

Robert Fiordalice  
January 3rd, 2018

Lake Oswego Planning Commission  
Re Case: LU 17-0078, Jan 8 Planning Board Meeting  
cc: Scot Siegel, Senior Planner and Forest Highlands Neighborhood Association

Dear Board Members,

I am notifying you that I formally oppose the proposal that Forest Highlands Neighborhood Association has put forth regarding the adjustment of zoning in the Forest Highlands neighborhood of Lake Oswego. I am travelling this week, but have asked Scot Siegel to present this letter to you in lieu of my presence.

I am a property owner with a lot currently zoned R7.5. Under the proposal under discussion, my property would be directly impacted. I purchased the home in 2014. The current zoning, and the flexibility it potentially afforded, was one of the key factors which led to my decision to purchase at that time.

I have consulted an attorney on the subject, and while I understand there is potential remedy for loss (compensation of full loss) of fair market value under Measure 49 or ORS 195.305, this is not a desirable route.

*If a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in ORS [195.310 \(Claim for compensation\)](#) to [195.314 \(Notice of claim\)](#).*

I did view the September 11, 2017 Planning Commission meeting video where the proposal was presented by Sarah Seldon on behalf of members of the Neighborhood Association. A few points of the proposal caught my attention. First, it was presented that a neighborhood survey taken in the winter of 2016 showed that 89% (28% response rate) of the respondents were in favor of the proposal to eliminate the R7.5 zoning in the interior of Forest Highlands. If indeed that high of a percentage of the neighborhood is ultimately against subdividing options, then

one would have to assume that the the percentage of properties whose owners are considering subdividing must be very low. In this case, with such a low number properties “at risk” of being subdivided, why would it be necessary to change the zoning for those who purchased property with this option and would like it protected. An alternative scenario, is that the 89% polling, with the low 28% response rate, does not tell the whole story, and that there is actually a much higher percentage of the population with interest in retaining sub-dividing options. In either scenario, the argument to alter the zoning based upon the presented polling is weak.

The second issue that struck me was related to the piece of the proposal to allow higher density on the Country Club and Boones Ferry periphery to make up for the lost density in the interior (with the goal being to meet the metro standard on density). A high density periphery to “protect” the Forest Highlands interior is a head scratcher, as I’m quite certain that it won’t add positively to the “look and feel” of Lake Oswego as a whole.

I certainly understand that many of my neighbors have newer homes on oversized lots and and have no intention of sub-dividing, and I respect that decision. However, there are still many properties with older homes where the option to sub-divide provides a valuable option.

In summary, there will be a significant negative impact on some home values with a zoning change, and by way of a football analogy, there is not enough of a positive driving force to “overturn” the current zoning status. This is particularly true as it puts the city at risk with regards to remediation. I want you to be aware that I have not waited until the 11th hour to express my concerns. Before coming to the board directly through this letter, I spoke with Sarah Selden (the original City Planner involved) several times, as well as reached out to the Neighborhood Association directly.

I respectfully ask that the board consider these thoughts when considering a recommendation to the City Counsel.

Sincerely,

Robert Fiordalice