



TO: Development Review Commission

FROM: Leslie Hamilton, Senior Planner
Planning and Building Services Department

SUBJECT: Additional written testimony for LU 14-0001
Lakeridge High School, 1235 Overlook Drive

DATE: April 4, 2014

Written Testimony and Rebuttal

At the hearing on March 17, 2014, the Commission completed hearing all oral testimony on the school district's development request. Per a request pursuant to LOC 50.07.003.4.a.xi(2), the record was left open solely for additional written testimony until March 24, 2014, with rebuttal to the new testimony due on March 31, 2014.

The exhibits listed below were submitted between the close of the hearing on March 17, 2014 and March 31, 2014, and include the following:

Written Materials:

- F13 Applicant's additional submittal for Sign Variances and LU 14-0001, dated March 24, 2014
- F14 Applicant's rebuttal, dated March 31, 2014

Letters in Support:

- G100 Letter from Hafezz Daraee, dated March 19, 2014

Letters in Opposition:

- G202 Rebuttal from Gordon Harris, dated March 31, 2014
- G203 Letter and photos from Gordon Harris, dated March 25, 2014

Copies of these exhibits were distributed to the Commission and are available online at the following link: <http://www.ci.oswego.or.us/planning/lu-14-0001-request-approval-development-review-permit-modification-construct-stadium>

Sign Variances

The School District submitted additional testimony regarding the proposed signs on the school site (Exhibit F13). For the Pacer Field sign proposed to be located on the stadium canopy and that would be visible to Cloverleaf Road residents and spectators in the temporary bleachers, the applicant states that revised drawings will be submitted that reduce the size of this sign from 60 square feet to 32 square feet. The Sign Code allows building signs on this elevation with a maximum size of 24-32 square feet, depending on the scale of the building. Staff agrees that, for the scale of the canopy and stadium and the distance from the north property line, a 32-square foot sign is appropriate. As a condition of approval, the applicant will be required to submit a Sign Permit for this sign.

For the proposed pole sign and 576-square foot wall signs, the applicant submitted additional arguments that these signs would not detract from the neat, clean and orderly appearance of the community. However, a request for a Sign Variance must meet all three of the criteria of approval in the Sign Code, as follows:

- a. *Strict application of the code requirements 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; and*
- 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 propose of the Sign Code; and*
- 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.*

As described in the March 7, 2014 staff report, it is the applicant's burden to show that the criteria have been met. The applicant has not met the burden to show that each criterion is met. The applicant has not explained how:

- a. The strict application of the Sign Code denies the school adequate communication opportunity because of an unusual or unique circumstance relating to the property or the (development) proposal, such as site or building location, building design, physical features on the property, or some other circumstance. There is nothing unique or unusual about the site and the applicant is permitted to erect a monument sign to identify the field entrance.
- b. Assuming communication of the field entrance by sign meets the first criterion, how a pole sign, which is specifically prohibited in the PF zone, (1) will not affect the

surrounding neighborhood in a manner that is materially inconsistent with the propose of the Sign Code, and (2) is limited to that reasonably necessary to alleviate the problem created by the unique or unusual circumstance.

- c. Assuming “home field” identification by sign meets the first criterion, how two signs – each 576 square feet in size – is limited to that reasonably necessary to alleviate the problem created by the unique or unusual circumstance.

Staff’s recommendation of denial of the requested Sign Variances remains.

Traffic Report

As described in the March 7, 2014 staff report, City staff believes that the 83% increase in permanent stadium capacity, as well as the addition of a cover over the seating, will allow the stadium to be used for large events throughout the year. Staff requested an updated traffic report from the applicant to address the increase in year round capacity and any impact to the neighborhood. The applicant declined to provide an updated report, responding that the review of the parking management program for varsity football games illustrates sufficient compliance and that no further analysis was necessary. Without an updated traffic report, staff recommended that if the same traffic management program were applied to other large events at the school, the school use of the outdoor athletic facilities for discrete events could be considered reasonably compatible with the surrounding neighborhood. As a condition of approval, staff recommended that the school could host no more than three playoff events or tournaments, held outside of the football season, provided that parking management program was employed at these events. This condition of approval is identified in Condition C of the March 7, 2014 staff report.

As described in Exhibit F13, the school district proposes that this condition be amended to require the parking management program to be applied only to any playoff game or tournament that has an expected attendance of 1200 or more spectators and participants. The applicant describes that this figure was the basis for the analysis of the original installation of the 1200 permanent seats, and that adequate on-site parking exists for events of this size. Staff agrees that this is a reasonable condition, with the added requirement that no other events shall be scheduled on the Lakeridge High School campus during these playoff games or tournaments. This was a condition of approval of LU 08-0007 for the varsity football games (Condition D.4 of LU 08-0007). It remains in effect for football games, as do all of the other conditions of approval; it has been amended to address the other large athletic events on the school site (Condition C.5, below). The proposed conditions of approval are identified at the end of this report.

Softball Pitching Barn

As described in the letter from Mr. Gordon (Exhibit G201)¹, the construction of a structure to house a softball practice area (aka, pitching barn) was commenced on the school site on March 26, 2014. After the school district was notified of the unauthorized improvement, its construction was halted. The construction of this new athletic facility was not proposed as part of the school district's 2014 land use application, and is not tied to the construction of the proposed weight room/concessions building. If the school district wishes to pursue the completion of the pitching barn, it will be required to follow the process for a Development Review modification, which starts with a Pre-Application conference.

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.

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~~ up to three additional large athletic events, e.g., playoff games or tournaments with an expected attendance of 1200 or more spectators and participants, that occur outside of the varsity football season, are allowed at the Lakeridge athletic fields, provided the parking and traffic

¹ Exhibit G203 was submitted after the March 24, 2014 deadline for submission of new evidence. However, upon contact with the applicant, they consented to waive the deadline for receipt of Exhibit G203.

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 season, 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).
5. No other events shall be scheduled on the Lakeridge High School campus during varsity football games, or during large athletic events with an expected attendance of 1200 or more spectators and participants.

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).

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

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

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

F. WRITTEN MATERIALS

- F13 Applicant's additional submittal for Sign Variances and LU 14-0001, dated March 24, 2014
- F14 Applicant's rebuttal, dated March 31, 2014

G. LETTERS

Neither for nor Against (G1-99)

None

Support (G100-199)

- G100 Letter from Hafezz Daraee, dated March 19, 2014

Opposition (G200-299)

- G202 Rebuttal from Gordon Harris, dated March 31, 2014
- G203 Letter and photos from Gordon Harris, dated March 25, 2014