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BEFORE THE DEVELOPMENT REVIEW COMMISSION OF THE
CITY OF LAKE OSWEGO

Approved

10 APPROVAL FOR A DEVELOPMENT REVIEW PERMIT) LU 13-0016-1817
11 TO MODIFY A CONGREGATE/RESIDENTIAL CARE COMPLEX,) SPRINGS II AT LAKE OSWEGO,
12 MINOR VARIANCE, AND SITE IMPROVEMENTS) FINDINGS, CONCLUSIONS & ORDER

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NATURE OF APPLICATION

20 The applicant is requesting approval of a Development Review permit to construct a 5,800 sq. ft. single
21 story addition to an existing congregate housing and a Minor Variance to construct an 8-foot tall fence
22 around the residential care housing facility's courtyard. The applicant is also requesting approval to fully
23 enclose an existing covered patio at the rear of the residential care housing facility. The proposal
24 incorporates site improvements, including the removal of 16 trees.

25 The site is located at 3800 & 3900 Carman Drive (Tax Lots 5600 and 5601 of Tax Map 21E05CD)

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HEARINGS

30 The Commission held a public hearing and considered this application at its meeting of June 3, 2013.

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CRITERIA AND STANDARDS

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A. City of Lake Oswego Community Development Code (Chapter LOC 50):

40	LOC 50.02.001	Residential High Density Zone
41	LOC 50.03.002.1	Residential Use Table
42	LOC 50.03.003.2.a	Use Specific Standards for Residential Care Housing and Congregate Housing
43	LOC 50.04.001.3	R-3 Residential High Density Zone Dimensional Table
44	LOC 50.04.001.5	OC Commercial Zone Dimensional Table
45	LOC 50.04.002	Special Street Setbacks
46	LOC 50.05.010	Sensitive Lands Overlay District
47	LOC 50.06.001.5	Building Design
48	LOC 50.06.002	Parking
49	LOC 50.06.003.1	Access
50	LOC 50.06.003.2	On-site Circulation – Driveways and Fire Access Roads
51	LOC 50.06.003.3	On-site Circulation – Bikeways, Walkway and Accessways
52	LOC 50.06.004.1	Landscaping, Screening and Buffering
53	LOC 50.06.004.3	Lighting Standard
54	LOC 50.06.005; 50.07.004.7	Park and Open Space Contributions
55	LOC 50.06.006.1	Weak Foundation Soils
56	LOC 50.06.006.3.a; 50.07.004.1	Drainage Standard for Minor Development
57	LOC 50.06.008; 50.07.004.11	Utilities
58	LOC 50.06.011	Vision Clearance
59	LOC 50.07.003.1.b	Burden of Proof
60	LOC 50.07.003.6	Effect of Decision
61	LOC 50.07.003.7	Appeals

- 1 LOC 50.07.003.14 Minor Development Decisions
 2 LOC 50.08.002 Minor Variances
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 4 B. City of Lake Oswego Signs [LOC Chapter 47]:
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 6 LOC 47.03.005 - 47.03.030.2 Signs
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 8 C. City of Lake Oswego Tree Chapter [LOC Chapter 55]:
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 10 LOC 55.02.010 - 55.02.080 Tree Removal
 11 LOC 55.02.084 Mitigation Requirements
 12 LOC 55.08.020 Tree Protection Plan Required
 13 LOC 55.08.030 Tree Protection Measures Required
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 15 D. Prior Approvals:
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 17 DR 13-84
 18 DR 4-95/SD 5-95, PD 3-05
 19 LU 99-0033
 20 LU 10-0032

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 22 **CONCLUSION**

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 24 The Commission concludes that LU 13-0016 can be made to comply by the application of certain conditions.
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26 **FINDINGS AND REASONS**

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 28 The Commission incorporates the May 24, 2013, Staff Report (with all exhibits attached thereto) as
 29 support for its decision supplemented by the further findings and conclusion set forth herein. In the
 30 event of any inconsistency between the supplementary matter herein and the staff report, the matter
 31 herein controls. To the extent they are consistent with the approval granted herein, the Commission
 32 adopts by reference its oral deliberations on this matter.
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34 Following are the supplementary findings and conclusions of this Commission:
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- 36 1. The May 24 Staff Report mistakenly states that the site is subject to a split zone of Office Commercial
 37 (OC) and High Density Residential (R-3) zones. While the Comprehensive Plan Map designates the
 38 site as split zoned, the Zoning Map designates the site only as R-3. Therefore, the Commission finds
 39 that the zoning compliance matrix on page 4 of the Staff Report should be corrected to reflect how
 40 the application complies with the R-3 zone, as follows:
 41

Proposed Addition on Existing Congregate Housing Facility & Alteration of Existing Residential Care Housing Facility		
Standard	Required/Allowed	Proposed
Lot Dimensions (Area)	3,375 sq. ft.	6.17 acres
Setbacks		
Front	10	Existing, no change
Sides	10	Existing, no change
Rear	10	~30 ft

Lot Coverage	50% or 134,383 sq. ft.	23% or 67,656 sq. ft.
Floor Area	1:1 or 268,765 sq. ft.	158,080 sq. ft. or .59:1 including the addition and enclosed patio area
Height	40-foot average with no building taller than 50 feet	Addition is approximately 20 feet in height

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

1. LU 13-0016 is approved, subject to compliance with the conditions of approval set forth in Subsection 2 of this Order.
2. The conditions for LU 13-0016 are as follows:

A. Prior to Issuance of any Building permits, 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 plan, floor plans, landscape plan, cutsheets, and building elevations illustrated on Exhibits E6-E12 and E14-E17, to the satisfaction of staff.
2. Provide a geotechnical report prepared and signed by a registered soils engineer and incorporate all structural and foundation recommendations outlined in the report, to the satisfaction of the Building Official.
3. Provide a final private stormwater management design. Any deviation from the submitted preliminary design layout shall be subject to review and approval of the City Engineer. The final design shall include an operations and maintenance plan for the on-site stormwater facilities to the satisfaction of the City Engineer. This plan shall be recorded with the County Recorder's Office.
4. Provide a revised lighting/photometric plan (Exhibit E13) that includes complete photometric data on the proposed pathway lights, demonstrates that the foot-candle illumination level at south property line is zero, and shows a 0.3 average foot-candle and maximum uniform illumination ratio of 20:1.
5. Apply for and obtain a verification tree removal permit for the 16 trees approved by this application. The verification tree removal application 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.

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

1. Install all landscaping including mitigation trees, as required by Conditions A(1) and A(5), above.

- 1 2. Provide a one-year guarantee (one 12-month growing season from the date of
2 installation) for all landscape materials, pursuant to LOC 50.06.010.2. The
3 guarantee shall consist of a security in the amount of five percent of the total
4 landscaping cost. The applicant/owner shall also submit a landscape
5 maintenance plan for review and approval of City staff.
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7 3. Provide verification that all regulatory licenses are obtained for the new services.

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9 **Code Requirements:**

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11 1. **Expiration of Development Permit:** Per LOC 50.07.003.17, the Development Review
12 permit approved by this decision shall expire three years following the effective date of
13 this approval, and can be extended by the City Manager pursuant to the provisions of
14 this section.
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16 2. **Tree Protection: Submit a tree protection permit application as required by LOC**
17 **55.08.020 and 55.08.030 for review and approval of staff, including off-site trees**
18 **that are within the construction zone. This plan shall be attached to the**
19 **construction documents or printed on the construction site plans, and shall**
20 **include:**
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22 a. The location of temporary tree protection fencing, consisting of a minimum 6-
23 foot high cyclone fence secured by steel posts, around the tree protection zone,
24 or as recommended by the project arborist and approved by the City.
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26 b. A note stating that no fill or compaction shall occur within the critical root zones
27 of any of the trees, or that if fill or compaction is unavoidable, measures will be
28 taken as recommended by a certified arborist to reduce or mitigate the impact
29 of the fill or compaction. Such measures shall be clearly outlined in the tree
30 protection plan. The note shall also inform contractors that the project arborist
31 shall be on site and oversee all construction activities within the tree protection
32 zone.
33
34 c. A note that clearly informs all site contractors about the necessity of preventing
35 damage to the trees, including bark and root zone. The applicant and
36 contractor(s) shall be subject to fines, penalties and mitigation for trees that are
37 damaged or destroyed during construction.
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39 d. A sign shall be attached to the tree protection fencing, which states that inside
40 the fencing is a tree protection zone, not to be disturbed unless prior approval
41 has been obtained from the City Manager and project arborist.
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43 **Notes:**

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45 1. Development plans review, permit approval, and inspections by the City of Lake
46 Oswego Development Review Section are limited to compliance with the Lake Oswego
47 Community Development Code, and other applicable codes and regulations. The
48 applicants are advised to review plans for compliance with applicable state and federal
49 laws and regulations that could relate to the development, e.g., Americans with
50 Disabilities Act, Endangered Species Act. City staff may advise the applicants of issues

1 regarding state and federal laws that the City staff member believes would be helpful to
2 the applicants, but any such advice or comment is not a determination or interpretation
3 of federal or state law or regulation.
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- 5 2. The applicant is advised to take part in a Post Land Use Approval meeting. City staff would
6 like to offer you an opportunity to meet and discuss this decision and the conditions of
7 approval necessary to finalize the project. The purpose of the meeting is to ensure you
8 understand all the conditions and to identify other permits necessary to complete the
9 project. If you like to take advantage of this meeting, please contact the staff coordinator
10 at (503) 635-0290.
11
- 12 3. The land use approval for this project does not imply approval of a particular design,
13 product, material, size, method of work, or layout of public infrastructure except where a
14 condition of approval has been devised to control a particular design element or material.
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1 DATED this 17th day of June, 2013.

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Don Richards /s/
Don Richards, Chair
Development Review Commission

Janice Reynolds /s/
Janice Reynolds
Administrative Support III

ATTEST:

ORAL DECISION – June 3, 2013

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

WRITTEN FINDINGS – June 17, 2013

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