

STAFF REPORT
CITY OF LAKE OSWEGO

PLANNING DIVISION

APPLICANT/OWNER:

Lake Oswego School District

FILE NO:

LU 12-0016

LEGAL DESCRIPTION:

Tax Lot 300 of Tax Map 21E 19 BA

STAFF:

Debra Andreades

LOCATION:

5850 McEwan Road

DATE OF REPORT:

June 22, 2012

COMP. PLAN DESCRIPTION:

P (Public)

120-DAY DECISION DATE:

October 5, 2012

ZONING DESIGNATION:

PF (Public Functions)

NEIGHBORHOOD ASSOCIATION:

Rosewood

I. APPLICANT'S REQUEST

The applicant is requesting approval of the following:

- A Conditional Use Permit (CUP) for expansion of the River Grove Elementary School in order to place eight 896 sf portable classrooms at the site.
- A Development Review Permit in order to construct up to eight portable classrooms.
- A Hardship Variance to the provisions of LOC 50.06.001.5.g, which requires new structures to be located within 30 feet of a public street.

II. RECOMMENDATION

Approval with conditions. The complete listing of conditions is provided on pages 20 through 21 of this report.

III. APPLICABLE REGULATIONS

A. City of Lake Oswego Comprehensive Plan*:

- Goal 2 Land Use Planning
- Goal 11 Public Facilities and Services
- Goal 12 Transportation

* Staff submits that there are no *regulatory* Comprehensive Plan policies in these Goal sections applicable to the project.

B. City of Lake Oswego Community Development Code:

LOC 50.01.003.2.d	Interpretation of Approvals
LOC 50.03.002	Special Purpose Districts Use Table (PF)
LOC 50.02.003	Site Development Limitations –PF Zone
LOC 50.06.001	Building Design
LOC 50.06.002	Parking
LOC 50.06.003.1	Access
LOC 50.06.003.2	On Site Circulation-Driveways and Fire Access Roads
LOC 50.06.003.3	On-Site Circulation-Bikeways, Walkways, Accessways
LOC 50.06.003.5	Transit
LOC 50.06.004	Lighting Standard
LOC 50.06.004 and 50.06.010	Landscaping, Screening and Buffering
LOC 50.06.005	Park and Open Space
LOC 50.06.006.3; 50.07.004.1	Drainage Standard for Minor Development
LOC 50.06.008	Utilities
LOC 50.07.003.1.b	Burden of Proof
LOC 50.07.003.5	Conditions of Approval
LOC 50.07.003.14	Review of Minor Development Applications
LOC 50.07.003.15	Review of Major Development Applications
LOC 50.07.003.7.b and c	Appeal of Minor and Major Development Decisions
LOC 50.07.003.6	Effect of Decision
LOC 50.07.005 and 50.03.003	Conditional Use Permits
LOC 50.07.003.10	Certificate of Occupancy
LOC 50.08.002 and 50.08.003	Variances

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

LOC 42.08.400 - 42.08.470	Streets and Sidewalks
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D. City of Lake Oswego Tree Code [LOC Chapter 55]:

LOC 55.08.020	Tree Protection Plan Required
LOC 55.08.030	Tree Protection Measures Required

IV. FINDINGS

A. Background/Existing Conditions:

1. The River Grove Elementary School is a 9.62-acre site with frontage on McEwan Road to the north, a local street (Exhibit E-1). Benfield Avenue, a local street in the county ends at the south boundary of the site.
2. The River Grove Elementary School was designed in 1967 for up to 20 classrooms. However, the building permit was issued for only 12 classrooms in 1967. [It appears that at the time there was no CUP approval required by the Clackamas County to site the school because no zoning was imposed on the property until 1967.] In 1990, a building permit was issued for four additional classrooms. (There is no evidence submitted by the applicant, nor can the City verify, that a CUP was required prior to construction of the four classrooms.) The school was annexed into the City in January 2001. The school never went through a CUP review with the City.
3. The western edge of the site contains a tree grove that is considered as a 1B site, which is potentially identified as a resource, however, no on-the-ground analysis has been performed and it is not a mapped resource on the Sensitive Lands Atlas. Therefore, it is not subject to the Sensitive Lands requirements of the Community Development Code.
4. The site is zoned PF. Pilkington Park, a City park zoned PNA (Parks and Natural Areas Zone) is located southeast of the school. All other properties surrounding the site are on residentially zoned land in the County and are developed with single family homes.

V. REVIEW AND APPROVAL PROCEDURES

A. Neighborhood Meeting

Per, LOC 50.07.003.1.f, the applicant has complied with all neighborhood notification and meeting requirements. The minutes of the meeting are included in this report as Exhibit F-8.

B. Public Notice to Surrounding Area:

Pursuant to LOC 50.07.003.3.e, the City has provided adequate public notice and opportunity to comment on this application. No letters were received as of the date of this report.

C. Burden of Proof:

Per LOC 50.07.003.1.b, the applicant for a development permit shall bear the burden of proof that the application complies with all applicable review criteria or can be made to comply with applicable criteria by imposition of conditions of approval. The applicant has provided sufficient evidence to enable staff to evaluate the proposal. These documents are listed as exhibits at the end this report.

D. Classification of Application

LOC 50.07.003.15 describes a Conditional Use as a major development.

LOC 50.07.003.14.a describes the construction of a structure other than a detached single-family dwelling, duplex, zero lot line dwelling or accessory structure as a minor development.

E. Major Development (Expansion of School Facilities) Criteria for Review of Application

Per LOC 50.07.003.15.d, for any major development application to be approved, it shall first be established that the proposal complies with:

1. Any applicable regulatory policies of the Lake Oswego Comprehensive Plan;

Applicable regulatory Comprehensive Plan policies for the proposed use and site development are implemented by the Community Development Code. Staff has reviewed these policies to determine if they are “regulatory” and has found that none of them are regulatory with regard to this application. However, the applicant has addressed these policies in the narrative, Exhibit F-1.

2. The Requirements of the Zone in Which it is Located

Public Functions Zone [LOC 50.02.003(2)]

The applicant proposes to expand the school from 20 classrooms to 24 classrooms, including special purpose rooms that are not considered class rooms.

The site is zoned PF. Schools (including their expansion) are allowed as conditional uses in the zone [LOC 50.03.002.3]. The school was built in the County and subsequently annexed into the City. Therefore, the school has never been through a CUP process. The applicant is proposing to add four additional classrooms beyond the 20 classrooms previously approved by the County. The Conditional Use criteria are discussed below.

Conditional Use – [LOC 50.07.005]

A conditional use is an activity that is permitted in a zone but which, because of some characteristics that are not entirely compatible with other uses allowed in the zone cannot be permitted outright. In order for a CUP to be approved for placement of portable classrooms, it must be shown that:

- The requirements of the zone are met,
- The site is physically capable of accommodating the proposed use;
- The functional characteristics of the proposed use can be made reasonably compatible with uses in the vicinity.
- In addition, the proposal must be reviewed against the specific standards for Schools (LOC 50.03.003.3.d).

The requirements of the zone are met;

As indicated in the PF zone standard discussion, below, the requirements of the zone are met.

The Site is physically capable of accommodating the proposed use;

The applicant proposes to add up to four portable classroom structures each containing two classroom; (with a total of eight classrooms). Each structure is approximately 896 square feet in size. As discussed below, the portable structures can be placed on the site and comply with the site development limitations required by the PF zone. The existing parking lot, which is based on the number of classrooms, has capacity to accommodate the additional classrooms (see discussion, below).

The applicant states that the River Grove Elementary School was designed in 1967 for up to 20 classrooms. (There is no evidence that the County issued a permit for construction of 20 classrooms.) Per the International Building Code (IBC) capacity of 20 square feet per student, the applicant states the site would have accommodated approximately 895 students in 20 classrooms (Exhibits F-14). [This assumes there was authorization for 20 classrooms by the County.] However, the school was initially constructed with only 12 classrooms (Exhibit F-3). In 1990, four additional classrooms were built, bringing the total to 16 classrooms. The school was annexed into the City in 2001. Since then, the applicant has modified the use of smaller rooms within the school to ensure delivery of additional services to respond to the needs of the student population (Exhibit F-11). The applicant states that the addition of two pods (four classrooms) will bring the school to the capacity that the school was designed for in 1967-20 classrooms. According to the applicant, the school had its highest enrollment in October 1997 at 399 students and 16 classrooms; 24.9 students per classroom (Exhibit F-13). With authorization for eight additional classrooms – four of which would be immediately placed on the site and the remaining four would be added when warranted by an enrollment growth, and a projected enrollment of 410 students, the school would operate at approximately 18.64 students per classroom. Based on full build-out of 24 classrooms and the functional capacity of 20 students per classroom, the expected student attendance is 460 students (Exhibit F-14).

The pedestrian circulation functions on-site will be preserved and enhanced by paving two areas on either side of the parking lot that currently have been used as pathways by students (Exhibit E-14).

Staff finds that the site is capable of accommodating the addition of eight classrooms as proposed.

The functional characteristics of the proposed use can be made reasonably compatible with uses in the vicinity.

The functional characteristics of the classroom additions will result in some additional activity on-site and accessing the site. The neighborhood surrounding the site consists of residential uses and a park to the southeast. The additions are proposed to be on the east side of the existing school structure, 148 feet back from McEwan Road and therefore would not dominate the streetscape (Exhibits E-3 and E-4).

The school was annexed into the City in 2001 with 16 classrooms and 310 students. As stated by the applicant, the IBC determines the maximum structural / fire & life safety occupancy as 20 square feet of classroom area per student. Based upon the IBC, if approved, the maximum structural / fire & life safety occupancy is 1,079 students. The applicant states that the authorization for additional classrooms will not increase the number of students on site beyond the IBC maximum capacity (Exhibit F-3). It should be noted that the student attendance record shows that through the history of River Grove School enrollment over 30 years has never reached even 50% of the IBC maximum structural / fire & life safety capacity (Exhibit F-13).

For purposes of determining the potential future increase in student population attributed to the authorization of eight additional classrooms, 20 students per classroom, or 160 students would be in a reasonable range. This is also consistent with the applicant's projected increase from the recent school yearly population average of 300 students to 410, with room to increase to 460. [Example: 300 (existing) + (8 requested classrooms x 20 students) = 460].

The proposed authorization of an additional of eight classrooms (to a total of 24 classrooms), and a potential increase of the student attendance to 460, will not create a neighborhood

impact for the student's indoor activities – they will be inside the classrooms and thus not noticeable by the neighbors. The school's 300 students currently spend a portion of their schools activities outside. The site appears large enough to accommodate the 50% expansion in outdoor student activities, so that the student expansion would not be noticeable to abutting residences. No new active use areas are proposed on the site; the active use areas are located inside the building, the outdoor area is screened with a fence and existing mature trees, and as indicated on the planting plan (Exhibit E-12), additional landscaping will be placed to provide screening of the portable classrooms.

The applicant has submitted a Traffic Analysis (Exhibit F-6). An increase in the student population, based on current traffic counts, anticipates increased traffic of 44%¹, on McEwan Road, at pick- up and drop-off times with no appreciable impact to driveway operation. Based on a 433 student population projection for 2012, traffic is anticipated to increase 28% at the Pilkington Road/McEwan Road intersection with the intersection continuing to operate at Level of Service B or better. Vehicle traffic and parking lot activity generated by students at the school do not occur all day but at regular pick-up and drop-off times. Residences in the vicinity have co-existed with the school in operation for many years and no complaints have been filed with the City regarding activity at the site. The addition of approximately 160 more students conducting their activities inside classrooms or on the existing outdoor areas is not anticipated to alter the daily operation of the school: (The increased traffic generated by up to 160 additional students, and the effects of mitigation efforts are discussed below under Chapter 42 Streets and Sidewalks).

Staff finds that the functional characteristics of the proposed use, with the condition for construction of a pathway on McEwan Road at the frontage, as discussed below in Chapter 42, are reasonably compatible with uses in the vicinity.

Staff notes that the applicant is requesting that only two portable classrooms be placed initially with the flexibility to add the other two units as enrollment growth dictates and that the approval be valid for a four-year period from the date of decision. If approved, LOC 50.07.003.17 states that development permits (the CUP and the Development Review permit) is valid for a period of three years, and it can be renewed upon written request for an additional year. Thus, this approval cannot authorize the permit for longer than three years, but the applicant may later request a one year extension.

Specific standards for Schools- [LOC 50.03.003.3.d]

All public, private or parochial, elementary, secondary, preschools, nursery schools, kindergartens and day-care centers shall provide the following:

- i. *The requirements of LOC 50.06.003.3.b, On-site Circulation-Bikeways, Walkway, and Accessways, and LOC Chapter 42 for requirements relating to walkways must be satisfied.*

This section assures that adequate on-site circulation is provided and that street improvements are constructed based on projected impact. There is a walkway on site to provide access from the parking area to the front of the existing building and the applicant proposes to pave additional pathways that have been worn in the grass on either side of the parking lot, from McEwan Road to the front of the building to facilitate pedestrian access

¹ The Traffic Engineer was advised by the District that the projected student population would increase to 433 in autumn 2012, Exhibit F-6, pg. 5.

outside the parking lot. See additional discussion, below under Chapter 42. As conditioned per Chapter 42, this criterion is met.

- ii. *Safe loading and ingress and egress will be provided on and to the site.*

The increase in the number of students will not alter the existing 28 ft wide ingress and 30 ft wide egress points from the existing parking lot (Exhibits E-3 and E-4).

3. The Development Standards Applicable to Major Developments;

There are no Development Standards applicable to the CUP analysis. For consideration of the Development Standards relating to the construction of the four classrooms, see discussion below regarding Minor Development.

4. Any additional statutory or Lake Oswego Code provisions which may be applicable to the specific Major development application

There are no additional statutory or Lake Oswego Code provisions applicable to the requested conditional use. For consideration of additional statutory or Lake Oswego Code provisions relating to the construction of the four classrooms; see discussion below regarding Minor Development.

5. Any conditions of approval imposed as part of an approved ODPS or prior development permit affecting the subject property.

There are no prior conditions of approval or prior development permits affecting this application.

Conclusion: The conditional use analysis was based upon an assumed maximum student population. The Traffic Analysis provided by the applicant was based upon 433 students; the staff's conditional use analysis was based upon a projected 460 student population. The actual student population at River Grove Elementary is a function of school attendance boundaries, staffing and funding. As noted above, it may be feasible for the new classrooms to accommodate more than 20 students per classroom. Because the information submitted by the applicant and the analysis was based upon a projected maximum student population of 460 students, a condition limiting the maximum student attendance of 460 should be imposed. It may be possible that this student population limitation can be modified in the future, based upon additional information that addresses the conditional use criteria for a larger student population. As conditioned with a maximum 460 student population, staff finds that the criteria for the CUP are met.

F. Minor Development Criteria for Review of Application

Per LOC 50.07.003.14.d, for any minor development application to be approved, it shall first be established that the proposal complies with:

1. ZONES AND SITE SPECIFIC STANDARDS [LOC 50.02]

SPECIAL PURPOSE DISTRICTS AND SITE DEVELOPMENT LIMITATIONS [LOC 50.03.002 and 50.02.003]-PF zone

Public Functions Zone

See discussion and recommendations above regarding the CUP approval for expansion of the school by adding up to eight classrooms.

The site development limitations of the PF zone prescribe minimum setbacks and maximum height and lot coverage standards for new development. The minimum required setback of any respective yard in the zone shall be equal to the minimum required yard for the property adjacent to the respective yard's lot line. The applicant proposes three options for the placement of the portable structures: two structures resulting in four classrooms; three structures resulting in six classrooms and four portable structures resulting in eight classrooms (Exhibit E-3). The required front yard is 25 feet from McEwan Road; the portables are proposed at 148 feet from McEwan Road. The east property line abuts residentially zoned properties in the County with a county zoning designation of R-10 with a side yard setback of five feet and a rear yard setback of 20 feet (Exhibit E-13). The proposed structures would be no closer than 30 feet from the east property line for all options (Exhibit E-13) meeting the required setback.

The maximum height of a structure in the PF zone is 35 feet. The proposed structures are 16 feet in height, complying with the standard (Exhibit E-8).

In the PF zone, lot coverage shall not exceed 30% for a school. Each structure adds approximately 1,728 square feet plus approximately 700 square feet for the covered walkway between them. The total lot coverage (excluding the uncovered paved areas) with a two structure option is approximately 13.7%; with a three structure option is approximately 14.5%, and with the four structure option is approximately 15%. This standard is met.

BUILDING DESIGN [LOC 50.06.001]

Commercial, Industrial and Public Use - [LOC 50.06.001.5]

As prescribed by this standard, buildings are to be designed to be complementary in appearance to adjacent structures of good design with regard to materials, roof lines, height and overall proportions [LOC 50.45.010(1)]. Buildings are to be designed and located to complement and preserve existing natural land forms, trees, shrubs and other natural vegetation [LOC 50.45.010(2)].

The existing structures in the vicinity of the site are residential. The applicant proposes to place 2-4 portable classrooms structures on the site. Each structure is constructed with lap siding (hardi plank), vinyl windows and composite roofing (Exhibits E-7 and E-8). The units are one-story at 16 feet in height. A covered walkway will be constructed between the units with steel columns, sheet metal and a flat roof to match the existing covered walkway at the site, with an overhang on the west elevation to provide weather protection (Exhibit E-8 and E-9). The siding of the units will be painted a dark sage green color and the trim and posts for the covered walkway between the units will be painted brown (Exhibit E-15). The metal trim of the covered walkway will be a Dark Bronze color (Exhibit E-15). The portable units and walkway will blend in with the large trees on the perimeter of the site, be consistent and therefore complementary to the existing school and complementary to adjacent residential structures.

As indicated on the detailed site plan and elevations (Exhibits E-4 and E-8), air conditioning units will be mounted on the wall of the proposed structures at the end of each portable between units and facing away from the street (Exhibit E-13). In addition, landscaping will be placed to screen them from view (Exhibit E-12). The applicant states that ceiling mounted lights are proposed under the covered walkway (Exhibit F-1) and has provided a cut sheet of the style (Exhibit F-5). Given their location, they will not be visible except under the covered walkway. All of the materials are consistent with the requirements of the design standards and staff finds that the portable classrooms are complementary in appearance to adjacent structures in the vicinity.

Per LOC 50.45.010(7)(b), buildings shall be located within 30 feet of a public street and have a public entrance directly from the street in order to encourage pedestrian access from public streets and make the street pedestrian friendly. As indicated on the site plan (Exhibit E-3), the proposed structures as well as the existing school are located more than 30 feet from the street. The applicant is requesting a Hardship Variance to this standard (see discussion, below). Staff finds that the proposed structures meet the Building Design standard.

ADJUSTMENTS, ALTERNATIVES, AND VARIANCES [LOC 50.08]

Variances [LOC 50.08.002 and 50.08.003]

Per LOC 50.06.001.5.g, buildings are to be located within 30 feet of a public street, except where prevented by topographic constraints or existing natural resources. The proposed location for the portable classrooms does not comply with this standard (Exhibit E-3), because they are located in excess of 30 feet from McEwan Road and there are no topographic constraints in this area of the site. The existing school building is non-conforming because it also does not comply with this standard. The applicant has requested a variance from this standard, classified as a Hardship Variance, LOC 50.08.003.2.h. As prescribed by LOC 50.08.003.3.a, the granting authority may approve a variance from the requirements if it is established that:

- 1. The request is necessary to prevent an unnecessary hardship;*

Whether a reasonable use similar to like properties can be made of the property without the variance is a factor to be considered in determining whether a hardship exists [LOC 50.08.003.3.b]. Physical circumstances related to the piece of property involved, is also a factor in determining whether an unnecessary hardship exists. As Exhibit E-3 illustrates, the existing school consists of the main school structure, parking areas, and open fields. The nature of a school facility is that the classrooms are not to be generally accessible to the public -- use of the classrooms is limited to students and teachers, and visitors to the site after they have checked in at the school office.

The portable classrooms are to be located adjacent to the existing school where a connection will be provided with a covered walkway. If the portables were located closer to McEwan Road, they would be located at an inconvenient distance from the rest of the school, requiring students to go outside to access other parts of the school, so that the efficient access would be reduced, thereby reducing the function of the classrooms and creating an unnecessary hardship. In addition, the area 30 feet from McEwan Road contains the existing parking lot which serves the school. The applicant states that the portable classrooms will be located behind the main entrance to the school so that visitors will check in there first, supporting the safe management of the school. The non-school-related pedestrians would not have reason to have access to the school's portable classrooms without first entering the school complex, through the school offices. This criterion is met.

2. *Development consistent with the request will not be injurious to the neighborhood in which the property is located or to property established to be affected by the request;*

The applicant states that the portable classrooms are located well within the site. By not siting the structures within 30 feet of the street, the school, as viewed from the street will proportionally appear more like its residential neighbors than would be the case if the proposal complied with the standard, thereby minimizing the visual impact to the residential properties in the vicinity. They will be located outside of the required setback areas. Development that meets the zone requirements is not considered to be injurious to the neighborhood. This criterion is met.

3. *The request is the minimum variance necessary to make reasonable use of the property;*

Since the use of the classroom is restricted to students and teachers – not the general public using the adjacent roadway -- moving the classrooms closer to the street frontage will be of no benefit to public access. Therefore, the distance of the classrooms from the street, whether great or small, is not relevant: whether the classrooms are sited 31 ft or 131 ft from the street makes no difference to the general public's accessibility to the classrooms because general public access is restricted in any event. This criterion is met.

4. *The request is not in conflict with the Comprehensive Plan.*

The City's Community Development Code has been adopted with procedures and regulations that implement the City's Comprehensive Plan, providing the opportunity for citizen participation in all phases of the planning process through the notice requirements and opportunity for public comment. Because the Plan is acknowledged by the state Land Conservation and Development Commission, and such procedures enable application of a variance from Code requirements, the applicant's ability to request variances is generally not found to be in conflict with the Comprehensive Plan. This criterion is met.

Conclusion: The applicant has met the criteria required for a variance to LOC 50.06.001.5.g.

2. DEVELOPMENT STANDARDS [LOC 50.06]

LOC 50.07.003.15.d.ii prescribes that the development standards applicable to major development be considered for construction or exterior modification of institutional buildings. Therefore, the following discussion addresses standards applicable to this request:

Drainage Standard for Major Development [LOC 50.06.006.3]

This standard requires that drainage improvements be provided to ensure that the proposed development will not adversely affect surrounding properties. In addition, this standard requires design features to minimize pollutants from entering the storm water system and that the intensity of runoff rates are maintained at their natural undeveloped level. The determination of whether or not the application meets the drainage requirements of LOC 50.06.006.3 is under the review authority of the City Engineer.

The applicant has submitted a preliminary flow-through planter/rain garden design and calculations prepared by a registered professional engineer (Exhibits F-4). The drainage facility is shown to be located to the south of the proposed southwesterly structure, with an emergency overflow pipe being connected to the existing storm line running north/south along the east side of the property (Exhibit E-3). A portion of the existing north/south storm pipe will

need to be rerouted around the easterly structures, if necessary. The Engineering staff finds the proposed storm water design to be acceptable to manage runoff from the new impervious surface area; however, the new facility should not be lined with an impervious liner in order to maximize the amount of runoff that is percolated into the site. With this as a condition, this standard can be met. The specific details for the drainage facility will be reviewed at the time of building permit issuance.

Park and Open Space - [LOC 50.06.005]

This standard requires that institutional development provide open space in an aggregate amount equal to at least 15% of the gross land area of the development. As indicated on Exhibit E-10, 75.5% of the site is provided in open space. This standard is met.

Landscaping, Screening and Buffering - [LOC 50.06.004]

This standard is triggered by the construction of a new non-residential structure or expansion in footprint of an existing structure, and requires that institutional development provide 15 percent of the net buildable area in landscaping and/or open space. As discussed above, including the addition of the portable classrooms, more than 15% of the site is contained in open space and/or landscaping as indicated on Exhibit E-10. In addition, screening and buffering is required to mitigate noise, lighting or other impacts from dissimilar uses. The planting plan (Exhibit E-12) indicates that a mix of evergreen and deciduous trees and shrubs will be planted along the north and east sides of the portable classrooms to soften the visual effect of the structures. Further, when all four portables have been placed on site, additional shrubs will be placed along the east property line providing additional screening. This standard is met.

Parking Standards - [LOC 50.06.002]

This standard is applicable to all development that generates a parking need. The parking requirement for elementary schools is 16.6 spaces per 1,000 square feet of gross floor area in the auditorium or two spaces per classroom, whichever is greater [LOC Table 50.06.002-1]. The River Grove School does not have an auditorium; therefore, the requirement is two spaces per classroom. With all eight classrooms, the school will have a total of 24 classrooms (the two computer labs and a music room are not considered "classrooms" because they supplement, but do not supplant, the student's classroom activities). The total of 24 would require 48 parking spaces. The site plan (Exhibit E-4) indicates that the school currently has 57 parking spaces, complying with the standard. Per LOC 50.06.p02.2.a.ii, the site does not contain more than 125% of the requirement and with 19 compact spaces has less than 50% compact spaces, per LOC 50.06.00202.a.vi. Per Table 50.06.002-4, the minimum required bike parking spaces are two per classroom for schools that house grades 1-12. The existing school has 94 bike racks located under the covered walkway in the front of the main building; the current bike racks have sufficient capacity to provide bicycle parking for the additional eight classrooms, thus complying with the standard. This standard is met.

Transit- [LOC 50.06.003.5]

This standard is applicable because the site is within one-quarter mile of a transit street. This site is located approximately 500 feet away from Pilkington Road, which is a transit route.

Transit-oriented features for a site within one-fourth mile of a transit street shall be provided to connect the development with the nearest adjacent transit street, or to adjacent paths which

lead to the nearest transit street. Transit oriented features consist of sidewalks, accessways, bikeways, pedestrian and bicycle amenities.

As indicated on the site plan (Exhibit E-3), the applicant is proposing new pathways connecting the internal school sidewalk to the right-of-way at the northwest and northeast corners of the property.

Easements or right-of-way dedication may be required as identified by the City in coordination with Tri-Met when the development creates a need for transit stops, pullouts, or other transit facilities. The approximately additional 160 students will arrive to school by a variety of modes, possibility including transit. However, the elementary children living some distance from the school will have access to the school bus. Accordingly, the increase in transit use will not create a need for additional transit stops, pullouts, or transit facilities. This standard is met.

Access [LOC 50.06.003.1]

This standard requires each lot to have frontage on a public street and that safe access can be designed with minimal impact on adjacent streets. The site has frontages on McEwan Road and Benfield Avenue. There are currently two driveways (entrance only and exit only) to McEwan Road that serves the site. No modifications to the existing access points are necessary. This standard is met.

On-Site Circulation - Driveways and Fire Access Roads [LOC 50.06.003.2]

This standard is applicable to all development proposing a new use or an increased use on a site when the development will result in the construction of or increased use of driveways or parking lot aisles, and parking lots that act as fire department access roads..

The driveway and drive aisles will not be affected by the current proposal. The Fire Department comments that the portable classrooms must be connected to the school fire alarm system and that the access is deficient because some parts of the new classrooms are more than 150 feet from the access point of fire-fighting equipment. An alternate method such as a standpipe system is approved for this deficiency. The applicant states that a standpipe will be installed (Exhibit F-1). This standard is met.

On-Site Circulation-Bikeways, Walkways, and Accessways [50.06.003.3]

This standard is applicable to all minor development involving the construction of a new structure other than a detached single family dwelling and associated structures. Walkways constructed to ADA standards must be provided that connect at least one public entrance of the building of the nearest walkway and other areas of the site such as parking lots. The existing walkways on site provide access to the existing school and the proposed portable classrooms. This standard is met.

Lighting Standard [50.06.004.3]

This standard is applicable to lots in the PF zone. The existing parking lot and pathways are not being modified. No new lights are proposed except for ceiling mounted lights under the structure that will light the walkways between the units. The lights contain diffusers that will soften the light (Exhibit F-5). The maximum wattage height and shielding comply with the standards for lighting in the PF zone. This standard is met.

Utilities - [LOC 50.06.008]

This standard is applicable to all development requiring connection to utilities and shall be constructed in accordance with City Engineering Division's policies, design standards, technical specifications and standard details. The site plan (Exhibit E-3) indicates a new sanitary lateral to service the four new structures and connects to the existing sewer located at the southeast corner of the property. The site plans also show the proposed private water and storm utilities needed for this development. A plumbing permit will be required at the time of building permit issuance, and as a condition of approval, a connection permit (street opening permit) will be required in order to connect to a public system. As conditioned, this standard can be met.

Vision Clearance-[50.06.011]

This standard requires that no vegetation, fence, or signage be located higher than 30 inches within a "vision clearance triangle." The vision clearance triangle for driveways is formed by ten-foot legs extending from the intersection of the edge of driveway and the street travel lanes. The applicant has shown the vision clearance triangles for the existing driveways onto McEwan Road (Exhibit E-3). This standard is met.

3. Any additional statutory, or Lake Oswego Code provisions which may be applicable to the specific minor development application;

City of Lake Oswego Streets and Sidewalks Code [LOC Chapter 42]

This Chapter authorizes the City Engineer to make specific street and sidewalk improvement recommendations after taking a variety of policy and site specific factors into consideration.² The City Engineer's comments are included for the review of the overall understanding of the project. The City Engineer's conditions of approval are included, as they must be included in the decision, to find that the application will comply with this Article.

The Engineering staff has reviewed the development proposal and field conditions in the context of the City's codes, improvement policies and Transportation System Plan (TSP), and offers the following observations and recommendations.

Currently, there are no sidewalks along McEwan Road. The City's comprehensive plan calls for a future sidewalk on one side of McEwan Road. A new pathway along Pilkington Road and along the south side of McEwan Road to the eastern exit driveway from the school is scheduled to be constructed this summer as part of the Oregon Department of Transportation and Federal Highway Safe Routes to Schools Grant Program.

School Site Conditions

Page 5 of the Traffic Analysis (Exhibit F-6) states:

"Based on the information provided by the Lake Oswego School District, River Grove Elementary enrollment is forecast to increase to 433 students in autumn 2012. This 44.3%

²To meet the review criteria for a minor development, the applicant must comply with "any additional ... Lake Oswego Code provisions which may be applicable to the specific minor development application, such as ... the Streets and Sidewalks Ordinance." LOC 50.07.003.14.d.ii(3). The determination of whether or not the application meets the requirements of LOC Chapter 42, Streets and Sidewalks, is under the review authority of the City Manager or City Engineer; the requirements of this Chapter are not under the review authority of a hearing body, other than to find whether or not the City Engineer or City Manager has found that the application complies with LOC Chapter 42, or whether conditions of approval are required for compliance with this Chapter.

increase results from the closure of the nearby Bryant Elementary School and some Bryant students transferring to River Grove. Additional classroom space will be provided at the River Grove campus; however, no changes will be made to the on-site parking or traffic circulation”.

The Engineering staff comments that the increased enrollment, both as forecast by the District or as could occur based upon the additional classrooms that are sought be approved in this application is significant numerically and on a percentage basis. The increased enrollment will have attendant increases in both pedestrian and vehicle traffic at and near the site, and will have a direct impact related to the safety for the students that walk and bike to school. There is no discussion of whether increased staff is anticipated to serve the new student population. It is unclear if additional employees that may serve the increased enrollment were considered in the anticipated traffic impact.

Transportation Modes

Also on page 5 of Exhibit F-6 it states that:

“It is anticipated that most, if not all, of the additional students reside farther from the River Grove campus than current students. As such, it is assumed all additional River Grove students will travel in school buses or private vehicles. No increase in the number of students walking or bicycling is anticipated”.

First, the Engineering staff concurs with the applicant’s traffic engineer’s assumption that there will be an increase in the number of vehicles – busses and private vehicles – that will access the site to provide transportation to and from the school for the students and staff. Given that increase in the vehicle traffic to and from the site, there is a need to mitigate the increase by improving pedestrian and bicycle opportunities for non-school-related traffic along Pilkington and McEwan Roads. Assuming the unlikely scenario that there is no increase in the number of students walking or bicycling to school (see discussion in below), a sidewalk along McEwan Road is needed to provide a safe route to the school and along the site frontage for those students that currently walk and bike to school due to both:

- The significant increase in motor vehicles that will occur on McEwan Road because the students outside of the walkable / bikeable neighborhood are being transported by additional school buses or private vehicles; and
- With the additional number of students at the school site and its vehicle and bus loading and unloading area and parking area, by whatever mode they arrive, there is a need to reduce the risk of pedestrian / vehicle conflict at the school site abutting McEwan Road.

Second, the Engineering staff comments that the assumption that all new students will arrive by bus or private vehicle assumes that the current school attendance boundaries are at or beyond the absolute limit from which a student would bike or walk. There is no data to support this assumption. A traffic engineering analysis relying upon the assumption that “all” users of the site for the lifetime of the facility will make the same transportation decision is not credible because transportation option decisions are personal and are influenced by changing transportation circumstances for 25-100+ years.

Thus, the Engineering staff concludes:

- That there will be an increase in the number of students arriving to and departing from the

school by buses and private vehicles,

- There will be an increase (perhaps not statistically significant by itself) in the number of students and staff arriving or departing from the school site by pedestrian or bicycle modes,
- There is a need to mitigate the impacts by providing pedestrian and bicycle improvements for non-school-related traffic currently using Pilkington and McEwan Roads, and
- There is a need to provide separation of pedestrians at the school site from incoming and exiting buses and private vehicles.

Capital Improvements: On page 6 of Exhibit F-6, it states that “The City of Lake Oswego Transportation System Plan portion of the Comprehensive Plan identifies three capital improvement projects within the study area, including sidewalk along one side of McEwan Road between SW 65th Avenue and SW Pilkington Road (Project P59). None of these projects have been constructed nor anticipated to be constructed in the near future. While these projects may improve conditions within the study area for pedestrians and bicyclists, it is assumed, as noted above, that all additional River Grove students for the 2012-2013 academic year will travel by motorized modes to and from school”.

Again, the Engineering staff comments that the assumption that all additional students will travel to and from school by motorized modes is not supported by data or analysis. See above discussion regarding *Transportation Modes*. In addition, the statement is inaccurate because a pathway is currently in the pre-construction phase for Pilkington Road and along the south side of McEwan Road to the eastern exit driveway from the school, as part of the Oregon Department of Transportation and Federal Highway Safe Routes to Schools Grant Program. Construction is scheduled to begin July, 2012, and is anticipated to be completed by August 31, 2012. This project will improve conditions for pedestrians and bicyclists along McEwan Road up to the eastern driveway.

Trip Generation: On pages 6 and 7, Exhibit F-6 states that:

“Based on trip generation characteristics, it is anticipated that the increased enrollment will add between 265 and 315 (290 average) daily trips to McEwan Road and between 50 and 120 (85 average) daily trips to SW Pilkington Road”. On page 7: “The resulting ADT on SW McEwan Road will be approximately 1,420 vehicles. This value slightly exceeds the upper limit of 1,200 daily vehicles typical of roadways classified as Local Streets. Since the existing daily volumes may already exceed this threshold and the increased River Grove enrollment marginally adds to the daily traffic, reclassifying SW McEwan Road to Neighborhood Collector may be appropriate”.

The Engineering staff comments that the traffic analysis indicates that the existing daily volumes along McEwan Road may already exceed the Local Street Classification threshold. A new higher street “collector” classification would illustrate the need for a new sidewalk or pathway along the site frontage. City standards for new collector streets require sidewalks to be located on one side (LOC 42.03.040(6)). With the anticipated significant increase in trip generation, a need to offset the overall transportation impact – both to accommodate the additional users and provide a means to mitigate the impact by encouraging current non-school-related traffic to reduce their vehicle usage by increasing walking or biking -- would include constructing a pathway (sidewalk) along the site frontage.

The Engineering staff further comments that the pathway (sidewalk) along McEwan Road is also

designated as a community connector trail on the City of Lake Oswego's Parks Pathway Master Plan. That plan is intended to link users with important land uses such as schools, while also providing connection to regional trails. Most importantly, both the school and the Rosewood Neighborhood Association have a very long history of concerns and collaboration to develop a safe walking/biking environment for students. In fact, they were instrumental in working together towards applying for and adhering to the requirements for a Safe Routes to School Project Grant from the Oregon Department of Transportation. The Pilkington Pathway Feasibility Study (April 2009) was the catalyst for the application for the Safe Routes to School Grant, which was awarded to the City in 2010. That project will be constructing a pathway along Pilkington and McEwan Roads, directly connecting students to the school.

In addition to the grant funding effort, the neighborhood association was instrumental in clearing obstructions to open up a pedestrian walkway along the south side of McEwan between Pilkington and Longfellow Avenue. This was a priority for the school so students have a clear walking path without having to go into the travel lane. There has been a long and well documented desire by both the school and the neighborhood to improve safety for children in this area, and a sidewalk along the frontage of the school will specifically enhance safety to that end goal. The City participation in the Pilkington/McEwan Safe Routes to School project reflects the City's interest and expectation that by improving the safety for students to access the school by means other than vehicle travel, the number of students walking and biking to school will increase. This expectation applies to the current student population and would also apply to the increased student population.

The general Conditional Use standard LOC 50.07.005.3.a.iv requires "The functional characteristics of the proposed use are such that it can be made to be reasonably compatible with uses in its vicinity." This can include on-site and off-site public improvements [LOC 50.07.005.3.b.12]. In terms of safe pedestrian access by students from the area to the site, a sidewalk / pathway is needed along Pilkington Road to the school site. The Safe Routes to Schools pathway along Pilkington will address that need. However, a pathway (sidewalk) is required on the site frontage to provide a safe environment for students walking in the roadway in front of the site, reducing vehicle / pedestrian conflict. In addition to LOC 50.07.005.3.a.iv, LOC 42.08.400 requires "structural additions to existing ... institutional ... buildings which increase traffic shall dedicate necessary right-of-way and construct new sidewalks or improve existing sidewalks adjacent to a public street along the development property frontage." Thus, under the code provisions cited above, plus LOC 50.07.003.5.a – b, a new sidewalk/asphalt pathway, both supported by Code and appropriate under Dolan's "rough proportionality" standard, shall be constructed along the site frontage of McEwan Road, from the Safe Routes to Schools pathway termination point, to the west property line of the school property. The new asphalt pathway will be required to be engineered, and shall follow design guidelines as proposed in the feasibility study prepared for the Pilkington Pathway project.

Analysis of Existing Sidewalk System Serving the Site: The sidewalk system that either the students are expected to use, or which could be used by local residents as a means of offsetting the additional bus and private vehicle traffic generated by the additional 160 students to the school include McEwan Road, from 65th St. to the school site (1,500 lineal feet) and from the school site to Pilkington and along the length of the new Pilkington Pathway (3,960 lineal feet) built for access to the school.

As discussed above, development is expected to contribute to the sidewalk system to offset its impact. Such contribution traditionally consists of providing sidewalks along the street frontage of the site. 153 feet of the site frontage will have a sidewalk constructed as part of the Pilkington Pathway project, leaving 442 feet of unimproved frontage.

In terms of cost, the current Pilkington Pathway project cost, funded by a combination of state and federal grants, with City in-kind contribution, is expected to be \$495,000, or \$125 per lineal feet. Granted some of the costs of the Pilkington Pathway project may not be necessary for construction of a sidewalk along the frontage of the school site due to the state and federal grant requirements, but it provides an idea of the outside maximum project cost per lineal foot for sidewalk construction.

In looking at a more similar project, a change order to add a bikeway that was part of Work Order 063 – 2006 Street Rehab may illustrate a more similar project. That was a 1000 lineal ft (5 ft. wide) asphalt pathway/bikeway adjacent to Bryant Road. Other items likely not a part of the River Grove Elementary sidewalk were a part of Work Order 063: driveway connections, fog line striping, mailbox removal/ replacement, traffic control, tree removal and protection. The construction cost was \$35,027.50, and the engineering and other costs were \$13,465.00. This project thus resulted in a lineal foot cost of \$48.49 (or \$35.03 construction cost only). The expected maximum cost to the applicant for the 442 ft. sidewalk would be approximately \$21,500.00.

Mitigation of Development Impact / Dolan "Rough Proportionality": The implementation of the City's plans, policies, and regulations will offset to some degree the negative impacts of development on the public infrastructure. LOC 50.07.003.5.a.iii allows the reviewing authority to impose conditions of approval on a development permit when the condition is necessary to comply with other codes or when reasonably related to alleviation of a need for public services or facilities created or contributed to by the proposed development. In addition, the US Supreme Court has ruled (*Dolan v. City of Tigard*) that, in order to require exactions, the local government must apply a test of "rough proportionality" between the impacts of the proposed development and the need for the exaction. See Exhibit F-14 memorandum of the Deputy City Attorney generally discussing the *Dolan* requirements.

As noted, there are no sidewalks currently in front of the school site, although the Pilkington Pathway project will shortly construct 153 lineal feet of pathway along McEwan, leaving 442 lineal feet of frontage without sidewalk.

The City has a long-term plan to improve substandard streets as demand increases and funding/exactions from development become available. As a condition of approval of the proposed development, the City will require the following exaction:

- Installation of a 5-foot wide asphalt sidewalk on McEwan Road, from the point where the Pilkington Pathway project ends, westward to the west boundary of the site, but excluding driveway accesses. (No dedication of right-of-way is necessary because the right-of-way for the location of the sidewalk already exists.)

The above exactions are directly related to mitigating the adverse impacts created by the development, as follows:

- The pedestrian improvement described above will address the increased vehicle traffic because, with a separation between vehicles and pedestrians and bicycles, the traffic capacity of the street will be preserved.
- The pedestrian improvement will encourage use of the sidewalks for pedestrian and bicycle travel, and use of transit, thus reducing the demand that would otherwise arise for vehicle travel on the street.

- The pedestrian improvement will address the safety of the increased pedestrian and bicycle traffic from the faster moving vehicle traffic in the street by providing separation of modes of travel.
- The pedestrian improvement will address the need for pedestrian and bicycle safety by providing defined points of conflict for vehicles entering or exiting the street.

Staff; therefore, finds that exacting the construction of 442 lineal feet of asphalt sidewalk is directly related to the increased traffic, bike, and pedestrian trips that will be created by the school expansion.

The City finds that the 442 lineal feet of sidewalk (construction only) is roughly proportional to the adverse impacts created by the development because:

- The eight classrooms will generate additional bus and private vehicle trips to serve a majority of the new 160 students per average weekday and an unknown number of new bike and pedestrian trips.
- The exaction equates to construction of 2.77 lineal feet of sidewalk per new student, less than 10% of the exaction for residential dwellings. [An exaction for sidewalk for residential development along McEwan Road is 33.47 lineal feet of sidewalk per resident. The mean residential lot width of lots along McEwan Road is 80 feet. The average number of persons residing in a residence in Lake Oswego is 2.39.³ (The residential exaction could include additional right-of-way dedication, in addition to construction, if the required width of right-of-way does not exist.)]
- The total lineal feet of sidewalk within the impact area, based upon Pilkington Road Pathway's "safe route to schools" project and McEwan Road is 5,902 feet. The length of the sidewalk exacted to mitigate the eight classrooms is 442 feet. That equates to 7.48% of the sidewalk system along Pilkington Pathway and McEwan Road. Looking just to the number of lots along Pilkington (from Jean Road to McEwan Road) and McEwan Road (from 65th St. to Pilkington Road), there are 89 lots. Based upon 2.39 residents per dwelling, the population fronting on Pilkington and McEwan Roads is approximately 213. The applicant's 160 students utilizing McEwan and Pilkington Roads would comprise 42% of the Pilkington / McEwan population.
- The sidewalk will result in a greater use of alternative modes of travel, both today and in the future, as traffic congestion increases in the area. These additional alternative mode travel trips will offset the additional vehicle trips generated by the development.
- Similar exactions for right-of-way width and street improvements along frontages have been and will be required along McEwan and Pilkington Roads and their intersecting streets, with the result being that such exactions have mitigated the increased traffic (vehicle, pedestrian, and bicycle) by facilitating future improvements that will preserve the functionality and public safety features of the street system.

In light of the above facts and Code requirements, staff finds that the expanded development of this site will place sufficient additional demand on McEwan and Pilkington Roads to justify the

³ US Census Bureau (<http://quickfacts.census.gov/qfd/states/41/4140550.html>)

construction of approximately 443 lineal feet of sidewalk in front of the site (site frontage less the portion of sidewalk added by the Pilkington Pathway project), and that the requirement for construction is roughly proportional to the degree of impact imposed by the expanded development, as described above, and is consistent with the U.S. Supreme Court decision in the case of *Dolan v. the City of Tigard*.

City of Lake Oswego Tree Code [LOC Chapter 55]

Tree Removal

No trees are proposed for removal to place the portable classrooms.

Tree Protection

The Code requires tree protection measures for most new construction, LOC 55.08.030(1). When protective fencing is required it should be installed at the tree protection zone, which is the zone required to protect the critical root area necessary for the continued health of the trees.

There are several large trees on the eastern portion of the site that will require protection during the installation of new structures. The applicant has submitted a tree protection plan (Exhibit E-11) indicating protection for trees that are located adjacent to the disturbance area and/or access points.

The applicant is also proposing to install to 5-foot wide asphalt paths on either side of the parking lot in an area where a path has been worn informally. There are numerous large fir trees in these areas. The applicant has submitted an arborist report (Exhibit F-7) to address this issue. The arborist states that the pathways can be installed while minimizing impacts to the trees if the recommended construction techniques are carried out. The Arborist report also identified several trees that may be dead or hazardous and need to be removed prior to carrying out pathway construction. The applicant has not applied for tree removal as a part of this application; therefore, any tree proposed for removal will require that the applicant apply for the appropriate type of application.

Prior to issuance of a building permit, a Tree Protection Plan must be submitted with the construction plans. No construction, excavation, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the City. Tree protection measures must be installed prior to issuance of any grading or building permits. Tree protection fencing consists of 6-foot high chain link fencing supported by 6-foot high metal posts, placed a maximum of ten feet apart.

A note should be placed on the construction documents that informs the site contractors about the necessity of preventing damage to the trees, including bark and root zone, and that no materials should be stored or compaction occur within the root zones of the adjacent trees [LOC 55.08.030]. The contractor shall be subject to fines, penalties and mitigation for trees that are damaged or destroyed during construction.

4. Any applicable condition of approval imposed pursuant to an approved ODPS or prior development permit affecting the subject property.

There are no outstanding conditions of approval that affect the subject property.

V. **CONCLUSION**

Based upon the information provided by the applicant and the findings presented within this report, staff concludes that LU 12-0016 complies with all of the applicable criteria and standards or can be made to comply through the imposition of conditions.

VI. **RECOMMENDATION**

Approval of LU 12-0016, subject to the following conditions:

A. **The maximum student population at the River Grove Elementary School shall be limited to a total of 460 students.**

B. **Prior to Issuance of any Building Permit , the Applicant/Owner Shall:**

1. Submit final site and building plans for review and approval of staff that are the same or substantially similar to the site plans, floor plans, and building elevations illustrated on Exhibits E-4 through E-14, to the satisfaction of staff, with the following revisions and modifications:
 - a. Submit drawings for the rain garden design for review and approval by the City Engineer. The rain garden shall meet a minimum setback of 10-feet from building foundations and five feet from property lines and shall not have an impervious liner. The rain garden shall have a positively graded overflow leading to an approved point of disposal.
 - b. Submit engineered drawings for the public pathway improvements along the site frontage on McEwan Road for review and approval by the City Engineer, and obtain a permit to construct public improvements. All plans shall conform to the latest edition of the City's CAD standards and design requirements. Street improvement shall consist of a 5-foot wide asphalt pathway along the entire site frontage, from the west side of the east exit driveway approach to the west property line of the site.
 - c. The Building Permit application for Option 3 shall illustrate additional landscaping along the east property line as shown on Exhibit E-12.
2. Submit a final tree protection plan, for the review and approval of staff, as required by LOC 55.08.020 and 55.08.030. The Tree Protection Plan shall be attached to the construction documents or printed on the construction site plans, and shall include:
 - a. As required by LOC 55.08.030(7), no construction, excavation, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the City.
 - b. The location of temporary tree protection fencing, consisting of a minimum 6-foot high cyclone fence secured by steel posts, shall be around trees where their dripline is within the construction zone. The protective fencing shall be placed at the tree protection zone, which is the zone required to protect the critical root area necessary for the continued health of the tree. The applicant shall propose the tree protection zone for each tree, for review and approval by City staff, on site. The City's Arborist may waive the requirement for tree fencing based on site conditions. If waived, the contractor shall work with the City's Arborist to ensure compliance with the

protection measures imposed by the City Arborist.

- c. A note stating that no fill or compaction shall occur within the root zones of any of the trees.
 - d. A note that clearly informs all site contractors about the necessity of preventing damage to the trees, including bark and root zone. The applicant and contractor shall be subject to fines, penalties and mitigation for trees that are damaged or destroyed during construction.
 - e. A sign shall be attached to the tree protection fencing, which states that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the City Manager and project arborist.
3. Obtain a street opening permit prior to connecting the portable classrooms to the public sanitary system.

C. Prior to any Construction or Grading Activity on the Site, the Applicant/Owner Shall:

1. Install the tree protection measures, as required by Condition B(2), above.

D. Prior to Final Building Inspection or Occupancy of any Structures, the Applicant/Owner Shall:

1. Submit an Operations and Maintenance Plan for the on-site rain garden for review and approval by the City Engineer. The Plan shall also be recorded with a Declaration of Covenant for Operation and Maintenance of Surface Water Management Facilities with the Clackamas County Recorder's Office.
2. Complete pathway improvements along the site frontage and submit certified "as-built" drawings complying with the City standards for record drawings.
3. For Option 3, install additional landscaping along the east property line as shown on Exhibit E-12.

Notes

1. **Expiration of Development Permit:** Per LOC 50.07.003.17, the approval of LU 12-0016 shall expire three years following the effective date of the development permit, and can be extended by the City Manager pursuant to the provisions of this section.
2. Development plans review, permit approval, and inspections by the City of Lake Oswego Planning and Building Services Department are limited to compliance with the Lake Oswego Community Development Code, and related code provisions. The applicants are advised to review plans for compliance with applicable state and federal laws and regulations that could relate to the development, e.g., Americans with Disabilities Act, Endangered Species Act, etc. City staff may advise the applicants of issues regarding state and federal laws that the City staff member believes would be helpful to the applicants, but any such advice or comment is not a determination or interpretation of federal or state law or regulation.

EXHIBITS

- A. [No current exhibits; reserved for hearing use]
- B. [No current exhibits; reserved for hearing use]
- C. [No current exhibits; reserved for hearing use]
- D. [No current exhibits; reserved for hearing use]

E. GRAPHICS/PLANS

- E-1 Tax Map
- E-2 Vicinity Map with Zoning
- E-3 Site Plans –Three Alternatives showing 4, 6 or 8 classrooms (3 pages)
- E-4 Detailed Site Plans- Three Alternatives (4 pages)
- E-5 Computer Generated Elevation Drawings and Photos-Three Alternatives (6 pages)
- E-6 Photometric Plan-Three Alternatives (3 pages)
- E-7 Building Elevation and Floor Plan
- E-8 Covered Walkway and Building Elevations
- E-9 Photos of Existing Covered Walkway (2 pages)
- E-10 Open Space Plan
- E-11 Tree Protection Plan
- E-12 Planting Plan
- E-13 Parking Site Plan
- E-14 Pathway Plans and Section (4 pages)
- E-15 Paint Colors
- E-16 Design and Construction of River Grove School, 1967; site and floor plans (6 pages)

F. WRITTEN MATERIALS

- F-1 Applicant's Narrative
- F-2 Applicant's Addendum
- F-3 Applicant's Second Addendum
- F-4 Drainage Report, prepared by MGH Associates, dated March 19, 2012
- F-5 Cut Sheet for Lighting
- F-6 Traffic Analysis, prepared by Group Mackenzie, dated March 29, 2012
- F-7 Arborist Report and Tree Inventory; prepared by Teragan & Associates, Inc., dated May 9, 2012
- F-8 Minutes of Neighborhood Meeting held on March 22, 2012
- F-9 Lake Oswego School District (LOSD) Strategic Planning Recommendations for 2011-2012
- F-10 LOSD Summary of Board of Directors Meeting, April 25, 2011
- F-11 LOSD PSA on School Configuration and Scenario B Adjustments for 2012-2013
- F-12 Recommendation for Internal Configuration of River Grove Elementary School for 2012-2013
- F-13 Lake Oswego School District Student Enrollment History
- F-14 Memo from the City of Lake Oswego Deputy City Attorney, dated June 20, 2012

G. LETTERS

Neither for nor Against (G1-99):

None

Support (G100-199):

None

Opposition (G200-):

None

Date of Application Submittal: March 29, 2012

Date Application Determined to be Complete: June 8, 2012

State Mandated 120-Day Rule: October 5, 2012