

1	B.	<u>City of Lake Oswego Community Development Code [LOC Chapter 50]:</u>	
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3		LOC 50.02.003.2	Public Function Zone
4		LOC 50.03.003.d	Conditional Use Standards for Schools
5		LOC 50.04.002.5	Special Street Setbacks
6		LOC 50.05.001.1-6	Sensitive Lands Overlay District
7		LOC 50.06.001.5	Building Design for Institutional Development
8		LOC 50.06.002	Parking
9		LOC 50.06.003.1	Access/Access Lanes (Flag Lots)
10		LOC 50.06.003.3	On-Site Circulation – Bikeways, Walkways and
11			Accessways
12		LOC 50.06.003.5	Transit
13		LOC 50.06.004.1	Landscaping, Screening and Buffering
14		LOC 50.06.004.2	Fences
15		LOC 50.06.004.3	Lighting Standard
16		LOC 50.06.005	Park and Open Space
17		LOC 50.06.006.1	Weak Foundation Soils
18		LOC 50.06.006.3	Drainage
19		LOC 50.06.008	Utilities
20		LOC 50.07.003.1	Application for Development, Burden of Proof
21		LOC 50.07.003.5	Conditions of Approval
22		LOC 50.07.003.7	Appeal of Minor and Major Development Decisions
23		LOC 50.07.003.11	Modification of Development Permit
24		LOC 50.07.003.14	Review Criteria for Minor Development
25		LOC 50.07.003.15	Review Criteria for Major Development
26		LOC 50.07.005	Conditional Use Permit
27		LOC 50.08.003	Hardship Variance

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29 C. City of Lake Oswego Streets and Sidewalks Code [LOC Chapter 42]:

30			
31		LOC 42.03.130	Vision Clearance
32			

33 D. City of Lake Oswego Tree Code [LOC Chapter 55]:

34			
35		LOC 55.02.010-55.02.135	Tree Removal
36		LOC 55.08.010-55.08.040	Tree Protection
37			

38 E. Prior Approvals:

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40 CU 2-69, CU 2-77, DR 3-77, DR 15-82, DR 7-93, VAR 4-94, LU 99-0038 [AP 00-01], LU 02-0015,

41 LU 02-0030, LU 05-0089, SC 06-0001, LU 06-0069, LU 08-0007, LU 09-0012, LU 09-0035,

42 LU 10-0036, LU 11-0023, LU 11-0025 and LU 12-0014.

43

44 **CONCLUSION**

45

46 The Commission concludes that LU 14-0001 can be made to comply with the conditions of approval.

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1 **FINDINGS AND REASONS**

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3 The Commission incorporates the March 7, Staff Report and the March 14, April 4 and April 7, 2014 Staff
4 Memoranda (with all exhibits attached thereto) as support for its decision, supplemented by the further
5 findings and conclusions set forth herein. In the event of any inconsistency between the supplementary
6 matter herein and the staff report/memos, the matter herein controls. To the extent they are consistent
7 with the approval granted herein, the Commission adopts by reference its oral deliberations on this
8 matter.

9
10 Following are the supplementary findings and conclusions of the Commission:

- 11
12 1. As a conditional use modification, the proposed development must be functionally compatible
13 with the surrounding residential neighborhood. LOC 50.07.005.3.a.iv. The Commission finds
14 that the permanent fencing around the field and the mitigation trees proposed to be located
15 between the temporary bleachers and Cloverleaf Drive will adequately visually buffer the
16 temporary bleachers (to be located 25 feet from the northern property line) from the adjacent
17 residential uses.
18
19 2. The Commission finds that the increase in permanent stadium seating from 1,200 to 2,200 seats
20 is a significant increase, and that the availability of covered seating may increase the intensity of
21 many events at the stadium beyond the existing 1,200 capacity, otherwise the applicant would
22 not be seeking a permanent increase in covered seating capacity.

23
24 The Commission concurs with the staff finding that in the absence of additional traffic studies to
25 determine the year-round effect of expanded spectator capacity, only a *de minimis* increase in
26 the number of events expected to exceed a capacity of 1,200 ("large event") is permissible based
27 upon the evidence in the record. The Commission finds that three additional large events within
28 the year is a *de minimis* increase in the number of permitted large events. To ensure that the
29 use of the stadium, with the canopy and the increase in permanent seating, will be functionally
30 compatible with the surrounding residential neighborhood (LOC 50.07.005.3.a.iv), the
31 Commission finds that several conditions of approval should be modified to (1) clarify that the
32 additional large events are limited to three per year, (2) require that the applicant submit annual
33 traffic control plans for review and approval of the City Engineer, and (3) require that the annual
34 traffic control plan include a summary of all events held at the athletic fields that have an
35 attendance of 1,200 or more, and that includes the actual number of attendees. The
36 Commission also finds that the annual reviews required for the use of the fields for varsity
37 football games worked well to monitor large events and ensure accountability to the conditions
38 of approval, and that the conditions of approval should be modified to include this as an
39 additional condition of approval. (The underlining and strikethrough in the conditions of
40 approval below reflect the Commission's modifications to the conditions of approval.) The
41 applicant had no objection to the Commission's additional conditions of approval.
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1 **ORDER**

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3 **IT IS ORDERED BY THE DEVELOPMENT REVIEW COMMISSION of the City of Lake Oswego that:**

- 4
5 1. LU 14-0001 is approved, subject to compliance with the conditions of approval set forth in Subsection
6 2 of this Order.
7
8 2. The conditions for LU 14-0001 are as follows:
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10 **Approval of LU 14-0001, subject to the conditions identified below:**
11

- 12 **A. LU 08-0007 is amended to reduce the number of temporary bleachers from 1,800 to 800,**
13 **commensurate with the phased addition of permanent seats as described in Condition B,**
14 **below, such that seating capacity is never greater than 3,000; to amend the location of**
15 **the remaining temporary bleachers to be no less than 25 feet from the north property**
16 **line; and the parking control measures are superseded by Condition C below.**
17
- 18 **B. LU 02-0015 is amended by increasing the permanent seating on the south side of the**
19 **field from 1,200 to 2,200.**
20
- 21 **C. The following parking and traffic management control measures shall be applied to all**
22 **varsity football games. No more than three (3) additional large events with an expected**
23 **attendance of 1,200 or more spectators and participants, e.g., playoff games,**
24 **tournaments, or other activities, are allowed at the Lakeridge athletic fields; provided that**
25 **the events occur outside of the varsity football season and that the parking and traffic**
26 **management control measures identified below are applied.**
27
- 28 1. Submit an annual traffic control plan and parking plan in accordance with the
29 provisions outlined in Exhibits F3, F6, F7 and F10 (of LU 08-0007) for review and
30 approval by the City Engineer that address the following:
- 31 a. On-site parking for visiting teams.
32
33 b. The monitoring and enforcement by event staff (supplied by the School District)
34 off-site parking on auxiliary lots.
35
36 c. Traffic and parking control measures to discourage parking and drop-offs on
37 Cloverleaf Road.
38
39 d. Schedule for shuttle service to auxiliary parking sites.
40
41 e. Communication plan to publicize parking protocols, auxiliary parking locations and
42 shuttle schedules to students, staff, and parents of Lakeridge H.S., visiting schools,
43 tournament directors, and the neighborhood generally.
44
45 f. A summary of all events that have an attendance of 1,200 or more spectators and
46 participants at the athletic fields, including the actual attendance number.
2. Submit evidence of the ability to use a minimum of 400 parking spaces located at off-site
auxiliary parking lots for varsity football games, and up to three additional large events
with an expected attendance of 1,200 or more spectators and participants as described
in Condition C, above, to the satisfaction of staff.

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3. The sound system layout shall be in accordance with the locations and design illustrated in Exhibits E4 and F12 of LU 08-0007 and as amended by Exhibit E4 of LU 14-0001 to the satisfaction of staff.
 4. The applicant shall submit evidence from a registered light specialist approved by staff and the applicant to demonstrate the athletic field lighting has been adjusted to maintain light pollution levels at or below 1,000cd/m² along the length of the residential property lines abutting Cloverleaf Road (north side of the road) in accordance with the lighting studies (Exhibits F13 and F37 of LU 08-0007).
 5. No other events shall be scheduled on the Lakeridge High School campus during varsity football games, or during other large events held at the athletic fields with an expected attendance of 1200 or more spectators and participants.

16 **D. Prior to Issuance of any Grading or Building Permits, the Applicant/Owner Shall:**

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1. Submit final site plans for review and approval of staff that are the same or substantially similar to the site plan and grading plans as illustrated on Exhibits E4-E10, with the following modifications:
 - a. Removal of the pole sign at the field entry at the east parking lot, or the removal of the text from the horizontal portion of the structure;
 - b. Removal of the two wall signs and associated lighting from the south elevation of the press box/stadium cover and the Pacer Field sign on the north elevation.
 - c. Extension of the rooftop screening on the team/concessions building to the east and south to fully screen the rooftop mechanical units.
 2. Submit revised site plans showing that all footings for the new seats and press box/stadium cover will be located outside of the public storm drain easement that runs in a northerly/southerly direction across the site.
 3. Apply for and receive an Encroachment Permit from the Engineering Division for the portion of the new seats and press box/stadium cover that will be located over the storm drain easement; the encroachment permit shall show that no footings for the proposed structure are located within the easement area.
 4. Submit a final site plan, storm plan and drainage report for the on-site storm water quality and quantity facilities, prepared by a registered engineer, to the satisfaction of the City Engineer.
 5. Submit an Operations and Maintenance Plan for the private on-site storm facilities and record a Declaration of Covenant for Operation and Management of Surface Water Management Facilities, to the satisfaction of staff.
 6. Complete the public water line improvements or provide a financial guarantee to ensure their construction, per LOC 50.07.003.9. The financial guarantee shall be based on an itemized engineer's estimate that is in turn based on plans that are far enough advanced to support the estimate, to the satisfaction of the City Engineer.

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7. Submit engineered construction drawings for the public water line relocation improvements for review and approval by the City Engineer. Drawings shall conform to the City's current designs standards and the drafting specifications.
8. Grant a public waterline easement for the public waterline relocation, to the satisfaction of the City Engineer.
9. Submit a final landscape/mitigation plan substantially similar to Exhibit E8, except modified to show the following, to the satisfaction of staff:
 - a. At least one of the mitigation Douglas fir trees shall be located in the area directly behind the press box;
 - b. At least three of the mitigation Douglas firs trees shall be planted between the temporary bleacher pad and the north property line.
10. Per LOC Chapter 52, apply for and obtain an erosion prevention and sediment control permit issued through the City of Lake Oswego, and install and maintain all BMPs as indicated in the permit. These measures shall remain in place throughout the development period.
11. Apply for and obtain a verification tree removal permit for the 15 trees approved for removal to construct the improvements. The verification tree removal permit submittal shall include an 8½" x 11" copy of the tree removal plan and a mitigation plan showing replacement trees on a 1:1 basis. Replacement trees shall not be dwarf or ornamental varieties and shall be at least two inches in caliper if deciduous or at least 6-8 feet tall (excluding the leader) if evergreens.
12. Pay all applicable System Development Charges.

E. Prior to Final Building and Planning Inspections, the Applicant/Owner Shall:

1. Complete all public improvements, as required by Conditions D(4) and (7), above.
2. Submit certified "as-built" drawings of the public improvements conforming to the City's standards for record drawings.
3. Complete construction of all private utility service, including water, storm, sanitary and franchise utilities.
4. Install all landscaping and mitigation plantings as illustrated on Exhibit E8, and modified by Condition D(9).

1 **F. Prior to the Installation of Any Sign, the Applicant/Owner Shall:**

- 2 1. Obtain all necessary sign permits. The applicant/owner shall submit sign plans and
3 elevations in accordance with the Sign Code for review and approval of staff. Color
4 and material of the signs shall be compatible with the architectural details and colors
5 of the approved buildings.
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7 **Code Requirements:**

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- 9 1. **Expiration of Development Permit:** Per LOC 50.07.003.17, the development approved
10 by this decision shall expire three years following the effective date of the development
11 permit, and can be extended by the City Manager pursuant to the provisions of this
12 section.
13
- 14 2. **Tree Protection:** Submit a tree protection plan and application prepared by a certified
15 arborist as required by LOC 50.08.020 and 55.08.030 for review and approval by staff,
16 including off-site trees that are within the construction zone. The plan shall include:
17
- 18 a. The location of temporary tree protection fencing, consisting of a minimum 6-foot
19 high cyclone fence secured by steel posts, around the tree protection zone, or as
20 recommended by the project arborist and approved by the City.
21
- 22 b. A note stating that no fill or compaction shall occur within the critical root zones of
23 any of the trees, or that if fill or compaction is unavoidable, measures will be taken
24 as recommended by a certified arborist to reduce or mitigate the impact of the fill
25 or compaction. Such measures shall be clearly outlined in the tree protection plan.
26 The note shall also inform contractors that the project arborist shall be on site and
27 oversee all construction activities within the tree protection zone.
28
- 29 c. A note that clearly informs all site contractors about the necessity of preventing
30 damage to the trees, including bark and root zone. The applicant and contractor(s)
31 shall be subject to fines, penalties and mitigation for trees that are damaged or
32 destroyed during construction.
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- 34 d. A sign shall be attached to the tree protection fencing, which states that inside
35 the fencing is a tree protection zone, not to be disturbed unless prior approval
36 has been obtained from the City Manager and project arborist.
37
- 38 3. Development plans review, permit approval, and inspections by the City of Lake Oswego
39 Development Review Section are limited to compliance with the Lake Oswego
40 Community Development Code, and related code provisions. The applicant is advised to
41 review plans for compliance with applicable state and federal laws and regulations that
42 could relate to the development, i.e., Americans with Disabilities Act, Endangered
43 Species Act. City staff may advise the applicant of issues regarding state and federal laws
44 that the City staff member believes would be helpful to the applicant, but any such
45 advice or comment is not a determination or interpretation of federal or state law or
46 regulation.
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1 DATED this 21st day of April, 2014.

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Gregg Creighton /s/
Gregg Creighton, Vice-Chair
Development Review Commission

Janice Reynolds /s/
Janice Reynolds
Administrative Support III

ATTEST:

TENTATIVE DECISION – April 7, 2014

AYES: Needham, Ahrend, Johnson, Poulson and Melendez
NOES: None
ABSTAIN: None
ABSENT: Creighton and Rossi

WRITTEN FINDINGS – April 21, 2014

AYES: Creighton, Needham, Ahrend, Johnson, Poulson and Melendez
NOES: None
ABSTAIN: None
ABSENT: Rossi