

STAFF REPORT

CITY OF LAKE OSWEGO

PLANNING DIVISION

APPLICANT/OWNER:

Lake Oswego School District

FILE NOs:

LU 14-0001
SV 14-0001

TAX LOT REFERENCE:

Tax Lot 100 of 21E 16

STAFF:

Leslie Hamilton, AICP

LOCATION:

1235 Overlook Drive (Lakeridge High School)

DATE OF REPORT:

March 7, 2014

COMP. PLAN DESCRIPTION:

Public (P)

120-DAY DECISION DATE:

June 13, 2014

ZONING DESIGNATION:

Public Function (PF)

NEIGHBORHOOD ASSOCIATION:

Palisades

I. APPLICANT'S REQUEST

The applicant is requesting the following under LOC Chapter 50 (Community Development Code) and LOC Chapter 55 (Tree Code):

- A Development Review Permit:
 - to construct additional fixed seating, stadium cover and press box, and a team/concessions building;
 - A hardship variance to the Building Orientation Standard to locate the team/concession building more than 30 feet from a public street; and
 - An exception to the maximum height of a building mounted light in the PF zone
- A Conditional Use Permit modification (CUP) [LU 99-0028 (AP 00-01), LU 02-0015, and LU 08-0007] to increase the number of fixed seats on site;

The applicant is requesting approval to remove 15 trees to accommodate the development.

Note: In the narrative (Exhibit F1), the applicant breaks the proposed improvements into eight separate options, to be completed in stages as funding becomes available. The staff report analyzes the completed project, incorporating all eight options.

The applicant is also requesting the following under LOC Chapter 47 (Sign Code):

- Multiple sign variances to the type, number, size and height of allowed signage.

Note: A request for a variance to the Sign Code is to “follow the same procedure as a minor variance to the Community Development Code and shall be regulated pursuant to the following procedural provisions: ****”. A sign variance request is not a land use decision. For convenience of the applicant, staff, and the Commission, the review and recommendations regarding the sign variance request is included within this Staff Report but it is a separate decision from LU 14-0001.

II. RECOMMENDATIONS

A. LU 14-0001

Approval of LU 14-0001, with the exception of the wall lighting on the south elevation of the stadium structure, with conditions.

B. SV 14-0001

Denial of SV 14-0001. Staff finds that the criteria for the Sign Variances are not met.

III. APPLICABLE REGULATIONS

A. City of Lake Oswego Comprehensive Plan

Goal 2:	Land Use Planning
Goal 6:	Air, Water & Land Resource Quality
Goal 7:	Areas Subject to Natural Disaster
Goal 11:	Public Facilities and Service
Goal 12:	Transportation Land Use Element and Parking

B. City of Lake Oswego Community Development Code [LOC Chapter 50]:

LOC 50.02.003.2	Public Function Zone
LOC 50.03.003.d	Conditional Use Standards for Schools
LOC 50.04.002.5	Special Street Setbacks
LOC 50.05.001.1-6	Sensitive Lands Overlay District
LOC 50.06.001.5	Building Design for Institutional Development
LOC 50.06.002	Parking
LOC 50.06.003.1	Access/Access Lanes (Flag Lots)
LOC 50.06.003.3	On-Site Circulation – Bikeways, Walkways and Accessways
LOC 50.06.003.5	Transit
LOC 50.06.004.1	Landscaping, Screening and Buffering
LOC 50.06.004.2	Fences
LOC 50.06.004.3	Lighting Standard
LOC 50.06.005	Park and Open Space
LOC 50.06.006.1	Weak Foundation Soils
LOC 50.06.006.3	Drainage
LOC 50.06.008	Utilities
LOC 50.07.003.1	Application for Development, Burden of Proof
LOC 50.07.003.5	Conditions of Approval

LOC 50.07.003.7	Appeal of Minor and Major Development Decisions
LOC 50.07.003.11	Modification of Development Permit
LOC 50.07.003.14	Review Criteria for Minor Development
LOC 50.07.003.15	Review Criteria for Major Development
LOC 50.07.005	Conditional Use Permit
LOC 50.08.003	Hardship Variance

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

LOC 42.03.130	Vision Clearance
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C. City of Lake Oswego Sign Code (LOC Chapter 47):

LOC 47.10.415	Permanent Signage Requiring a Permit Allowed in Commercial Zones (MC, HC, CR&D, OC, PF and CI)
LOC 47.12.500	Variances

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

LOC 55.02.010-55.02.135	Tree Removal
LOC 55.08.010-55.08.040	Tree Protection

E. Prior Approvals:

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, LU 02-0030, LU 05-0089, SC 06-0001, LU 06-0069, LU 08-0007, LU 09-0012, LU 09-0035, LU 10-0036, LU 11-0023, LU 11-0025 and LU 12-0014.

IV. FINDINGS

A. Background/Existing Conditions:

1. Lakeridge High School is a 33.91-acre complex located north of Overlook Drive, west of Stafford Road (Exhibit E1). The site has frontages on Overlook Drive (Neighborhood Collector) both to the north and south and Cloverleaf Road (Local Street) to the north. Vehicle access to the campus is from a 2-way driveway and a one-way driveway along Overlook Drive.
2. The existing improvements on the site include the school building complex, 327 on-site parking spaces, tennis courts, a varsity baseball field, a JV baseball field, a women's softball field, a practice field, and a lighted athletic field with permanent seating accommodating 1,200 spectators. The applicant also has conditional use approval (LU 08-0007) to locate temporary bleachers accommodating 1,800 spectators "only for the duration of the varsity football season and shall be removed within one month from the site for the remainder of the year." LU 08-0007, Condition 6. (Exhibit F1).
3. A CUP for the school was granted by the Planning Commission in 1969 (CU 2-69). Subsequent land use approvals have been granted on the site as listed below, and included as exhibits at the end of the report. Under the Land Use approval of LU 02-0015, the site was approved for 1,200 permanent seats on the south side of the football field. Under the Land Use approval of LU 08-0007, temporary seating to

accommodate 1,800 spectators was approved, several conditions of approval regarding lighting, seating, parking, litter and site use were stricken, and prior approvals were modified to add Conditions of Approval B through D (Exhibit F1).

CU 2-77 Conditional Use Review for the addition of six tennis courts on the south side of Overlook Drive

DR 33-77 Design Review for the construction of the tennis courts allowed by CU 2-77

DR 15-82 Design Review to construct a 260 square foot storage shed

DR 7-93 Design Review for varsity baseball field lighting

VAR 4-94 Class 1 variances to construct a scoreboard for the varsity baseball field

LU 99-0038 (AP 00-01) Conditional Use and Development Review Permits to install lighting and permanent seating for the athletic field

LU 02-0015 Conditional Use modification, Design Review, and Class 2 variances to construct a new gymnasium and additions to the existing school

LU 02-0030 CUP modifications and Design Review to construct a women's softball field

LU 05-0089 Request for a formal review to determine the school's compliance with conditions of approval of LU 99-0038 relating to field lighting, on-site parking, and litter clean-up

LU 06-0069 CUP modification and Design Review to replace the existing natural turf of the practice field with artificial turf

LU 08-0007 CUP modifications to allow activities that generate a parking need that exceeds the number of on-site parking spaces, allow field usage beyond 9:30 pm, allow PA system during games, and allow temporary bleachers during varsity football season to accommodate 1,800 additional spectators

LU 09-0035 Design Review for dugouts, concession stand and restrooms for JV baseball field and addition to concessions building for varsity baseball field

LU 11-0025 Class 1 variance to construct a 30-foot fence

LU 12-0014 Modification of LU 02-0015 to replace CMU with stucco and metal panels on the south and west facades of the main school, and to construct a new shed and a lacrosse practice wall

4. The site is zoned Public Functions (PF). (The zoning was changed from R-7.5 to PF in 2003, when the PF zone was added to the Community Development Code by Ordinance 2334). Existing zones and uses surrounding the site are as follows:

North: R-7.5 and PNA – Single-family lots; Lake Oswego Municipal Golf Course

- South: R-10 & R-15 – Single-family lots; two churches; Avamere Congregate Care Facility
- East: PNA & R-15 – Lake Oswego Municipal Golf Course; Hazelia Field; Single-family lots
- West: R-7.5 & R-10 – Single-family lots

5. There is a Resource Preservation (RP) District (stream corridor) in the far northwest corner of the site (Exhibit E3). The proposed development is 900 feet to the east of the RP District; therefore, the Sensitive Lands Article does not apply to the proposal [LOC 5005.010.2.

V. PUBLIC NOTICE OF APPLICATION AND APPLICANT’S BURDEN OF PROOF

A. Neighborhood Meeting:

The applicant has complied with all neighborhood notification and meeting requirements. The minutes of the meeting are included in this report as Exhibit F12.

B. Public Notice to Surrounding Area:

The City has provided adequate public notice and opportunity to comment on this application as required by LOC 50.07.003. No comments were received at the time this report was finalized.

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 not provided sufficient evidence to enable staff to evaluate the proposal; specifically, the applicant did not provide an updated traffic report that evaluates the intensification of the stadium use, the necessary information for the exception to the Lighting Standard or justification for the sign variances. The documents submitted by the applicant are listed as exhibits at the end of this report.

VI. LOC 50.07.003.14 – MINOR AND MAJOR DEVELOPMENT; LOC 47.12.500 – SIGN VARIANCE**

A. Classification of Application:

1. Land Use Application

LOC 50.07.003.15.a.ii describes a CUP as a major development. LOC 50.07.003.14.a.i, a.ii(4), (6), (16) and (19) describe the remaining actions listed above as minor development.

LOC 50.07.005.4.a permits the City Manager to approve minor changes in a CUP if the following three criteria are met:

Minor modifications of permits may be approved by the City Manager provided that such change:

- a. *Meets all requirements of the development standards and all other legal requirements; and*
- b. *Does not significantly affect other property or uses; will not cause any deterioration or loss of any natural feature, process or open space; nor significantly affect any public facility; and*
- c. *Does not affect any condition specifically placed on the development by action of the hearing body or City Council.*

The CUP approved under LU 02-0015 allowed 1,200 new permanent seating on the south side of the football field; the applicant proposes to increase this by 1,000 permanent seats and to provide a permanent canopy over the seating. The increase in permanent seating and the addition of the canopy, which makes the prospect of watching sporting events more attractive in inclement weather, intensifies the athletic field use for both varsity football games as well as other athletic events held *throughout the year*.

The CUP approved under LU 08-0007 for temporary seating in the form of bleachers on the north side of the field for the varsity football period would be decreased by 1,000 seats.

Because the request affects conditions of approval imposed by a hearing body (Development Review Commission), the proposed CUP modifications are processed in the same manner as a request for a new CUP.

2. Sign Variance Application

Pursuant to LOC 47.12.500.1, sign variances follow the same process as minor variances in the LOC 50, and are subject to the “minor development” procedural requirements of LOC 50.07.003.

B. Criteria for Review of Land Use Application:

For the convenience of the reader, the minor and major development permit applications are reviewed together but the review criteria is separately applied. The Conditional Use portion of the application shall address the Major Development criteria

of LOC 50.07.003.15.d.ii. The Minor Development items shall address the Minor Development criteria of LOC 50.07.003.14.d.

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

Applicable regulatory Comprehensive Plan policies must be addressed as part of the request for a CUP for the subject site.

Staff has reviewed the cited Comprehensive Plan policies, as well as the Comprehensive Plan policies generally, to determine if they are “regulatory” and has found that none of them are regulatory with regard to this application. However, even if the cited Comprehensive Plan policies are regulatory, the applicant has addressed these policies in the narrative (Exhibit F1) and staff would find that the applicant has shown that they are met.

2. The requirements of the zone in which it is located;

PF Zone Dimensions [LOC 50.02.003.2]

The site is zoned Public Functions (PF). The site development limitations of the zone prescribe minimum setbacks and maximum height and lot coverage standards for new development. The applicant is proposing a new press box/ stadium cover, additional fixed stadium seating, a new team/concessions building (Exhibit F4) to the north of the school building, and an improved pad for temporary bleachers on the north side of the track.

Setbacks: The minimum required setback for any respective yard in the PF zone is equal to the minimum required setback for the property adjacent to that yard. The matrix below illustrates the required setbacks for the site:

	Zone & Setback Type	Setback	Proposed Setback
North	R-7.5 (front)	25 feet	25 feet (temporary bleachers) 283 feet (team/concessions building) 300 feet (stadium cover)
South	R-10, R-15 (front)	25 feet	425 feet
East	PNA (NA)	None	390 feet
West	R-7.5 (rear)	30 feet	971 feet

Height: The maximum height of a structure in the PF zone is the greater of 35 feet or a height determined by the ratio of one foot in height for every 3.5 feet of distance from the structure to the nearest residentially zoned lot, to a maximum height of 75 feet. The press box/stadium cover is 300 feet from the north property line, and the team/concession building is 283 feet from the north property line; at this distance, the maximum height of the structures is 75 feet. The stadium cover is 46’ 8”, and the team/concessions building is 28 feet in height. This standard is met.

Lot Coverage: Lot coverage is limited to 30% for schools. Existing lot coverage is 18.4% (LU 12-0014). The proposed improvements would add approximately 16,314 square feet of lot coverage, bringing the total lot coverage for the site to 19.5%. This standard is met.

Conditional Uses – General Standards [LOC 50.07.005] and Specific Standards for Schools [LOC 50.03.003.d]

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 in the zone, cannot be permitted outright. A CUP for the school was granted by the Planning Commission in 1969 (CU 2-69). Subsequent land use approvals have been granted on the site (as listed at the beginning of this report), including LU 02-0015, a CUP and Development Review Permit for the remodel and expansion of the school, which approved permanent seating on the south side of the football field for 1,200 spectators. LU 08-0007 approved temporary bleachers on the north side of the field for 1,800 spectators; the temporary seats were conditioned to be available only during the varsity football season and must be removed within one month following the conclusion of the varsity football season for the remainder of the year (Condition 6). The location of the temporary bleachers was conditioned by Condition B(3) of LU 08-0007 to be 46 feet from the north property line.

The applicant proposes modifying LU 08-0007 by reducing the temporary bleacher capacity by 1,000 seats, moving the temporary bleachers closer to the north property line, and modifying LU 02-0015 by increasing the permanent seating on the south side of the field by the same amount. In addition, the applicant proposes to construct a canopy cover over these 2,200 permanent seats. These improvements constitute modifications to the approved CUP because they increase the permanent all-year capacity of the stadium for all athletic events; additionally, the construction of the canopy makes the stadium seats more attractive for spectators in all weather.

The CUP modification under LU 08-0007 for temporary bleachers during the varsity football season created a traffic control plan [Condition B(1)] for home football games because, due to limited on-site parking restrictions in the surrounding neighborhood, traffic generated by home football games was not compatible with the residential uses.

In order for a CUP modification to be approved for a school, it must be shown that:

The requirements of the zone are met;

The proposed school meets the requirements of the PF zone as schools are an allowed conditional use. As indicated in the discussion above, the modifications to stadium, the proposed press box/stadium cover and the proposed team/concessions structure comply with the site dimensional and structure design standards, with the exception of the location of the team/concessions building. The applicant is requesting a hardship variance for this structure, which is addressed in LOC 50.08, below. This standard is met.

Special conditions found in LOC 50.03.003.3.d, Specific Standards for Schools, if applicable, are met;

The proposal includes modifications to a public high school; therefore, LOC 50.03.003.3.d, "Specific Standards for Schools," must be met as follows:

- a. See LOC 50.06.003.3.b, *On-Site Circulation – Bikeways, Walkways and Accessways, and LOC Chapter 42 for requirements relating to walkways.*

These code sections assure that adequate circulation on the site is provided and that street improvements are constructed based on projected impact. Institutional development must provide a circulation plan, and pedestrian connections with adjacent developments shall be provided if feasible. As shown in Exhibit E4, walkways, both on and off-site, already exist including internal sidewalks connecting the building entrances to the parking lots, gymnasiums, athletic/ball fields, and Overlook Drive, and along the site's Cloverleaf Road frontage. The applicant is proposing to modify the pedestrian access from the east parking lot to the stadium by providing an ADA-compliant path with appropriate grades (Exhibit E4). This standard is met.

b. Safe loading and ingress and egress will be provided on and to the site.

Traffic will use existing driveways and parking areas on site. There are two access points on Overlook Drive: a two-way driveway at the east parking lot provides access to parking (east) and to the one-way circulation driveway (west) that serves the main school entrance, and a two-way driveway to the west parking lot. The applicant is not proposing any modifications to access points and circulation. This standard is met.

The site is physically capable of accommodating the proposed use; and,

The site, more than 33 acres in size, is physically capable of accommodating the proposed improvements. The press box/stadium cover improvements exceed all setback requirements, as does the team/concession room, which will be located between the school building and the stadium. These improvements do not increase the capacity of the school to accommodate more students.

As discussed above, the site and proposed use meet the zone's dimensional and applicable development standards. The site provides more than the minimum required open space and landscaping area (Exhibits E3 and E4). Parking for the school uses is met on site. As analyzed in LU 08-0007, the site was found to be physically capable of accommodating the athletic fields and spectators, usage of lighted fields past 9:30 pm, and play-by-play announcements at varsity games at that time. This capacity is not affected by the addition of a team/concessions building, which will serve spectators and athletes that are already on site for athletic events or for school.

As discussed below in the Off-Street Parking Development Standard, the minimum parking standards for all of these uses anticipates that there will be times during the operation of the site that the parking demand will exceed the minimum on-site parking required. Staff finds that the site does accommodate the maximum on-site parking permissible under the Parking Standard. (The amount of off-site parking that may result from time to time by athletic field uses, and its effect upon the surrounding neighborhood area, is addressed below, under the "reasonably compatible" criterion.)

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

The existing improvements to the site include the school building complex, 327 parking spaces, and seven athletic fields. LU 08-0007 analyzed the applicant's request to use the athletic field for a specific limited period of time when the use would generate a parking demand in excess of the available on-site parking, specifically for the 4-7 varsity football games hosted at the site in the fall season. That analysis included 3,000 seats at the main football field (1,200 permanent seats and 1,800 temporary seats only available during the football season).

The following functional characteristics of the proposed use were included in the analysis:

- Noise
- Lighting
- Bleacher placement
- Vehicle traffic and parking

Noise: The applicant submitted a noise study (Exhibit F3) that analyzed the difference in statistical noise levels generated during football games after the construction of the proposed improvements. The site modifications include moving the eight visitor-side speakers 20 feet to the north to coincide with the provision of a pad for the temporary bleachers that is off the track. The results of the analysis indicate that the hourly statistical noise levels in the neighborhood around the field will increase slightly (no more than 1 dB) beyond what is currently experienced during football games. The predicted increase is small enough that the change is expected to be imperceptible. This standard is met.

Lighting: The stadium lighting is not proposed to be moved or altered. The lighting levels and schedules imposed by Condition B(4) and D(1) of LU 08-0007 remain in effect. As shown in the analysis under the Lighting Standard, below, new lighting for the proposed improvements meets the approval criteria or can be made to meet the approval criteria through conditions. This standard is met.

Bleacher Placement: At the time of review of the LU 08-0007 application, there was no setback requirement along the northern lot line (Cloverleaf Road) as setbacks in the PF zone were required to meet the setbacks of the "abutting" use, and the residential uses to the north, separated by the right-of-way, did not "abut" the site by definition. Staff recommended, under the conditioning authority for Conditional Uses, that a setback of 25 feet be imposed along Cloverleaf Drive for the temporary bleachers. The temporary bleachers were proposed to be located no closer than 46 feet from the northern property line; this location was made a condition of approval of LU 08-0007 [(Condition B(3))]. The applicant is proposing to construct a permanent pad for the temporary bleachers in order to better protect the track surface; this will move the temporary bleachers to the north, with a proposed setback of 25 feet at the closest point to the north property line. The applicant's request is thus a modification of a condition of approval imposed by a hearing body. The analysis for the bleacher placement under LU 08-0007 only recommended a 25-foot setback to meet the "reasonable compatibility" standard; the Commission did not find that a greater setback of 46 feet was required for the bleachers. The applicant's proposal reduces by more than half the number of bleachers at the north side of the football field. At the same time, the applicant has

submitted a revised noise study (Exhibit F3) showing that all of the proposed development will increase the noise levels by 1 Db, an imperceptible amount. The proposed location for the 800 temporary bleachers is reasonably compatible with the surrounding neighborhood. This standard is met.

Vehicle traffic and parking: Under the proposed improvements, the number of temporary bleacher seats will be reduced by 1,000 seats and the number of permanent stadium seats will be increased by 1,000. Thus, permanent *year-round* seating is proposed to increase from 1,200 seats to 2,200 seats. This is an 83% increase in the permanent stadium seating, which would now be available for all field events throughout the year. In addition, the permanent seating is proposed to be covered by a canopy, which will increase the attractiveness of stadium usage during inclement weather. For these reasons, City staff requested an updated traffic report to address this increase in year-round capacity, and any potential impacts to the neighborhood. The applicant declined to provide an updated traffic report to address the increase in year-round capacity, responding that the review of the parking management program for varsity football games illustrates sufficient compliance and that no further analysis is necessary.

While the parking management program that was created for home football games has been shown to work well (see case files in Exhibit F1 for parking program review), Staff believes the increase in permanent capacity may necessitate applying the existing traffic, litter and parking management program to more spectator events throughout the year. The Engineering staff has reviewed the application materials as well as the applicant's response (Exhibit F2), and finds the following:

- The site will experience an intensification of use based on the proposed amenities
- The proposed amenities will make the site more desirable for spectators, thereby attracting more traffic and/or frequency of hosted events
- Because the application materials reference less desirable temporary structures and a small number of football games, changes since that time create a new baseline for existing conditions

The complete analysis by the Engineering staff can be found in Exhibit F10. Staff finds that without an updated traffic report that analyzes the impacts of an 83% increase in permanent year-round seating and the provision of whether protection (canopy) for the permanent seating, it cannot be determined that the functional characteristics of the school will be compatible with the surrounding residential neighborhood. However, the annual reviews of the parking and shuttle program instituted for home football games have shown that the program is successful in making the use of the field for the limited number of home football games reasonably compatible with the residential neighborhood. Staff finds that if the same program is instituted for other large athletic events (e.g., playoff games and tournaments that attract a large number of spectators from the region and beyond), the parking impacts will be reasonably compatible with the neighborhood.

However, a key issue for the DRC's consideration is to determine the threshold number of additional large athletic events, above and beyond the 4-7 home varsity football games approved with LU 08-0007, that would make the functional characteristics of the school incompatible with the surrounding residential neighborhood, even if the existing parking management program were applied to those events. Staff recommends that a *de minimus* increase in the number of large events (i.e., playoff games or tournaments)

would be three additional events per year, occurring outside of the regular football season, for a total of 10 events yearly, provided the parking and traffic management control measures used for home football games are applied. This will be made a condition of approval.

Conclusion: As conditioned, this standard can be met.

Special Street Setback [LOC 50.04.002.5]

There is a 30-foot special street setback measured from the centerline of the right-of-way on Overlook Drive. All yard setbacks are measured from the special street setback line (they are exclusive of the special street setbacks). The special street setback line appears to match the existing right-of-way (Exhibit E2). This standard is met.

Sensitive Lands Overlay District [LOC 50.05.001.1 - .6]

The purpose of this standard is to protect the functions and values of wetlands, stream corridors and tree groves on lands with environmental or natural significance. The City’s Sensitive Lands Atlas illustrates an RP District on the northwest corner of the site. The limits of the site work for the proposed improvements will be located at least 900 feet from the RP District. This standard is not applicable.

3. The Development Standards applicable to major developments;

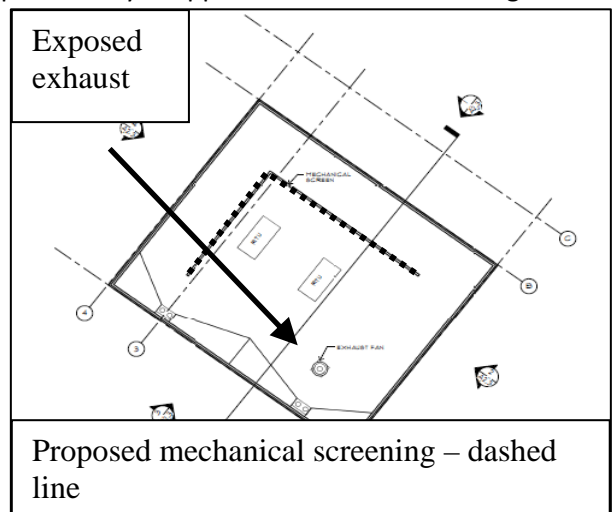
Building Design for Institutional Development [LOC 50.06.001.5]

This standard is applicable to development involving institutional structures and prescribes standards for the design and orientation of buildings and associated elements and site features, preservation of natural land forms and vegetation, screening of mechanical equipment, and minimization of noise impacts.

Design Standards [LOC 50.06.001.5.b]

Buildings are required to be designed to be complementary in appearance to adjacent “buildings of good design” with regard to materials, setbacks, roof lines, height and overall proportions. Building elements and site features such as benches, awnings, lights, signs, windows, etc., are to be complementary in appearance to those buildings or structures with which they are associated. Mechanical equipment is required to be screened or placed in a location where they are not visible.

Both the stadium and the team/concessions building are designed with materials to match the existing school gymnasium, which is the closest portion of the school to the improvements, and essentially creates a background for them. The bottom of both structures is split-faced charcoal CMU, and the top portion is smooth-faced charcoal CMU. Pre-finished silver sheet metal panels are provided for the canopy and

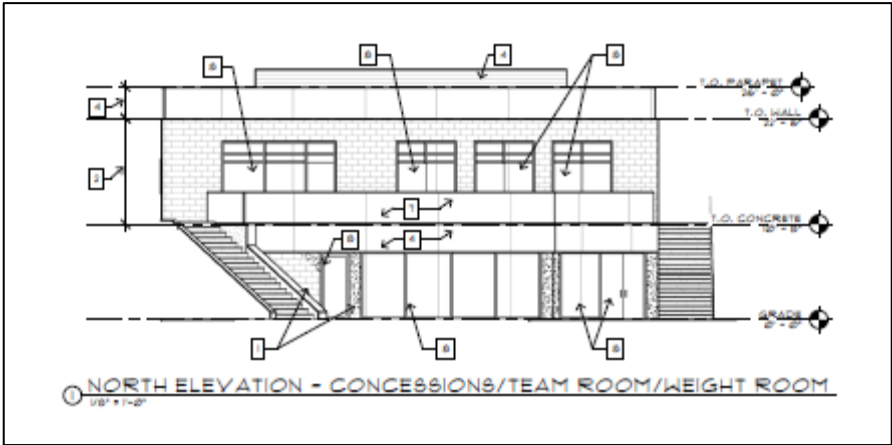


press box – these match the aluminum panels on the gymnasium (see photos below). On the team/concessions building, the same silver sheet metal panel wraps the top, in proportion to the building, and provides screening for the mechanical units from the north and west (Exhibit E10). As shown on the roof plan for this building (above), the mechanical unit screening does not extend to the east and south elevations and the roof exhaust is partially exposed. As the primary approach to this building is from the southeast, with an elevation drop from the east parking lot to the stadium area, this screening should be extended to the east and south to fully screen the exhaust. As a condition of approval, this standard can be met.

As shown in the photos of the existing gymnasium, the windows have a substantial trim that provides a finished and less institutional look to the façade. The trim at the windows and doors on the team/concessions building are too narrow to provide a similar detail. As a condition of approval, the applicant will be required to provide trim at these doors and windows of at least 4” in width. As conditioned, this standard is met.



Smooth and split faced CMU in charcoal, metal panels and substantial trim on gymnasium



Existing Land Forms, Trees, Shrubs and Other Natural Vegetation [LOC 50.06.001.5.c]

Buildings shall be designed and located to complement and preserve existing natural land forms, trees, shrubs and other natural vegetation. Trees and other natural elements should be utilized to help define building proportion relationships and to provide scale.

The stadium improvements and team/concession building are located in the middle of a developed school site; there are no natural land forms in this athletic field area. The applicant is requesting the removal of 15 trees for the site improvements; removal of these trees for development purposes is analyzed under the Tree Code (Chapter 55), below. There is an existing stand of mature Douglas fir trees located between the east parking lot and the proposed south elevation of the press box/stadium. These trees provide scale to both the existing school buildings as well as the proposed press box/stadium cover. The majority of these trees will remain. This criterion is met.

Reduce Noise Impacts [LOC 50.06.001.5.d]

Buildings shall be designed and constructed to reduce noise impacts on interior occupied spaces and adjacent property.

Large sporting events are noisy, especially play-off games. The applicant has submitted a noise report (Exhibit F3) that concludes that, with the proposed site improvements, the hourly statistical noise levels in the neighborhood around the field will increase slightly (no more than 1 dB) beyond what is currently experienced during football games. The predicted increase is small enough that the change is expected to be imperceptible. Although staff notes that the frequency of noise events will increase, the noise during any specific sporting event is not anticipated to be greater than currently existing for varsity football games. This criterion is met.

Protect Pedestrians from the Elements [LOC 50.06.001.5.f]

Buildings shall incorporate features such as arcades, roofs, alcoves, porticoes and awnings to protect pedestrians from the elements. These projections shall maintain a minimum vertical clearance of 13 feet 6 inches where over fire lanes.

The stadium cover will provide shelter from the elements to spectators. There are no fire lanes in the middle of the school site. This standard is met.

Building Orientation [LOC 50.06.001.5.g]

Buildings are required to be located within 30 feet of a public street, except where prevented by topographical constraints, natural resources, or where, in multi-building complexes, the configuration of the lot prevents locating all buildings within 30 feet of a public street.

The team/concession building is a new building on the high school campus and is therefore subject to this standard. It is located near the stadium in order to provide for convenient concessions during athletic events. As shown on the site plan (Exhibit E4), the team/concessions building is located more than 30 feet from a public street. The applicant has requested a hardship variance to the Building Orientation standard; the approval criteria for this hardship variance are addressed under LOC 50.08, below.

Off-Street Parking, Loading and Bicycle Access [LOC 50.06.002]

This standard is applicable to all development that generates a parking need. Parking requirements for senior high schools are based upon the number of students. As analyzed in LU 08-0007, the existing school currently complies with the parking standard. The proposed press box/stadium cover and team/concessions building will not increase the number of students on site, and thus do not generate a new parking need.

Parking for athletic events was conditioned under LU 08-0007 for temporary bleachers. The impacts to the parking management program and conditions of approval are addressed under Conditional Uses, above.

Access/Access Lanes (Flag Lots) [LOC 50.06.003.1]

This standard is applicable to construction or alteration of an institutional structure and prescribes standards for the design of access points and lanes. The site meets the minimum required frontage of 25 feet on Overlook Drive and Cloverleaf Road. Access to the site is taken from Overlook Drive (Exhibit E4). No modifications to the existing access points are proposed and no safety concerns with the existing vehicular access points were identified by the Engineering Division. 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 or increased use on a site when development will result in the construction of or increased use of driveways or parking lot aisles. The standard also specifies the geometric design of proposed driveways, fire lanes and parking lot aisles that serve as emergency access routes.

The existing driveways off Overlook Drive will continue to be used to access the site (Exhibit E4). No modifications to the existing driveways are proposed as part of this application and the Engineering Division and Fire Department have not identified any safety concerns with the existing driveways or fire access to the site. This standard is met.

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

This standard is applicable to the construction of a school building, and specifies standards for pedestrian circulation on site. These standards are cross-referenced by the Conditional Use Permit, Specific Standards for Schools, addressed under LOC 50.07.005, above.

Transit [LOC 50.06.003.5]

This section is applicable to new institutional development located on a transit street or within one-quarter mile of a transit street and requires that transit facilities and transit-oriented features be provided. While this standard is applicable, compliance was addressed with the last land use application approving the major remodel of the school [LU 02-0015], and would not be affected by the current proposal. This standard is met.

Landscaping, Screening and Buffering [LOC 50.06.004.1]

This standard requires institutional uses to provide a minimum of 15% of the net buildable area in landscaping and/or open space. Screening and buffering is required to mitigate noise and lighting, to screen utility and storage areas and parking lots, and as a separation between dissimilar uses.

Currently, there is a combined total of 30% open space and including landscaping that was required by prior approvals football field (approximately 416,000 square feet). The foot press box/stadium cover and team/concessions building – i feet. The applicant is proposing new landscaping between team/concession building of approximately 2,275 square feet will include four Village Green Zelkova trees (see photo to the boxwood, laurel and Sundance Mexican orange shrubs. The caliper, 5 gallon, respectively), and their spacing, as shown standard is met.



Village Green Zelkova

Fences [LOC 50.06.004.2]

Fences, walls and retaining walls in the PF zone shall not exceed eight feet in height, and any fence over six feet in height must be screened by an evergreen hedge. The applicant proposes a six-foot fence around the football field and stadium (Exhibit E4). This standard is met.

Village Green Zelkova

Lighting [LOC 50.06.004.3]

This standard is applicable to all development in the PF zone. All outdoor lighting shall comply with either the prescriptive or performance option of this standard. As shown in Exhibit E10, the applicant is proposing new lights on the south elevation of the press box/stadium cover. The applicant is also proposing six lights (SH) on the southern parapet to illuminate the proposed wall signs.

The applicant has submitted a Lighting Study from System Design Consultants, Inc. (Exhibit F6) that analyzes the proposed new lighting on the school site. As identified in this report, the proposed lighting meets the Prescriptive option in terms of maximum wattage and shielding, allowed power density, and setbacks. However, the SA luminaires on the south elevation of the press box are mounted at a height of 25 feet, which is seven feet greater in height than allowed for this type of lighting (18 feet). The applicant is requesting an exception to this standard, which can be granted, per LOC 50.06.004.3.b.iv, if the applicant demonstrates that the proposed lighting installation:

(i) Is within the PF or PNA zone;

The property is zoned PF. This criterion is met.

(ii) Has no practicable alternative;

The applicant has provided no information addressing the reason for mounting the lights at 25 feet, or the alternatives that were considered. This criterion is not met.

(iii) Has received every reasonable effort to mitigate glare, light trespass, and artificial sky glow, by application of best lighting practices or available technology, and supported by a signed statement from a registered civil or electrical engineer describing the mitigation measures. Such statement shall include calculations indicating the light trespass levels (horizontal and vertical at ground level) at the property line(s).

The applicant has not provided a statement from a registered civil or electrical engineer identifying the horizontal and vertical light trespass levels at the property lines. This criterion is not met.

Staff finds that all required criteria for an exception to the luminaire height are not met. However, due to the fact that the press box/stadium cover is located more than 283 feet from any property line, it is likely that the proposed lighting on and around the new structures can meet the Performance option of the Lighting Code. The Performance option has two standards: limits on the maximum percentage of direct upright lumens (5%), and maximum light levels at the property line. As a condition of approval, the applicant will be required to either (1) submit revised building elevations showing compliance with the maximum luminaire height in the PF zone, or (2) submit documentation to the satisfaction of the City Engineer that the Performance standards are met. Additionally, while illuminated signs are exempt from compliance with the Lighting standard per LOC 50.06.004.3.b.iii(1), staff is recommending denial of the wall

signs proposed for the south elevation of the press box/stadium cover. As a condition of approval, the applicant will be required to submit a revised lighting plan showing removal of these lights. As conditioned, this standard can be met.

Park and Open Space [LOC 50.06.005]

This standard applies to the construction or alteration of an institutional structure and requires that 15% of the gross land area be provided as open space. As discussed in the Landscaping analysis above, and shown in the site plan (Exhibit E4), 30% of the site is devoted to open space and landscaping. This standard is met.

Weak Foundation Soils [LOC 50.06.006.1]

According to the City's Soils Map, the site is identified as being in an area that may contain weak foundation soils or slide areas. A small portion of the school site is identified as having weak foundation soils and slide areas. Prior to approval of any building permit, the applicant may be required to submit a geotechnical report for review and approval by the Building Official. Compliance with this standard will be assured at the building permit review phase.

Drainage Standard for Major Development [LOC 50.06.006.3]

This standard requires that drainage alterations, including new development, not adversely affect neighboring properties. In addition, this standard requires design features to minimize pollutants from entering the storm water runoff systems. The determination of whether or not the application complies with the requirements of this standard is under the review authority of the City Manager or City Engineer.

The Engineer staff has made the following findings:

The applicant proposes to meet the onsite stormwater management requirement by adding one cartridge to an existing stormwater management vault to treat the added impervious area (Exhibit F1); the proposed storm pipe network will be sized to convey the 25-year storm and will convey the new impervious area through the existing water quality vault. The proposed stormwater design concept will meet the City's quality standards for storm management; however, it will not meet the standards for quality control in order to demonstrate there will not be any negative impacts to the downstream system. As a condition of approval, the applicant will be required to provide a final drainage report and storm design in order to provide both storm water quality and quantity management, to the satisfaction of the City Engineer.

The on-site storm management facilities will be privately maintained. As a condition of approval, the applicant will be required to 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.

The Engineering staff also notes that there is 18-inch public storm drain line that runs in a northerly/southerly direction across the site, and the proposed press box/stadium cover will be located over this line. Staff notes that an encroachment permit will be required because the proposed grandstand addition will be located over this storm line. Any footings for the proposed structure shall be located outside of the easement area. As a condition of approval, the applicant will be required to obtain an encroachment permit from the City prior to construction.

Utilities [LOC 50.06.008.1 - .6]

This standard is applicable to all development requiring connection to utilities. Utilities are available or can be made available as follows:

Sanitary Sewer: There is an existing 8" sewer line located in Cloverleaf Road. To serve the stadium and team/concessions building the applicant proposes to construct a new 6" sanitary line that will connect to the private line on-site.

Water and Hydrants: Hydrant location and water flow for fire protection are adequate for the proposed improvements (Exhibit F11). Water service for the press box/stadium cover and concessions/team room will be connected to the existing school building immediately to the south of the stadium with a 2-inch water line. A future water connection is also shown for the press box/stadium cover to the concession building (Exhibit E6). The City of Lake Oswego owns and maintains a 6-inch public water main (within a public easement) between the existing school building and the proposed press box/stadium cover and concessions/team room. The application drawings show that it will be necessary to relocate approximately 200 lineal feet of the existing water line in order to construct the new improvements (Exhibit E6). The Engineering staff notes that final construction plans will be required for the design and a public works permit will be required. A public water line easement shall also be granted to the City before relocating the water line. The existing water line easement over the section of pipe that will be relocated may be vacated upon final acceptance of the construction of the new water line. As conditioned, this standard is met.

Storm Drains and Approved Points of Disposal: Storm water management will be required for the impervious surface areas. Please see comments, above, regarding storm water management requirements.

Streets: Overlook Drive and Treetop Lane are both considered neighborhood collectors, while Cloverleaf Road is a local street. These streets are fully improved.

Sidewalks: Sidewalks are provided along Overlook Drive frontage.

Other utilities: It is the applicant's responsibility to ascertain the availability of electric, gas, telecommunications and cable TV. All overhead utilities shall be installed underground.

Compliance with this standard will be assured at the time of building permit application.

Hardship Variance [LOC 50.0.003]

Hardship variances are significant changes from the Code requirements that are likely to create impacts on adjacent properties or users. The purpose of hardship variances is to allow development not in conformance with the requirements of the Community Development Code relating to the site. A variance is to permit the owner some exception to the Code requirements in order to elevate the development potential on a site up to a minimum reasonable use of the property.

The applicant is requesting a hardship variance to the Building Orientation standard (of Building Design) to allow the construction of a new habitable building that is more than 30 feet from a public street. The proposed team/concessions building, as shown in Exhibit E4, would be located 283 feet south of Cloverleaf Drive, the nearest public street,

and 420 feet from Overlook Road, the public street from which access will be provided since the football field is proposed to be fenced on the north (Cloverleaf) side. The applicant addresses the variance criteria in the narratives (Exhibits F1 and F2). Note: As shown in Exhibit E4, the existing school building is considered non-conforming to this standard because the building walls closest to Overlook Drive are located approximately 75 feet from the street. This location was approved by the original Conditional Use Permit in 1969.

As prescribed by LOC 50.08.003.3.a, the granting authority may approve a variance from the requirements if it is established that:

i. The request is necessary to prevent an unnecessary hardship; and

The proposed team/concessions building will be located near the athletic fields, which are to the north of the school (Exhibit E4). In determining whether the criterion of “preventing unnecessary hardships” exists, one must determine whether a hardship exists. The Code lists several factors that may be considered. This is not an exclusive list of factors, and not all factors must be found to exist on the property in order to meet the “preventing unnecessary hardship” criterion. A hardship is unnecessary if the hardship that results from the application of the Code requirements is disproportionately greater than the site limitations caused by the physical circumstance.

Locating the proposed structure closer to either Overlook Drive or Cloverleaf Road would place the structure closer to the abutting residential uses. Additionally, locating the building within 30 feet of Overlook Drive would either displace parking and/or create conflicts between vehicle circulation and pedestrian movement to and from the school building or to and from the outdoor athletic events that the concessions building would serve. Constructing a building in front of the existing building would require restructuring of the school operation and significantly affect site circulation, access and parking. Such circumstances have previously supported a hardship variance (See LU 01-0033, Les Schwab expansion to rear of building for parts and storage and employee lockers and meeting space; LU 00-0091, Albertsons’ expansion to accommodate new services and display area.) In both prior cases, it was found that complying with the Building Orientation standard for an addition to the existing commercial building would severely impact site circulation, access and parking as well as internal circulation between the two structures.

The location of the existing school building on the site is a physical circumstance related to the property, and not created by the applicant. This standard is met.

ii. 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; and.

Staff finds that if the variance to locate the new team/concessions building near the stadium is denied, parking, access and site circulation could negatively impact the on-site users and the neighborhood. Locating the team/concession building at the proposed location will not increase the present impacts of the site. This criterion is met.

iii. The request is the minimum variance necessary to make reasonable use of the property.

The location of the team/concession building at the proposed location offers optimum accessibility to all athletes and spectators. Locating the building to the east of the stadium would necessitate the removal of several trees. This criterion is met.

iv. 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 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 the variance is generally not found to be in conflict with the Comprehensive Plan. This criterion is met.

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

City of Lake Oswego Street and Sidewalks [LOC Chapter 42]

Vision Clearance: This standard requires that no vegetation, fence or signage higher than 30 inches be located within a "vision clearance triangle" for driveways that provide egress from a site. There are three driveways that provide access to the site along Overlook Drive (Exhibit E5). Staff has verified that the driveways meet the vision clearance standards. This standard is met.

City of Lake Oswego Tree Code [LOC Chapter 55]

This Code is intended to preserve trees and requires a tree removal permit for removal of any tree in excess of five inches in diameter, and prescribes protection measures for trees to remain during construction. Only those trees that must be removed in order to site proposed improvements will be granted tree removal permits. Fifteen trees are proposed for removal with the construction of the proposed improvements (Exhibit E7).

Tree Removal

As shown on Exhibit E7, there are approximately 66 trees in close proximity to the proposed improvements. [Note: A site visit by staff determined that the 42" Douglas fir located 40 feet southwest of Tree 10 does not exist (Exhibit E7).] The applicant is requesting to remove fifteen trees in order to construct the proposed development. Trees proposed for removal in conjunction with major or minor development can be granted tree removal permits if the following four criteria are met:

(1) The removal is for development purposes pursuant to the City Code;

The removal of these trees is necessary for development because they are located within or near the footprint or construction impact area of the proposed press box/stadium cover and team/concessions building, temporary bleachers pad and site circulation improvements (Exhibit E7). This standard is met.

(2) The removal will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks;

The removal will not have a significant negative impact on erosion, soil stability, or flow of surface waters because the numerous remaining trees will continue to provide slope stability and erosion control; additionally, there are no surface waters flowing on site. The retained trees on the site are to the south of the larger Douglas firs that are requested for removal, and have a high live crown ratio, making them much less prone to wind throw potential. This criterion is met.

(3) The removal will not have a significant negative impact on the character, aesthetics, or property values of the neighborhood, except where alternatives to tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone; and

The proposed tree removal will not have a significant negative impact on the character, aesthetics or property values of the neighborhood. Trees 1-3 (proposed for removal for the team/concessions building) are small pines between 8-15" DBH; they are located between the school gymnasium and the football field and are not visible from the surrounding neighborhood. Trees 11 and 12 are 6" DBH maples, proposed for removal for construction of the entry features from the east parking lot. Their backdrop is the stand of mature Douglas firs to the north, and their visibility from Overlook Drive is severely compromised due to distance, grade, and parked cars. Trees 13-15 are proposed for removal for the temporary bleacher pad; they are 6-8" cedar trees. Numerous maples will remain between the bleachers and Cloverleaf Road. The largest trees requested for removal – Trees 4 through 10 - are mature Douglas firs located in or nearby the footprint of the stadium improvements. As shown on Exhibit E4, these trees are located on the northern edge of a stand of Douglas firs located between the east parking lot and the stadium and field. The remaining trees, which are closer to Overlook Drive, provide the wooded character and aesthetics to the area. This criterion is met.

(4) The removal is not for the sole purpose of providing or enhancing views.

The trees are not being removed for view enhancement because their removal will not improve any views.

For the reasons outlined above, staff concludes that the tree removal request for the fifteen trees complies with the applicable criteria and may be approved. This standard can be met.

Mitigation

Any tree approved for removal under the Type II analysis shall be mitigated at a minimum 1:1 ratio. Mitigation trees shall have a minimum 2-inch caliper diameter for deciduous trees and a minimum 6-8 foot height (excluding leader) for evergreen trees. As shown in the Tree Removal application (Exhibit E7), the applicant proposes 1:1 mitigation for the fifteen trees to be removed. The applicant proposes to mitigate with 15 Douglas firs, to be located to the southeast of the football field and stadium. Because seven firs are requested for removal in the area behind the stadium, and, as noted above, the 42" Douglas fir shown on the plans in this area does not exist, at least one of the mitigation firs should be planted in this location to fill the resulting gap. Additionally, as the temporary bleachers will be moved within 25 feet of the north

property line, at least three mitigation trees should be planted between the temporary bleacher pad and the north property line. This will be made a condition of approval.

Tree Protection

The Code requires tree protection measures when a tree protection zone or drip line of a tree is within the construction zone, whether on or off-site [LOC 55.08.030(1)]. There are several trees in the vicinity of work areas that will need protection during site development. In general, 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 trees. The applicant should propose the tree protection zone for each tree, for review and approval by City staff, on site. 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.

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

All conditions of approval imposed as part of the prior approvals will remain in effect and will become conditions of approval for the present request, except as modified by this decision or those conditions that have already been completed.

C. Criteria for Review of Sign Variance Application **

City of Lake Oswego Sign Code [LOC Chapter 47]

The school site is zoned Public Function (PF), and signs in this zone are regulated under LOC 47.10.415. This section allows freestanding signs (i.e., monument, signs on a landscape wall) at each major access to the site (up to 32 square feet); signs attached to the building (24-32 square feet, depending on scale), and incidental signs (up to 24 square feet). The school has a building sign on the south elevation, as well as two existing monument signs along Overlook Drive: the school sign at main pedestrian entrance, and a second monument sign to the west which provides notices for fine arts performances (see photos below). The performing arts monument sign received a Sign Variance under (LU 02-0015); this was a variance to allow more than one monument sign on the same frontage. It was issued when signs for institutional uses were regulated under LOC 47.10.425.



Monument signs on Overlook Drive

The applicant is requesting three sign variances as follows:

Pole Sign: One pole sign at the new entry to the athletic fields. This sign would be located at the top of a new entry gate serving the baseball fields to the east and the stadium to the north (Exhibit E4). The proposed sign is 70 square feet in size and 14 feet in height; the base of the sign is 11 feet above grade. The applicant refers to this sign as an incidental sign (which is limited to 24 square feet in the PF zone), and requests an increase in the size to 70 square feet. However, the sign is actually a pole sign:

Pole Sign: A free standing sign erected on one or more supports which are more than 30 inches above the adjacent ground surface [LOC 47.03.015; emphasis added].

Pole signs are specifically prohibited in the PF zone, per LOC 47.10.415.4.a. As a prohibited sign type, there are no standards of approval such as size, location, etc. The applicant's request is therefore approval of a sign variance to allow a pole sign, a sign type that is prohibited in the PF zone.

Wall Signs: Two wall signs, 576 square feet each, on the south elevation of the stadium. The top of each sign would be 32 (east) and 34 (west) feet above grade. The applicant describes this request as a variance to LOC 47.06.205.5, Permanent Sign Exempt from Permit and Fee, which allows "signs or tablets...when cut into any masonry surface, or constructed of bronze or other noncombustible surface not to exceed eight square feet in area." The purpose of this section is to identify incidental signs that do not need a permit due to their very limited size. The proposed signs, at 576 square feet each, are not incidental signs and are correctly identified as building signs subject to LOC 50.10.415.

Additional Sign: There is a fourth sign shown on the elevations that is not addressed by the applicant. This is the "Pacer Field" sign on the north elevation of the stadium (Exhibit E10), which is 60 square feet in area. The Sign Code allows a building sign on this elevation with a maximum size of 24-32 square feet, depending on the scale of the building. However, the applicant has not addressed the variance criteria for this sign to allow a larger size; it is therefore not analyzed below. As a condition of approval, the applicant must submit revised elevations of the press box/stadium cover that do not include this sign.

A request for a variance to the Sign Code can be approved if the proposed sign meets the following criteria:

- a. *Strict application of the code requirement would deny the applicant a reasonable opportunity to communicate by sign in a manner similar to like persons or uses because of an unusual or unique circumstance relating to the property or the proposal, such as site or building location, building design, physical features on the property, or some other circumstance;*

Pole Sign: Staff finds that the site lacks any unique characteristics that would cause “strict application of the code requirement” to “deny the applicant a reasonable opportunity to communicate by sign in a manner similar to like persons or uses.” Because the Sign Code specifically prohibits pole signs in the PF zone, it is the applicant’s burden to show that no other



View from Overlook to proposed stadium entry is blocked by landscaping, cars and distance

opportunities exist in the Code that provide adequate signage, i.e., that the pole sign is the only available remedy. As described in the applicant’s narrative, visibility to the field entrance is limited from Overlook Drive due to distance, grade change and parked cars, the applicant also states that the varsity baseball concessions and scorer’s booth would partially obscure the pole sign. As shown in the photo above, visibility is also limited by landscaping between Overlook and the back of the parking lot. At a distance of 240 feet from Overlook Drive, the proposed pole sign, with lettering at a height of 11-14 feet, would not provide adequate visibility to the field entrance unless a person or driver is already on the site. The applicant has not addressed the signage types allowed in the PF zone - specifically free-standing signs (monument and landscape wall) and incidental signs - that could adequately communicate the location of the stadium/field entrance. Staff finds that this criterion is not met.

Wall Sign: Staff finds that the site lacks any unique characteristics that would cause “strict application of the code requirement” to “deny the applicant a reasonable opportunity to communicate by sign in a manner similar to like persons or uses.” There are already two monument signs on Overlook Drive for the school and for the performing arts center, as well as a school sign located on the front façade of the building that identifies Lakeridge High School. While there is currently no sign specifically for the stadium and Pacer field, the applicant has not addressed the signage types and sizes allowed in the PF zone - specifically free-standing signs (monument and landscape wall), building signs and incidental signs - that could adequately identify the stadium and field for athletes and spectators. Staff finds that this criterion is not met.

- b. *The sign which would result from the variance will not affect the surrounding neighborhood or other property affected by the request in a manner materially inconsistent with the purpose of the Sign Code expressed in LOC 47.03.010 [Purpose].*

Pole Sign: The purpose of the Sign Code expressed in LOC 47.03.010 is “to protect the health, safety, property and welfare of the public, to provide the neat, clean, orderly and attractive appearance of the community, to improve the effectiveness of signs, to provide for safe construction, location, erection, and maintenance of signs, to prevent proliferation of signs and sign clutter, and to minimize adverse visual safety factors to travelers on public highways and on private areas open to public travel.”

Staff finds that the applicant's proposal is contrary to the purpose of the Sign Code in that the pole sign would detract from the attractive appearance of the community. The Sign Code expressly prohibits pole signs in the MC, HC, CR&D, OC, CI, WLG RMU, WLG OC and WLG RLW commercial zones as well as the **PF zone**. In the EC and GC zones, pole signs were required to be removed or converted to monument signs by 2004. Pole signs are allowed only in the GC and NC zone through an exception when necessary to provide vision clearance and where there are no alternative monument or building sign locations. The Sign Code is clear that pole signs should only be allowed in very limited circumstances when permitted signage is not practicable. This criterion is not met.

Wall Signs: The purpose of the Sign Code expressed in LOC 47.03.010 is "to protect the health, safety, property and welfare of the public, to provide the neat, clean, orderly and attractive appearance of the community, to improve the effectiveness of signs, to provide for safe construction, location, erection, and maintenance of signs, to prevent proliferation of signs and sign clutter, and to minimize adverse visual safety factors to travelers on public highways and on private areas open to public travel."

Staff finds that the applicant's proposal is contrary to the purpose of the Sign Code in that two huge wall signs, each 576 square feet in size, would contribute to sign clutter and would detract from the attractive appearance of the community. The proposed wall signs would be 57 feet apart and simultaneously readable, and would communicate only to people who are already on site. Additionally, these signs are 18 times larger than the largest sign allowed in the PF zone (32 square feet), and nine times larger than the largest sign allowed by the Sign Code (64 square feet, allowed for hotels in the MC zone that have exposure to I-5/217). The proposed wall signs are similar in size to standard highway billboards (672 square feet). This criterion is not met.

- c. *The degree of the variance is limited to that reasonably necessary to alleviate the problem created by the unique or unusual circumstance identified pursuant to subsection (a) above.*

Pole Signs: Since no unique circumstance exists pursuant to subsection (2)(a), above, staff finds that the criterion of subsection (2)(c) is not applicable. As a condition of approval, the applicant will be required to submit revised site plans that do not include the proposed pole sign.

Wall Signs: Since no unique or unusual circumstance exists pursuant to subsection (2)(a), above, staff finds the criterion of subsection (2)(c) is not applicable. As a condition of approval, the applicant will be required to submit revised elevations of the press box/stadium cover that do not include the proposed wall signs on the south elevation, or, as discussed above, the Pacer Field sign (north elevation) for which the applicant did not address any of the variance criteria.

VII. CONCLUSION

Based upon the materials submitted by the applicant and findings presented in this report, staff concludes that **LU 14-0001**, with the exception of the building lights on the south side of the stadium structure, complies with all applicable criteria and standards or can be made to comply through the imposition of conditions.

Based on the materials submitted by the applicant and findings presented in this report, staff concludes that **SV 14-0001** does not comply with all applicable criteria and standards.

VIII. RECOMMENDATION

Denial of the requested sign variances under SV 14-0001.

Approval of LU 14-0001, with the exception of the lighting on the south side of the stadium structure, subject to the conditions identified below:

- A. LU 08-0007 is amended to reduce the number of temporary bleachers from 1,800 to 800, to amend the location of the remaining temporary bleachers to be no less than 25 feet from the north property line, and the parking control measures are superseded by Condition C below.**
- B. LU 02-0015 is amended by increasing the permanent seating on the south side of the field from 1,200 to 2,200.**
- C.** The following parking and traffic management control measures shall be applied to all varsity football games; up to three additional large athletic events, e.g., playoff games or tournaments, that occur outside of the varsity football season, are allowed at the Lakeridge athletic fields, provided the parking and traffic management control measures identified below are applied. (The redlining in the conditions below show the changes from the parking control measures required under LU 08-0007).
1. Submit a final traffic control plan and parking plan in accordance with the provisions outlined in Exhibits F3, F6, F7 and F10 (of LU 08-0007) for review and approval by the City Engineer that address the following:

- a. On-site parking for visiting teams.
 - b. The monitoring and enforcement by event staff (supplied by the School District) off-site parking on auxiliary lots.
 - c. Traffic and parking control measures to discourage parking and drop-offs on Cloverleaf Road.
 - d. Schedule for shuttle service to auxiliary parking sites.
 - e. Communication plan to publicize parking protocols, auxiliary parking locations and shuttle schedules to students, staff, and parents of Lakeridge H.S., visiting schools, tournament directors, and the neighborhood generally.
2. Submit evidence of the ability to use a minimum of 400 parking spaces located at off-site auxiliary parking lots ~~(either at the sites proposed by the applicant in its application or at other alternative sites)~~, for varsity football games, and up to three additional playoff games or tournaments outside of the varsity football seasons, to the satisfaction of staff.
 3. ~~Install the temporary bleachers for up to 1,800 additional spectators and mitigate~~ 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).

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

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. The height of the wall mounted lights on the south elevation of the press box/canopy cover is no more than 18 feet, or sufficient information showing compliance with the Performance standard of the Lighting Code is met, to the satisfaction of the City Engineer.
 - d. 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.
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).

Code Requirements:

1. **Expiration of Development Permit:** Per LOC 50.07.003.17, the development approved by this decision 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. **Tree Protection:** Submit a tree protection plan and application prepared by a certified arborist as required by LOC 50.08.020 and 55.08.030 for review and approval by staff, including off-site trees that are within the construction zone. The plan shall include:
 - a. The location of temporary tree protection fencing, consisting of a minimum 6-foot high cyclone fence secured by steel posts, around the tree protection zone, or as recommended by the project arborist and approved by the City.
 - b. A note stating that no fill or compaction shall occur within the critical root zones of any of the trees, or that if fill or compaction is unavoidable, measures will be taken as recommended by a certified arborist to reduce or mitigate the impact of the fill or compaction. Such measures shall be clearly outlined in the tree protection plan. The note shall also inform contractors that the project arborist shall be on site and oversee all construction activities within the tree protection zone.
 - c. 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(s) shall be subject to fines, penalties and mitigation for trees that are damaged or destroyed during construction.
 - d. 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. Development plans review, permit approval, and inspections by the City of Lake Oswego Development Review Section are limited to compliance with the Lake Oswego Community Development Code, and related code provisions. The applicant is advised to review plans for compliance with applicable state and federal laws and regulations that could relate to the development, i.e., Americans with Disabilities Act, Endangered Species Act. City staff may advise the applicant of issues regarding state and federal laws that the City staff member believes would be helpful to the applicant, but any such advice or comment is not a determination or interpretation of federal or state law or regulation.

EXHIBITS

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

E. GRAPHICS/PLANS

- E1. Tax Map
- E2. Vicinity Map
- E3. Sensitive Lands Map
- E4. Site Plan
- E5. Site Layout, Paving and Grading Plans
- E6. Utility Plans
- E7. Tree Removal and Mitigation Plan
- E8. Landscaping Plan
- E9. Floor Plans and Roof Plans
- E10. Elevations
- E11. Lighting Calculations
- E12. Topographic Maps

F. WRITTEN MATERIALS

- F1. Applicant's Narrative, dated January 3, 2014 (Note: This exhibit contains numerous documents which are listed as Exhibits 1A through 6R, and are referenced as such in the Applicant's narrative. These exhibits should not be confused with the exhibit labeling used by the City, which use the formatting E1 through F11. The following Exhibits are taken from the applicant's submittal (F1) and specifically references in this report: E4-E12, F3, F5-F8)
- F2. Applicant's Revised Narrative, dated February 13, 2014
- F3. Acoustical Study by Daly, Standlee and Associates, dated December 18, 2013
- F4. Tree Removal Report by Teragan and Associates, dated February 13, 2014
- F5. Arborist's Report and Tree Protection Plan
- F6. Lighting Report by System Design Consultants, dated December 16, 2013
- F7. Geotechnical Consultation by GRI, dated December 17, 2013
- F8. Construction Phasing
- F9. Public Works Memorandum, dated March 4, 2014
- F10. Fire Marshal Memorandum
- F11. Neighborhood Meeting documentation

G. LETTERS

Neither for nor Against (G1-99)

None

Support (G100-199)

None

Opposition (G200+)

None

Date of Application Submittal: January 3, 2014

Date Application Determined to be Complete: February 14, 2014

State Mandated 120-Day Rule: June 13, 2014