Neighborhood:** Arlington Heights

**Business District:** None

**District Coalition:** Neighbors West/Northwest

**Plan District:** None

**Zoning:** OS, c, p, s – Open Space zone with portions in the Environmental Conservation (c), Environmental Protection (p) and Scenic Resource overlay zones

**Land Use Review:** Type III, CUMS AD Conditional Use Master Plan 10-Year Update with concurrent Adjustment Reviews

**BDS Staff Recommendation to Hearings Officer:** Approval with Conditions

**Public Hearing:** The hearing was opened at 9:00 a.m. on December 12, 2012, in the 3<sup>rd</sup> floor hearing room, 1900 SW 4<sup>th</sup> Avenue, Portland, Oregon, and was closed at 11:18 a.m. The record remained open until 4:30 p.m. on December 18, 2012, for new evidence, and until 4:30 p.m. on December 27, 2012, for the applicant's final rebuttal. The record was closed on December 27, 2012.

**Testified at Hearing:**

Sheila Frugoli, 1900 SW 4th Avenue, Suite 5000, Portland, OR 97201  
Tim Ramis, 2 Centerpointe Drive, 6th Floor, Lake Oswego, OR: 97035  
Cheryl Twete, 600 NE Grand Avenue, Portland, OR 97232  
Beverly Bookin, 1020 SW Taylor #760, Portland, OR 97205  
Phillip Worth, 610 SW Alder, Suite 700, Portland, OR 97205  
Dave Malcolm, 1511 SW Skyline Boulevard, Portland, OR 97221  
Todd Lofgren, 1120 SW 5th Avenue, #1302, Portland, OR 97204

**Proposal:** Metro ("Metro") is the applicant in this case. Metro operates The Oregon Zoo (the "Zoo"). Metro is requesting Conditional Use Master Plan approval (the "Proposed CUMS") to replace its existing Zoo Conditional Use Master Plan (the "1997 CUMS") with a new 10-year plan. The 1997 CUMS expires February 2013. The Proposed CUMS identifies numerous development projects and programmatic changes to the facility. The Proposed CUMS requests approval of the Proposed CUMS to carry forward improvements to two animal exhibits (condors and elephants) and related site infrastructure that were approved in a recent land use review (LU 11-179602 CUMS EN AD). The City of Portland Bureau of Parks and Recreation ("Parks") owns property adjacent to the Zoo site; this property provides parking spaces to be used by Metro and other Washington Park venues.

In 2008 Metro jurisdiction voters passed a \$125 million bond measure ("Bond Measure") to finance improvements at the Zoo. To implement all the projects that were approved through the Bond Measure, as well as make other desired improvements, Metro includes projects that will increase the total building floor area by approximately 134,000 square feet. All of the improvements in the Proposed CUMS will be contained within the existing boundary of the Zoo property. The parking areas in Washington Park (City of Portland owned) and off-site (remote) parking lots will continue to serve the Zoo and the other adjacent venues. The updated Zoo Master Plan identifies the following projects:

**2008 Bond Measure-Funded**

- **Conservation Discovery Zone:** Construct new 31,500 square foot complex to provide secondary public entrance and headquarters for the Zoo's education and conservation programs.
- **Polar Bear Exhibit:** Expand exhibit to include deep and shallow pools, viewing buildings and research station.
- **Primates and Rhino Exhibits:** Expand indoor and outdoor chimpanzee and mandrill environments and enlarged outdoor habitat area for rhinos.

**Elephants/Condors Exhibit Projects – Bond Measure Funded (approved LU 11-179602)**

- Construct new 900-gross square foot holding building and 5,000 square foot net-enclosure to house birds from the **Zoo's Condor Conservation Project**.
- Add new 43,750 square foot **elephant building/forest hall** complex to replace the existing 9,000 square foot facility.
- Construct a 1.9-acre **outdoor habitat south** of the new complex.
- **Redevelop the existing elk meadow** into a 2.1-acre outdoor habitat north of the complex.
- **Improve pedestrian circulation** around the elephant habitats.
- Extend the existing **service road** from behind the predators' exhibit up through the new north elephant habitat to the new veterinary medical center.
- Relocate the existing **birds of prey exhibit** to old veterinary building.
- Alter the alignment of the **zoo train** including rebuilding the abandoned eastern trestle, adding 620 lineal feet of new track.

### **Other Proposed Projects**

- **Cascade Crest Exhibit Zone:** Expand condor habitat and construct viewing shelter. Renovate black bear, cougar and wolves enclosure. Renovate small farm building and grounds. Construct insect and small mammal building and waterfowl aviary.
- **Asia Exhibit Zone:** Replace outdoor habitats for tigers, leopards and sun bears. Construct new 2-story mixed-species animal holding/keeper support building.
- **South America Exhibit Zone:** Construct mixed-species holding building, interpretive/viewing building and new habitats for penguins, tapirs and primates.
- **Additional Primate Exhibit Updates:** Expand habitats by creating additional indoor and outdoor environments. Construct additional holding facility and 6 flex habitats connected via terrestrial and arboreal treeway linkages.
- **Africa Exhibit Zone:** Redevelop and expand savanna habitat for multi-species use. Savanna Village will provide guest services and offer exhibit views. Construct new marsh aviary. Construct new mixed-species temperate forest habitat with holding/keeper support facility and new indoor/outdoor herpetarium for reptiles and amphibians.
- **South American Tropical Forest Exhibit Zone:** Construct 3-story indoor/outdoor facility. Construct two "Treehouse" classrooms and a 15,400 square foot tropical forest building.
- **Main Entry Improvements:** A major overhaul will include enhanced drop-off area/plaza, new entrance, ticketing and restroom facilities. Update and expand Zoo Store, food and snack services and interpretive play area.
- **Concert Lawn/Africafe:** Rebuild concert lawn. Add shaded structures on the east side for special patron sitting, outdoor classrooms and elephant habitat viewing. Replace stage with larger, modernized facility, terrace lawn with sculpted concrete seating walls. Replace and enlarge the Africafe from 12,890 square feet to 30,000 square feet. The building will have a green roof with upper and lower terraces facing the concert lawn.
- **Train Terrace:** Replace the train roundhouse. The structure will have a terrace on the roof for up to 400-person events.
- **Service Yard/Parking:** Convert existing yard into more efficient service yard with new 9,750 square foot warehouse and office buildings, improved loading dock, outdoor storage and fleet vehicle service. On-site employee parking will be reduced from 185 to 137 spaces.
- **Infrastructure:** Replace aging water main and sanitary sewer pipe in stages. Construct a reclaimed water distribution system. Separate storm and sanitary flows. Construct new storm drainage system to collect, convey, treat and detain surface runoff.
- Relocate **totem pole**.

### **PROPOSED OPERATIONAL/PROGRAMMATIC CHANGES**

- Increase **attendance** by 26 percent over the next 10 years, from 1,645,000 (in 2010) to 2,074,000 by 2022. This assumes a 2.4 percent annual increase, on a compounded basis.
- By 2022, increase number of **permanent employees** from 168 to 188 and increase **seasonal workers** from 136 to 160.
- Increase number of **summer concerts** from 17 to 25. Note: The current maximum attendance of 4,200 will not increase per event.

- Increase the annual number of **external events** (private meetings, conferences, banquets and parties) by 20 percent from 232 to 280.
- Implement **Transportation Demand Management Plan** to encourage non-auto modes of travel for patrons and employees/volunteers.
- Participate with the **Washington Park Transportation Management Association** (Parks Bureau and other venues are members) to implement new parking revenue program.
- **Modify**, through the Proposed CUMS, **code required thresholds** for land use review for amendments to the Master Plan (PCC 33.820.090), as follows: (1) allow, with a review, utilization of habitat-related facilities, without distinction of type of animal or species; (2) allow, with no land use review required, up to a 5 percent increase in floor area or site area for individual projects identified as Phase 1-3 and up to a 10 percent increase for individual projects listed in the Zoo's Comprehensive Capital Master Plan; (3) a Type II Amendment Review will be required to exceed the 5 percent allowance for individual Phase 1-3 projects or to exceed the 10 percent allowance for individual projects listed in the Zoo's Comprehensive Capital Master Plan; (4) a Type II Amendment Review will be required for modification of more than 100 feet to the approved location of an approved building or site improvement; (5) a Type III Amendment Review will be required to request a net increase of more than 10 percent of the cumulative amount of building area or site improvement area; (6) waive the requirement of a Type III Review for proposed building or site improvements within 400 feet of the campus boundary; and (7) other Code-required exemptions (PCC 33.820.B.1-7) and review thresholds (PCC 33.820.090.A.2-5, A.7 and A.8) will continue to apply.

### REQUESTED ADJUSTMENTS

Metro has requested the following four Adjustments to vary from applicable Zoning Code standards:

- Reduce the **building setback** (33.100.200.B.1.a) from 48.5 feet to zero for the proposed Conservation Discovery Zone building that will be located adjacent to the west property line.
- Waive the **paving requirement** (33.266.130.D.1) for the vehicle area in the Service Yard.
- Waive interior parking lot landscaping (33.266.130.G.3) for parking in the Service Yard and the parking adjacent to the Veterinary Medical Center.
- Reduce the required **on-site parking requirement** (33.266.110.B/Table 266-2) from 1,300 to 1,119 spaces. The parking requirement is 20 spaces per acre of site for Commercial Outdoor Recreational uses. Of the 1,119 spaces, 982 spaces are located on the City of Portland property and are shared by Washington Park, the Children's Museum and World Forestry Center visitors and employees.

### Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- 33.820.050 - Conditional Use Master Plan Approval Criteria
- 33.815.100 – Uses in the Open Space Zones
- 33.805.040 – Adjustment Approval

## Criteria

### II. ANALYSIS

**Site and Vicinity:** The Zoo is located approximately 2 miles west of downtown Portland. The site of the Zoo occupies approximately 65 acres in Portland's west hills. It is located on a southwest facing ridge line, within an area of steep slopes and streams. It is adjacent to Washington Park, a 400-plus acre facility that includes large open areas, public attractions such as the Hoyt Arboretum, Vietnam Veteran's Memorial, International Rose Test Garden and the Portland Japanese Garden. Also located on the City-owned site are institutional uses—the Portland Children's Museum, Opal School and World Forestry Center. They are leaseholders on the City property. Also near the site is a TriMet Light Rail Station and bus stop.

Parking serving the Zoo (and other institutional uses), is located immediately to the west and is owned by the City of Portland. The parking is comprised of the West Lot, the 116-space lot that recently received Conditional Use approval (see history below). The West Lot is located on the west side of SW Knights Boulevard between the Children's Museum and the Forestry Center. The parking lot abuts a designated trail that connects the Marquam Trail from the Council Crest area to the Wildwood Trail which passes through the site to Forest Park. On the east side of SW Knights Boulevard is a 622-space parking lot, identified as the Lower Main Lot. The Light Rail Station separates the Lower Main and the Upper Main Parking Lot. The Upper Main Parking Lot has 222 parking spaces. Further north, at the SW Knights and SW Kingston Drive intersection, is the North Lot, a 32-space parking lot.

For the purpose of this review, the Hearings Officer defines "the vicinity" as the area that is located approximately 400 feet from the boundary of the Metro-owned property and the City-owned accessory parking area. West of the Children's Museum and World Forestry Center is residential development that is within a Multnomah County unincorporated urban pocket. The approximate 200-foot wide Canyon Road/Sunset Highway (State Highway-26) right-of-way defines the southern and eastern edge of the site. No residentially zoned areas abut the Zoo site. SW Kingston Drive and SW Knight Boulevard, both private drives, connect the Zoo with the northern portion of Washington Park.

**Zoning:** The site is zoned Open Space, with the Environmental Conservation, Environmental Protection and Scenic Resource overlay zones applied to portions of the site.

The Open Space zone is intended to preserve and enhance public and private open, natural and improved park and recreational areas identified in the Comprehensive Plan.

Environmental overlay zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to preserve the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less

significant. The Environmental Conservation Zone allows, where the resource and functional values can be protected, environmentally sensitive urban development. The Environmental Protection Zone provides the highest level of protection to the most important resources and functional values.

The Scenic Resource overlay zone is intended to protect Portland's significant scenic resources. The purposes of the Scenic Resource zone are achieved by establishing height limits, establishing landscaping and screening requirements, and requiring preservation of identified scenic resources.

**Land Use History:** City records indicate numerous prior land use reviews related to the Zoo site. The reviews that are specifically relevant to this proposal include LUR 97-00127 CU MS EN AD ("1997 Decision") which approved the master plan currently in effect. After appeals to both the City Council and the Land Use Board of Appeals, the City Council rendered its final decision on February 20, 2003. The 1997 Decision approval will expire on February 20, 2013. The 1997 Decision approved various development projects, amended the site boundary, allowed expansion and new construction within the environmental overlay, and included two Adjustments.

Recently, the following reviews were approved:

- **LU 09-136788 CU MS EN** approved a Conditional Use Master Plan amendment to allow the construction of new 20,000 square foot veterinary hospital. This decision also approved an Environmental Review for re-grading an existing access road, constructing a stormwater swale system, and trenching for an approximately 150-foot long outfall pipe and discharge apron.
- **LU 10-113106 EN** approved an Environmental Review for the demolition of quarantine buildings and greenhouses and the construction of the new veterinary hospital. The review amended the alignment of the bypass swale approved in LU 09-136788 CU MS EN and approved a retaining wall along the south edge of the access driveway.
- **LU 11-120333 EN** approved an Environmental Review to amend the approved Environmental Review LU 10-113106 EN to realign the stormwater diversion swale farther east of the new veterinary hospital and construct a new soldier pile retaining wall to support the access road.
- **LU 11-179602 CUMS AD EN** approved a Conditional Use Master Plan amendment for the Zoo to allow the construction of numerous projects associated with the Elephant Exhibit expansion, new Condor Exhibit, Zoo Train realignment, new service access road and other associated improvements. An Adjustment to defer compliance with interior parking lot landscaping requirements was approved. In addition, an Environmental Review was approved for construction activities and development within the resource area of the Environmental Conservation overlay zone. Conditions required construction management and planting mitigation for resource disturbance.
- **LU 12-156412 EN** approved changes to site and infrastructure improvements within the Environmental Conservation overlay zone, amending the Environmental Review in the LU 11-179602 CUMS EN AD decision. This decision replaces the Environmental Review decision regarding improvements in the Environmental Conservation overlay

zone and the construction management and planting mitigation related to conditions of LU 11-179602. The limits of disturbance within the Environmental Protection overlay zone approved under LU 11-179602 continue to apply.

- **LU 12-156689 CU** approved the establishment of the West Lot, a 116-space accessory parking lot that serves the Zoo and other Washington Park venues—Portland Children’s Museum, World Forestry Center, Vietnam Veterans of Oregon Memorial, Hoyt Arboretum and other Washington Park attractions. Conditions of approval include landscaping and stormwater upgrades to the lot.

**Agency Review:** A “Request for Response” was mailed October 26, 2012. The following bureaus have submitted the following:

The **Bureau of Environmental Services (BES)** responded with extensive comments that respond to the applicable approval criteria and also identify requirements that will apply at building permit review. Relevant comments that relate to the approval criteria are included as findings and recommendations in this decision (Exhibit E.1).

The **Portland Bureau of Transportation (PBOT)** responded with extensive comments that respond to the applicable approval criteria (Exhibit E.2). Excerpts from the response are incorporated into this decision as findings under criterion 33.805.100.B.1 and B.2 (Exhibit E.2).

The **Water Bureau** responded that the Zoo has two existing water services. The Water Bureau expressed no concerns regarding the proposal (Exhibit E.3).

The **Fire Bureau** responded with no concerns, but noted that the various proposals will require building permits and must comply with Fire Code requirements (Exhibit E.4).

The **Police Bureau** responded that it is capable of serving the proposed use. It encouraged the Zoo management to work with the Police Bureau and Office of Neighborhood Involvement Crime Prevention team to address public safety (Exhibit E.5).

The **Site Development Section of BDS** responded that it had no objection to approval of the updated Zoo Master Plan and did not request any conditions of approval (Exhibit E.6).

The **Life Safety Plan Review Section of BDS**’ response identified building permit requirements and suggested the applicant seek BDS Process Management assistance to coordinate City review for large projects (Exhibit E.7).

The **Bureau of Parks-Forestry Division** stated it had no concerns (Exhibit E.8).

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on November 16, 2012. The Sylvan-Highlands Neighborhood Association (“SHNA”), through Dave Malcolm (Land Use Committee Chair) offered oral testimony at the public hearing and submitted written comments

(Exhibit H.8). The SHNA comments primarily related to transportation and parking impacts that may occur if the application is approved. The Hearings Officer discusses the transportation and parking impacts in the findings for the relevant approval criteria below.

## **ZONING CODE APPROVAL CRITERIA**

### **Conditional Use Master Plans**

#### **33.820.010 Purpose**

A conditional use master plan is a plan for the future development of a use that is subject to the conditional use regulations. Expansions of the use may have impacts on surrounding neighborhoods and on public services that are better addressed through the review of the master plan than through reviewing the expansions individually over time. In addition, by creating long term plans, some impacts may be prevented that would have occurred with uncoordinated piecemeal expansions. The development of a master plan is intended to provide the surrounding neighborhoods and the City with information about, and an opportunity to comment on, the use's plans for future development. The plan also enables the operator of the use and the City to address the effects of the future development. Finally, an approved master plan is intended to ensure that the use will be allowed to develop in a manner consistent with the plan. Master plans may be completed at various levels of detail. Generally, the more specific the plan, the less review that will be required as the future uses and development are built.

#### **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:** The Zoo is an approved Conditional Use operating under the 1997 CUMS. Conditional Use Master Plans are intended to ensure that the use will be allowed to develop in a manner consistent with the plan and allows the City to determine the effects of future development. Because the 1997 CUMS will expire in February 2013, Metro is requesting a 10-year update.

Metro submitted an application and supplemental application materials (Exhibits A.1, A.2, A.3, A.4, A.5 and A.6). BDS staff, in the Staff Report and Recommendation to the Hearings Officer (Exhibit H.2 – hereafter the “BDS Staff Report”) stated that based upon its review of Exhibits A.1, A.2, A.3, A.4, A.5 and A.6, that this approval criterion had been satisfied. SHNA, in its written submission (Exhibit H.8) stated that:

“Code 33.820.070 requires applicants to submit a master plan that addresses how the use will limit impacts on any adjacent residentially zone areas. The Report, and the Applicants, fail to address the safety and livability impacts to the adjacent residential neighborhood and the Park itself...”

A Metro legal representative, Timothy Ramis ("Ramis"), submitted a response to the SHNA assertion that Metro failed to properly address PCC 33.820.070 (Exhibit H.13). Ramis stated, in Exhibit H.13, that:

"the code cited in the SHNA letter as the basis for the proposed condition (PCC 18.820.070), is a list of submittal requirements for Conditional Use Master Plans. The applicable approval criteria are found at PCC 18.820.050. Because the proposed condition is not needed to ensure compliance with any applicable criteria, its imposition would be inconsistent with the City Code."

The Hearings Officer believes that the citations, in Exhibit H.13, were intended to be PCC 33.820.050 and PCC 33.820.070 (not PCC 18.820.050 and PCC 18.820.070). The Hearings Officer notes that PCC 33.820.050 contains the relevant approval criteria for a Conditional Use Master Plan application. The Hearings Officer also notes that PCC 33.820.050.A states that a Conditional Use Master Plan application must contain the components required by PCC 33.820.070. The Hearings Officer, therefore, finds that PCC 33.820.070 is incorporated by PCC 33.820.050 as an additional approval criterion. The Hearings Officer finds that Metro's application sufficiently addresses the requirements of 33.820.070 (see findings for PCC 33.820.070). BDS staff, in Exhibit H.2, recommended that the Hearings Officer include a condition of approval requiring Metro to, within three months of the final decision, submit an updated CUMS document that includes updated submittals reflecting this final decision. The Hearings Officer concurs with this BDS recommendation. With the BDS Staff proposed condition, the Hearings Officer finds this approval criterion can be met.

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

**Findings:** The initial application (Exhibit A.2) proposed installation of a "biomass" facility that is also identified in the application as a "bio-fuel boiler" and "bioreactor." In response to BDS Staff's request for more information regarding the project, Metro decided to remove the fuel/reactor proposal from the Proposed CUMS. The Hearings Officer finds that the other activities in the Proposed CUMS are consistent with the Commercial Outdoor Recreation use category. A review of how the proposed use in the Master Plan complies with the applicable Conditional Use approval criteria is detailed in the findings below. As indicated below, the Hearings Officer finds that with conditions of approval, the applicable criteria are met. Therefore, the Hearings Officer finds this approval criterion is satisfied.

**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 Hearings Officer finds that the Proposed CUMS use will be able to comply with applicable Zoning Code requirements, except where Adjustments are approved as part of this review. Findings for the requested four Adjustments are found later in this decision under Section 33.805.040.

Metro is requesting the projects/improvements that were approved through LU 11-179602 CUMS AD EN also be incorporated into the Proposed CUMS. Many of the recently approved projects are located within the Environmental Conservation overlay zone. The proposed improvements were found to comply with applicable standards and approval criteria. BDS approved modifications to the proposed development in the environmental zone through a subsequent Type II Environmental Review-- LU 12-156412 EN. The 2012 Environmental Review replaced the 2011 Environmental Review decision. Because the approved projects have not been constructed, Metro requests the 2011 and 2012 decisions be carried forward in this 10-year Master Plan update.

Metro has not proposed additional development in the environmental zone and therefore has not submitted a concurrent Environmental Review as part of the Proposed CUMS. However, some of the proposed future development and improvement projects identified in the Master Plan update application are near Environmental zoned areas. BDS Staff recommended, in the BDS Staff Report, a condition to specifically state that any development of projects conceptually approved in this Proposed CUMS, but located within the environmental overlay zones will be subject to an Environmental Review, unless the project can meet all applicable environmental zone development standards.

Excluding the requested Adjustments, all other development standards that apply to the site must be met during building permit submittal and review. The proposal does not preclude compliance with those standards. The Hearings Officer finds this approval criterion is met.

### **33.820.060 Duration of the Master Plan**

The master plan must include proposed uses and possible future uses that might be proposed for at least 3 years and up to 10 years. An approved master plan remains in effect until development allowed by the plan has been completed or the plan is amended or superseded.

**Findings:** The Proposed CUMS includes additional phased improvements to complete the package of Bond Measure projects. As stated above, Metro requests that the Condor/Elephant Exhibits Project be rolled into the Proposed CUMS with its extended 10-year term. The Proposed CUMS also includes all the projects on the Zoo's Comprehensive Capitol Master Plan ("CCMP"). Metro noted that, "as a CUMS has a maximum term of 10 years, the Zoo acknowledges that projects not initiated before the CUMS expiration will lose their vesting and have to be re-approved in a subsequent CUMS." BDS Staff, in the BDS Staff Report, recommended the decision include a condition that clarifies how the CUMS will expire after 10 years. The Hearings Officer concurs with this BDS Staff recommendation.

### **33.820.070 Components of a Master Plan**

The applicant must submit a master plan with all of the following components. The review body may modify the proposal, especially those portions dealing with development standards and review procedures. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases.

**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 Proposed CUMS application includes a site plan that shows that the current master plan boundary will be maintained. No changes to the previously approved boundary are proposed. The Hearings Officer finds this requirement is met.

**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:** Metro provided a description, in general terms of the Proposed CUMS uses. Metro also provided an explanation of how the proposed uses and possible future uses would comply with conditional use approval criteria (Exhibits A.2, A.3, A.4 and A.6).

Technically, the Zoo is not located adjacent to residentially zoned areas; the Zoo is completely surrounded by open space zoned property. The Parks property, which provides shared parking for the Zoo, is adjacent to residentially zoned property. (See Exhibit B.)

SHNA, in Exhibit H.8, stated:

"Code 33.820.070 requires applicants to submit a master plan that addresses how use will limit impacts on any adjacent residentially zoned areas. The Report, and the Applicants, fail to address the safety and livability impacts to the adjacent residential neighborhood and the Park itself as detailed in the two paragraphs above. Such omitted impacts are certainly not 'negligible' as stated by the Applicants and BDS staff (see Report, page 9, second paragraph of B.3 findings)."

For context, the Hearings Officer notes that the SHNA reference to the "two paragraphs," above, relates to Metro's request for additional "special events" and the impacts created by such events upon pedestrian safety and nearby residential areas. SHNA, in Exhibit H.8, states that traffic and parking impacts created by special events at the Zoo were not adequately studied.

The Hearings Officer finds that PCC 33.820.050.A requires that a proposed master plan "contain" the components as set forth in PCC 33.820.070. The Hearings Officer finds that an applicant, under PCC 33.820.070.B.3, is required to provide an "explanation" and not a "justification" of how its

proposed use will limit impacts on adjacent residentially zoned areas. The Hearings Officer finds that PCC 33.820.050 requires an applicant to demonstrate that its proposed uses comply with the applicable conditional use approval criteria and other applicable Title 33 requirements.

In this case, the Hearings Officer finds that Metro did address PCC 33.820.070.B.3. Metro stated that "there are no abutting residential areas so this standard does not apply" (legal findings related to PCC 33.100.200.B.3). The Hearings Officer agrees with Metro and finds that technically PCC 33.820.070.B.3 does not apply because the Proposed CUMS boundary is not adjacent to residentially zone properties.

The Hearings Officer also finds that even if PCC 33.820.070.B.3 does apply to this application, that Metro did provide an "explanation" of the impacts of its proposals upon "nearby" residentially zoned areas. Metro, in Exhibit A.2.h, page VII-5, states:

"A detailed description of the zoo's existing operations is contained on Pages II-3 - 7 and its current building stock and site utilization described beginning on Page II-8, including Table II-5. Anticipated changes in operations through the lifetime of the plan to 2022 are expected to be minimal; these characteristics are contained in on Pages V-3 - 4. A detailed description of the proposed development of the campus at full build-out of the remaining 2008 Bond Issue projects and CCMP is provided on Pages V-5 - 16."

The Hearings Officer notes that references to special events (i.e. zoo concerts and zoo lights) are referenced in Exhibit A.2c, pages II-4 through II-6 and Exhibit A.2f, page V-3, V-4 and V-25 through V-27. The Hearings Officer finds that Metro's traffic consultant, in Exhibit A.2o, addressed traffic and parking impacts of "special events" and "peak parking demand." (See also Exhibit A.2j.) While the Hearings Officer finds that Metro provided scant information related to the traffic/parking impacts created by its request for additional concerts/events, the Hearings Officer finds that Metro did include a general discussion about their traffic and parking impacts on nearby residentially zoned areas.

In conclusion, the Hearings Officer finds that this approval criterion is not technically applicable to Metro's Proposed CUMS. The Hearings Officer finds that even if this approval criterion did apply, Metro provided an adequate "explanation," through its traffic and parking analysis, to satisfy this approval criterion.

**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:** The Metro application (Exhibit A.2c, Page II-1,) describes the Zoo as:

"From the mist-filled Africa Rain Forest to the majestic Great Northwest Exhibits, the zoo encourages visitors to understand and experience the natural world. Committed to conservation of endangered wildlife species and their habitats—both locally and around the globe—the zoo is a center for wildlife preservation and field research. The Oregon Zoo's award-winning education programs serve nearly 700,000 people both at the site itself and at schools, senior centers and community centers around the region. A summer concert series, seasonal events such as Zoo Lights and the Zoo Train helped this popular Oregon attraction to draw more than 1.6 million visitors in 2010."

Further, Metro identified the principles of the Proposed CUMS as follows:

- **"Protect animal health and safety.** The Oregon Zoo's commitment to animal welfare will be obvious to the visitor in the new and expanded habitats that will mimic native habitat to the extent possible, show animals' intelligence and give them choices for active and healthy lives.
- **Increase access to conservation education.** Visitor education about animal conservation, with special emphasis on threatened and endangered species, will be provided through a mix of campus-wide and exhibit-interpretive elements and engaging experiences. Flexible spaces for learning will be offered throughout the zoo and within each animal exhibit.
- **Implement sustainability initiatives.** The Oregon Zoo is passionate about reducing water and energy use; leveraging sunlight, animal waste, and stormwater resources; and modeling sustainable practices to visitors. All of these goals will be evident in the new and expanded habitats, facilities, infrastructure and site improvements.
- **Create a cohesive zoo campus.** The new bond projects will improve and clarify visitor circulation and experience by improving supporting amenities, such as the train, food venues, and signage, and organize the zoo as a whole so that exhibits and adjacent spaces complement one another, tying into large areas representing regions of the globe with specific zoo species." (Exhibit A.2f, Page V-2)

The Proposed CUMS application identifies the existing and proposed building square footage and the ratio of building to site area (Exhibit A.6). The application also includes a measurement of impervious area and pervious/landscaped/natural area (Exhibit A.6). In addition, the application describes the Zoo's hours of operation, scheduled events and describes the anticipated increase in the number of visitors, employees, and volunteers over the next 10 years.

The proposed projects are described by function. The future improvements are broken into two distinct categories, "patron-related" and "habitat-related." This approach makes a distinction between the people and creature areas and is particularly useful in addressing approval criteria 33.805.100.A.1 and A.2. This approach to categorizing Zoo facilities should be carried throughout the Master Plan. BDS Staff, in the BDS Staff Report, recommended a condition requiring the Proposed CUMS to include a categorized list(s) of all existing and proposed buildings, structures and site improvements as either Patron-Related/Service-Related or Habitat Related. For those facilities that are dedicated to animal shelter, holding, care and outdoor area, BDS Staff recommended a condition that allows those "habitat-related" areas to be utilized generically without distinction of type of animal, specific species or global or regional themes. Moving or introducing a different animal species into a habitat area, for example moving cougars into a space identified for tigers, should be allowed without additional review. On the other hand, changes to the proposed Patron-Related or Service-Related improvements such as converting a habitat-related building into offices or event facilities should necessitate an amendment, based upon the proposed review thresholds. The Hearings Officer concurs with the BDS Staff analysis and recommended conditions.

With conditions, the Hearings Officer finds that this approval criterion is satisfied.

**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:** For this review, the Hearings Officer finds that the submitted application includes sufficient information regarding the existing improvements that will remain after development of the proposed improvements. Figure V-1B and Attachment H (Exhibit A.3e) identifies by number which buildings, habitat and shelters will be retained. The information submitted is adequate to evaluate against the applicable approval criteria. However, it is insufficient for implementation and future permit reviews. At Building Permit review, City Staff will be required to verify that each project, including remodeling/renovation projects, building additions and conversions must be found to be consistent with the approved Master Plan. Without legible, clear plans that identify existing development that will be retained over the next 10 years, the plan review process may be prolonged as staff determines where and how the proposed changes fit with the CUMS approval. To address this deficiency, staff recommends a condition that requires the detailed project area drawings--V4.A, V-6A, V-7A, V-7B, V-10-V19, and the drawings that were approved for the Condor/Elephant Exhibit projects, per LU 12-156412 EN (which updated and replaced the approved plans for LU 11-179602 CUMS AD EN), all be revised to identify the buildings and structures that will be retained, as identified on Attachment H (Exhibit A.3e).

Further, the Hearings Officer finds that the Proposed CUMS should include a Map Key of all quadrants/sections of the Zoo facility and that identifies each project area and references the respective drawing that illustrates the location of the various improvements. Also, as recommended above, the updated Master Plan should include a categorized list(s) of all existing and proposed buildings, structures and site improvements, categorized as either Patron-Related/Service-Related or Habitat Related.

BES requested that the Proposed CUMS submitted stormwater report be incorporated into the approved Master Plan. BES indicated that the stormwater report should be updated, as necessary. The Hearings Officer finds that the Proposed CUMS include Appendix 1: Exhibits for each stormwater project. The Hearings Officer finds that the other appendices do not have to be included. Further, so that it is clear which phase or project will include infrastructure projects, the Hearings Officer finds that the project summary in Section V- Proposed Plan (Exhibit A.2.f) should reference the infrastructure projects and should use the same naming convention in table format.

With additional submittals and conditions, the Hearings Officer finds that this approval criterion can be 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:** Metro is not proposing more stringent standards that would apply to future development. Metro has requested Adjustments to four applicable standards. The Hearings Officer finds that this component requirement is addressed.

**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 development phases and associated infrastructure upgrades are described on pages V-5 through V-20 (Exhibit A.2f) and are illustrated on Drawings V-8A, B and C. This criterion is met.

**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 occupant vehicles.

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 application includes a Transportation Impact Analysis – Current and Future Conditions Reports, prepared by Kittelson and Associates, Inc. (Exhibits A.2j and A.2o). Also, Metro submitted a Parking/Access Management Plan and Implementation Strategy, prepared by Rick Williams and Phillip Worth, Kittelson and Associates (Exhibit A.2k) and a 2012 Washington Park Transportation and Parking Management Agreement (Exhibit A.5b). This agreement was approved by the Metro Council on November 8, 2012 and was submitted to the Portland City Council in a public hearing on November 14, 2012. The City Council, on December 5, 2012, unanimously approved the Washington Park Transportation and Parking Management Agreement (Exhibits H.6 and H.12).

PBOT reviewed Metro's traffic and parking information and deemed it complete (Exhibit E.2). The Hearings Officer finds that this requirement is satisfied.

**H. Street vacations.** The master plan must show any street vacations being requested in conjunction with the proposed use and any possible street vacations that 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:** The Proposed CUMS does not include any proposed street vacations.

**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:** Metro is requesting the following four Adjustments:

- Reduce the building setback (33.100.200.B.1.a) from 48.5 feet to zero for the proposed Conservation Discovery Zone building that will be located adjacent to the west property line.
- Waive the paving requirement (33.266.130.D.1) for the vehicle area in the Service Yard.
- Waive the interior parking lot landscaping standard (33.266.130.G.3) for parking in the Service Yard and the parking adjacent to the Veterinary Medical Center.
- Reduce the required on-site parking requirement (33.266.110.B/Table 266-2) from 1,300 to 1,119 spaces. The parking requirement is 20 spaces per acre of site for Commercial Outdoor Recreational uses. Of the 1,119 spaces, 982 spaces are located on the City of Portland property and are shared by Washington Park, the Children's Museum and World Forestry Center visitors and employees.

The Adjustments are discussed in the Hearings Officer's findings below. This requirement is satisfied.

**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:** As discussed above, Metro is requesting Adjustments to vary from four development standards. Further, as noted under criterion 33.820.050.C above, Metro has not specifically proposed additional development in the environmental zone and therefore has not submitted a concurrent Environmental Review. However, as noted by BES, a proposed new storm sewer connection to the public storm sewer in the Sunset Highway (US 26) will be in a City environmentally zoned area and will likely require an Environmental Review (Exhibit E.1). BDS Staff, in the BDS Staff Report (Exhibit H.2), recommended that the Hearings Officer include a condition of approval stating that development of projects conceptually approved in this Proposed CUMS, but located within the environmental overlay zones, would be subject to an Environmental Review unless the project can meet all applicable environmental zone development standards.

The Hearings Officer finds that compliance with the BDS Staff recommended condition will satisfy this criteria.

**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:** Metro noted that the Zoo intends to complete all the projects that were funded through the Bond Measure. The Proposed CUMS included future projects that are not currently funded but are identified in the Zoo's 20-year Comprehensive Capital Master Plan. All the projects identified in the application are sufficiently described. Because Metro has not yet fully explored the potential adverse impacts of a biomass/bio-fuel boiler/bioreactor at the site, Metro has asked to remove that specific proposal from the Proposed CUMS.

The Hearings Officer finds this approval criterion is satisfied. Hearings Officer findings are included later in this decision that respond to Metro's request to apply different allowances for changes to the elements of the plan and different review thresholds for amendment reviews.

**33.820.080.A. Conforming to the plan.** Uses and development that are in conformance with detailed aspects of the plan are not required to go through another conditional use review. Uses and development subject to less detailed parts of the plan are subject to the level of conditional use review stated in the master plan. They will be approved if they are found to comply with the master plan. Other required land use reviews must still be completed unless they were also approved as part of the master plan.

**33.820.090 Amendments to Master Plans.** Amendments to the master plan are required for any use or development that is not in conformance with the plan, except as stated in 33.820.080, above. The approval criteria of 33.820.050 apply. The thresholds and procedures for amendments are stated below.

- A. Type III procedure.** Unless the master plan specifically provides differently, amendments to a master plan that require a Type III procedure are:
- B. Type II procedure.** Unless the master plan specifically provides differently, amendments to a master plan not specifically stated in Subsection A. above are processed through a Type II procedure.

**Findings:** Section 33.820.080 and .090 identify when an amendment to an approved Conditional Use Master Plan is required and applies review thresholds. These provisions, however, allow an applicant to propose a modified set of review thresholds. Metro, in this case, has requested modification to the code required thresholds for amendments to the Master Plan as follows:

- Allow, without a review, flexibility to increase the size of projects up to 5 percent for the Phases 1-3 approved projects. And allow, without a review, flexibility to increase up to 10 percent increase the size of projects listed in the Zoo's CCMP.
- Require a Type II Amendment Review to exceed the 5 percent "flex" allowance for approved individual Phase 1-3 projects or to exceed the 10 percent "flex" allowance for individual projects listed in the Zoo's CCMP, unless the increase is less than 400 square feet, in which case it would be allowed by right.

- Require a Type III Amendment Review to request a net increase of more than 35,600 square feet (10 percent) of the approved cumulative amount building floor area or site improvement area.
- Require a Type II Amendment Review for a modification of more than 100 feet to the approved location of an approved building or site improvement.
- Waive the requirement of a Type III Amendment Review for new building or site improvements within 400 feet of the campus boundary.

Metro submitted a map that shows that the Zoo site is relatively isolated from residential or other high activity uses. The Sunset Highway, a wide multi-lane highway corridor, separates the southern boundary of the Zoo from residential and open space development. Forested, elevated portions of Washington Park and Hoyt Arboretum buffer the eastern and northern edge of the Zoo from residences and other uses. The large parking areas, Children's Museum and World Forestry Center provide separation between the Zoo and residences in the Sylvan Highlands neighborhood. The homes that are closest to the Zoo's western boundary are over 780 feet away. Given the topographic and surrounding development, concerns about impacts to development near the edge of the Zoo boundary are significantly lessened. BDS Staff, in the BDS Staff Report, indicated support of Metro's request to waive the required Type III amendment review for proposed development that would be within 400 feet of the boundary. The Hearings Officer finds that Replacement of this provision, with a required Type II Review for a modification of more than 100 feet to the approved location of an approved building or site improvement, will allow off-site impacts to be analyzed.

Because most of the projects are conceptual or the final architectural/engineering plans have not been completed, Metro is requesting some built-in flexibility to the size of the projects. For the Phase 1 through Phase 3 projects identified in the Bond Measure, Metro is requesting an allowance of up to a 5 percent increase in floor or site area, without a review. And, regarding the other projects identified in the CCMP, Metro is requesting an allowance for up to a 10 percent increase for each individual project. The 5 and 10 percent is a reasonable allowance that will not substantially increase the development allowed in the CUMS because Metro requests a Type III amendment review when the building or site improvements increase more than 39,120 square feet from the approved amount. The 39,120 is approximately a 10 percent increase in the overall floor area or site improvement area from the amounts identified in Tables V-1 through V-10 and Table III-1 of LU 11-179602 CUMS AD EN and Table III-1 of LU 12-156412 EN. Staff recommends a Type II review be required for amendments to the size of the approved individual projects when they exceed their 5 or 10 percent "flex" allowance. Again, a Type III review should be required when the cumulative increase exceeds the overall 10 percent of 39,200 square feet. All other provisions of Section 33.820.080 and .090 will apply. BDS Staff recommended a condition requiring the Proposed CUMS include a section that identifies the amendment review thresholds.

Following the issuance of the BDS Staff Report, Metro and BDS Staff both submitted additional comments regarding the proposed conditions (Exhibits H.4, H.4a, H.7 and H.11). The Hearings Officer finds the conditions, as set forth in Exhibits H.7 and H.11, to represent a reasonable and

appropriate compromise related to the threshold requirements to be included in the Proposed CUMS.

The Hearings Officer finds that the proposed review thresholds address this requirement.

### **Conditional Uses**

#### **33.815.010 Purpose**

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

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

These approval criteria apply to all conditional uses in the OS zone except those specifically listed in other sections below. The approval criteria allow for a range of uses and development that are not contrary to the purpose of the Open Space zone. The approval criteria are:

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

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

**Findings:** The proposed improvements remain consistent with the current activities/functions of the Zoo, which is classified as Commercial Outdoor Recreation use. This use is allowed in the OS zone if reviewed and approved as a Conditional Use.

The character of the Zoo facility was first defined in 1959 when the Portland Zoological Gardens opened at the site. Historically, the Zoo site and adjacent Washington Park were zoned R10, a single-dwelling residential zone. In 1981, the sites were designated with the City's Comprehensive Plan Open Space designation. Then in 1991, through the Portland Zoning Code Rewrite Project, the Open Space zone was applied on most properties that had the Open Space Comprehensive Plan designation. The intended character of the Zoo was established and further defined through numerous master plans and improvement phases that occurred between 1960 and 1991, prior to the placement of the Open Space zone on this site.

The Open Space zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:

- Providing opportunities for outdoor recreation;
- Providing contrasts to the built environment;
- Preserving scenic qualities;
- Protecting sensitive or fragile environmental areas;
- Enhancing and protecting the values and functions of trees and the urban forest;
- Preserving the capacity and water quality of the stormwater drainage system; and
- Providing pedestrian and bicycle transportation connections.

Metro provided the following statement:

"The Oregon Zoo is primarily an outdoor venue for the protection of and education about the world's threatened and endangered wildlife species. As Oregon's largest attraction in terms of annual paid attendance, the zoo is a critical institution providing recreational, cultural and educational value to the community meeting the first purpose, 'providing opportunities for outdoor recreation.' The zoo remains largely in open space and landscaped animal exhibits, meeting the second purpose, 'providing contrasts to the built environment.' Set in the West Hills, the zoo's natural setting and naturalized landscaping meets the third purpose, 'preserving scenic qualities.' Thirty-one percent of the zoo site remains undeveloped with extensive tree canopy shading streams and creeks, meeting the fifth and six purposes..."

The Zoo and adjacent public attractions provide outdoor recreation, including trail and bicycle connections.

To protect designated natural resources and their function, BDS Staff, in the BDS Staff Report, recommended a condition requiring an Environmental Review for development occurring within areas designated with an Environmental overlay zone. BES evaluated the proposed improvements and, with conditions, supports the Proposed CUMS.

Therefore, the Hearings Officer finds this approval criterion is met.

**2. Adequate open space is being maintained so that the purpose of the OS zone in that area and the open or natural character of the area is retained: and**

**Findings:** The proposed improvements are within the 1997 CUMS plan boundary. The application for the Proposed CUMS notes that currently only 36 percent of the Zoo site is developed with buildings and/or paving. The remainder of the Zoo site is in an open, landscaped or natural character. At full build-out of the 2008 Bond projects and all the CCMP identified projects, the total area developed with buildings and/or paving will be increased to 49 percent. In 2011, the Elephant/Condor Exhibits Project increased the building and paving area by approximately 46,500 square feet of development which, when constructed, will reduce the landscaped/open area from 65 to 63 percent. The remaining projects included in the Proposed CUMS will result in approximately

134,000 square feet of new buildings or structures and approximately 185,000 square feet of “habitat-related” site improvements. With full implementation of all the projects, the Zoo’s landscaped/open natural area will still cover a majority—51 percent of the Zoo site. As described above, Metro is requesting the Proposed CUMS decision allow some flexibility to vary the size of the approved projects without a CUMS Amendment Review. If every approved project were increased in size to the allowed 5 or 10 percent maximum increase, as proposed, the additional development would be 31,441 square feet and would alter the percentage of development to open area to an even 50 percent split. This percentage will still retain a natural, landscaped character and the improvements will achieve an enhanced outdoor recreational experience. The Hearings Officer finds that the Proposed CUMS improvements will not conflict with the purpose of the OS zone and therefore this approval criterion is met.

**3. City-designated environmental resources, such as views, landmarks, or habitat areas, are protected or enhanced.**

**Findings:** Most of the physical improvements at the Zoo are located outside of City-designated Environmental or Scenic Resource zoned areas. There is a narrow strip of Scenic Resource overlay zoning on the northern edge of the Zoo site. Also, there is an approximate 100-foot deep swath of Environmental Conservation overlay zoning that follows the southern edge of the Zoo site. The largest concentration of environmental zoning is located in the north and east sections of the Zoo site.

Metro is requesting that the Condor/Elephant Exhibit projects that were approved under LU 11-179602 CUMS AD EN and the subsequent environmental review-- LU 12-156412 EN, be incorporated into this the Proposed CUMS, thus extending the approved implementation timeline. BDS Staff, in the BDS Staff Report, recommended that conditions I and J of LU 11-179602 and the modified/updated conditions of LU 12-15612 be carried forward under this Proposed CUMS review.

Lastly, as discussed above, given that many of the proposed project areas are near environmental zoned areas, the Hearings Officer finds that a condition of approval be included requiring compliance with environmental zone requirements. With these conditions, the Hearings Officer finds that this approval criterion will be satisfied.

**B. Public services.**

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

**Findings:** PBOT stated, in Exhibit E.2, that access to the Zoo is provided by two Washington Park private roadways, facilities that are owned and maintained by Parks. SW Knights Boulevard and SW Kingston Drive weave through Washington Park and connect to public streets. SW Knights Boulevard is classified in the City’s Transportation System Plan as a Local Service Street, Community Transit Street, City Bikeway and City Walkway. SW Kingston Drive is designated as a

Local Service Street and City Bikeway and City Walkway. The Zoo's existing and proposed improvements do not conflict with the street designations placed on these two private roadways. The Hearings Officer finds this approval criterion is met.

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

**Findings:** Metro, through its traffic consultant, provided transportation reports as part of its application process (Exhibits A.2.j., A.2.k, A.2.o, A.3d). Metro's application included additional information related to "external events" (Exhibit A.2.h) and a proposed Washington Park Alliance Parking Management Agreement (Exhibit A.3.f and A.5.b). PBOT conducted a review of Metro's information and prepared a written response (Exhibit E.2).

Metro provided a copy of a Portland City Council approved Washington Park Alliance Parking Management Agreement (Exhibit H.6).

The Hearings Officer finds that Metro, through Exhibits A.2j, A.2k, A.2o, A.2h, A.3f and A.5b, addressed the evaluation factors listed in this approval criterion. The Hearings Officer finds that PBOT, in Exhibit E.2, addressed the evaluation factors in this approval criterion. The Hearings Officer finds, excepting for evaluation factors related to on-street parking impacts, impacts to pedestrians and safety for all modes, the Metro and PBOT evidence, analysis and conclusions are unchallenged by any oral or written testimony in this case. The Hearings Officer, therefore, incorporates the Metro and PBOT evidence, analysis and conclusions (except as related to the on-street parking impacts, pedestrian impacts and safety for all modes) shall be adopted as part of the findings that this approval criterion is met. The Hearings Officer discusses the Metro, PBOT and SHNA evidence, analysis and conclusions, related to on-street parking impacts, pedestrian impacts and safety for all modes in the findings below.

SHNA submitted, in Exhibit H.8, the following comments:

"The [BDS Staff] report stated that the Zoo intends to increase (1) Zoo concerts 47% (8 more annually to 25 concerts/year) and (b) external events (conferences, parties, etcetera) 20% (42 more annually to 280 external events/year) see Report, page 3 Proposed Operational/Programmatic Changes). Zoo concerts, and probably a lot of the external events (collectively, 'Peak Events'), generally occur at peak use times and greatly increase the vehicular traffic in Washington Park (the 'Park'). Although the Report notes the significant increases in Peak Events, neither the Report, BDS staff, Applicants nor Applicants' consultants (Kittelton & Associates and Rick Williams Consulting) include these Peak Events in their analyses of traffic or parking management. All the

traffic and parking analyses in and supporting the Report are either summaries of historical data or projections thereof. Nothing in the Report analyzes peak event impacts other than the occasional note of high attendance days due to Second Tuesdays or the like.

Peak Events grossly overburden the Park and cause spillover parking and traffic issues in and beyond the Park to the north of the Zoo. For example, during a Zoo concert the adjacent parking lots are full and vehicles are parked anywhere it is possible all along SW Knights Boulevard and SW Fairview Boulevard to the western Park boundary and sometimes further west. When the street side parking is overloaded like this, people (Park visitors, Peak Event attendees and others) walk in the streets because there are no sidewalks (or equivalent) on SW Fairview Boulevard and SW Knights Boulevard north of SW Kingston Drive. At these times, pedestrians and bicyclists and motorists are in the streets when there is more traffic in the streets as a result of the Peak Events. The Peak Events create dangerous conditions for pedestrians, bicyclists and motorists that impact the Park visitors' safety and neighborhoods' safety and livability. The failure of the Report to examine the traffic and parking issues, and dangerous conditions resulting therefore, caused by Peak Events naturally omits mitigation of these issues and conditions.

The Report does analyze the (lack of) adverse impacts (e.g., noise or light pollution) upon adjacent neighbors (e.g. neighbors directly west of the Zoo on SW Highland Road). SHNA has no objection to this limited analysis. SHNA's concern is the greater safety and livability issues that impact the Park, Park visitors and neighbors as a result of the traffic and parking issues from Peak Events.

As a result of the noted Report omissions, Peak Events traffic and parking issues, and resulting safety and livability concerns noted in this response, SHNA respectfully requests the following condition of approval:

- Requiring the Applicants to mitigate the safety and livability issues caused by Peak Events by installing: (a) sidewalks along at least one side of the entire length of SW Knights Boulevard and (b) installing (or replacing old style crosswalks<sup>1</sup> with) highly visible marked crosswalks<sup>2</sup> at all pedestrian crossings (like trail crossings and intersections) along the entire length of SW Knights Boulevard.

<sup>1</sup> E.g., two parallel white lines perpendicular to the street.

<sup>2</sup> E.g., the newer, multi-panel style (i.e., many solid white panels parallel to the street."

**[Hearings Officer note: a paragraph in H.8 related to PCC 33.820.070 is not included in this quoted material. The Hearings Officer addressed these SHNA comments in the findings for PCC 33.820.070.]**

Parks submitted the following comments responsive to the above-quoted SHNA issues (Exhibit H.12):

"In response to the concerns about pedestrian safety raised by Mr. Malcolm [SHNA representative] at the CUMS hearing on December 12, I would like to say that PP&R believes that pedestrian safety is very important in the park. Currently, Washington Park has an extensive trail system that enables pedestrians to safely move from one area to another within the park. These trails are accessible to neighbors and visitors and they are purposefully designed to provide users with a more natural experience as they move from one area of the park to another. PP&R doesn't believe adding an extensive sidewalk system along park roads is appropriate because we believe it would make park roads function more like city streets. We believe that the new and enhanced TMA shuttle service will be very helpful in reducing auto impacts and moving people within the park. Again, as we embark on the Washington Park Master Plan update in the near future, the pedestrian system will be one of the key components addressed both in the plan as well as implementation priorities.

Mr. Malcolm's concerns about cars parking on the shoulder of SW Fairview and SW Knights Blvd. raises issues of parking enforcement as well because parking is not permitted in these areas. PP&R specifically anticipates parking revenues being utilized to increase parking enforcement levels in the park, which would directly address Mr. Malcolm's concerns.

We do not believe this CUMS is the appropriate vehicle to address parking and pedestrian modifications and parking enforcement or to require parking and pedestrian improvement on Knights Boulevard within Washington Park. We believe the new TMA and Washington Park Master Plan will be the optimal forums for studying opportunities and options and making recommendations to City Council.

For all of these reasons, we respectfully request that the Hearings Officer not incorporate the SHNA recommended condition of approval."

Metro, through its attorney, submitted comments responsive to the above-quoted SHNA issues (Exhibit H.13):

"Applicants respectfully request that the Hearings Officer decline to impose the condition proposed by the SHNA for the following reasons:

- The proposed condition of approval is not needed to ensure compliance with applicable approval criteria and therefore cannot be imposed.
- There is insufficient evidence in the record to find that the proposed condition is roughly proportional to the impacts of the application."

The Hearings Officer reviewed all written submissions by Metro and PBOT, in the evidentiary record, and could find no clear/concise discussion of the traffic/parking impacts resulting from Metro's request to add concerts and special events. The Hearings Officer, therefore, concurs with the SHNA comments above to the extent that Metro provided no specific analysis of traffic/parking impacts resulting from the request to add concerts and special events. However, as described below, the Hearings Officer finds that Metro did supply sufficient information related to on-street parking impacts, pedestrian impacts and safety for all modes to meet this approval criterion.

Metro, in Exhibits A.2j., A.2o and A.3d, provided extensive evidence and analysis related to current and anticipated Zoo related traffic and parking. Metro's traffic consultant, in Exhibit A.2j (Current Conditions), concluded that:

- A review of traffic crash history did not reveal any patterns or trends that would require mitigation with the exception of the SW Scholls Ferry Road/US 26 eastbound on/off ramp; and
- Improvements to sidewalks and/or pedestrian paths, in the lower main parking lot, would improve pedestrian safety; and
- Bicycle facilities are adequate; and
- Zoo attendance, although varying during the year, has risen over the past 10 years; and
- All but one of the top 25 attendance days included some type of special event, such as a summer concert, Second Tuesday discounted attendance day, or Zoo Lights; and
- Parking demand exceeded the capacity of the main parking lot (996 spaces) a total of 78 times in 2010 with the "business" lot being used a total of 69 times, the "church" lot being used 6 times and a combination ("business" and "church" lots) being used 3 times.

Metro, in Exhibit A.2.o (Forecast Transportation Conditions), concluded that:

- Peak visitor parking demand resulting in the use of off-site parking facilities ("business" and/or "church" lots utilized) is projected to increase from 78 days (2010) to 143 days (2022); and
- The majority of study intersections are expected to operate acceptably excepting for the ramp terminal intersection of eastbound US 16/Canyon road (Knights Boulevard) and the SW Knights Boulevard/SW Zoo Road intersection.

Metro, in Exhibit A.3.d, provided supplemental information on traffic management practices at Washington Park. Exhibit A.3.d stated, in part, that:

"Visitor demands to the Washington Park area are widely varied over the course of a year. Records are kept that provide a historical perspective on times of the year when demands are expected to be high and trigger the need for special traffic management efforts. Holidays, sunny days, weekends, and school vacation days present opportunities for visitors to come to the park and one or more of the venues. Occasionally, special events at the venues also result in days with high visitor demands that benefit from special traffic management. The most consistent and detailed visitor demand data is maintained by the Oregon Zoo.

Although the Zoo is only one of the generators of visitor demand, the names of the Zoo events are generally used to identify times when demands may be high and traffic management is needed. A sample list of those dates, timeframes and/or events is provided below:

- Spring Break (if the weather is good)
- \$4 Tuesdays (monthly event with high demands 3-4 times a year, usually in the summer)
- Packy's Birthday
- Summer
- Memorial weekend, 4<sup>th</sup> of July, Labor Day weekend, Halloween, Thanksgiving
- Zoo concert series
- Zoo lights"

Exhibit A.3d includes Metro's responsive action to times of high parking demand. Exhibit A.3d describes the "crash history" locations in close proximity and at the Zoo. There is no evidence of any traffic/parking safety issues that are directly associated with special events being held at the Zoo. Metro's traffic consultant did note that pedestrian facilities (sidewalks), in some instances, should be upgraded. PBOT, in its review of the Metro application in this case (Exhibit E.2) did not identify any traffic/parking issues directly associated with Metro's request for additional special events. The evidence indicates that there are additional vehicles at the Washington Park parking lots and on the Washington Park streets when some of the special events occur at the Zoo. However, there is no evidence in the record to support a finding that Metro's requested additional special events ("peak events" per SHNA terminology) would create significant negative impacts upon on-street parking, impacts on the safety of pedestrians, or impacts on any other measure of safety at Washington Park.<sup>1</sup>

The Hearings Officer also notes that the Portland City Council recently approved the 2012 Washington Park Transportation and Parking Management Agreement (Exhibit H.6, hereafter the "WPT&PA"). The WPT&PA is important to this case because its focus is upon traffic and parking issues impacting all of Washington Park including the parking impacts created by the Zoo.

The WPT&PA initiated parking fees to be charged for selected locations within Washington Park. The funds generated by Washington Park parking fees are directed to be used for operations, maintenance, security supervision and capital improvements to Washington Park parking lots. Specifically, the funds are directed to be set aside for future capital improvements to "the Main and West Parking Lots identified in the WPA South Entry Vision Study Phase II, dated July 2012, as

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<sup>1</sup> Pages 3-4 of the WPT&PA states "Whereas, it is in the public interest for the Parkes to enter into this Agreement to cooperatively create and implement an effective, world-class transportation and access management system for the regionally significant public and private non-profit venues within Washington Park, (the Oregon Zoo, WFC, PCM, Washington Park itself, including the International Rose Test Garden, the Portland Japanese Garden and the Hoyt Arboretum collectively, the "Venues"), through active access management and programs to increase the use of non-auto transportation alternatives, including bike and pedestrian paths, to Washington Park and provide safe and affordable access, thus ensuring their continued growth and protecting and promoting their financial strength and stability;"

well as other transportation-related capital improvements in all of Washington Park.” The WPT&PA establishes at Transportation and Access Management Association (“TMA”) for the purposes of adopting and implementing a Transportation and Parking Management Plan (“TPMP”). The TMA is governed by a board of directors including Parks, Zoo, World Forestry Center, Portland Children’s Museum, the Portland Japanese Garden, TriMet, the Hoyt Arboretum and one citizen who lives in each of SHNA and Arlington Heights Neighborhoods.

In conclusion, the Hearings Officer finds that the transportation system is capable of supporting the proposed Metro uses, as set forth in its application, in addition to the existing uses in the area. The Hearings Officer finds that there is evidence in the record that all of the evaluation factors set forth in this approval criterion have been adequately addressed. The Hearings Officer finds that the SHNA concerns about safety, while offered sincerely, are not supported by substantial evidence in the record. The Hearings Officer finds the SHNA request for an additional condition of approval to adding sidewalks and improving crosswalks should be considered by the TMA as part of its deliberation of the TPMP. The Hearings Officer shall not impose the SHNA requested condition (Exhibit H.8, page 2) in the approval of Metro’s application in the case.

The Hearings Officer finds this approval criterion is 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:** Public services for water supply, sanitary and stormwater disposal, police and fire protection are capable of serving the proposed use as explained below.

The Water Bureau responded with information on the current water service and pressure at the Zoo. The response stated that “the Water Bureau had no concerns about the proposed action at this time” and requested no conditions of approval (Exhibit E.3). The Fire Bureau responded with no concerns (Exhibit E.4). The Police Bureau encouraged the Zoo management to work with the Police Bureau and Office of Neighborhood Involvement Crime Prevention team to address public safety (Exhibit E.5).

BES determined that with conditions it had no objection to approval of the CUMS and the Adjustment Reviews (Exhibit E.1).

The Hearings Officer finds that with conditions addressing BES concerns about stormwater management, this approval criterion can be met.

**C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

**1. Noise, glare from lights, late-night operations, odors, and litter; and**

**Findings:** The proposed Zoo improvements will be at least 700 feet from nearby residentially-zoned lands. At the southernmost edge, where the Proposed CUMS Africa exhibit and concert lawn area improvements are proposed, the 300-foot wide Sunset Highway separates the Zoo activities from the homes in the Southwest Hills Neighborhood, south of the highway. At the westernmost point, near the proposed Zoo train improvements, the nearest residentially zoned site is at least 1,000 feet away. The main parking lot and the Children's Museum separate the Zoo site from the residences in the Sylvan Highlands area. The distance and abutting development provide adequate buffer between the Zoo activities and the residences to the west and south.

The Zoo does not operate during late hours. During the spring, fall and winter months, the Zoo generally closes at 4:00 p.m., and during summertime, the standard closing time is 6:00 p.m. The Zoo intends to continue scheduling its major special events—Zoo Lights and Zoo Concerts. The Zoo Lights, a winter festival, is held in the evenings between Thanksgiving and New Year's Day. The festival operates from 5:00 to 8:00 p.m. Sundays through Thursdays and 5:00 to 8:30 p.m. on Fridays and Saturdays. Currently the Zoo schedules approximately 20 concerts per year during the warmer months. Over the next 10 years, the Zoo intends to schedule up to 25 concerts per year. The maximum size of attendance at the concerts will not increase. Concerts are held on evenings between the hours of 7:00 and 9:30 p.m.

Metro requested that the total number of Zoo-related outside events (in addition to concerts) be increased from 232 to a maximum of 300 events. Metro stated that the combined use of the existing and proposed new event spaces will not exceed the maximum of 5,000 participants, at any one time. Metro stated that a vast majority of the events held at the Zoo will be scheduled during off-peak times when sufficient parking is available. Given that there are no late night operations and that events are scheduled to minimize the total number of participants at peak times, the proposed activities will not adversely impact livability of the nearby residential areas.

As noted earlier in this decision, the Zoo withdrew its proposal to possibly construct a "biomass or bioreactor." The Hearings Officer finds that the "biomass/bioreactor" proposal, by Metro, shall not be part of any approval of the Proposed CUMS.

The Hearings Officer finds that this approval criterion is met.

## **2. Privacy and safety issues.**

**Findings:** The Zoo site is not adjacent to residentially zoned lands and therefore privacy should not be negatively impacted by the proposed improvements. The Police Bureau response noted that the bureau has the capacity to serve the facility. Therefore, the Hearings Officer finds that this approval criterion is met.

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

**Findings:** The Proposed CUMS site area is not located within the boundaries of any area plans adopted by the City Council. Therefore, the Hearings Officer finds that this approval criterion is not applicable.

### **Adjustments**

#### **33.805.040 Approval Criteria**

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;  
and

**Findings:** As discussed at the beginning of this decision, Metro is requesting Adjustments to vary from or waive four applicable development standards. The first is to waive the setback requirement for a proposed new building. The second is to waive the paving requirement for vehicle area in the Zoo's Service Yard. Another parking-related standard is to waive the interior parking lot landscaping requirement for vehicle parking in the Service Yard and the parking that serves the existing Veterinary Hospital. These requirements apply as required upgrades to existing nonconforming development.

Metro requested that all uncompleted projects in the Elephant/Condor Exhibits Project be rolled into the Proposed CUMS with its extended 10-year term. BDS Staff, in Exhibit H.2, concurred with the Metro request to incorporate the Condition Use Review and Environmental Review approval of the projects from LU 11-179602 CUMS AD EN and LU 12-156412 EN. However, BDS Staff, in Exhibit H.2, did point out that the approved Adjustment – to defer compliance with the interior parking lot landscaping standard, should not roll into this approval. This current application addresses only the Service Yard and area near the Veterinary Hospital. Once the 1997 CUMS expires, the other parking areas, specifically those that are located on the City of Portland site, must be subject to nonconforming upgrade requirements. The last Adjustment is also parking related. Metro is requesting to reduce the required minimum number of on-site parking spaces from 1,300 to 1,119 spaces.

The purpose and response to the criteria for each respective standard is as follows:

#### **Adjustment 1 - Minimum Building Setback**

PCC 33.100.200.B.1.a (Conditional Use development standards) requires buildings to be set back from all property lines one foot for each foot of the building height. In this case, the proposed Conservation Discovery Zone building will be 48.5 feet tall, which would require a 48.5 foot deep setback from the western property line. The proposal is for a zero setback.

PCC 33.100, Open Space Zone, does not have a purpose statement related to this development standard. However, 33.100.200.B.3 states that "Conditional uses are also subject to the other development standards stated in Table 110-5 in PCC 33.110, Single Dwelling Zones." Table 110-5

is contained within PCC 33.110.245, Institutional Development Standards. The purpose for these standards is:

***PCC 33.110.245.A. Purpose:** The general base zone development standards are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in single-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.*

Submitted exterior elevation drawings of the proposed Conservation Zone building show that it will have varied rooflines and wall articulation that will reduce the perceived scale of the structure. Metro noted, in its application materials (Exhibit A.2), that this building would “feature an extensive green roof as well as vegetation on the façade that will further soften its impact.” The proposed building would be located adjacent to the west property line but separated from residential uses by at least 900 feet. The Portland Children’s Museum building and grounds as well as trees and tall shrubs are located between homes in the Sylvan Highlands Neighborhood and the Zoo site. Given the features of the building and its location, the Hearings Officer finds that the zero setback will not negatively impact the surrounding residential areas. The Hearings Officer finds, for the minimum setback adjustment request, that this approval criterion is met.

#### **Adjustments 2 and 3 - Paving and Parking Lot Landscaping**

Metro submitted a detailed inventory of parking spaces that are located within the Zoo boundary (Metro ownership). There are currently a total of 185 spaces. Of those, 132 spaces are used for employee and fleet vehicle parking in the Upper and Lower Service Yards and 27 employee spaces are available at the Veterinary Hospital. The remaining spaces are found in various locations. After full implementation of projects identified in the Proposed CUMS, the Zoo anticipates a loss of 48 on-site spaces (Exhibits A.3c, C.2l and C.2m).

In order to preserve as many on-site spaces as possible, Metro is requesting to waive the interior parking lot landscaping on the small lots that serves employees. Metro indicated, in its application materials, to eventually redevelop the Service Yard. Metro is asking to waive the paving requirement which is a requirement that applies when implementing the nonconforming upgrade standards (PCC 33.258.070.D.2).

The purpose for both the paving and landscaping standards is:

***PCC 33.266.130 A.Purpose.** The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:*

- *Provide a pedestrian access that is protected from auto traffic; and*
- *Create an environment that is inviting to pedestrians and transit users.*

- *The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:*
- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Provide flexibility to reduce the visual impacts of small residential parking lots;*
- *Direct traffic in parking areas;*
- *Shade and cool parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- *Reduce pollution and temperature of stormwater runoff from vehicle areas; and*
- *Decrease airborne and waterborne pollution.*

The parking areas in the Service Yard and adjacent to the Veterinary Hospital are both located away from the private streets that serve the Zoo and are isolated from visitors' view. The lots are not located in areas that are visible from residential properties and are not used by the general public who visit the Washington Park venues. When analyzing the functional characteristics of pervious and impervious areas and the reduced landscaping that impact or benefit the environment, the BES generally takes the lead. BES, who reviews stormwater management facilities on private property for the feasibility of infiltration, pollution reduction, flow control and off-site discharges, supports the request for the paving and landscaping Adjustments.

Based upon the above, the Hearings Officer finds, for the paving and parking lot adjustment requests, that this approval criterion is satisfied.

#### **Adjustment 4 Minimum Parking Space**

The Zoo is classified as a Commercial Outdoor Recreation use and is subject to the minimum parking standard of 20 parking spaces per acre of site area. The site is 65 acres in size and therefore requires 1,300 on-site spaces. Metro intends to utilize 13 on-site spaces and the 982 spaces that are located in the adjacent and nearby parking areas that serve the Washington Park venues.

Metro and/or the Zoo are members of the Washington Park Alliance and are party(s) to a shared parking arrangement that will be implemented through the 2012 WPT&PA (Exhibit H.6). In addition to the 1,119 spaces available on-site or adjacent to the Zoo, the facility has access to two remote (satellite) parking lots. A 225-space parking lot at the First Church of Nazarene (6100 SW Raab Road) is available during weekdays and the 490-space Sylvan Business Center (SW Skyline Drive and SW Westgate Drive) are available evenings and weekends. Metro submitted copies of agreements (with the Church and Business Center) to BDS Staff demonstrating that Metro and/or the Zoo has/have and will continue to have access to the remote parking areas. The Zoo provides shuttle service to and from the satellite lots. Additional (enhanced) shuttle service, throughout Washington Park, will be initiated under the terms of the WPT&PA (Exhibit H.6, page 13).

The Portland City Code exempts sites from the minimum parking requirements when the site is located within 500 feet of a “transit street” that has 20-minute peak hour service. The Zoo is served by the Westside Light Rail, a designated Regional Transitway that offers frequent service. However, the light rail line cannot fulfill this requirement because the definition of “transit street” in Zoning Code Chapter 33.910 states that Regional Transitways that are entirely subsurface are not included in the definition of transit street. The portion of the Westside Light Rail line that runs through Washington Park is entirely underground. One could argue that the transit station, with elevator access to the trains, is not subsurface. However, given the ambiguity of the definition, BDS Staff, in Exhibit H.2 (page 26) found that the requirement applies. In the past, the Zoo has received approval of an Adjustment to this standard. The Hearings Officer finds that this standard should apply to Metro in this application.

The purpose of the parking requirement is as follows:

*PCC 33.266.110 A. Purpose. The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.*

Metro contends that “tagging parking demand to acres” is not an appropriate methodology for the Zoo because: (1) approximately one third of the site is environmentally-zoned and will remain largely undeveloped, (2) patronage is not tied to an increase in building space or outdoor improvements but rather to increases as a function of regional population growth, (3) the Zoo has a high patron carpool rate—3.5 people per car, and (4) the Zoo has direct light rail transit access, it meets the purpose of the regulation. The Hearings Officer does not disagree with these Metro comments. However, the Hearings Officer continues to believe that this standard should apply.

The Hearings Officer finds, based upon Metro’s, BDS’s and PBOT’s analyses under criterion for PCC 33.815.100.B.2, that there is an adequate parking supply and that the additional spaces are not necessary. The Hearings Officer finds that Metro’s submitted Transportation Impact Analysis demonstrates that the proposed parking supply will continue to accommodate the majority of traffic generated. Therefore, the Hearings Officer finds for the requested minimum parking space adjustment request, that this approval criterion is met.

**B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the classification of the adjacent streets and the desired character of the area; and

**Findings:** PCC 33.100.200.B.2 states that Conditional Uses must meet the parking standards for uses in the CG, General Commercial zone, as stated in Chapter 33.266, Parking and Loading. Given that the Proposed CUMS site is not in a residential zone, the Hearings Officer finds that the CUMS proposal must be found to be consistent with the classification of the adjacent streets and the desired character of the area.

The Zoo abuts the Sunset Highway, a designated Regional Trafficway. Southwest Kingston Drive is a private park drive. Knight Boulevard is also a private park drive, but a designated Community Transit Street, City Bikeway and City Walkway and SW Kingston Drive is a designated Local Service Street. The setback, paving and landscaping Adjustments do not conflict with the classifications of the nearby streets. Metro submitted a traffic and parking analysis demonstrating that the proposed parking that is available to serve the Zoo is adequate but not excessive. Metro's Transportation Demand Management measures and the shared parking agreement will reduce parking impacts to the surrounding areas while still encouraging use of other modes.

The Portland City Code defines the term "desired character" as being based on the purpose statement of the base zone, overlay zone and plan district and the preferred and envisioned character included in adopted area plans (Section 33.910.030). The Zoo site is not within an area, neighborhood or community plan boundary.

Section 33.100.010 describes the purpose of the OS, Open Space zone as follows:

*The Open Space zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:*

- *Providing opportunities for outdoor recreation;*
- *Providing contrasts to the built environment;*
- *Preserving scenic qualities;*
- *Protecting sensitive or fragile environmental areas;*
- *Enhancing and protecting the values and functions of trees and the urban forest;*
- *Preserving the capacity and water quality of the stormwater drainage system; and*
- *Providing pedestrian and bicycle transportation connections.*

**Adjustment 1 – Building Setback:** The proposed Conservation Zone building will be located close to the high activity areas—roadways, parking and other venues. Placing the Conservation Zone building in this location, rather than an undeveloped portion of the Zoo site, serves to protect existing natural features. The Hearings Officer finds that the proposed reduced setback will not interfere or diminish opportunities for outdoor recreation or diminish the existing scenic qualities of the area. The building location is not environmentally-zoned and therefore is not in a sensitive or fragile environmental area. Furthermore, the Adjustment will not interfere with the pedestrian and bicycle connections. Metro has submitted a stormwater management report that shows the new development will comply with City requirements.

**Adjustments 2 and 3 – Paving and Landscaping:** These Adjustments address existing situations. As explained above, BES does not have concerns regarding impacts to stormwater management functions. The Hearings Officer finds that these proposed Adjustments will not reduce outdoor recreation opportunities or change the scenic qualities of the area.

**Adjustment 4 – Minimum Parking Space:** As explained above, Metro submitted extensive information that documents that there is adequate parking to accommodate the growth of the Zoo and other Washington Park venues. The Hearings Officer finds that the proposed parking will support the outdoor recreational functions. The Hearings Officer finds that this request does not conflict with the purpose of the Open Space zone.

For these reasons, the Hearings Officer finds this approval criterion is met for the requested four Adjustments.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

**Findings:** The Hearings Officer finds that the requested Adjustments do not fundamentally change the open, natural, recreation use or appearance of the Zoo facility. The Hearings Officer finds that the individual and/or cumulative effect of the requested Adjustments will not create a conflict with the purpose of the OS zone. The Hearings Officer finds this approval criterion is met.

D. City-designated scenic resources and historic resources are preserved; and

**Findings:** The Hearings Officer finds this approval criterion does not apply because there is only a narrow sliver of the site, along SW Kingston Boulevard, that is within the Scenic overlay zone. Proposed improvements will be located outside of the Scenic overlay zone. Historic resources are designated by a large dot. There are no such historic resources present on this site.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

**Findings:** As explained above, the Hearings Officer finds that the requested Adjustments will not create adverse impacts that require mitigation. Therefore, the Hearings Officer finds that this approval criterion does not apply.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

**Findings:** Because the proposed Conservation Zone building and the existing Service Yard and parking areas are not located within an environmental zone, the Hearings Officer finds that this approval criterion does not apply.

### **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**

The Hearings Officer found that Metro demonstrated, with conditions of approval, that the Proposed CUMS meets the applicable approval criteria. The Hearings Officer found that Metro submitted adequate information to evaluate the potential impacts of the improvements on the character of the open space area, as well as impacts to both the nearby residential neighborhood and the transportation system. Findings show that, with conditions, the water, storm and sanitary sewer, fire, police and transportation systems will have adequate capacity to serve the use. In particular, the Hearings Officer found that the transportation system is capable to support the Proposed CUMS uses as well as the existing area uses. With conditions, the updated Master Plan will guide a myriad of construction projects and operational changes over the next 10 years.

The approval of the Elephant/Condor Exhibit Renovation Project (LU-11-179602) and subsequent Environmental Review (LU 120156412), originally approved as part of the 1997 CUMS (LUR 97-127), should be incorporated into the approval of this Proposed CUMS. The Elephant/Condor Exhibit Renovation Project land use approvals will remain subject to all of the conditions of approval of those same underlying land use approvals. The approved Adjustment, which allowed the applicant to defer compliance with the interior parking lot landscaping standard during the life of the amended 1997 CUMS, will not be incorporated into this new CUMS approval.

The Hearings Officer found that Metro demonstrated that the requested Adjustments met the applicable approval criteria. The Hearings Officer found that the requested Adjustments equally met the intent of the regulations and will result in a proposal that is consistent with the purpose of the Open Space zone.

### **IV. DECISION**

**Approval** of a Conditional Use Master Plan update for additional development and activities on the Oregon Zoo (Metro-owned) site approved for a Commercial Outdoor Recreation use, as described and illustrated in Exhibits **A and C**;

**Approval** of an Adjustment to reduce the building setback (33.100.200.B.1.a) from 48.5 feet to zero for the proposed Conservation Discovery Zone building that will be located adjacent to the west property line;

**Approval** of an Adjustment to waive the paving requirement (33.266.130.D.1) for the vehicle area in the Service Yard;

**Approval** of an Adjustment to waive interior parking lot landscaping (33.266.130.G.3) for parking in the Service Yard and the parking adjacent to the Veterinary Medical Center; and

**Approval** to reduce the required on-site parking requirement (33.266.110.B/Table 266-2) from 1,300 to 1,119 spaces.

The above approvals are subject to the following conditions:

- A. Within 3 months of the final decision on this update (LU 12-156405 CUMS AD), the Oregon Zoo must submit to the Bureau of Development Services four bound copies of the approved Master Plan. The Master Plan must incorporate all changes and conditions of approval and must include:
1. Revised Detailed Project Drawings, labeled as V-6A, V-7A, V-7B, V-10 through V19 (Exhibits C.2.a-C.2k), that identify both proposed and existing development and label the respective building, site improvements as Patron/Service-Related or Habitat Related. The habitat related development includes buildings, structures and site improvements that provide animal shelter, holding, care and outdoor area.
  2. Approved plans that illustrate the proposed improvement and mitigation areas approved for the "Condor/Elephant Exhibits" reviewed under LU 11-179602 CUMS AD EN and LU 12-156412 EN.
  3. A Key Map for the Zoo facility that identifies all quadrants/sections and identifies each Project Area with references to the respective detailed project drawings.
  4. An updated Stormwater Management Report that includes Appendix 1-Exhibits for each project. The project summary in Section V of the Master Plan submittal should reference the infrastructure projects identified in the stormwater report for each phasing, using the same naming convention in table format, to clarify in which phase each infrastructure project will be completed.
  5. Removal of references and drawings showing a proposed biomass, bio-fuel boiler, or bio-reactor.
  6. A detailed list of all existing and proposed building structures and site improvements, including those approved through LU 11-179602 CUMS AD EN and LU 12-156412 EN. The list must identify the existing and proposed square footage and categorize the development as either Patron/Service-Related or Habitat-Related.
  7. The Oregon Zoo Transportation Demand Management Plan and approved Washington Park Transportation and Parking Agreement.

8. A Plan Administration Section that identifies requirements and review thresholds for Conditional Use Master Plan Amendments, as follows:
  - a) Apply exemption allowances in Section 33.820.080.B.1-7;
  - b) Allow, without a review, generic utilization (without distinction of type of animal, specific species or global or regional themes) of designated "habitat-related" buildings, structures and site improvements areas;
  - c) Allow, without a review, an increase of 5 percent, respectively, to the approved amount of floor area or site improvement area for Phases 1-3 approved projects. Allow, without review, a 10 percent increase in floor area or site improvements for each respective individual approved project listed in this Proposed CUMS;
  - d) Require a Type II Amendment Review to exceed the 5 percent "flex" allowance for approved individual Phase 1-3 projects to exceed the 10 percent "flex" allowance for individual projects listed in the Zoo's CCMP;
  - e) Require a Type II Amendment Review for a modification of more than 100 feet to the approved location of an approved building or site improvement;
  - f) Waive the requirement of a Type III Amendment Review to request a net increase of more than 10 percent of the approved cumulative amount of building floor area or site improvement area;
  - g) Waive the requirement of a Type III Amendment Review for proposed building or site improvements within 400 feet of the campus boundary; and
  - h) Apply sections 33.820.080.A.2-5 and A.7 and A.8.
- B. For projects dependent on facilities and/or infrastructure identified as part of another phase, the applicant will be required to complete necessary infrastructure and facilities with, or prior to, the completion of the project for which the infrastructure/facility is required by the Stormwater Management Manual, unless granted temporary approval by the Bureau of Environment Services.
- C. In order to address stormwater requirements for the main parking lot, Metro (with Portland Parks) will complete the following:
  1. Within five years, a separated storm-only sewer must be constructed, via an issued Plumbing Permit or other permit as required by the Bureau of Development Services and the Bureau of Environmental Services, to convey stormwater from the main parking lot area after treatment in the future stormwater facility, as required per C.2, to the separated public storm sewer in Highway 26.
  2. Within ten years, stormwater facilities must be constructed and connected to the storm-only sewer, via an issued Development Review Permit or other permit as required by the Bureau of Development Services and the Bureau of Environmental Services, to manage runoff from all practicable parking lot impervious surfaces.

3. The above provisions will be formalized in a Memorandum of Understanding (MOU) signed by representatives of Portland Parks and Recreation, Metro and the Bureau of Environmental Services. Upon execution, a copy of the MOU shall be submitted to the Bureau of Development Services to be added to the legal record for this case. The MOU shall become the guiding agreement to implement the stormwater facilities for this case as related to Condition C.1 and C.2 above.
  4. An easement, as necessary to provide a legal route for the sewer to the separated public storm sewer, will be provided by Metro.
- D. Metro will be required to connect the stormwater facility built for the train roundabout (under permit 12-191581-CO) to the separated storm system at such time as the separated storm sewer in this area is completed, but no later than with the completion of the Conservation Discovery Zone project.
- E. Metro will be required to build stormwater management facilities for basins S10, S11, LSS, and E13 (as identified in the stormwater report prepared by KPFF, dated October 5, 2012), and constructed as part of the elephant and spine improvements and connect this area to the separated storm sewer system at such time as the separated storm sewer in this area is completed, in conjunction with the Africafe or Africa Savannah Expansion projects.
- F. Metro shall continue to implement their own independent Transportation Demand Management Plan measures and comply with all obligations of the Portland Parks and Recreation and the Washington Park Transportation and Parking Management Agreement.
- G. Any development or projects approved in this Master Plan, but located within an Environmental overlay zone, must comply with all applicable environmental zone development standards or be reviewed through an Environmental Review.
- H. The approved Master Plan will expire 10 years from the effective date of the final decision.

***Prior Conditions that Remain in Effect from LU 11-179602 CUMS AD EN***

- I. As part of the Phase A (*Condors and Elephants Exhibits*) projects, at least 3,660 square feet of existing impervious area, located at the proposed new condor and birds of prey exhibits, must be removed. The area must be planted with native vegetation.
- J. The Zoo's invasive plant species eradication program must target the area north of the new elephant meadow, adjacent to the required mitigation area, where native plants will be installed.

***Prior Conditions that Remain in Effect from LU 12-156412 EN***

- K **All permits:** Conditions of Approval listed below, shall be included within all plan sets

submitted for permits (building, grading, Site Development, erosion control, etc.). These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, "***Field changes are not allowed without prior BDS LUS approval.***"

- L. The following conditions apply to the Drainage Reserve area identified on Exhibit C.18 (Drawing III-13F):
1. The Bureau of Environmental Services must inspect and approve the grading changes and plantings within the drainage reserve area at the time of the final erosion control inspection required in Condition E, below.
  2. The piped outfall shown on Exhibits C.20 and C.29 (Drawing III-13H and III-14H) must be extended to meet the stream channel or the mitigation trees shown on Exhibit C.19 (Drawing III-13G) that are situated between the outfall and the stream channel must be relocated and additional erosion control measures added for long-term stability.
  3. Any changes within the Drainage Reserve area identified on Exhibit C.18 (Drawing III-13F) require Bureau of Environmental Services approval.
- M. Temporary construction fencing shall be installed according to Section 33.248.068 (Tree Protection Requirements). Construction fencing shall be placed along the Limits of Construction Disturbance for the approved development, as depicted on Exhibits C.8, C.18, C.26, and C.36 (Drawings III-12F, III-13F, III-14F, and III-15F) Construction Management/Erosion Control Plans or as required by inspection staff during the plan review and/or inspection stages.
1. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
  2. Changes to the Root Protection Zones ("RPZ") identified in the Construction Management/Erosion Control Plans, Exhibits C.8, C.18, C.26, and C.36, are only allowed under the observation of the project arborist. Where excavation or fill is required within the RPZ, the project arborist must provide written approval to the Bureau of Development Services. No additional trees may be removed without further review.
- N. The following mitigation plantings shall be installed in substantial conformance with the Landscape Mitigation Plans C.9, C.19, C.27-28, and C.37 (Drawings III-12G, III-13G, III-14G1-2, and III-15G):
1. A total of 231 trees and 217 shrubs shall be planted for the removal of 99 trees, in conformance with Exhibit A.6;

2. An additional 31 trees shall be planted as mitigation for the VMC stormwater facility;
3. All temporary disturbance areas not already identified for tree and shrub plantings shall be planted with a minimum of two shrubs and seven ground cover plants per 50 square feet. These plantings are in addition to any reseeded; and
4. A minimum of seven ground cover plants per 50 square feet are required for the mitigation area identified on Exhibit C.27, Drawing III-14G1.

Plantings shall conform to the following:

- All species shall be selected from the Portland Plant List;
- Plantings shall be installed between October 1 and March 31 (the planting season);
- Prior to installing required mitigation plantings, non-native invasive plants shall be removed from the entire project area, including the areas identified for mitigation plantings;
- Plantings in each of the environmentally zoned subareas shall be permitted with the applicable project elements of the subarea; and
- After installing the required mitigation plantings, the applicant shall request inspection of Permanent Erosion Control Measures (IVR 210) by the Bureau of Development Services, who will confirm that all required mitigation plantings have been installed. A letter of certification from the landscape professional or designer of record may be requested by the Bureau of Development Services to document that the plantings have been installed according to the approved plans.

O. **An inspection of Permanent Erosion Control Measures shall be required** to document installation of the required mitigation plantings.

1. The **Permanent Erosion Control Measures** inspection (IVR 210) shall not be approved until the required mitigation plantings have been installed (as described in Condition D above);

--OR--

2. If the **Permanent Erosion Control Measures** inspection (IVR 210) occurs outside the planting season (as described in Condition C above), then the Permanent Erosion Control Measures inspection may be approved prior to installation of the required mitigation plantings – if the applicant obtains a separate **Zoning Permit** for the purpose of ensuring an inspection of the required mitigation plantings by March 31 of the following year.

P. **Metro shall maintain the required plantings** for two years to ensure survival and replacement. Metro is responsible for ongoing survival of required plantings during and beyond the designated two-year monitoring period. Metro shall:

1. Obtain a Zoning Permit for a final inspection at the end of the 2-year maintenance and monitoring period. The permit must be finalized no later than 2 years from the final inspection for the installation of mitigation planting, for the purpose of ensuring that the required plantings remain. Any required plantings that have not survived must be replaced.
- Q. Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and/or enforcement of these conditions in any manner authorized by law.

  
Gregory J. Frank, Hearings Officer

January 10, 2013  
Date

<b>Application Determined Complete:</b>	October 23, 2012
<b>Report to Hearings Officer:</b>	November 30, 2012
<b>Decision Mailed:</b>	January 11, 2013
<b>Last Date to Appeal:</b>	4:30 p.m., January 25, 2013
<b>Effective Date (if no appeal):</b>	January 28, 2013

**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 4<sup>TH</sup> 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 \$ 5,000 will be charged (one-half of the application fee**

**for this case, up to a maximum of \$5,000).** 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, only evidence previously presented to the Hearings Officer will be considered by the City Council.

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

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

**Recording the final decision.**

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

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

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

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

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

**Expiration of this approval.** 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 superseded; or
- The plan expires after 10 years from date of final decision.

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

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

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

**EXHIBITS**  
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
1. Initial application, with pre-July 1, 2012 fees and request to place on-hold, submitted June 23, 2012
  2. Full Application – Request for a New Conditional Use Master Plan, submitted August 14, 2012
    - a. Table of Contents
    - b. Summary of Proposal
    - c. Current Conditions
    - d. Land Use History
    - e. Community Outreach
    - f. Proposed Plan
    - g. Plan Administration
    - h. Legal Justification (Response to Approval Criteria)
    - g. Pre-Application Conference Summary Notes
    - h. List of External Events (FY 2010-2011)
    - i. Provision of Proposed PPR/WPA Parking Management Program
    - j. Transportation Impact Analysis: Current Conditions Report
    - k. Updated Transportation Demand Management Plan
    - l. Concept Non-Conforming Landscaping Plans for Upper and Lower Main Lots
    - m. List of Participants in Neighborhood Planning Workshops
    - n. Bond Issue Projects Stormwater Reports
    - o. Transportation Impact Analysis: Future Conditions Report
  3. Memo and Attachments Responding to Application Completeness Letter from Staff, submitted October 16, 2012
    - a. New Adjustment Application to Waive Parking Requirement (Attachment C)
    - b. Remote Lot Parking Agreements (Attachment D)
    - c. Revised Adjustment for Interior Parking Lot Landscaping (Attachment F)
    - d. Supplemental Information on Traffic Management Practices for West Lot Project (Attachment G)
    - e. Building Inventory with ID Numbered Map (Attachment H)
    - f. Summary of Draft Terms of Proposed PPR/WPA Transportation and Parking Management Agreement (Attachment I)
    - g. Response to BES Completeness Memorandum (Attachment A)
      1. Revised Stormwater Drainage Reports, Prepared by SRG Partnership
        - Bond Projects Executive Summary, Revised Oct. 5, 2012
        - CDZ Bond Project, Revised Sept. 17, 2012
        - Primates Exhibit, Revised Sept. 17, 2012
        - Rhino Bond Project, Revised Sept. 17, 2012
        - Polar Bear Exhibit, Revised Sept. 17, 2012
  4. Memo and Attachments Responding to Application Completeness Letter from Staff, submitted October 25, 2012

- a. Revised Adjustment for Building Setback
5. Memo and Additional Information, submitted November 15, 2012
  - a. Hearings Officer's Final Order for West Lot Approval (Attachment B)
  - b. Updated PPR/WPA Transportation and Parking Management Agreement
6. Revised Development Tables and Summary Table of Proposed Building and Site Improvements, submitted November 27, 2012
7. Letter from Mike Abate, PPR Director to Cheryl Twete, Metro, dated Oct. 19, 2012
- B. Zoning Map (**attached**)
- C. Plans and Drawings
  1. Zoo Master Site Plan – Zoo Campus at Full-Building Out (Drawing V-1), updated, submitted October 16, 2012 (**attached**)
  2. Large-Scale, Color, Updated Plans, submitted October 25, 2012
    - a. Cascade Crest Zone (V-10)
    - b. Asia (V-11)
    - c. South America (V-12)
    - d. Additional Primate Upgrades (V-13)
    - e. Africa (V-14)
    - f. South America Tropical Forest Exhibit Zone (V-15)
    - g. Main Entry (V-16)
    - h. Concert Lawn (V-17A)
    - i. Africafe Replacement (V-17B)
    - j. Train Terrace (V-18)
    - k. Service Yard (V-19)
    - l. 2012 Employee Parking Areas – Gate A and Lower Access Road
    - m. 2012 Employee Parking – Living Collections
    - n. Past, Present, Current and Proposed Location of Totem Pole (Figure V-27)
    - o. Proposed Relocation of Totem Pole (Figure V-26)
    - p. Distance to Residences (V-25)
    - q. West and South Elevations of CDZ Building (V11-1)
    - r. Zoo Campus at Full Build-Out (V-1A)
    - s. Demolition Analysis (V-1B)
  3. Plans and Drawings Submitted with Original Full Application, submitted on August 18, 2012
    - a. Zoo Master Site Plan – Zoo Campus at Full-Build Out (Drawing V-1)
    - b. Campus Drainage Basins (V-2)
    - c. Visitor Circulation (V-3)
    - d. Spine Stormwater (V-4A)
    - e. Rain Events (V-4B)
    - f. Conservation Discovery Zone (V-5)
    - g. Polar Bear Exhibit (V-6A)
    - h. Polar Bear Profiles (V-6B)
    - i. Primates (V-7A)
    - j. Rhino (V-7B)
    - k. CDZ Construction Plan (V-8A)

- l. Polar Bear Construction Plan (V-8B)
  - m. Primates, Rhino, and Finishing Spine and Hubs (V-8C)
  - n. Bond Projects (V-8D)
  - o. Exhibits and Visitor Circulation (V-9)
  - p. Cascade Crest Zone (V-10)
  - q. Asia (V-11)
  - r. South America (V-12)
  - s. Additional Primate Upgrades (V-13)
  - t. Africa (V-14)
  - u. South America Tropical Forest Exhibit Zone (V-15)
  - v. Main Entry (V-16)
  - w. Concert Lawn (V-17A)
  - x. Africafe Replacement (V-17B)
  - y. Train Terrace (V-18)
  - z. Service Yard (V-19)
  - aa. Proposed Utilities (V 20 A-C)
  - bb. Water Use Charts (V 21 A & B)
  - cc. Condensor Energy Loop (V-22)
- 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. Bureau of Transportation Engineering and Development Review
  3. Water Bureau
  4. Fire Bureau
  5. Police Bureau
  6. Site Development Review Section of Bureau of Development Services
  7. Life Safety Plan Review Section of Bureau of Development Services
  8. TRACS Comments- "No Concerns" from Bureau of Parks, Forestry Division
- F. Letters: NONE
- G. Other
1. Original LUR Application
  2. Incomplete Application Letter, mailed July 2, 2012
  3. Incomplete Application Letter, mailed August 30, 2012
  4. E-Mail from Bev Bookin, Applicant, Instructing Staff to Deem Application Complete, dated Oct. 23, 2012
- H. Received in the Hearings Office
1. Hearing Notice – Sheila Frugoli
  2. Staff Report – Sheila Frugoli

3. 12/7/12 Memo -- Sheila Frugoli
  - a. Corrected Exhibits
4. 12/12/12 Memo -- Sheila Frugoli
  - a. 12/12/12 Memo from Bev Bookin
  - b. Attachment 1
  - c. Attachment 2
5. 12/10/12 Letter from Mark Loomis -- Tim Ramis
6. 2012 Washington Park Transportation and Parking Management Agreement -- Tim Ramis
7. 12/12/12 Memo (4 copies) -- Tim Ramis
8. 12/12/12 Letter -- Dave Malcolm
9. PowerPoint presentation -- Sheila Frugoli
10. Record Closing Information -- Hearings Office
11. 12/18/12 Memo -- Sheila Frugoli
12. 12/17/12 Memo from Mike Abbate -- Todd Lofgren
13. 12/21/12 Letter -- Tim Ramis



